

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

DEPT: Board of Supervisors

BOARD AGENDA # \*A-5

Urgent

Routine

AGENDA DATE December 3, 2013

CEO Concur with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Accept the Results of the November 12, 2013 Landowner Election of the Western Hills Water District Resulting in the Election of David Orris, Carmen Kearney and Guillermo Marrero to the Board of Directors

STAFF RECOMMENDATIONS:

Accept the results of the November 12, 2013 landowner election of the Western Hills Water District resulting in the election of David Orris, Carmen Kearney and Guillermo Marrero to the Board of Directors to four year terms ending December 1, 2017.

Contact person: Christine Ferraro Tallman, Clerk of the Board

Phone number: 209-525-4494

FISCAL IMPACT:

There is no fiscal impact associated with this agenda item.

BOARD ACTION AS FOLLOWS:

No. 2013-593

On motion of Supervisor Withrow, Seconded by Supervisor O'Brien  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, 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.

**Western Hills  
Water District**

9501 MORTON DAVIS DRIVE  
PATTERSON, CA 95363

BOARD OF SUPERVISORS

2013 NOV 22 A 10:21

November 19, 2013

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 12, 2013 Elections and copy of the "Notice of General Election" as it appeared in the Patterson Irrigator on July 18, 2013 and The Modesto Bee on July 16, 2013.

The District requests that the confirmation of the results be placed on the next Board of Supervisors agenda for approval.

If you have any questions, I may be reached at 209/895-9493 or by email [rbeltran@diablogrande.com](mailto:rbeltran@diablogrande.com).

Sincerely,



Ruby Beltran  
District Secretary to the Board

**\*\*Western Hills Water District\*\*  
Summary Report**

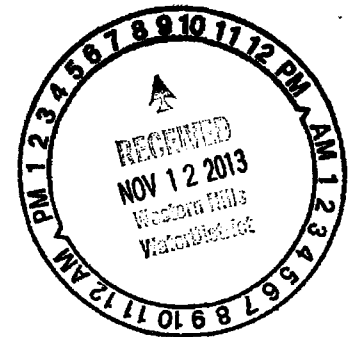
Page 1 of 1  
November 12, 2013  
8:05 PM

**Western Hills Water District - Wednesday, November 12, 2013  
CERTIFICATE OF CANVASS**

Total Ballots Counted: 177      Registration: 755  
Total Ballots Cast: 255      Turnout: 33.77%

Ballot Number	Rank Order	Ballot	Percentage
<b>Director</b>			
Guillermo Marrero	3	7155392	23.81%
Barry Ivy	4	3241647	10.78%
Gerald Howell	5	2795816	9.30%
David Orris	1	9600189	31.94%
Carmen Kearney	2	7264663	24.17%
<b>Total</b>		<b>Total Votes: 30057707</b>	<b>100.00%</b>

Not Counted - Director	
Over Votes:	0
Blank Votes:	2
No Signature on Envelope:	



Name: Ruby Beltran

Signature: Ruby Beltran

Date: 11/12/2013

Name: JAMES LISTER

Signature: James Lister

Date: 11/12/13

**Western Hills  
Water District**

9501 MORTON DAVIS DRIVE  
PATTERSON, CA 95363

**2013 ELECTION**

**LIST OF OFFICES TO BE FILLED:**

Director Position 1 – 4 year term  
Director Position 2 – 4 year term  
Director Position 3 – 4 year term

**NAME OF EACH CANDIDATE, INCLUDING OCCUPATIONAL DESIGNATION (IF ANY):**

Guillermo Marrero – Director  
Barry Ivy - Water Agency Supervisor  
Gerald Howell - No Designation Listed  
David Orris - Incumbent  
Carmen Kearney - Incumbent

**NAME OF EACH SUCCESSFUL CANDIDATE:**

David Orris Director Position 2  
Carmen Kearney Director Position 3  
Guillermo Marrero Director Position 1

**NUMBER OF VOTERS ELIGIBLE TO VOTE IN THE DISTRICT:**

755 voters eligible to vote.

**NUMBER OF VOTES FOR EACH CANDIDATE:**

Guillermo Marrero 7,155,392  
Barry Ivy 3,241,647  
Gerald Howell 2,795,816  
David Orris 9,600,189  
Carmen Kearney 7,264,663

PROOF OF PUBLICATION  
(2015.5 C.C.P)

This space is for the County Clerk's Filing stamp

STATE OF CALIFORNIA  
County of Stanislaus


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:

7/18

all in the year 2013

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

Dated at Patterson, California, this 18 day of July 2013

  
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 Tuesday, November 12, 2013, 9501 Morton Davis Drive, Patterson, CA 95363, for the sole purpose of the election of the following three (3) District Director positions:

- Director Position 1, four-year term;
- Director Position 2, four-year term;
- Director Position 3, four-year term.

Director Positions 1, 2 and 3 are not for the balance of an unexpired term. The director positions are not elected by division. Water Code Sections 34700 & 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) 895-9493 or at the District office located at 9501 Morton Davis Drive, Patterson, CA 95363.

Forms for declaring candidacy will be available commencing on July 22, 2013 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 16, 2013.

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 16, 2013  
Ruby Beltran, Secretary

Western Hills Water District

(Si desea obtener este aviso legal en español, puede llamar a Western Hills Water District al (209) 895-9493.)

7/18/13

**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 16, 2013**

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 16, 2013**

(Signature)

**NOTICE OF ELECTION  
IN  
WESTERN HILLS WATER DISTRICT**

This is a Landowner Voting Election. NOTICE IS HEREBY GIVEN pursuant to Election Code Section 10009 that the Western Hills Water District (District), located wholly within the County of Stanislaus, will hold a general district election on Tuesday, November 12, 2013, 9901 Marion Davis Drive, Patterson, CA 95363, for the sole purpose of the election of the following three (3) District Director positions:

- Director Position 1, four-year term;
- Director Position 2, four-year term;
- Director Position 3, four-year term;

Director Positions 1, 2 and 3 are not for the balance of an unexpired term. The director positions are not elected by division. Water Code Section 4700.1, 1999, requires a nominee and the elected director of the (1) a holder of title of land within the District; (2) a duly appointed and active 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) 895-9493, or at the District office located at 9901 Marion Davis Drive, Patterson, CA 95363.

Forms for declaring candidacy will be available commencing on July 22, 2013 and shall be filed with the Secretary of the District of the above address, either in person or by certified mail, no later than 5:00 p.m., August 16, 2013.

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 10007.

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 10003 of the Elections Code, appointment to the Director positions will be made as prescribed by law.

Dated July 15, 2013.

Ruby Seltzer, Secretary  
Western Hills Water District  
(Si desear obtener este aviso legal en español, puede llamar a Western Hills Water District al (209) 895-9493.)  
FWS 7/16/13MOD-2037