

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

DEPT: Board of Supervisors

BOARD AGENDA # \*A-4

Urgent  Routine

AGENDA DATE July 2, 2013

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Correct the Term Ending Date for David Orris on the Western Hills Water District Board of Directors

STAFF RECOMMENDATIONS:

Correct the term ending date for David Orris on the Western Hills Water District Board of Directors to end on December 6, 2013.

Contact person: Christine Ferraro Tallman, Clerk of the Board

Telephone: 525-4494

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2013-309

On motion of Supervisor Withdraw, Seconded by Supervisor De Martini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withdraw, Monteith, De Martini and Chairman Chiesa

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:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

# GRIFFITH & MASUDA

A PROFESSIONAL LAW CORPORATION

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Turlock, California 95380

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Founded 1920

W. Coburn Cook, 1892-1953  
Lin H. Griffith, retired

David L. Hobbs  
[dhobbs@calwaterlaw.com](mailto:dhobbs@calwaterlaw.com)

*Celebrating Our  
92<sup>nd</sup> Anniversary*

June 13, 2013

VIA U.S. MAIL

Ms. Christine Ferraro Tallman  
Clerk of the Board of Supervisors  
1010 10th Street, Suite 6700  
Modesto, CA 95354

**Re: Western Hills Water District/Corrected Term of Director**

Dear Ms. Tallman:

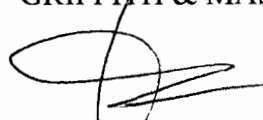
As we had previously discussed, on or about November 2, 2011 Mr. David Orris was duly elected to the Western Hills Water District ("WHWD") Board of Directors. He was elected to fill out the remainder of a term which was vacated by Mrs. Lara Frost, after her resignation. As such, his term will expire December 6, 2013.

I recently discovered that on November 15, 2011 the Stanislaus County Board of Supervisors accepted the appointment of all 3 duly elected WHWD Directors, each for a period of 4 years. A copy of the Board's Action Agenda Summary is enclosed for your review. As the WHWD is moving forward with its 2013 election process, it is requested that expiration of Mr. Orris' term be corrected and the Stanislaus County Roster of Public Agencies be modified to reflect this correction.

Thank you for your attention to this matter. As always, should you have any questions or concerns please do not hesitate to contact me.

Regards,

GRIFFITH & MASUDA



David L. Hobbs

Enclosures – as stated.

Cc: Ruby Beltran, Secretary - Western Hills Water District

2013 JUN 17 A 11:41  
BOARD OF SUPERVISORS

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

DEPT: Board of Supervisors

BOARD AGENDA # \*A-5

Urgent  Routine

AGENDA DATE November 15, 2011

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Acceptance of Appointment of David Orris, Douglas M. Kearney, and Ruby Beltran to the Western Hills Water District Board of Directors

STAFF RECOMMENDATIONS:

Appoint David Orris, Douglas M. Kearney, and Ruby Beltran to the Western Hills Water District Board of Directors to four year terms ending December 4, 2015.

Contact person: Christine Ferraro Tallman, Clerk of the Board

Telephone: 525-4494

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2011-700

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST:

  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

**Western Hills  
Water District**

9501 MORTON DAVIS DRIVE  
PATTERSON, CA 95363

November 7, 2011

Stanislaus County Board of Supervisors  
1010 Tenth Street – Suite 6700  
Modesto, CA 95354  
Attention: Christine Ferraro

Stanislaus County Clerk Recorder – Elections  
1021 "I" Street, Suite 101  
Modesto, CA 95354  
Attention: Mary Henson

Re: Western Hills Water District Certificate of Canvass

Dear Ms. Ferraro and Ms. Henson

Enclosed please find the Certificate of Canvass for Western Hills Water District November 2, 2011 Elections. Also enclosed is a copy of the "Notice of General Election" as it appeared in the Patterson Irrigator on July 14, 2011 and The Modesto Bee on July 14, 2011.

Sincerely,



Ruby Beltran  
District Secretary

BOARD OF SUPERVISORS  
2011 NOV -7 P 4:26

**Western Hills Water District - Wednesday, November 2, 2011**  
**CERTIFICATE OF CANVASS**

Total Ballots Counted: 298                      Registration: 719  
 Total Ballots Cast: 320                              Turnout: 44.51%

Vote For One	Rank Order	Total	Percentage
<b>Position 2</b>			
Josh Callahan	2	1088633	9.36%
David Orris	1	10540982	90.64%
		<b>Total Votes: 11629615</b>	<b>100.00%</b>
<b>Position 4</b>			
Barry Ivy	2	3548458	30.21%
Douglas M. Kearney	1	8197068	69.79%
		<b>Total Votes: 11745526</b>	<b>100.00%</b>
<b>Position 5</b>			
Ruby Beltran	1	8798982	73.69%
John Ramos	2	3141631	26.31%
		<b>Total Votes: 11940613</b>	<b>100.00%</b>

Not Counted - Position 2	
Over Votes:	2
Blank Votes:	19
No Signature on Envelope:	

Not Counted - Position 5	
Over Votes:	0
Blank Votes:	16
No Signature on Envelope:	

Not Counted - Position 4	
Over Votes:	0
Blank Votes:	18
No Signature on Envelope:	



Name: Ruby Beltran

Signature: Ruby Beltran

Date: 11/7/11

Name: Charles Smith

Signature: [Signature]

Date: 11/7/11

PROOF OF PUBLICATION  
(2015.5 C.C.P)

This space is for the County Clerk's Filing stamp


STATE OF CALIFORNIA  
County of Stanislaus

22 | PATTERSON IRRIGATOR CLASSIFIEDS. THURSDAY, JULY 14, 2011

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Patterson Irrigator, a newspaper of general circulation, printed and published once a week on Thursdays, in the city of Patterson, California, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, of the County of Stanislaus, State of California, under the date of June 23, 1952, Case Number 47304; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

July 14  
all in the year 2011

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Patterson, California, this 14  
day of July, 2011  
  
Signature

PUBLIC NOTICE

NOTICE OF ELECTION  
IN  
WESTERN HILLS WATER DISTRICT

This is a Landowner Voting Election.

NOTICE IS HEREBY GIVEN pursuant to Elections Code Section 10509 that the Western Hills Water District (District), located wholly within the County of Stanislaus, will hold a general district election on Wednesday, November 2, 2011, 9501 Morton Davis Drive, Patterson, CA 95363, for the sole purpose of the election of the following three (3) District Director positions:

Director Position 2, two-year term;  
Director Position 4, four-year term;  
Director Position 5, four-year term.

Director Position 2 is for the balance of an unexpired term. Director Positions 4 and 5 are not for the balance of an unexpired term. The director positions are not elected by division. Water Code Sections 94700 & 34030 require a nominee and the elected director to be: (1) a holder of title of land within the District; (2) a duly appointed and acting guardian, executor, or administrator of the estate of a holder of title to land within the District; or (3) a person duly authorized to act for, and on behalf of, a holder of title to land within the District that is not a natural person.

Official declarations of candidacy for eligible candidates desiring to file for any of the elective offices may be obtained from the Secretary of the District by calling (209) 896-9493 or at the District office located at 8501 Morton Davis Drive, Patterson, CA 95363.

Forms for declaring candidacy will be available commencing on July 12, 2011 and shall be filed with the Secretary of the District at the above address, either in person or by certified mail, no later than 5:00 p.m., August 8, 2011.

The election will be conducted as an all-mail ballot election and there will be no polling places. The candidates shall pay for the publication of a statement of qualifications pursuant to Election Code Section 13307.

In the event there are no candidates or an insufficient number of candidates for these positions, and a petition for calling for an election is not filed within the time period prescribed in Section 10505 of the Elections Code, appointment to the Director positions will be made as prescribed by law.

Dated July 11, 2011

Ruby Beltran, Secretary  
Western Hills Water District

(Si desea obtener este aviso legal en español, puede llamar a Western Hills Water District al (209) 896-9493.)

**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, under the date of February 25, 1951, Action No. 46453. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

**JULY 14, 2011**

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at **MODESTO, California** on

**JULY 14, 2011**

*Marlyn Gonzalez*

(Signature)

**PUBLIC NOTICE  
NOTICE OF ELECTION**  
IN  
**WESTERN HILLS WATER DISTRICT**  
This is a Landowner Voting Election  
NOTICE IS HEREBY GIVEN pursuant to  
Elections Code Section 18579 that the West-  
ern Hills Water District (District), located  
wholly within the County of Stanislaus, will  
hold a general district election on Wednes-  
day, November 2, 2011, 9501 Morton Davis  
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pose of the election of the following three (3)  
District Director positions:  
Director Position 2, two-year term  
Director Position 4, four-year term  
Director Position 5, four-year term  
Director Position 2 is for the balance of an  
unexpired term; Director Positions 4 and 5  
are not for the balance of an unexpired term.  
The director positions are not elected by di-  
vision. Water Code Sections 34700 & 34702  
require a nominee and the elected director  
to be: (1) a holder of title of land within the  
District; (2) a duly appointed and acting  
superintendent, executor, or administrator of the  
estate of a holder of title to land within the  
District; or (3) a person duly authorized to  
act for and on behalf of a holder of title to  
land within the District that is not a natural  
person. Official declarations of candidacy  
for eligible candidates desiring to file for  
any of the elective offices may be obtained  
from the Secretary of the District by calling  
(209)895-9493 or at the District office located  
at 5501 Morton Davis Drive, Patterson, CA  
95362.  
Forms for declaring candidacy will be avail-  
able commencing on July 12, 2011, and shall  
be filed with the Secretary of the District at  
the above address, either in person or by  
certified mail, no later than 5:00 p.m. Au-  
gust 8, 2011.  
The election will be conducted as an all-mail  
ballot election and there will be no polling  
places. The candidates shall pay for the pub-  
lication of a statement of qualifications sub-  
sequent to Election Code Section 18707.  
In the event there are no candidates or an  
insufficient number of candidates for these  
positions, and a petition for calling an elec-  
tion is not filed within the time  
prescribed in Section 18405 of the  
Code, appointment to the Director  
will be made as prescribed by law.  
Dated: July 11, 2011  
Ruby Belltrik, Secretary  
Western Hills Water District  
(SI please obtain vote cards from the  
District at (209)895-9493.)  
Pub Dates: July 14, 2011  
MOD-577