

**SUMMARY MINUTES
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
JANUARY 5, 2009**

1. Call to Order and Roll Call

President Hoffman called the meeting to order at 8:30 A. M., Monday, January 5, 2009, at the Old Lockeford School, 19456 North Jack Tone Road, Lockeford, California. Present were Directors Ferreira, Hoffman, Mehrten, Pilkington and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

2. Consider approving minutes for the December 9, 2008, Board meeting

Director Pilkington asked for the following revisions:

- Strike from the third paragraph of item 14, the words, “acknowledge the wish of the electorate by”, and revise the word “applying” to “apply”.
- Add after the sixth paragraph of item 14, the words, “Director Pilkington suggested that, pending legal determination, groundwater charge funds be held in a separate account.”
- Revise the 4th from the last paragraph of item 14 to read; “Counsel Harrigfeld said that the Judge put the Initiative on the ballot, and counsel’s interpretation of section 2 is that the Initiative does not affect future charges.”

3. Receive copy of Counsel Harrigfeld’s letter to EBMUD, re: Notice of Preparation/EBMUD Camanche Permit Extension

This information item was received.

No action was taken.

4. Discuss notes of GBA member staff and consultants’ meeting of 12/18/08

Manager Steffani reviewed his memo and the material included with the agenda. He said that the material was provided in effort to bring the Board up to date on GBA work to define projects which could use Sacramento River water conveyed through EBMUD’s Freeport System.

He also said that GBA consultant cost estimates appeared to be very high. He compared a GBA estimate of \$576 per foot for 48-inch pipe with \$121 per foot from the District’s contractor.

No action was taken.

5. Receive Report on Groundwater Levels

Manager Steffani presented County groundwater maps for the years 1976 and 1996, the oldest and newest maps available to him. He pointed to the maps that showed the following:

Location	Year	Groundwater Elevation
Stockton Urban	1976	- 80
	1996	- 40
CSJWCD Ag	1976	- 55
	1996	- 50
SEWD Ag	1976	- 51
	1996	- 59
Kettleman & Clements	1976	- 11
	1996	- 32

He noted that water levels have increased where surface water is used (Stockton Urban and CSJWCD Ag) but that levels fell in the SEWD and NSJWCD areas where surface water is not used.

Mr. Fuhs asked that the District use a computer to show maps like these, on a screen, for easier public viewing. He also said that the District should ask that growth be stopped.

Manager Steffani replied that the District has no power to stop growth, that growth is controlled by the Board of Supervisors and City Councils.

Mr. Eklund said that new development must show a source of water. Director Pilkington said that Stockton keeps expanding its sphere of influence. He asked if NSJWCD can oppose such expansion.

Counsel Harrigfeld said that the District could voice opposition to development projects in general and within the District and could ultimately sue LAFCO over its decision.

Mrs. Lazzaro asked about snow from the mountains melting and flowing into our basin. Manager Steffani said that the snow melt ends up in the Stanislaus and Mokelumne Rivers, the main sources of recharge.

Mr. Welch said he opposes the groundwater "tax."

Mrs. Moorehead asked for a copy of the "assessment" report. Counsel Harrigfeld said that the District did not prepare an Engineer's report for an assessment, but instead proceeded with a groundwater charge..

6. Receive Counsel Harrigfeld's report on the need for a District Petition to the SWRCB for extension of the Mokelumne Water Right

Counsel Harrigfeld said that the March 19, 2008, SWRCB conditional approval of the District's water right requires that a construction and operation plan be submitted by March 18, 2009. She added that no such plan is possible without revenue from the groundwater charge.

Director Pilkington asked if we could add to our project list, using existing riparian facilities. Counsel Harrigfeld replied that this is possible.

President Hoffman said that the District should send a letter to all riparian users, asking for their cooperation with winter time irrigation with District water.

Manager Steffani said that he would attempt to identify riparian users in order that such a letter could be sent.

Mrs. Lazzaro asked if riparian users could allow the District to place District water on riparian land.

Counsel Harrigfeld said that such use of riparian diversions would require approval by the SWRCB to add new points of diversion.

Director Weybret said that the District did send a questionnaire a few years ago, and that we should review the results.

Mr. Goehring asked about water that used to flow in Bear Creek.

Watermaster Weinzheimer replied that the District does put water into Bear Creek at the golf course, when water is available to the District. He said that no water was available in '07 and '08.

Mr. Scanlon asked if the District will include repeal of the '07-'08 charge in the report to the SWRCB.

President Hoffman and Director Mehrten asked Mr. Scanlon if he wants the District to lose its water right.

7. Receive Counsel Harrigfeld's report on Director Weybret's proposal that the '08-'09 Groundwater Charge be collected only from those delinquent in payment of the '07-'08 charge

Counsel Harrigfeld reported that the District cannot do what Director Weybret proposes, because the '08-'09 charge is a legal fee, and that forgiving that charge for some well owners could be an illegal gift of public funds. She said that there is no legal basis to forgive the charge.

Director Weybret asked if the Board could repeal the '07-'08 charge now, after most have paid.

Counsel Harrigfeld said that the District cannot repeal the '07-'08 charge, but could repeal the '08-'09 charge.

Mr. Tavaréz said that Measure V repealed the '07-'08 charge, and asked for counsel Harrigfeld's opinion.

Counsel Harrigfeld said that collection of the '07-'08 charge cannot be prevented.

Mrs. Moorehead said the District has not appealed the Judges decision about putting the Initiative on the ballot.

8. Consider approving Budget for December 2008 – December 2009 (continued from 12/9/08 meeting)

Manager Steffani reviewed pages 25-27 of the December 9, 2008, agenda material.

Following discussion, the Board voted (four (4) ayes and Director Pilkington abstaining) to adopt for 2009, the project budget at the bottom of page 27, and the non-project budget on page 29 of the December 9, 2008, agenda material.

9. Discuss Plans for Billing for the '08-'09 Groundwater Charge (continued from December 9, 2008 meeting)

Mr. Welsh asked how the District can enforce payment of the charge.

Counsel Harrigfeld said that the District could seek court judgments.

Mr. Scanlon asked that the attorney be replaced.

Director Weybret moved to proceed with the '08-'09 charge billing in the same manner followed for the '07-'08 charge.

Director Mehrten seconded the motion.

The motion was adopted with four (4) ayes with Director Pilkington opposed.

Mr. Lazzaro asked about public education for the '08-'09 charge.

President Hoffman replied that the education effort will be focused on the '09-'10 charge.

Mr. Hoag asked if the District has begun work on the report to the SWRCB.

Director Ferreira said that the District has begun this work, and will report completion of the fish screen.

Director Pilkington asked if the District could take out a loan.

Director Mehrten said that a loan is not possible without revenue for repayment.

10. Discuss procedure for Adoption of Groundwater charge for '09-'10 (*continued from December 9, 2008 meeting*)

Following discussion on process to be followed; 1) protest hearing for a charge, or 2) weighted ballot election for an assessment, Director Pilkington requested a written outline of the assessment process.

Mr. Hoag said that the District should further explore the law and involve the people in that exploration. Mr. Fuhs said that he would have voted for double the charge had the District put the matter to a vote.

Mr. Souther asked how the assessment would be billed.

Counsel Harrigfeld replied that assessment would be levied on property owners.

Director Weybret suggested that notices be sent that are protest forms but could be used as ballots.

Mr. Fuhs asked if there isn't a simple way for a tax to be levied.

Mrs. Lazzaro asked for a vote on the '08-'09 charge.

Mrs. Brown said that the public needs more education about the matter.

Director Ferreira said that the District was forced by the State to rush the charge.

Mr. Lazzaro asked if land could be assessed.

President Hoffman requested an outline of the assessment process for board review at a special meeting on January 20, 2009.

11. Consider Alternate Actions for Collection of the Delinquent '07 – '08 charge (*continued from December 9, 2008 meeting*)

Following discussion the Board voted (four (4) ayes, Pilkington abstain) to draft a letter to delinquent well users requesting payment of the charge within 30 days and stating that an interest charge from September 30, 2008, to November 4, 2008, would be forgiven if the charge is paid within two (2) weeks (as suggested by Mr. Van Egmond). President Hoffman also asked that the letter explain why Measure V did not prevent the District from collecting the charge.

12. Consider Resolution Requesting that LAFCO detach the WID overlap area from NSJWCD

Following discussion, the Board voted (four (4) ayes, Pilkington abstain) to adopt the resolution requesting LAFCO detachment of the WID overlap area from NSJWCD.

Counsel Harrigfeld stated that the District needed to prepare map, application which will include the Resolution, and comply with CEQA.

13. Receive copy of President Hoffman's letter to the Public Policy Institute of California, re: Water management and climate change

This information item was received.

No action was taken.

14. Public Comment on non agenda items

A number of people said that they did not receive meeting packets in the mail. Manager Steffani said that he would make sure that all on the District's mailing list do receive packets.

15. CLOSED SESSION – Existing Litigation – Case No. SV266837, Government Code 54956.9(a)

No action was taken.

21. Adjournment

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,

Ed Steffani
Secretary

ES/pjt

**SUMMARY MINUTES
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
JANUARY 20, 2009**

1. Call to Order and Roll Call

President Hoffman called the meeting to order at 8:30 A. M., Tuesday, January 20, 2009, at the Old Lockeford School, 19456 North Jack Tone Road, Lockeford, California. Present were Directors Ferreira, Hoffman, Mehrten, Pilkington and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld, Manager Steffani and approximately eighteen members of the public.

2. Consider approving minutes for the December 9, 2008 and January 5, 2009, Board meeting

Following discussion, the Board voted unanimously to approve the minutes for the January 5, 2008, meeting with the following revision:

Revise the fourth and fifth paragraphs of Item 7 to read:

- Mr. Tavaréz asked what effect Measure V had on the '07-'08 charge, and asked for Counsel Harrigfeld's opinion.
- Counsel Harrigfeld replied, "nothing."

The Board then voted unanimously to approve the minutes for December 9, 2008 as written.

3. Review Information regarding Adoption of a Groundwater Assessment

Counsel Harrigfeld reviewed her January 14, 2009, memo included with the agenda.

She said that the Water Code does not allow for basing an assessment on water produced, that an assessment would have to be based on assessed value. She recommended against proceeding with an assessment, and said that a '09-'10 charge could be adopted in compliance with Prop. 218, with the same protest procedure followed for the '07-'08 charge.

Counsel Harrigfeld then said that a protest hearing should be conducted in June 2009, with the Engineer's Report completed in March 2009, and a hearing notice sent to all well users 45 days prior to the June hearing.

Following discussion, President Hoffman directed Counsel Harrigfeld to meet with Jarvis attorney Bittle, to determine if there is some way for both sides to avoid expensive litigation.

Ms. Morehead said that she wants the charge to be fair, that she would get no benefit for her irrigated 270 acres.

Mr. Kramer agreed with Ms. Morehead, and said that the District should send to all well users, a description of what the District wants to do and what it has done.

Mr. Beck asked if the water would be used for irrigation or ponding.

Director Ferreira said the District's priority is irrigation.

Mr. Scanlon asked about the proposed SEWD and CSJWCD consolidation.

Manager Steffani said that failure of this District will result in annexation by SEWD, either through LAFCO or by special State legislation.

Director Pilkington asked counsel if SEWD could annex NSJWCD. She said that such action would be taken by LAFCO.

Mr. Beck asked about the '07-'08 charge revenue.

Counsel Harrigfeld said that some has been expended and the remainder is in an account separate from property tax revenue.

Mr. Duce said that he is concerned that the \$0 charge for surface water will change in the future.

Manager Steffani said that his proposal that the \$0 charge be permanent is under debate by the Board.

Mr. Duce also expressed concern about Coyote Creek water quality.

Mr. Valente said that we must protect our water right, that the District needs to educate the people, and that people need to look at the Kern water bank for an example of recharge.

President Hoffman asked that staff proceed with the Engineer's Report, and a schedule for a protest procedure for a '09-'10 charge, all for Board consideration at the next regular Board meeting in March.

Director Pilkington asked that Board meetings be held at night.

4. Public Comment on non-agenda items

None

5. Adjournment

The meeting was adjourned at 10:15 a.m.

Respectfully submitted,

Ed Steffani
Secretary

ES/pjt

**SUMMARY MINUTES
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
FEBRUARY 10, 2009**

1. Call to Order and Roll Call

President Hoffman called the meeting to order at 10:00 A. M., Tuesday, February 10, 2009, at the Lodi News Sentinel, 125 North Church Street, Lodi, California. Present were Directors Ferreira, Hoffman, Mehrten, and Weybret; Counsel Harrigfeld and Spaletta and Manager Steffani.

2. CLOSED SESSION – Existing Litigation – Case No.: SV266837, Government Code 54956.9(a)

No action was taken.

3. Adjournment

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,

Ed Steffani
Secretary

ES/pjt

**SUMMARY MINUTES
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
FEBRUARY 24, 2009**

1. Call to Order and Roll Call

President Hoffman called the meeting to order at 10:30 A. M., Tuesday, February 24, 2009, at the Lodi News Sentinel, 125 North Church Street, Lodi, California. Present were Directors Ferreira, Hoffman, Mehrten, and Weybret; Counsel Harrigfeld, Watermaster Weinzheimer and Manager Steffani.

2. CLOSED SESSION – Existing Litigation – Case No.: 39-2008-00187123-CU-WM-STK, Related Case No. SV 266837

No action was taken.

3. Adjournment

The meeting was adjourned at 12:00 p.m.

Respectfully submitted,

Ed Steffani
Secretary

ES/pjt

**SUMMARY MINUTES
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
MARCH 3, 2009**

1. Call to Order and Roll Call

President Hoffman called the meeting to order at 8:30 A. M., Tuesday, March 3, 2009, at the Old Lockeford School, 19456 North Jack Tone Road, Lockeford, California. Present were Directors Ferreira, Hoffman, Mehrten, and Pilkington; Watermaster Weinzheimer, Counsel Harrigfeld, Manager Steffani and approximately eighteen members of the public.

2. Consider approving minutes for the following Board meetings:

- January 20, 2009
- February 10, 2009
- February 24, 2009

The Board voted unanimously to approve the Minutes for the January 20, February 10, and February 24, 2009 Board meetings.

3. Consider approving Bills for payment

Manager Steffani said that he had good news, presented a bill from the Registrar of Voters in the amount of \$43,262.49 for the Measure V and Director election of November 4, 2008, much less than the \$120,000 expected.

Watermaster Weinzheimer then reviewed the bill list presented with the agenda material.

Following discussion, the Board voted unanimously to approve the bills for payment.

4. Receive Report on CAL FED Project Operation (Watermaster Weinzheimer)

Watermaster Weinzheimer said that the recharge has been going well, that 60 acre feet were recharged during the week ending February 28, 2009. He said that recharge was interrupted on February 28, but that it would probably resume on March 4, 2009, if the flow from Murphy Creek was adequate.

No action was taken.

5. Receive Report on Advisory Water Committee (Director Weybret)

Director Weybret was absent.

No action was taken.

6. Receive Report on Mokelumne Forum (Director Mehrten)

Director Mehrten said that County Water Coordinator Lytle reported that Forum consultants have determined that some seven million acre feet of surplus water was available from the Mokelumne River over the last 50 years.

Manager Steffani noted that this meant an average of 140,000 acre feet annually (AFA) would have been available if all the water had been captured for use. He also said that such use would not be possible without storage, such as the proposed Duck Creek, off-stream reservoir.

No action was taken.

7. Receive Report on Website (Directors Hoffman and Pilkington)

Director Hoffman reported that he obtained a history of the District from Director Weybret, and gave it to Keith Colgan, the District's website consultant. He also asked Manager Steffani to work with clerical help at City Hall, to e-mail to Mr. Colgan, minutes for board meetings of the last year and copies of maps showing existing and proposed facilities. He suggested that e-addresses for County Water data and Directors be provided.

8. Receive Report on Newsletter (Directors Hoffman and Mehrten)

Director Hoffman said that the first newsletter is almost ready, and that the deadline for articles by him, Director Mehrten and Manager Steffani is March 15, 2009.

9. Discuss efforts to obtain 'Stimulus Funds'

Manager Steffani reviewed material included with the agenda, and reported on his recent communications with staff for Congressman McNerney and Assembly people Huber and Berryhill. He said that he was working to set up a meeting with Congressman McNerney, possibly Saturday, March 7. Director Hoffman suggested that Directors Pilkington and Ferreira might represent the Board at the meeting.

10. Receive Engineer's Report on Groundwater conditions and efforts to correct the overdraft

Manager Steffani reviewed the Report. He said that it is an update of the March 2008 report, and includes all of 2008 groundwater measurements made by the County and EBMUD. He said that 31 wells were measured, with levels increasing in five wells, and decreasing in 26 wells, for an overall average decline of 1.8 feet.

He said that this year's Report includes other documents, including the March 2008 State order relating to the water right. He also said that the Report includes recent letters to the State Water Resources Control Board (SWRCB) with attachments.

Counsel Harrigfeld suggested that the District ask for 15 years, not 10 years, to put the 20,000 AFA to beneficial use. She also said that the Budget should reflect the possibility that no charge may be imposed for '09 – '10.

Following discussion, the Board voted unanimously to receive the Engineer's Report for March 2009.

11. Consider Whether to Proceed with '09 – '10 Groundwater Charge

Director Hoffman said that he agrees with Director Weybret that the '09 – '10 charge should not be adopted and that there should be an election to determine if Measure V should be repealed.

Counsel Harrigfeld said that five options are available:

1. Adopt a '09 – '10 charge without a Prop. 218 protest procedure.
2. Adopt a '09 – '10 charge after a Prop. 218 protest process.
3. Adopt a '10 – '11 charge after an election amended or repealed Measure V.
Elections could be held on these dates: August '09 (mailed ballot), November '09 (Precinct Voting), April '10 (mailed ballot), or June '10 (Precinct voting).
4. Adopt a '10 – '11 charge after new Legislation.
5. Do nothing.

Director Hoffman said that he likes the option calling for a mailed ballot election to amend or repeal Measure V, and asked Counsel Harrigfeld to talk with the Registrar to obtain details for a mailed ballot election in August '09 or April '10, for Board consideration at a special meeting on March 17, 2009.

Director Pilkington asked that the March 17, 2009, agenda include consideration of holding Board meetings during the evenings.

12. Public Comment on non-agenda items

Joe Valente said that Director Pilkinton should be representing Board policy, not his own.

13. CLOSED SESSION – Existing Litigation – Case No.: 39-2008-00187123-CU-WM-STK, Related Case No. SV 266837

Director Pilkington was excused because of a possible conflict of interest.

No action was taken.

14. Adjournment

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,

Ed Steffani
Secretary

ES/pjt