

**CLEAR CREEK
COMMUNITY SERVICES DISTRICT**

**COUNTY OF LASSEN,
STATE OF CALIFORNIA**

BYLAWS

POLICIES

PROCEDURES

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CLEAR CREEK COMMUNITY SERVICES DISTRICT

Bylaws, Policies, and Procedures

ARTICLE 1:

NAMES, MISSION STATEMENT, ESTABLISHMENT, and AREA

Section 1.1 Names

The Clear Creek Community Services District; may hereinafter be referred to as CCCSD.
The Clear Creek Volunteer Fire Department may hereinafter be referred to as CCVFD.

Section 1.2 Mission Statement

The mission of the CCCSD/CCVFD is to provide the community of Clear Creek with both clean, safe water, and emergency response in the event of fire, vehicle, or medical emergency. This is to be accomplished while maintaining the highest standards of ethics, professionalism, efficiency and effectiveness.

Section 1.3 Establishment and Contact Information

CCCSD was established in the 1950's and has been serving the community of Clear Creek since. The Fire Hall is located at 666-975 Highway 147 in Clear Creek, California, 96137. The District's mailing address is P.O. Box 833, Westwood, CA 96137. The District contact information is: Phone 530-256-3096; email cccswater@frontiernet.net. Meetings are held at the Fire Hall.

Section 1.4 Area

CCCSD provides water to an area within a specific geographic boundary for the community of Clear Creek. CCVFD is a rural volunteer fire department that provides emergency services to the area of Clear Creek and has a mutual aid agreement with CALFIRE and surrounding communities.

ARTICLE 2:

BOARD OF DIRECTORS

Section 2.1 Basis of Authority

1. The Board of Directors may exercise such powers conferred upon it by the Community Services District Law, found in Div. 2 of Title 6 of the Government Code, as are enumerated in the order of formation of said District made by the Board of Supervisors of the County of Lassen, State of California, by Resolution No. 1739, adopted on November 25, 1968. It may adopt such rules and regulations not inconsistent with law, as may be necessary for the exercise of the powers conferred (Government Code §61600 et seq.) and the performance of duties imposed upon the board.
2. The Board is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority and may not commit to any other entity on any policy, act, or expenditure.
3. Directors are to represent the community and NOT represent any fractional segment.
4. The Board of Directors shall oversee the General Manager/Secretary.
5. The General Manager shall oversee the Fire Chief and Water Manager.
6. The Board of Directors consists of a five (5) person board.

Section 2.2 Responsibilities of the Board of Directors

1. Directors shall thoroughly prepare themselves to discuss agenda items at meetings.

2. Obtaining Information:
 - a. Directors may obtain information from other Board Members or the General Manager in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926). In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should ordinarily be referred directly to the General Manager for access to legal counsel
 - b. Information exchanged before meetings shall be distributed through the Board Secretary, and all Directors will receive all information being distributed, unless it is unfeasible or unnecessary. In this case, one copy may be made available for all to review.
3. Directors may request for inclusion into the minutes, comments pertinent to the agenda.
4. The Board shall be concerned with proposed resolutions and District policies
5. The Board shall be concerned with the operations, compensation and welfare of District staff.
6. The Board shall be concerned with the financial management of the District, including the preparation of an annual budget, maintaining a balanced budget, and major expenditures
7. The Board shall be concerned with assuring that information regarding the affairs of the District are appropriately communicated to the public.
8. Individual Board Members or a group of Board Members representing less than a quorum of the Board shall not imply or express any commitment of the Board or the District.
9. Board members may be assigned or designated to committees. Committee assignments may be made by the Chairperson, or by a Board majority vote. Any recommendations resulting from committee review shall be submitted to the Board.
10. The Board will act promptly to fill vacancies as they occur.

Section 2.3 Board Actions

1. Actions by the Board of Directors include, but are not limited to:
 - a. Adoption or rejection of regulations or policies.
 - b. Adoption or rejection of resolutions.
 - c. Adoption or rejection of ordinances.
 - d. Adoption or rejection of contracts or expenditures.
 - e. Adoption or rejection of proposals which commit District funds, facilities, or equipment.
 - f. Approval or rejection of matters that may/or may not require the District to act and/or provide services.
2. Action can only be taken by a Board majority vote. Whereas the CCCSD has three (3) Directors to represent a quorum for the conduct of business.
3. The Board Chair may provide direction to staff that is not a formal action. Such direction does not require formal procedural process. However, the request of a Board majority, not including the chair, may provide direction to staff.
4. Adjournment of a meeting can take place without a motion; when the board has reached the end of the agenda.

Section 2.4 Board Chairperson

1. The Chairperson of the Board of Directors shall serve as Chairperson at all Board meetings and shall have the same rights as the other Board Members in voting, introducing motions, resolutions, and participating in discussions.
2. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson during the meeting.
3. In the absence of both the Chairperson and Vice-Chairperson, members of the remaining quorum of Directors shall select a Member to act as Chairperson until the return of the Chairperson or Vice-Chairperson.

4. Where otherwise required, the Board Chair shall execute District documents of behalf of the Board unless such authority has been delegated to the General Manager.
5. As presiding officer at Board meetings, the Board Chair shall assure the integrity of the Board process, including the effectiveness of meetings and the Board's adherence to Board policy. The Board Chair shall recognize speakers and makers of motions, call for public participation, rule on the passage or failure of motions, ensure that all Board Members have an equal opportunity to speak during discussions, appoint standing and ad hoc committee members, and chairpersons, and may set the time and place for special meetings and emergency meetings.
6. Chairperson and Vice-Chairperson are included in the terms 'Director' and 'Member.'

Section 2.5 Board Elections: Chairperson and Vice-Chairperson

1. The election for Chairperson and Vice-Chairperson shall be held annually as the first order of business during the meeting of the Board of Directors each December.
2. If there is a lack of quorum for the December meeting, or no other members have shown interest, then the current Chairperson and Vice-Chairperson shall remain seated for another calendar year.

Section 2.6 Attendance at Meetings

1. Directors shall attend all meetings of the Board unless there is good cause for absence, and notice has been given to the General Manager or Chairperson prior to the scheduled absence.
2. In the event a Director fails to attend three (3) meetings within a twelve-month time period, remaining Members of the Board may request and/or require the resignation of that Director.

Section 2.7 Board Vacancies

1. A vacancy of the Board exists when a Board Member resigns, dies, or fails to attend 3 consecutive meetings.
2. After a vacancy exists, the Board Secretary will notify the County Clerk of the vacancy no later than 15 days after either the date on which the District Board is notified of the vacancy, or the effective date of the vacancy, whichever is later. The Board may appoint a new member via an application process.
3. The Board Secretary shall post a notice of the vacancy in three (3) or more conspicuous places at least 15 days prior to the District Board appointment.
4. Applicants shall submit applications to the Board Secretary after the position is posted. Applications must be received prior to the closing date for consideration.
5. Applicants must live in and be a registered voter within the CCCSD boundaries.
6. If only one application is received for the vacancy, the Board shall continue with the appointment process in open session at the next scheduled Board meeting.
7. If multiple applications are received, the Board may review applications and/or interview applicants in closed session prior to the next scheduled Board meeting. The appointment to fill the vacancy shall be by majority vote.
8. If there are two vacancies, each Director may vote only once for each open position, and the candidates will be sworn in at the next scheduled meeting.
9. The remaining Directors shall make the appointment within 60 days after either the date on which the District Board is notified of the vacancy, or the effective date of the vacancy, whichever is later.
10. The Board Secretary shall notify the County Clerk of the appointment no later than 15 days after the appointment.
11. If the Board fails to fill the vacancy by appointment, the District shall turn the matter over to the Lassen County Board of Supervisors for a decision on an appointment.
12. If the Lassen County Board of Supervisors fails to appoint a new Director within 30 days, the Board may proceed with a Special Election.

13. The term of office of each elective officer of the district shall be four (4) years, or until his/her successor is elected and has sworn in. "Elected Officers" shall mean Directors of the District.
14. Any person appointed to fill a vacancy shall hold office for the unexpired term.
15. Recall: Any or all members of the Board may be recalled at any time by the voters of the District, in accordance with the recall provisions of the Uniform District Elections law (Elections Code §23500 et seq.).

Section 2.8 Compensation

1. Board Members may be compensated for all reasonable and legitimate expenses incurred for attending meetings, training seminars, or taking trips on behalf of the District that have been authorized by the Board. Expense reports or receipts shall be submitted within 30 days of attendance. Any disputes shall be settled by majority vote of the Board. Reimbursement for travel by private car shall be at the prevailing IRS mileage rate. Board Members may waive reimbursements at their discretion.

ARTICLE 3 BOARD MEETINGS

Section 3.1 Open Meeting Law

1. Under provisions of California's Ralph M Brown Act (California Government Code §54950 through §54926) open-meeting law, all meetings of the Board are open to the public except for closed sessions. A Board majority shall not discuss nor reach consensus on any matter under the jurisdiction of the District except at a legal meeting of the Board. The Board fully support the letter and spirit of the open-meeting law and the public's right to view the public's business in open session.

Section 3.2 Rules of Order for Board Meetings

1. Board meetings shall commence at the time stated on the agenda and shall be guided by the agenda. The Board Chair shall have the authority to change the order of the agenda.
2. General: Board meetings will be conducted using Rosenberg's Rules of Order.

Section 3.3 Regular Meetings

1. Regular meetings of the Board shall be held on the first Thursday of each calendar month at 6:00 p.m. at the Fire Hall, located at 666-975 Hwy 147. Meetings are open to the public.
2. If a regular meeting falls on a national holiday, such regular meeting shall be held on the next Thursday
3. If by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the Fire Hall, the meeting may be held for the duration of the emergency at such place as designated by the Chairperson.
4. Meetings may be rescheduled if a lack of quorum is predetermined; notices shall be posted on the bulletin board beside the Fire Hall for public review.
5. An agenda shall be prepared for all meetings, identifying each specified purpose(s).
6. The Chairperson and the Board Secretary shall ensure that appropriate information is available for the public, and that physical facilities are functional and appropriate.
7. Copies of information exchanged shall be available at the meeting for members of the public in attendance, or to anyone not present, upon their request at the standard copy rate.

Section 3.4 Special Meetings

1. A special Board meeting may be called as needed by the Board Chair or by a Board majority. Written notice of the special meeting, specifying the time, place, and business to be transacted or discussed, shall be delivered at least 24 hours prior to the meeting to Board Members.
2. The Board shall consider only those items listed for a special meeting.
3. Notice of the special meeting, specifying the time, place, and business to be transacted or discussed,

shall be posted at least 24 hours prior to the meeting on the bulletin board beside the Fire Hall for public review.

Section 3.5 Emergency Meetings

1. Emergency Meetings may be held in the event of an emergency, involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, without complying with the 24-hour notice required as above. An **emergency** means a crippling or catastrophic disaster that severely impairs public health, safety, or both; as determined by a Board majority.
2. The Board shall not meet in closed session for an emergency meeting. All special meeting requirements are applicable to emergency meetings except the 24-hour notice requirement. Emergency meeting minutes shall be posted for a minimum of 10 days, as soon as possible after the meeting on the bulletin board beside the Fire Hall for public review.

Section 3.6 Executive Closed Session Meetings

1. Executive closed session of the Board is provided by statute so boards can address issues involving privileged information and matters of a private nature. Closed sessions of the Board shall be held only in cases where the business of the Board meets the criteria set forth in the Ralph M. Brown Act (Government Code § 54950 through §54926). As provided for in Civil Code §4935, boards may go into executive session for the following matters:
 - a. Legal Issues: The Board may go into executive session to “consider litigation.”
 - b. Contracts or Real Estate: The Board may consider matters relating to the formation of contracts with third parties, or negotiations involving real estate.
 - c. Disciplinary Hearings: The Board should meet in executive closed session for all disciplinary hearings. The accused member or employee is entitled to attend the executive session for that portion of the meeting dealing with that person's hearing.
 - d. Personnel Issues: Personnel matters include anything involving employees including, but not limited to: hiring, firing, raises, disciplinary matters, performance reviews, and adopting or amending employee policies. However, filling Director vacancies and appointing or removing committee members does not qualify as personnel matters.
 - e. Complaints: The Board may hear complaints or charges brought against a Board Director or employee by another public officer, person, or employee unless said Director or employee requests a public hearing.
2. The Board may exclude any or all other witnesses in the matter being investigate by the Board.
3. No business other than that announced on the public agenda may be discussed in the closed session.
4. Executive Closed Session meetings are confidential. Business concluded during Closed Session shall be reported during the following open session and will be summarized in the minutes.

Section 3.7 Public Comment at Meetings

1. The Board shall take public comment at regular and special meetings of the Board on matters that are not on the agenda, but the Board shall not discuss or act on such matters at that meeting except in the following circumstances:
 - a. An emergency situation is declared by the majority vote of the Board.
 - b. A need to take immediate action, on a matter that arises after the agenda is posted, is declared by a two-thirds vote of the Board, or unanimous if less than two-thirds of the Board is present.
 - c. An item on a posted agenda is continued from a Regular Board meeting held not more than seven (7) days prior.
2. There is a five-minute time limit on public comment, subject to reasonable modification by the Board Chairperson.

Section 3.8 Adjournment of Meetings

1. The Board may adjourn any meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn as need arises. If all Directors are absent from any regular or adjourned regular meeting, the Secretary may declare the meeting adjourned to a stated time and place and shall place a written notice of adjournment on the bulletin board beside the Fire Hall for public review.

Section 3.9 Quorum

1. A majority of Board Directors shall constitute a quorum for the transaction of business.
2. Individual Directors or a group of Directors representing less than a quorum of the Board shall not take any action or make any representation that results in any of the following:
 - a. Budgeting or expending of District funds.
 - b. Establishing of any procedures or making policy.
 - c. Taking of any action on behalf of the Board.

ARTICLE 4 BOARD MEETING CONDUCT

Section 4.1 Director Conduct

1. Meetings of the Board shall be conducted by the Board Chair in a manner consistent with the policies of the District and the Ralph M. Brown Act (Government Code 5490 through §54926). “Rosenberg’s Rules of Order for Board Meetings” shall be used as a general guideline.
2. Directors shall respect the Chairperson as leader of Board meetings but shall be free to question and discuss items on the agenda.
3. Directors shall focus on issues and not personalities, respect differing points of view, disagree without being disagreeable, and once the Board has acted, support the action of the Board.

Section 4.2 Speaker & Audience Conduct

1. The public shall be allowed to address the Board regarding agenda items and any other matter within the jurisdiction of the District. The Board Chair shall determine the appropriate place in the agenda for such public comment and shall have the authority to set equal time limits on speakers.
2. Five minutes may be allotted to each speaker, with a maximum of 20 minutes allotted to each subject.
3. No disruptive conduct shall be permitted by persons speaking directly to the Board, nor by persons within the audience. Persistence in disruptive comments, conduct, or behaviors shall be grounds for removal by the Chairperson and that person’s privilege to address the Board shall be revoked. The Chairperson may call a recess of the meeting until the disruptive person(s) have departed, then reconvene the meeting.

ARTICLE 5 AGENDAS & MINUTES

Section 5.1 Board Meeting Agendas

1. The Board Secretary shall prepare an agenda for each regular and special meeting of the CCCSD in accordance with the Ralph M. Brown Act. Any Director, the Fire Chief, or the Water Manager may contact the Board Secretary and request an item to be placed on the agenda no later than 10:00 a.m. on the Monday prior to the next meeting date.
2. Any member of the public may request that a matter directly related to District business be placed on the agenda at a regularly scheduled meeting, subject to the following conditions:

- a. During the “Public Comment” at a regular Board meeting, such person may address the Board of Directors stating their request and ask that it be considered for discussion on a future agenda of the CCCSD.
 - b. Requests should be in writing and be submitted to the Board Secretary with supporting documents and information.
 - c. Board of Directors may either agree to place the subject on a future agenda, request more information about the subject, or deny the request.
 - d. Matters which are legally a proper subject for consideration by the Board in closed session will be accepted.
3. The Board may hear public comments at regular meetings, on matters that are not on the agenda, which a member of the public may wish to bring before the Board. However, the Board shall not discuss or act on such matters at that meeting.
 4. At least 72 hours prior to regular meetings, an agenda shall be posted on the bulletin board beside the Fire Hall for public review. Information made available to the Board of Directors, except confidential information, shall be available for public viewing prior to the board meeting.
 5. Special meeting agendas shall be posted at least 24 hours prior to the meeting on the bulletin board beside the Fire Hall for public review.

Section 5.2 Board Meeting Minutes

1. The Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the CCCSD.
2. Draft copies of the previous meeting’s minutes shall be distributed to Directors, Fire Chief, and Water Manager prior to each meeting. During the meeting, the Board will consider approving the minutes as presented or with modifications. Once approved and signed by the Chairperson and Secretary, the official minutes shall be kept in the appropriate binder in the office with a copy to the Lassen County Auditor’s Office.
3. Approved minutes of meetings will be posted on the on the bulletin board beside the Fire Hall for public review. Approved minutes may remain on the bulletin board until replaced by the most recent minutes.
4. Members of the public may obtain copies of the approved minutes upon written request to the secretary at a cost of 0.10 C per sheet.
5. Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed and individual votes will be recorded, unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year.
6. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting’s minutes:
 - a. Date, place and type of each meeting
 - b. Directors and staff present and absent by name
 - c. Call to order and Pledge of Allegiance
 - d. Approval of agenda
 - e. Approval of the minutes or modified minutes of preceding meetings
 - f. Summary record of staff reports
 - g. Summary record of public comment, including names of commentators
 - h. Record of pertinent correspondence received
 - i. Review and approval of financial reports
 - j. Approval of action items
 - k. Matters initiated by the Board
 - l. Time of adjournment and next scheduled meeting date.

ARTICLE 6

COMMITTEES

Section 6.1 Committees

1. The Board Chair shall establish and/or confirm the members of committees as he/she deems necessary with the cooperation of the other Board Members. Board Chair shall appoint ad hoc committees as needed at any time throughout the year. Ad hoc committees are created for specific purposes. The duties of ad hoc committees shall be determined at the time of formation along with an associated timeline for the committee. The ad hoc committee will be deemed dissolved after its final report is made to the Board. The committee shall gather information, explore alternatives, examine implications, and offer recommendations to the Board. The committee may meet with staff and/or District consultants but shall not interfere with their duties as determined by the Board.

ARTICLE 7

CONFLICTS OF INTEREST & ETHICS TRAINING

Section 7.1 Conflicts of Interest

1. Statements: Board Members shall file statements of economic interest as required by the Fair Political Practices Commission's regulation, 2 California Code of Regulations §18730.
2. State Regulations: the terms of Title 2, California Code of Regulations §18370 and any amendments to it adopted by the Fair Political Practices Commission are hereby incorporated by reference.
3. Compliance Requirements: Board Members shall comply with all terms and conditions of the conflict of interest code.
4. Abstaining from Voting: Where a conflict of interest exists, Board Members shall abstain from discussion and voting, and may leave the Board Room for any agenda item involving a personal or financial conflict of interest. Unless a conflict of interest exists, Board members should ordinarily not abstain from the Board's decision-making responsibilities.
5. Interests: Individual Directors and employees of the District shall not be interested in any contract made by the District and shall neither be purchasers at any sale, nor vendors of any purchase made by the District (Government Code §3625). No Director or employee shall make or participate in making any decision which might have a material effect, or a financial interest upon said Director or employee.

Section 7.2 Ethics Training

1. All Directors and designated staff of the CCCSD shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the Board of Directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2. The District shall reimburse Directors for the cost, if any, of ethics training.
2. Directors/staff shall obtain proof of participation after completing the ethics training that shall be kept in their individual personnel folders.
3. The Board Secretary shall provide the Directors with information on available training that meets the requirements of this policy at least once every year.

ARTICLE 8

AUTHORITY OVER PERSONNEL

Section 8.1 Administration

1. General Manager: The Board delegates to the General Manager, as Executive Officer of the District and for the Board, the authority to administer the District with exclusive management and control of the operations and works of the District, and to provide day-to-day operations, subject to approval of the

Board. The General Manager also has general charge, responsibility, and control over property of the District, subject to approval of the Board. The General Manager shall have authority to carry out other duties as specified in the District's official job description for the position.

Section 8.2 Personnel

1. Personnel: The Board delegates to the General Manager general authority over personnel matters involving District staff, including hiring, evaluations, discipline, and discharge of employees, subject to approval of the Board.
2. Discipline: The General Manager may suspend, demote, or discharge any employee, subject to approval of the Board.
3. Wages: The General Manager may recommend a wage step increase for any employee, including the General Manager, to the Board for approval or denial.
4. Evaluations: Individual employee performance evaluations are privileged and confidential.
5. Non-Interference: Individual Directors shall not interfere with the General Manager in District personnel matters.
6. Non-Interference with Staff: Individual Directors shall not interfere with or direct District staff nor use District facilities in such a way that the action is unreasonable or interferes with the operation of the District.
7. Information Requests: Individual Board Directors may make information requests of staff through the General Manager

Section 8.3 Fire Chief

1. The Fire Chief is to be hired by the General Manager. A panel of professionals in the field shall interview all eligible applicants. This panel shall recommend to the General Manager the best-qualified person for the position. Based on that recommendation, the General Manager shall hire the new Fire Chief.
2. The Fire Chief shall have the authority to set CCVFD policy and procedures, provided they do not conflict with any Federal, State, County laws, or District policies.
3. The Fire Chief shall have the authority to appoint officers within the volunteers, such as Safety Officer, Training Officer, Property Officer as needed.

Section 8.4 Water Manager

1. The Water Manager is to be hired by the General Manager. A panel of professionals in the field shall interview all eligible applicants. This panel shall recommend to the General Manager the best qualified person for the position. Based on that recommendation, the General Manager shall hire the new Water Manager.
2. The Water Manager shall have all licenses and/or certifications as required by the California Water Resources Control Board to perform the duties and functions of Water Manager.
3. In the event that no qualified person is found, then an interim person may be temporarily employed to perform the duties and functions of the position, working under the direct supervision of a duly licensed Water Manager. The interim person may be hired permanently after acquiring all necessary State licenses and/or certifications.

ARTICLE 9 PROVISIONS & AMENDMENTS

Section 9.1 Provisions & Amendments

1. If any provisions of the CCCSD or CCVFD By-laws, Policies, or Procedures are in conflict in any way with the Federal, State or County laws, the Federal, State, or County by-laws shall supersede.

2. These By-laws, Policies, and Procedures may be amended by the majority vote of the Board of Directors of the CCCSD if written notice of the proposed amendment has been given at a previous business meeting.

The following Board of Directors of the Clear Creek Community Service District do hereby approve the above By-laws, Policies, and Procedures on this date:

Month & Date	<u>June 06, 2019</u>
Chair: Cathy Hunter	<u>C. Hunter</u>
Director: Judy Cooper	<u>J. Cooper</u>
Director: Burt Cooper	<u>Burt Cooper</u>
Director: Jessica Greene	<u>J. Greene</u>
Director: Rod Twain	<u>R. Twain</u>