

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Clerk Recorder - Elections Division

BOARD AGENDA # \*A-6h

Urgent  Routine

AGENDA DATE September 15, 2009

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Request Appointment in Lieu of Election to the Western Hills Water District Board of Directors

STAFF RECOMMENDATIONS:

Whereas not more than one person was nominated for each of the elective offices to be filled at the Consolidated District Election to be held on Tuesday, November 3, 2009, or there were no nominees as of 5:00pm on Wednesday, August 12, 2009, request the Board of Supervisors make appointments in lieu of election as indicated:

Three full term director positions - Three candidates filed:  
Guillermo Marrero, Bryan Domyan, Carmen Kearney

Two short term director positions - Two candidates filed:  
Ruby Beltran, Douglas Kearney

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-619

On motion of Supervisor Grover, Seconded by Supervisor Monteith  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**SUBJECT:** Request Appointment in Lieu of Election to the Western Hills Water District Board of Directors

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**DISCUSSION:** Pursuant to California Elections Code 10515 (a) (4), "The election official... shall submit a certificate of these facts to the supervising authority..."

**POLICY ISSUE:** Pursuant to Election Code 10515 (a) (4), "The county election official ... shall request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments. (b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office."

**STAFFING IMPACT:** There is no staffing impact associated with this item.

**NOTE:**

BOARD OF SUPERVISORS

2009 AUG 25 AM 9: 28

WESTERN HILLS WATER DISTRICT  
DISTRICT SECRETARY CERTIFICATE

REQUEST FOR APPOINTMENT OF  
ELECTIONS CANDIDATES TO DISTRICT OFFICES  
(Elections Code 10515)

REGISTRATION AND  
ELECTIONS UNIT  
2009 AUG 25 AM 9: 14  
STANISLAUS COUNTY  
CLERK-RECORDER

I, Ruby Beltran, under penalty of perjury state:

1. That I am the duly appointed and acting elections official for the Western Hills Water District and that this certification is within my own knowledge.

2. That Western Hills called its general election pursuant to California's Uniform District Election Law. Notice of the election was given as required by law.

3. The Last date for submission of declarations of candidacy was August 7, 2009 at 5:00 p.m. As of that date only one person filed a declaration of candidacy for each elective office to be filled.

4. The candidates submitting declarations are qualified to act as directors of the Western Hills Water District.

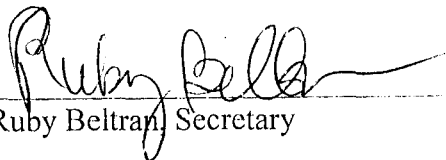
5. Therefore, Western Hills Water District requests the Stanislaus County Board of Supervisors appoint the following individuals to the District Board no later than November 27, 2009:

Candidates

Office

Guillermo Marrero  
Bryan Domyan  
Carmen Kearney  
Ruby Beltran  
Douglas Kearney

Director Position 1 (term expires 2013)  
Director Position 2 (term expires 2013)  
Director Position 3 (term expires 2013)  
Director Position 4 (terms expires 2011)  
Director Position 5 (terms expires 2011)

  
Ruby Beltran, Secretary