

Resolution No. 2021 – 21

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

WHEREAS, on May 24, 2021, Diablo Grande registered voters submitted to the Stanislaus County Registrar of Voters a petition to convert the Western Hills Water District (“WHWD”) from a landowner voting district to a resident voting district; and

WHEREAS, on June 18, 2021, WHWD received that certain Stanislaus County Registrar of Voters’ Certificate of Initiative Petition (“Certification”), a true and correct copy of which is attached hereto as Exhibit “A”; and

WHEREAS, on July 14, 2021, the WHWD Board of Directors adopted Resolution No. 2021-12 (the “Resolution”), as required by Water Code §35052, and a certified copy of the Resolution was provided to the Stanislaus County Registrar of Voters and published in the Patterson Irrigator as required by Water Code §35053; and

WHEREAS, Water Code §35054 provides that upon adoption of the Resolution “...all elections within the district for elective offices, bonds, or other purposes shall be conducted under laws relating to resident voting districts and all provisions of this article shall prevail over any contrary provisions in this division relating to landowner voting districts.”; and

WHEREAS, because WHWD is no longer a landowner voting district by operation of law (and therefore WHWD cannot conduct a landowner voting election) the obligation to conduct the resident election falls on Stanislaus County, in accordance with Stanislaus County’s laws, regulations and other requirements; and

WHEREAS, Stanislaus County has informed WHWD that the next available date by which it could conduct a residential voting election for WHWD would be in 2022; and

WHEREAS, on October 8, 2021 Stanislaus County provided an estimate of costs which WHWD must pay for the county to hold and conduct the resident voting election; and

WHEREAS, for Stanislaus County to conduct the WHWD resident voting election with the November 8, 2022 General Election, it will cost WHWD approximately \$1,800.00, whereas if WHWD requests Stanislaus County to hold a special 2022 WHWD election it will cost approximately \$28,800.00; and

WHEREAS, the initial terms of four of the current WHWD directors were anticipated to expire in December 2021, but the Diablo Grande voters’ Petition and subsequent Certification converting to a resident voting election as described above has resulted in no WHWD election occurring until 2022; and

WHEREAS, because no election will take place until 2022, those four current WHWD director terms may continue until their “successor qualifies and takes office” in accordance with Water Code §34705; and

WHEREAS, alternatively the Stanislaus County Board of Supervisors may elect to extend the terms of the four current WHWD Directors whose terms could have otherwise expired in December 2021 (see Elections Code §10404; Gov’t. Code §1780).

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

1. The above recitals are true and correct and are incorporated into this Resolution by this reference.
2. Based upon the foregoing, and based upon the relative costs incurred with reimbursing Stanislaus County, it is requested that the next WHWD election (via resident voting) be held on the same day as the California General Election, November 8, 2022.
3. To the extent the Stanislaus County Board of Supervisors desires to extend the terms of four WHWD Director’s whose terms could have otherwise expired but for the conversion from a landowner voting election to a resident election, it is requested that they exercise their discretion and extend those four director terms to December 2022, otherwise those four directors shall remain in office until the November 8, 2022 election per Water Code §34705.
4. WHWD staff is authorized to work with and coordinate with Stanislaus County and the various county offices to carry out the provisions of this resolution and in conducting future district elections.

Moved by Director _____, second by Director _____, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes:
Noes:
Abstain:
Absent:

I, Christa Manning, Secretary of the Board of Directors of the Western Hills Water District, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a duly noticed regular meeting of the said Board of Directors held the 10th day of November, 2021.

Christa Manning, District Secretary

EXHIBIT “A”

(Stanislaus County Registrar of Voters’ Certificate of Initiative Petition)



OFFICE OF COUNTY CLERK-RECORDER

DONNA LINDER
County Clerk-Recorder, Registrar of Voters &
Commissioner of Civil Marriage

REGISTRAR OF VOTERS
ELECTIONS DIVISION:
1021 "I" Street, Suite 101, Modesto, CA 95354
Telephone: 209.525.5200
Facsimile: 209.525.5802

June 18, 2021

District Secretary
Western Hills Water District
9521 Morton Davis Drive
Patterson, CA 95363

Dear District Secretary,

The Stanislaus County Registrar of Voters has completed signature verification of the Western Hills Water District petition, and the certificate is attached

According to California Water Code Section 35051, the petition shall be found sufficient if the total number of valid voter signatures constitutes 25 percent or more of the registered voters within the district. The district currently has 893 active voters, and the petition has 308 valid signatures, which exceeds the 25 percent threshold and has been deemed sufficient.

A hard copy of this letter and the certificate will be mailed to you. Pursuant to Water Code Section 35051, the petition belongs to the district after certification. The petition is available for pickup by a water district employee with identification or another individual if he or she has a letter of authorization from the district. Our office is located at 1021 "I" Street, Suite 101, Modesto, open weekdays 8 a.m. to 4 p.m.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donna Linder".

Donna Linder
Stanislaus County Clerk-Recorder and Registrar of Voters

Attachment



REGISTRAR OF VOTERS' CERTIFICATE OF INITIATIVE PETITION

I, **DONNA LINDER, COUNTY CLERK-RECORDER & REGISTRAR OF VOTERS** of the **County of Stanislaus, State of California**, do hereby certify:

That the initiative petition referred to as the **WESTERN HILLS WATER DISTRICT PETITION TO CHANGE TO RESIDENT VOTING DISTRICT** was delivered to this office on **5/24/21** and that said petition consists of **69** sections;

That each section contains signatures purporting to be signatures of qualified electors of the County;

That attached to this petition at the time it was received was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her knowledge and belief each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition I verified the required number of signatures by examining the records of registration in this County, current and in effect at the respective purportive dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

- 1. Number of unverified signatures filed by proponent: **349**
- 2. Number of signatures **VERIFIED**: 349
 - A. Number of signatures found **SUFFICIENT**: 308
 - B. Number of signatures found **NOT SUFFICIENT**: 41
 - 1. Not sufficient due to **duplicate signatures**: 4



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on June 18, 2021.

BY:
Donna Linder
County Clerk-Recorder & Registrar of Voters



OFFICE OF COUNTY CLERK-RECORDER

DONNA LINDER
County Clerk-Recorder, Registrar of Voters &
Commissioner of Civil Marriage

ADMINISTRATION:
1021 "I" Street, Suite 101, Modesto, CA 95354
Telephone: 209.525.5211
Facsimile: 209.525.5800

November 2022 General Election Cost Estimate

Western Hills Water District (at large Board Members)

Estimate includes costs associated with:

Printing
Publications
Polls / Drop Boxes / Vote Centers
Personnel
Information Technology Support
Mailings
Miscellaneous

Western Hills Water District

Number of Registered Voters

878 – 900 (projected estimate)

Cost to conduct a district-wide election for the Western Hills Water District. (Costs can increase based on the number of candidate statements)

1. County ROV services to conduct district-wide election for the Western Hills Water District. \$1.20 - \$2.00 per voter

A handwritten signature in blue ink, appearing to read "Donna Linder", written over a horizontal line.

Donna Linder, County Clerk / Recorder / Registrar of Voters
September 20, 2021



OFFICE OF COUNTY CLERK-RECORDER

DONNA LINDER
County Clerk-Recorder, Registrar of Voters &
Commissioner of Civil Marriage

ADMINISTRATION:
1021 "I" Street, Suite 101, Modesto, CA 95354
Telephone: 209.525.5211
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2022 Special Election Cost Estimate

Western Hills Water District (at large Board Members)

Estimate includes costs associated with:

Printing
Publications
Polls / Drop Boxes / Vote Centers
Personnel
Information Technology Support
Mailings
Miscellaneous

Western Hills Water District

Number of Registered Voters

878 – 900 (projected estimate)

Cost to conduct a district-wide special election for the Western Hills Water District. (Costs can increase based on the number of candidate statements)

1. County ROV services to conduct district-wide Special election for the Western Hills Water District. \$26.73 - \$32.00 per voter

A handwritten signature in blue ink that reads "Donna Linder". The signature is written over a horizontal line.

Donna Linder, County Clerk / Recorder / Registrar of Voters
September 20, 2021