

NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
SPECIAL BOARD MEETING OF THE BOARD OF DIRECTORS

Lodi Police Department Community Room, 215 West Elm Street, Lodi CA

Thursday December 7, 2017

MINUTES

1. **Call to Order - Roll Call - Acceptance of Agenda** - The meeting was called to order by President Valente at 10:00 am. Motion to accept the Agenda for the meeting of December 7, 2017, by Director Starr, second Director Wilber. Motion passed 5/0/0.

President Joe Valente- Area 3  
Vice President Tom Flinn- Area 2  
Secretary David Simpson – Area 1  
Director Charles Starr – Area 4  
Director Marden Wilber – Area 5

General Counsel Jennifer Spaletta  
Special Counsel Roger Masuda - Absent  
John Podesta – District Engineer  
Deputy Secretary Shasta Burns - Absent

2. **Correspondence/Announcements-** General Counsel Spaletta discussed SGMA developments in San Joaquin County and a recent California Supreme Court Decision allowing water districts to assess ground water fees without the Proposition 218 process.
3. **Action Items** - President Valente gave a brief overview of the purpose of the special meeting which was limited to agenda items. To promote discussion and civility, Valente laid several ground rules for the meeting. Members of the public who wanted to speak were required to complete and submit a “NSJWCD Comment Card.” Comments were limited to three minutes.

**A. South System**

1. Discuss Feedback from Landowners on Proposed Project and Acreage Assessment – Nine members of the public offered comments. Several members expressed concern the assessment for channel users was too high relative to pipeline and non-pipeline categories. This would result in much higher water cost for channel users. One member thought other options for direct recharge like land adjacent to Lodi Lake should be evaluated. One member expressed concerns related to raising tax assessments on small parcels and wanted to know if 8 acres of walnuts would be assessed. Another expressed concern that the ground water problem has existed for years and the District was acting too fast and trying to sneak something through. One member expressed concern that direct recharge would contaminate the aquifer (the current proposal is not direct recharge but rather in-lieu recharge) and non-irrigated cropland should be excluded from assessment. One member said his father had served on the NSJWCD Board and understood the need for the project. He was in favor of it “as is” and would connect to the pipeline. One member who had served on the Board described the current proposal as

unjust and unequitable. He believes some landowners who would be assessed would never accrue any benefit as the ground water will continue to move towards the Linden area. One landowner who has a pipeline connecting his property to the existing system was concerned he would be cut off from the new system and could not receive water. President Valente thanked the public for their comments and encouraged further participation in the process. He pointed out the process is ongoing and the next Regular Board Meeting is scheduled on 12/18/17, 2 PM, at the Lodi Public Library. Valente also offered to give tours of the South System.

2. Discuss timeline for Engineers Report, Mailing Notice, Hearing – General Counsel Spaletta provided details on integrating the legal, environmental and construction processes together so the South System pumping plant can be built by the fall of 2018. Spaletta recommended the following timeline: Approve Engineer's Report 1/8/18 at Special Meeting; 1/12/18 mail ballots; conduct hearing and count ballots 2/26/18. Motion to delay action on South System and re-evaluate plan by Vice President Flinn. Motion failed for lack of second. Motion to proceed with timeline by Secretary Simpson, second Director Wilber, motion passed 4/1/0. Motion to authorize an additional \$2500 for Provost and Pritchard to re-evaluate channel user assessment in the Engineer's Report by Secretary Simpson, second by President Valente, motion passed 5/0/0.
3. Review and Action as Necessary on Proposal for Preparing, Mailing and Counting Ballots – General Counsel Spaletta contacted firms that specialize in balloting improvement district elections. One firm submitted a formal bid, one firm responded in writing but was not able to take on another election and one firm did not respond. Motion to accept balloting proposal and pay \$1500 deposit by Director Wilber, Second Secretary Simpson, motion passed 5/0/0.

#### **4. Director and Staff Reports**

- A. President's Report – no report at this time
- B. General Counsel Spaletta – no report at this time
- C. District Manager/Engineer John Podesta – no report at this time
- D. Committee Reports – no report at this time
- E. Other – no other reports at this time

#### **5. Public Comment on Items Not on the Agenda – no comments at this time**

**6. Closed Session –** The Board entered Closed Session at 1:15 PM without Director Wilber who left before closed session began. President Valente returned the meeting to open session at 1:30 PM. No reportable action was taken.

**7. Adjournment -** Motion to adjourn the Special Board Meeting by Director Starr, second by Vice President Flinn, motion passed 4/0/0. Meeting adjourned 1:30 PM.

**Next Regular Board Meeting December 18, 2017, 2:00 PM - 4:00 PM\*\***

The above minutes of the North San Joaquin Water Conservation District Special Meeting of December 7, 2017 were duly approved by the Board on December 18, 2017.

Respectfully submitted:

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Shasta Burns, Deputy Secretary