

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY)
BOARD OF SUPERVISORS APPROVING)
SECOND AMENDMENT TO THE BY-LAWS OF) RESOLUTION NO. 2019-____
THE PACHECO PASS WATER DISTRICT)

WHEREAS, the Pacheco Pass Water District (the "District") is a California Water District established pursuant to California Water Code Section 34000 et seq.;

WHEREAS, the District is a landowner voting district, not resident voting (registered voters), the majority of which is located in San Benito County and a small portion in Santa Clara County;

WHEREAS, pursuant to California Water Code Section 34015, San Benito County is the "principal county" of the District;

WHEREAS, on November 29, 2018, the Pacheco Pass Water District Board of Directors unanimously voted to adopt the Second Amendment to the By-Laws of the Pacheco Pass Water District; and

WHEREAS, pursuant to California Water Code Section 35305, the amended by-laws are required to be approved by Board of Supervisors of the "principal county," *to wit*, San Benito County;

NOW, THEREFORE BE IT RESOLVED, by the San Benito County Board of Supervisors that the Board of Supervisors, as the principal county of the District, approves the Second Amendment to the By-Laws of the Pacheco Pass Water District, attached hereto as "Attachment 1".

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

Date: _____

By: _____
Mark Medina, Chairman

ATTEST:
Janet Slibsager, Clerk of the Board

APPROVED AS TO LEGAL FORM:
Barbara Thompson, County Counsel

By: _____

By: 
Sarah M. Dickinson
Deputy County Counsel

ATTACHMENT 1

**RESOLUTION NO. 2018-03
OF THE BOARD OF DIRECTORS
OF
PACHECO PASS WATER DISTRICT**

**AMENDING THE BYLAWS OF THE PACHECO PASS WATER DISTRICT TO RESCHEDULE
THE ELECTIONS OF THE BOARD OF DIRECTORS**

ADOPTED NOVEMBER 29, 2018

WHEREAS, Pacheco Pass Water District ("District") is a California water district duly organized and operating pursuant to California Water Code Sections 34000, et seq. ("Water District Law") with a five member Board of Directors with staggered terms and elected by the landowners of the District;

WHEREAS, the District is a landowner voting district, and not a resident voting district;

WHEREAS, under California Elections Code Section 10555, landowner elections cannot be consolidated with the resident voter elections;

WHEREAS, prior to 1983, elections for the District remained separate from the Statewide General Election, however, on April 12, 1983, the Clerk of San Benito County consolidated the landowner elections of the District with the Statewide General Election;

WHEREAS, from 1983 to present, the District elections were consolidated with the Statewide General Election, despite for the purpose of filling said offices, it is necessary that a California Water District general election be held pursuant to the Water District Law, and other pertinent laws of the State of California;

WHEREAS, in 2000, the Board of Directors of the District amended the Bylaws to formally consolidate the District's landowner elections with the Statewide General Election;

WHEREAS, the Board of Directors of the District desires to amend the Bylaws of the District to separate the Districts landowner election from the Statewide General Election consistent with the California Water Code and California Elections Code;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby approves the SECOND AMENDMENT TO THE BY-LAWS OF THE PACHECO PASS WATER DISTRICT, a true and correct copy of which is attached hereto as Exhibit A (the "Second Amendment"), setting the regular landowner election of the Board of Directors of the District on the last Tuesday of July of every odd-numbered calendar year;
2. Upon full execution of the Second Amendment, the Secretary is hereby directed to forward the Second Amendment to the San Benito County Clerk of the Board for formal approval of the Second Amendment by the San Benito County Board of Supervisors.
3. The Secretary or any officer of this Board of Directors be, and hereby is, authorized and directed to take any and all action that may be necessary or appropriate to implement the action

taken under this.

The above Resolution was passed by the following vote of the Board of Directors of the Pacheco Pass Water District, at a regular meeting of said Board held on November 29, 2018.

AYES: *O'Connell, Lindsay, Bergamini, Rossi & Tobias*
NOES: *None*
ABSENT: *None*
ABSTAIN: *None*

Pacheco Pass Water District, a California
water district

By: _____



Frank O'Connell, President

EXHIBIT "A"

SECOND AMENDMENT TO THE BY-LAWS OF THE PACHECO PASS WATER DISTRICT

The Board of Directors of the Pacheco Pass Water District hereby amend, by duly adopted resolution, the following Articles and Sections of the By-Laws of the Pacheco Pass Water District adopted by Resolution No. 1-00 on January 20, 2000 (the "2000 By-Laws"), and that certain First Amendment to the By-Laws of the Pacheco Pass Water District adopted November 15, 2000y Resolution No. 2-00, on November 15, 2000 (the "First Amendment"), as set forth below:

1. **ARTICLE II, Section 2** is hereby deleted in its entirety and amended to read as follows:

Section 2. Time of Election. All regular general elections of the Pacheco Pass Water District ("Water District") for the purpose of the election of the Officers who will serve on its Board of Directors shall hereafter be held every two years on the last Tuesday of July of every odd numbered calendared year.

2. **ARTICLE II, Section 3** is hereby deleted in its entirety and amended to read as follows:

Section 3. Elections.

a. The Water District's general election shall hereafter be held on the last Tuesday of July of every odd calendared year.

b. All of the Water District's elections, both general and specific, shall be called by a majority vote of the Board of Directors in accordance with the requirements of the California Water District law set forth in Water Code sections 34000, et seq. ("District Law"), the Uniform District Election Law (the "UDEL"), Elections Code sections 10500, et seq., and other applicable law.

c. All of the Water District's elections, both general and specific, shall be conducted by all-mail ballot, as prescribed by District Law, UDEL and other applicable law. Before any general or special election, the Board of Directors shall provide public notice of the time, place and purpose of the election in accordance with the requirements of the District Law, UDEL and other applicable law.

3. **ARTICLE II, Section 5** is hereby deleted in its entirety and amended to read as follows:

Section 5. Manner of Voting. At all Water District elections, both general and special, each holder of title to land within the Water District shall have one vote for each dollar's worth of land to which said landowner holds title, in accordance with Water Code section 35003 and other applicable law. The last assessment book of the County of San Benito shall be conclusive evidence of ownership and of the value of the land so owned. Every voter, or his or her legal representative,

EXHIBIT "A"

shall be entitled to vote by mail ballot at any Water District election. Voting shall be conducted in a manner prescribed by the District Law, UDEL and other applicable law.

4. **ARTICLE III, Section 1** is hereby deleted in its entirety and amended to read as follows:

Section 1. Officers. The elected Officers of the Water District shall consist in a Board of five (5) Directors, who shall be elected at-large. The term of each board director shall be for four (4) years. Each Board Director shall hold office until his or her successor is elected and qualified. After winning a general election, a Board Director shall take his or her office at noon on the first Friday in December following the general election. After winning a special election, or after appointment, a Board Director in the time and manner and for the term provided by District Law, UDEL and other applicable law.

5. **ARTICLE III, Section 2** is hereby deleted in its entirety and amended to read as follows:

Section 2. How Elected. As the Water District is a Landowner voting district, the Board of Directors of the Water District shall be elected by all mail ballot cast only by an elector who is an owner of land located within the Water District in the manner more particularly described in Article II, Section 5 herein above.

6. **ARTICLE III, Section 3, Subsection (d)** is hereby deleted in its entirety and amended to read as follows:

(d) Persons shall be nominated as candidates for election to the office of Board Director by filing a nomination petition at the Benito County Elections Office located at 440 Fifth Street, Suite 205, Hollister, California in the form, manner and during the time prescribed by District Law, the UDEL and other applicable law. Only names of persons properly nominated shall be printed on the ballots, but a blank space for each office of Board Director to be filled shall be left after the names of the candidates in which voters may write in another name if they desire. As set forth in Elections Code section 10515, if at the close of the prescribed nomination period, the number of nominees for Board Director does not exceed the number of offices of Board Director to be filled at the election, and unless a petition signed by ten (10) percent of the voters, or 50 voters, whichever is smaller, in the Water District, requesting that the general Water District election be held has been presented to the officer conducting the election the Water District shall submit a certificate of these facts to the San Benito County Board of Supervisors. In such event, the Water District shall request the San Benito County Board of Supervisors to appoint such office or offices the person or persons nominated for an office, once qualified person. The person(s) appointed by the San Benito County Board of Supervisors shall qualify and take office and serve as if elected at the Water District's general election.

EXHIBIT "A"

7. **ARTICLE X** is hereby added to the 2000 By-Laws, as amended, providing as follows:

ARTICLE X.

Section 1. Conflict. To the extent there is any conflict regarding the meaning and/or interpretation of language and terms set forth in the 2000 By-Laws, the First Amendment and the Second Amendment herein, the Second Amendment shall at all times govern.

The undersigned Board of Directors of the Water District, by a 4/5 majority vote, and the undersigned Water District, HEREBY CERTIFY that the foregoing SECOND AMENDMENT TO THE BY-LAWS OF THE PACHECO PASS WATER DISTRICT ("Second Amendment") was duly adopted at a meeting duly noticed and regularly held on November 29, 2018, and that said Second Amendment is subject to the approval of the San Benito County Board of Supervisors.

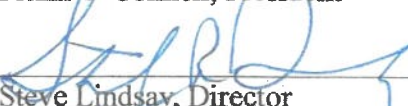
Dated: 11/29/2018

Dated: 11/29/18



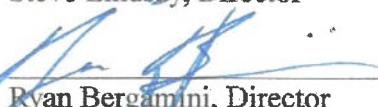
Frank O'Connell, President

Dated: 11/29/18



Steve Lindsay, Director

Dated: 11/29/18



Ryan Bergamini, Director

Dated: 11/29/18



Scott Rossi, Director

Dated: 11/29/18



Mark Tobias, Director

Dated: 11/29/18



Barbara Mauro, Secretary



Certificate of Secretary

The undersigned hereby certifies that the foregoing is a true and correct copy of a Resolution of the Board of Directors of the Pacheco Pass Water District, duly adopted by said Board at a meeting held on November 29, 2018.

I have executed this Certificate of Secretary for Pacheco Pass Water District on November 29, 2018.

PACHECO PASS WATER DISTRICT

By: Barbara Mauro

Name: Barbara Mauro

Its: Secretary