

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

DEPT: Board of Supervisors

CRA

BOARD AGENDA # *A-5e

Urgent

Routine

AGENDA DATE October 27, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Appointment In Lieu of Landowner Election of Douglas Kearney and Maria Loeza to the Western Hills Water District Board of Directors

STAFF RECOMMENDATIONS:

Appoint in lieu of landowner election Douglas Kearney and Maria Loeza to the Western Hills Water District Board of Directors to four year terms ending on December 6, 2019.

FISCAL IMPACT:

BOARD ACTION AS FOLLOWS:

No. 2015-491

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

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

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
CHRISTINE FERRARO TALLMAN, Clerk

File No.

WESTERN HILLS WATER DISTRICT
9521 Morton Davis Drive,
Patterson CA, 95363

Stanislaus County Board of Supervisors
1010 Tenth Street - Suite 6700
Modesto, CA 95354
Attn: Christine Ferraro-Tallman

Stanislaus County Clerk Recorder- Elections
1021 "I" Street, Suite 101
Modesto, CA 95354
Attention: Lee Lundrigan

BOARD OF SUPERVISORS
2015 OCT 20 P 4:18

Re: Request for Appointment of Officials in Lieu of Elections

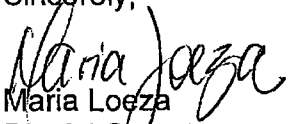
Dear Ms. Ferraro-Tallman & Ms. Lundrigan:

Enclosed please find a resolution adopted on September 9, 2015 by the Western hills Water District Board of Directors requesting appointment of officials. Also enclosed is a copy of "District Secretary's Notice to County Clerk" and the "Notice of General Election" as it appeared in the Patterson Irrigator on July 20, 2015.

You will note that the resolution requests the appointment of:

- 1) Douglas Kearney Director Position 4 (term expires 2019)
- 2) Maria Loeza Director Position 5 (term expires 2019)

Sincerely,


Maria Loeza
District Secretary

RESOLUTION NO. 2015-2019

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WESTERN HILLS WATER DISTRICT**

**RESOLUTION REQUESTING APPOINTMENT OF TWO (2) BOARD
MEMBERS PURSUANT TO THE PROVISIONS OF
CALIFORNIA ELECTIONS CODE 10515**

WHEREAS, the Western Hills Water District, a landowner voting district, called its General Election for November 10, 2015 pursuant to the California Uniform District Election Law; the deadline for submission of candidate declarations was August 14, 2015 at 5:00 p.m. By that date only two (2) candidates filed a valid declaration of candidacy for each elective office to be filled at the November 10, 2015 election.

WHEREAS, a petition has not been filed by the 83rd day prior to the date set for the election requesting that a general district election be held;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors as follows:

1. Based on the number of candidate declarations received, the District is cancelling the November 10, 2015 election.

2. The District Secretary is directed to submit this resolution and attached declaration requesting the Stanislaus County Board of Supervisors to appoint the following persons as District directors:

<u>Candidates</u>	<u>Office</u>	
Douglas Kearney	Director Position 4	(term expires 2019)
Maria Loeza	Director Position 5	(term expires 2019)

3. The District Secretary is further directed to request the Stanislaus County Board of Supervisors to make such appointment pursuant to the provisions of Elections Code Section 10515, within the time prescribed by that section.

Moved by Director, Carmen Millan Kearney, second by Director, Douglas Kearney, that the foregoing resolution be adopted.

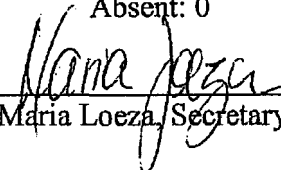
Upon roll call the following vote was had:

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0



Maria Loeza, Secretary

WESTERN HILLS WATER DISTRICT

DISTRICT SECRETARY CERTIFICATE

**DECLARATION & REQUEST FOR APPOINTMENT OF
ELECTIONS CANDIDATES TO DISTRICT OFFICES**

(Elections Code 10515)

I, Maria Loeza, 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 14, 2015 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 10, 2015:

Candidates

Office

Douglas Kearney

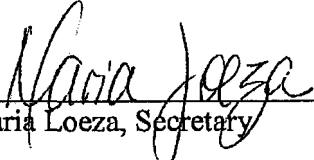
Director Position 4

(term expires 2019)

Maria Loeza

Director Position 5

(term expires 2019)



Maria Loeza, Secretary

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 10, 2015, 9501 Morton Davis Drive, Patterson, CA 95363, for the sole purpose of the election of the following two (2) District Director positions:

Director Position 4, four-year term;
Director Position 5, four-year 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 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 20, 2015 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 14, 2015.

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 20, 2015

Ruby Beltran, Secretary
Western Hills Water District

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