



RESOLUTION NO. 2026-07

RESOLUTION OF THE GOVERNING BOARD OF THE WESTERN HILLS WATER DISTRICT, AS THE GOVERNING AUTHORITY FOR DIABLO GRANDE COMMUNITY FACILITIES DISTRICT NO. 1, DECLARING CERTAIN PROPERTY OWNED BY THE COMMUNITY FACILITIES DISTRICT TO BE EXEMPT SURPLUS LAND PURSUANT TO THE SURPLUS LAND ACT BECAUSE IT IS NOT NECESSARY FOR THE COMMUNITY FACILITIES DISTRICT'S USE AND THE COMMUNITY FACILITIES DISTRICT DESIRES TO TRANSFER THE PROPERTY TO THE WEST STANISLAUS COUNTY FIRE PROTECTION DISTRICT, A LOCAL AGENCY, PURSUANT TO GOVERNMENT CODE SECTION 54221(F)(1)(D) AND SECTION 103(C)(5) OF THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S UPDATED SURPLUS LAND ACT GUIDELINES

WHEREAS, the Governing Board (the "Board") of the Western Hills Water District (the "Water District") is the governing authority for Diablo Grande Community Facilities District No. 1 (the "CFD").

WHEREAS, the CFD owns a parcel of land identified by Stanislaus County Assessor's Parcel No. 025-040-005 (the "Parcel") on which the West Stanislaus County Fire Protection District (the "Fire District") operates Station No. 57 (the "Fire Station") for fire protection services in the CFD community.

WHEREAS, in Resolution No. 2025-03, the Board previously approved for a portion of the Parcel on which the Fire Station is located (the "Property") to be subdivided via a lot line adjustment and transferred from the CFD to the Fire District. (The Property is depicted in the proposed map attached as Exhibit "A" to Resolution No. 2025-03.)

WHEREAS, pursuant to § 54221(b)(1) of the Surplus Land Act (*Government Code* §§ 54220-54234), the Board (as the governing authority for the CFD) must declare the Property to be "surplus land" or "exempt surplus land," as supported by written findings, before the Board takes action for the CFD to dispose of the Property.

WHEREAS, pursuant to § 54221(f)(1)(D) of the Surplus Land Act, and Section 103(c)(5) of the Updated Surplus Land Act Guidelines ("SLA Guidelines") issued by the California Department of Housing and Community Development, "exempt surplus land" includes surplus land that a local agency is transferring to another local, state, or federal agency, or to a third-party intermediary for future dedication for the receiving agency's use, or to a federally recognized California Indian tribe.

WHEREAS, Section 104(a) of the SLA Guidelines also provide that “agency’s use” shall include, but not be limited to, land that is being used for agency work or operations, land that a local agency plans to use for agency work or operations pursuant to a written plan adopted by the local agency’s governing board, or land that is disposed of for agency work or operations.

WHEREAS, the Property (and the Fire Station) is currently being used by the Fire District to provide fire protection services in the CFD community.

WHEREAS, after the lot line adjustment and transfer of the Property from the CFD to the Fire District, the Property (and the Fire Station) will continue to be used by the Fire District for fire protection services.

NOW, THEREFORE, the Governing Board of the Western Hills Water District (as the governing authority for Diablo Grande Community Facilities District No. 1) does hereby resolve:

SECTION 1. Incorporation of Recitals.

The Board finds and determines that the above-referenced recitals are true and correct and material to this Resolution.

SECTION 2. Property No longer Necessary for CFD’s Use.

The Board hereby finds:

- (a) The Property is no longer necessary for the CFD’s use within the meaning of the term “agency’s use,” as defined by the Surplus Land Act and the SLA Guidelines.
- (b) None of the characteristics listed in *Government Code* § 54221(f)(2) apply to the Property, as the Property is not (i) within a coastal zone; (ii) adjacent to a historical unit of the State Parks System; (iii) listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places; or (iv) within the Lake Tahoe region as defined in *Government Code* § 66905.5.

SECTION 3. Property is Exempt Surplus Land.

The Board hereby finds and declares pursuant to *Government Code* §§ 54221(b) and 54221(f)(1)(D) that the Property is exempt surplus land because it will be transferred to the Fire District, a local agency, and because the Fire District will continue to use the Property (and the Fire Station) for its “agency’s use” for fire protection services in compliance with Section 104(a) of the SLA Guidelines.

SECTION 4. Exemption from CEQA.

The Board hereby finds that the designation of the Property as exempt surplus land is not an action subject to the *California Environmental Quality Act* ("CEQA") because this activity is excluded from the definition of a project in § 21065 of the *Public Resources Code* and § 15378(b) of the CEQA Guidelines. The Board's action is an administrative activity which will not result in direct or indirect physical changes to the environment or a reasonably foreseeable indirect physical change in the environment. In particular, the Property (and the Fire Station) will continue to be used by the Fire District for fire protection services.

SECTION 5. Authorization

The Board hereby authorizes Mark Kovich to do all things which he may deem necessary or proper to effectuate the purposes of this Resolution in a manner consistent with the Surplus Land Act, and any such actions previously taken are hereby ratified and confirmed.

Moved by Director J. Frederick, second by Director M. Kovich, that the foregoing resolution be adopted. Upon roll call the following vote was had:

Ayes: M. Davies, M. Oliver, M. Johnson, M. Kovich, J. Frederick

I, Lori Lawson, 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 on the 11th day of June, 2026.


Lori Lawson, WHWD Board Secretary