

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**

R E C I T A L S

A. WHEREAS, Rock Creek Reclamation District is governed by a seven-member Board of Trustees pursuant to the provisions of the Reclamation District Act.

B. WHEREAS, the terms of office of six Trustees will expire on the first Friday in December, 2021. Four of said trustee seats are for four year terms of office; and two of said trustee seats are for two year terms of office.

C. WHEREAS, on August 27, 2021, the District published a Notice that Nominating Petitions for Trustee seats would be received until 5:00 p.m. on September 9, 2021.

D. WHEREAS, as of 5:00 p.m. on September 9, 2021, the District had received more nominating petitions for the four (4) seats than seats available for the four-year terms of office, and more nominating petitions for the two (2) seats for two-year terms of office than seats available.

E. WHEREAS, because more nominating petitions than seats available were received, an election will be necessary.

F. WHEREAS, with this Resolution, the Board of Trustees wishes to memorialize certain provisions concerning the conduct of 2021 general district election of Trustees.

NOW, THEREFORE, be it resolved by the Board of Trustees of Rock Creek Reclamation District, as follows:

RESOLUTION

1. Election Board. Pursuant to Water Code section 50700, the Board of Trustees recommends for appointment by the Butte County Board of Supervisors the following three (3) District Landowners to serve as the Election Board for the 2021 general district election:

(I) Richard Wallace, Inspector

(ii) Jeff Shimizu, Judge

(iii) Kevin Rice, Judge

2. Preparation of Election Roll. Pursuant to Water Code section 50702, the Board of Trustees directs the preparation of the appropriate election roll by the County of Butte. The election roll shall be certified by the Secretary of the Board of Trustees and furnished to the election board.

3. Voting. In accordance with Water Code section 50704(b), each voter shall be entitled to cast one (1) vote for each dollar's worth of Rock Creek Reclamation District assessment levied in the preceding year upon all parcels owned by the voter or his principal within the District.

A. Cumulative Voting. In accordance with Water Code section 50753, each voter may cumulate his votes, and give one candidate a number of votes equal to the number of trustees to be elected multiplied by the number of votes he is entitled to cast, or to distribute them on the same principle among any number of candidates.

The "total number of trustees to be elected" at the 2021 general district election is six (6). Thus, the formula for calculating cumulative votes is:

$$(6) \times (\text{total amount assessed by RCRD on all parcels}) = \text{Total Votes to be Cast.}$$

B. Voting by Legal Representative. A voter may appoint a "Legal Representative" to vote his/her/its votes by presenting to the Election Board a "Legal Representative" designation in the form attached hereto as **Attachment "A"**. Upon presentation of a "Legal Representative" designation, the legal representative shall be presumed to have the authority to cast all votes for the principal identified in the certification. The Legal Representative designation must be signed by the voter and the legal representative.

C. Voting by Proxy. A voter may vote by and through a proxy by presenting to the Election Board a form of designation of Proxy in the form attached hereto as **Attachment "B"**. The proxy form must be notarized in accordance with law.

D. Voting in Cases of Multiple Ownership: When a parcel is held as community property or in joint tenancy or as tenants in common, any spouse or joint tenant or tenant in common shall be presumed to have the authority to cast all votes for the parcel upon filing with the election board a certification under penalty of perjury identifying the spouse, joint tenants, or tenants in common for whom the votes are to be cast. A form for this purpose is attached hereto as **Attachment "C"**.

4. Polling Place Location and Hours of the Polls. The polling place for the 2021 general district election shall be located at: 5470 Wilson Landing Road, Chico, CA 95973.

Polls shall be open from 10:00 a.m. - 4:00 p.m on November 2, 2021.

5. Publication of Notice of Election. The District shall publish a Notice of Election

in the Chico Enterprise-Record/Oroville Mercury-Register advising of the date, time, and place of the 2021 General District Election once a week for four (4) weeks beginning not less than one (1) month prior to November 2, 2021.

6. **Election Board Canvass of Votes.** The election board shall canvass votes cast and issue certificates of election to the persons elected, and shall place the ballots, when canvassed, in a sealed envelope and forward it to the County elections official.

7. **Candidates Receiving Highest Number of Votes Deemed Elected.** The candidates, of the number to be elected, for each four year seat, and each two year seat, receiving the highest number of votes shall be deemed elected and shall assume office on the first Friday in December, 2021.

PASSED AND ADOPTED at a special meeting of the Board of Trustees on this 30th day of September, 2021, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

ROCK CREEK RECLAMATION DISTRICT

By _____

HAL CRAIN
Chairman of the Board of Trustees

ATTEST:

Secretary

ATTACHMENT "A"

ROCK CREEK RECLAMATION DISTRICT

**CERTIFICATION OF AUTHORITY TO CAST VOTES FOR PARCEL HELD
AS COMMUNITY PROPERTY/JOINT TENANCY/TENANCY IN COMMON**

ROCK CREEK RECLAMATION DISTRICT

**CERTIFICATION OF AUTHORITY TO CAST VOTES FOR PARCEL HELD
AS COMMUNITY PROPERTY/JOINT TENANCY/TENANCY IN COMMON**

KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned _____ (“Landowner”) hereby certifies that he/she/it is the holder of title to land within Rock Creek Reclamation District, known as Assessor’s Parcel Number(s): _____ (the “Parcel”).

Said title is held in common with additional named landowners:

1. _____
2. _____
3. _____

as tenants as (1) Community Property; or (2) Tenants in Common; or (3) Joint Tenancy.

Landowner hereby certifies that he/she/it is authorized to cast all votes for the Parcel with respect to the 2021 Election of Trustees for the Rock Creek Reclamation District.

THAT this Certification shall remain valid until Landowner revokes the Appointment in a signed writing filed with the Secretary of Rock Creek Reclamation District.

IN WITNESS WHEREOF, and subject to penalty of perjury, Landowner has executed this *CERTIFICATION OF AUTHORITY*.

LANDOWNER:

Dated: _____, 2021. _____

ATTACHMENT "B"

ROCK CREEK RECLAMATION DISTRICT

DISTRICT LANDOWNER APPOINTMENT OF LEGAL REPRESENTATIVE

ROCK CREEK RECLAMATION DISTRICT

DISTRICT LANDOWNER APPOINTMENT OF LEGAL REPRESENTATIVE

KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned _____, (“Landowner” hereby certifies that he / she / it is the holder of title to land within Rock Creek Reclamation District, holding all the rights and satisfying the qualifications of a “Landowner” as that term is defined in Division 15 of the California Water Code, as of the date of full execution of this Appointment.

THAT Landowner hereby constitutes and appoints _____ (“Legal Representative”) to serve as his / her / its “Legal Representative” with respect to matters related to Rock Creek Reclamation District, and to hold all the rights and duties afforded a “Legal Representative” and “Eligible Person” as those terms are defined in Division 15 of the California Water Code, including the right to serve as a Trustee on the District Board of Trustees.

THAT this Appointment shall remain valid until Landowner revokes the Appointment in a signed writing filed with the Secretary of Rock Creek Reclamation District.

IN WITNESS WHEREOF, and subject to penalty of perjury, Landowner and Legal Representative have executed this LANDOWNER APPOINTMENT OF LEGAL REPRESENTATIVE.

LANDOWNER:

Dated: _____, 2021. _____

Dated: _____, 2021. _____

LEGAL REPRESENTATIVE:

Dated: _____, 2021. _____

ATTACHMENT "C"

PROXY FOR ROCK CREEK RECLAMATION DISTRICT
ELECTION OF TRUSTEES BEING HELD
NOVEMBER 2, 2021

**PROXY FOR ROCK CREEK RECLAMATION DISTRICT
ELECTION OF TRUSTEES BEING HELD
NOVEMBER 2, 2021**

KNOW ALL MEN BY THESE PRESENTS:

That _____ (“Landowner”) is a holder of land within the above-named district and does hereby constitute and appoint: _____ (“Proxy”)

proxy for the undersigned, with full power of substitution to cast for and in the name, place and stead of the undersigned all votes undersigned is entitled to cast in the General District Election for the Election of Trustees to the Board of Trustees. As instructions to my proxy holder, I direct that the votes to which I am entitled in such election be cast as indicated below: **(Check one and complete information if appropriate)**

_____ In the manner in which my Proxy holder chooses at his or her discretion.

_____ In the following quantities for the candidates set forth below.

CANDIDATE(s)	VOTES CAST
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____, _____
Date

Landowner Signature

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)ss.
County of _____)

On _____, 2021, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evident to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public