



BOARD OF DIRECTORS:

Mary Davies, Director
Martin Gene Johnson, Director
Martin George Johnson, Director
John Frederick, Director
Mark Kovich, Director

Ron Demmers, Water Operations Manager

WESTERN HILLS
WATER DISTRICT

REGULAR MEETING OF THE BOARD OF DIRECTORS

November 8, 2023, at 5:00 p.m.

Note: as agenzed below, the WHWD will hold a closed session meeting commencing at 5:00 p.m., with the Regular meeting reconvening at 7:00 p.m.

Meeting Location:

**Diablo Grande Clubhouse- 9521 Morton Davis Drive, Patterson, California
(Diablo Grande)**

This Meeting Will Be In-Person Only at the Above-Location

Note: if you wish to address the WHWD Board during public comments or on any matter on the agenda please identify yourself. Specific questions may be emailed to Ashley Wilkins at awilkins@whwdist.com, prior to the meeting.

ALTERNATE FORMATS OF THIS AGENDA WILL BE MADE AVAILABLE TO QUALIFIED INDIVIDUALS WITH DISABILITIES UPON ADVANCE REQUEST. APPROPRIATE INTERPRETIVE SERVICES FOR THIS MEETING WILL BE PROVIDED IF FEASIBLE TO QUALIFIED INDIVIDUALS WITH DISABILITIES UPON ADVANCE REQUEST. If you are a qualified individual with disabilities and need assistance, please contact the District Secretary at (209) 895-9493, 48 hours prior to the meeting to enable the District to make reasonable arrangements to ensure accessibility to this meeting.

Any and all of the following agenda items are subject to action being taken by the Board of Directors by motion, resolution, or ordinance. Members of the public may address the Board of Directors concerning any agenda item during the Board's consideration of that item.

1. Call meeting to order (5:00 p.m.)

2. Roll Call

3. Public Comments on Closed Session Items/Motion to Adjourn to Closed Session.

A. Pursuant to Government Code 54956.9(d)(4) Conference with Legal Counsel – Anticipated Litigation: one potential case.

B. Pursuant to Government Code 54956.9 Conference with Legal Counsel – Existing Litigation:

1) City of Patterson v. WHWD/Stanslaus County Superior Court Case No. CV-23-005834
(Breach of Contract; Declaratory/Injunctive Relief)

4. 7 p.m. – Reconvene Open Session

5. Reportable Actions Taken During Closed Session

6. Motion Approving Consent Calendar

All matters listed hereunder shall be acted upon by a single vote of the Board. There will be no individual discussion of these items unless a member of the Board or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate agenda item.

Item A. Approval of the October 2023 Checks and Warrants.

Item B. Approval of minutes for the October 11, 2023 regular meeting and November 3 special meeting.

7. Action Items:

A. Item A. Public Hearing on WHWD Notice of Hearing re Status of Assignment, Assumption and Release dated April 30, 2020.

- (1) President opens public hearing.
- (2) President receives WHWD Staff Report, Staff Report Attachments, and any other records submitted in response to the Notice of Hearing dated October 6, 2023.
- (3) District Counsel provides Staff Report overview.
- (4) Notice of Hearing recipients or any other party to present, offer response or other documentation.
- (5) Receive any public comment.
- (6) Close public hearing.
- (7) Consider adoption of Resolution No. 2023-09, A Resolution of the WHWD Board Re Determination of Findings Regarding Status of Assignment, Assumption and Release Agreement dated April 30, 2020 and Related Issues.

B. Report/Update from Diablo Grande Real Estate Coordinator

C. Motion to Approve Contract from D.H. Loder Construction, Inc. for WHWD CFD-Clubhouse Repairs

8. Public Comment on Items Not on the Agenda

Interested persons in the audience or by teleconference are welcome to introduce any topic within the District's jurisdiction. Matters presented under this agenda item may be discussed, but no action can be taken by the Board at this meeting except as follows:

- a. *Briefly respond to statements made or questions raised.*
- b. *Ask a question for clarification.*
- c. *Provide a reference to staff or other resources for factual information.*
- d. *Request staff to report back at a subsequent meeting.*
- e. *A Board member or the Board itself may take action to direct staff to place a matter of business on a future agenda.*

9. Motion to Adjourn

Next Adjourned Regular Meeting: Wednesday, December 13, 2023.

Matter Too Late for the Agenda: *Action items may be added to the agenda upon determination by a majority vote of the Board that an emergency exists, as defined by state law, or by a 2/3 vote of the Board that (1) there is a need to take immediate action; and (2) that the need for action came to the District's attention after the agenda was posted.*