

**Board of Directors of the
East Garrison Community Services District**

Resolution No: E/G 06-002

Adopt By-Laws for the East Garrison)
Community Services District.....)

WHEREAS, the East Garrison Community Services District ("EGCSD") has organized itself under the Community Services District Law (Government Code Sections 61000 et seq.); and

WHEREAS, the Board of Supervisors of the County of Monterey has appointed the Board of Directors of the EGCSD pursuant to Government Code Section 61029.5; and

WHEREAS, Government Code Section 61045(f) requires the EGCSD to establish rules or bylaws for the conduct of its business;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST GARRISON COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Bylaws of the East Garrison Community Services District (Bylaws), in the form attached hereto and incorporated herein by reference, are hereby adopted.

PASSED AND ADOPTED this 14th day of March, 2006, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Potter and Smith

NOES: None

ABSENT: Supervisor Lindley

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the forgoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book 73, on March 14, 2006.

Dated: March 14, 2006

LEW C. BAUMAN, Clerk of the Board of Supervisors,
County of Monterey, State of California.

By Cynthia Juarez
Cynthia Juarez, Deputy

BYLAWS OF THE
EAST GARRISON COMMUNITY SERVICES DISTRICT

THE DISTRICT

Section 1.01. Name of District. The official name of the District shall be the "East Garrison Community Services District".

Section 1.02. Seal of District. The seal of the District shall be in the form of a circle and shall bear the name of the District and the year of its organization.

Section 1.03. Office of District and Place of Meeting. The office of the District shall be at 168 West Alisal Street, Salinas, California, or as designated by resolution. There is currently no facility within the District boundary where meetings of the Board of Directors (Board) may be held. Therefore, the District meetings shall be held in the Monterey County Board of Supervisors Chambers, 168 West Alisal Street, Salinas, California, until the Board designates a location within the District boundary to meet. This is the closest meeting facility outside of the District, as is required by the Ralph M. Brown Act (the "Brown Act", Gov. Code, § 54950 et seq.).

Section 1.04. Powers. The powers of the District shall be vested in the Board thereof then in office, who reserve unto themselves the right to delegate by resolution such powers as are appropriate and permissible by law.

ARTICLE 2. DIRECTORS

Section 2.01. Directors. A legislative body of five members known as the Board shall govern the District.

Section 2.02. Term of Office. The term of office of each member of the Board is four years or until his or her successor qualifies and takes office. Members of the Board shall take office as provided by the Community Services District Law (Government Code Section 61000 et seq.).

Section 2.03. Election. So long as the Monterey County Board of Supervisors serves as the Board, the election of members of the Board shall be governed as they would be for the County Board of Supervisors. When the conversion to a directly elected independent Board is accomplished under Government Code Section 61029.5, elections will be conducted pursuant to state law. Members of the Board shall be classified into two classes. One class shall have three members and the other class shall have two members. For the class that has three members, the terms of office that begin after the first general District election pursuant to Government Code Section 61029.5 shall be four years. For the class that has two members, the initial terms of offices that begin after the first general District election pursuant to Government Code Section 61029.5 shall be two years. Thereafter, the terms of all members shall be four years.

Section 2.04. Compensation. Members of the Board shall receive such compensation as the Board prescribes, but said compensation shall not exceed what is permissible under the Community Services District Law, currently One hundred Dollars (\$100.00) per member for each meeting of the Board attended by the member, provided no member shall receive compensation for attending more than six (6) meetings of the Board during any calendar month. In addition, members shall receive their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties, in accordance with Government Code Section 61047.

Section 2.05. Vacancies. Any vacancy in the office of a member elected to the Board shall be filled pursuant to Government Code Section 1780.

ARTICLE 3. BOARD AND DISTRICT OFFICERS; POWERS

Section 3.01. Officers. The officers of the Board shall be a President and Vice President. Until conversion to a directly elected Board, the Board shall elect a President and Vice President annually. District officers shall be a General Manager and a Treasurer.

Section 3.02. President. The Board shall elect a President of the District within 45 days after each general election. The President shall serve until the following general election, at which point the Board shall either elect a new President within 45 days or re-elect the incumbent. The President shall preside at all meetings of the Board. Except as otherwise authorized by resolution of the Board or the provisions of these Bylaws, the President shall sign all contracts, deeds and other instruments made by the District.

Section 3.03. Vice President. The Board shall elect a Vice President within 45 days after each general election. The Vice President shall serve until the following general election, at which point the Board shall either elect a new Vice President within 45 days or re-elect the incumbent. The Vice President shall perform the duties of the President in the absence or incapacity of the President. In case of the resignation or death of the President, the Vice President shall perform such duties as are imposed on the President until such time as the Board shall elect a new President.

Section 3.04. General Manager. The Board shall appoint a General Manager, who shall serve at the pleasure of the Board. The General Manager shall have general supervision over the administration of District business and affairs, including the supervision of District facilities, services, and finances, subject to the direction of the Board. The General Manager shall be responsible for the appointment, supervision, discipline, and dismissal of the District's employees, consistent with the District's employee relations system.

Section 3.05. Treasurer. The County Treasurer shall serve as the Treasurer of the District. If the Board designates an alternative depository pursuant to Government Code Section 61053, the Board shall appoint a District Treasurer, who shall serve at the pleasure of the Board.

Section 3.06. Clerk. The Board shall appoint a Clerk, who shall serve at the pleasure of the Board. The Clerk shall keep the records of the District, act as secretary at meetings of the Board, record all votes and keep a record of the proceedings of the Board in a journal of proceedings to be kept for such purpose, and perform all duties incident to the Clerk's office.

Section 3.07. Counsel. The Board shall engage legal Counsel, who shall serve at the pleasure of the Board. Counsel shall be responsible for the preparation of all proposed resolutions, laws, rules, contracts, bonds and other legal papers for the District. Counsel shall give advice or opinions in writing to the President or other Board or District officers whenever requested to do so. Counsel shall attend to all suits and other matters to which the District is a party or in which the District may be legally interested and provide such other legal services as the Board may request.

Section 3.08. Compensation. The Board shall set the compensation, if any, of all Board and District officers and employees, provided that no compensation for President or Vice President may be in excess of the limits in Section 2.04 of this Article.

Section 3.09. Additional Duties. The officers of the Board and the District shall perform such other duties and functions as may from time to time be required by the Board or the Bylaws or rules of the District.

Section 3.10. Absences and Vacancies. In the temporary absence of the President and Vice President, the Board shall elect a member present as temporary President for the purpose of conducting meetings and performing the duties of the President.

ARTICLE 4. MEETINGS

Section 4.01. Meetings. The Secretary shall give notice of, and the Board shall conduct, regular or special meetings in accordance with the Brown Act and the Community Services District Law. The day, time, and location of regular meetings of the Board shall be as set forth by Resolution.

Section 4.02. Right of Public to Appear and Speak. At every regular meeting, members of the public shall have an opportunity to address the Board on matters within the District's subject matter jurisdiction. Except for matters scheduled for formal public hearing, public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment provided, however, that the Board may provide that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda.

The President or presiding officer may limit the total amount of time allocated for public discussion of particular issues and the time allocated for each individual speaker.

Section 4.03. Non-Agenda Items. Matters brought before the Board at a regular meeting that were not placed on the agenda of the meeting shall not be acted upon by the Board at that meeting unless action on such matters is permissible pursuant to the Brown Act. Those non-agenda items brought before the Board that the Board determines will require Board consideration and action and where Board action at that meeting is not so authorized shall either be placed on the agenda for the next regular meeting or referred to staff as directed by the President or the presiding officer.

Section 4.04. Quorum. Three (3) members of the Board shall constitute a quorum for the purpose of conducting District business, exercising District powers and for all other purposes, but a smaller number may adjourn from time to time until the quorum is obtained. Every official act of the Board shall be adopted by a majority vote. A majority vote shall mean a majority of the total membership of the Board, except as otherwise specifically provided by law.

Section 4.05. Order of Business. At the regular meetings of the Board, the following shall be the order of business provided, however, that the President may address items out of order for the efficient conduct of the meeting:

- I. Roll call;
- II. Approval of the minutes of the previous meeting;
- III. Public communications and comment;
- IV. Bills and correspondence;
- V. Acknowledgments, awards and announcements;
- VI. Business items and matters; and
- VII. Adjournment.

All resolutions shall be in writing and designated by number, reference to which shall be inscribed in the Minutes and an approved copy of each resolution filed in the official book of resolutions of the Board.

Section 4.06. Manner of Voting. The Board shall act only by ordinance, resolution or motion. The minutes of the Board shall record the ayes, noes and members present not voting for the passage of all ordinances, resolutions or motions.

ARTICLE 5. AMENDMENTS

Section 5.01. The Board may amend these Bylaws at any regular or special meeting by majority vote provided that no such amendment shall be adopted unless at least seven (7) days

written notice thereof has been previously given to all members of the Board. Such notice shall identify the section or sections of the Bylaws proposed to be amended.

ARTICLE 6. CONFLICT PROVISIONS

Section 6.01. Consistency With Law. In the event any provision contained herein is inconsistent with the Brown Act, the Community Services District Law, or any other mandatory and applicable provision of law, as such law currently exists or as it may be subsequently amended, the mandatory and applicable provision of law shall prevail.

Section 6.02. Conflicts. Conflicts shall be determined and governed by a Conflict of Interest Code to be adopted by the Board.