

## **RESOLUTION 2018-001**

### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT FORMING IMPROVEMENT DISTRICT NO. 2, TO BE KNOWN AS THE SOUTH SYSTEM GROUNDWATER IMPROVEMENT DISTRICT**

WHEREAS, pursuant to Section 75120 of the Water Code of the State of California, the Board of Directors of the North San Joaquin Water Conservation District (Board) may enact a resolution of intent to form a Special Improvement District;

WHEREAS, the Board enacted Resolution 2017-009 on November 27, 2017 at a regularly held meeting of the Board, indicating the Board's intent to form Improvement District No. 2 to be known as the South System Groundwater Improvement District;

WHEREAS, pursuant to Section 75122 of the Water Code of the State of California, a copy of a Resolution of Intention enacted pursuant to Section 75120 of the Water Code must be published in a newspaper of general circulation for a period of ten (10) days prior to the date set for the hearing on the formation of the Special Improvement District;

WHEREAS, Resolution 2017-009 was published in the Lodi News-Sentinel, a newspaper of general circulation published in the proposed Special Improvement District, for a period of ten (10) days prior to the date set for the hearing on formation. An Affidavit of Publication was prepared by the Lodi News-Sentinel and is attached hereto as Exhibit A;

WHEREAS, pursuant to Section 75150 of the Water Code of the State of California, a hearing must be held at which persons owning land within the Special Improvement District may appear and present any matters material to the matters set forth in the resolution of intention;

WHEREAS, a hearing was held on December 18, 2017 at which persons owning land within the proposed South System Groundwater Improvement District were given opportunity to appear and present information regarding the information in the resolution of intention;

WHEREAS, based upon the evidence presented at a public hearing held on December 18, 2017 the Board of Directors finds the following:

- A. The recitals set forth above are all true and correct.
- B. The lands identified in Resolution 2017-009 for inclusion in the South System Groundwater Improvement District will receive special benefits as a result of the South System Groundwater Improvement Project. Included lands are (1) parcels with irrigated agriculture that are five acres in size or greater, or (2) parcels that are less than five acres in size but are part of a larger commonly owned and farmed agricultural operation, or (3) parcels of five acres or larger that are currently unirrigated but may be irrigated in the

future. Excluded lands are parcels of less than five acres that are not part of a larger farming operation (the “small parcels”). The small parcels are excluded because there are more than 1250 such parcels within the improvement district boundary and the cost of including this large number of small parcels in the improvement district, and imposing and collecting a special assessment on such lands to pay for any potential special benefits conferred on such lands, which are small, outweighs the revenue that could be generated from such lands through a special benefit assessment.

- C. The owners of land constituting more than one-half the total assessed value of the lands within the South System Groundwater Improvement District did not protest the formation of the improvement district at the public hearing on December 18, 2017. Specifically, of the approximately 20,000 acres of land identified for inclusion in the improvement district, the district received protests from five owners owning 175 acres.

THEREFORE, IT IS HEREBY ORDERED as follows:

1. Improvement District No. 2 of the North San Joaquin Water Conservation District, to be known as the South System Groundwater Improvement District, is hereby formed. The outer boundary of the lands included in Improvement District No. 2 is set forth on the map attached hereto as Exhibit B.

Moved by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes:	Directors
Noes:	Directors
Absent:	Directors
Abstain:	Directors

The President Declared the resolution passed.

I, David Simpson, Secretary of the Board of Directors of the North San Joaquin Water Conservation District, do hereby CERTIFY that the foregoing is a full, true, and correct copy of a resolution duly adopted at a special meeting of said Board of Directors held the 8th day of January, 2018.

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Dave Simpson, Secretary  
NSJWCD, Board of Directors

## **Exhibit A – Affidavit of Publication**

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin


I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays, Mondays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

November 30th, December 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th

all in the year 2017

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, United States of America this 9th, day of December 2017.

  
.....  
Signature

This space is for the County Clerk's Filing Stamp

NOTICE IS HEREBY GIVEN THAT THE BOARD OF DIRECTORS OF NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT HAVE ENACTED RESOLUTION 2017-009 AS FOLLOWS:

**WHEREAS**, pursuant to Section 75120 of the Water Code of the State of California, the Board of Directors (Board) of North San Joaquin Water Conservation District (District) may adopt a resolution of intention to form a special improvement district whenever the Board deems it necessary to perform actions provided in Chapter 2, Part 7 of Division 21 of the Water Code as to an area encompassing less than the entire district;

**WHEREAS**, the Board has determined that it is necessary to perform actions as provided in Chapter 2, Part 7 of Division 21 of the Water Code in an area encompassing less than the entire district, as identified in Exhibit A hereto, to be known as the South System Improvement District; and

**WHEREAS**, the Board's purpose in forming the South System Improvement District is to finance the construction, expansion, improvement and/or rehabilitation of public improvements associated with the South System Improvement Project, including all furnishings, equipment and supplies related thereto (collectively, the "Improvements") and (2) the incidental expenses to be incurred in connection with financing the Improvements, and forming and administering the South System Improvement District (collectively, the "Incidental Expenses"); and

**WHEREAS**, the Board estimates that the amount required to finance the Improvements and Incidental Expenses is approximately \$14.5 million for the South System Improvement District, which amount will be added to the \$5.75 million that the District has obtained from outside sources including a settlement fund and grant funds; and

**WHEREAS**, the South System Improvement Project would include a new South System Pump Station and a new, pressurized South System Pipeline with automated scheduling capability, and other related facilities to provide pressurized surface water delivery to lands adjacent to the pipeline, non-pressurized surface water delivery to lands along the open channels, Bear Creek and Pixley Slough, and groundwater recharge benefits to all irrigated lands that use surface water from the project and to all irrigated lands within a two mile radius of the lands that use surface water from the project; and

**WHEREAS**, the District's financial advisor has estimated that the total annual amount that must be collected in assessments from lands in the proposed improvement district in order to make the required annual payments on the financed debt for the South System Improvement Project is approximately \$860,000; and

**WHEREAS**, the District has retained the services of a civil engineer from the firm of Provost & Pritchard to prepare an Engineers Report to identify the parcels that will be benefited from the project, which parcels have been identified for inclusion in the proposed improvement district as shown on the attached map; and

**WHEREAS**, the Engineers Report will quantify the benefits to the identified parcels and compute the proportional proposed assessment on the identified parcels so that the District may proceed with mailed notice and ballots to the identified parcels, hold a hearing and complete a ballot proceeding, all as required by Proposition 218, which process shall occur in the next several months.

**NOW, THEREFORE BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT AS FOLLOWS:**

1. The above recitals are true and correct.

2. A public hearing (the "Hearing") on the proposed formation of the South System Improvement District will be held at 2:00 p.m.

on December 18, 2017, at the Lodi Public Library, at 201 W Locust St, Lodi, California, 95240.

3. At the time and place set forth in this Resolution, any interested persons, including all persons owning land within the proposed SOUTH SYSTEM IMPROVEMENT DISTRICT, may appear and be heard.

4. The Board hereby directs District Staff to publish a notice of the Hearing (the "Notice") pursuant to Section 75122 of the Water Code and Section 6061 of the Government Code in a newspaper of general circulation published in the area of the proposed South System Improvement District.

5. No assessment shall be levied on any property in the proposed Improvement District until the District completes the notice, hearing and ballot proceeding required by Proposition 218.

6. This Resolution shall be effective upon its adoption.

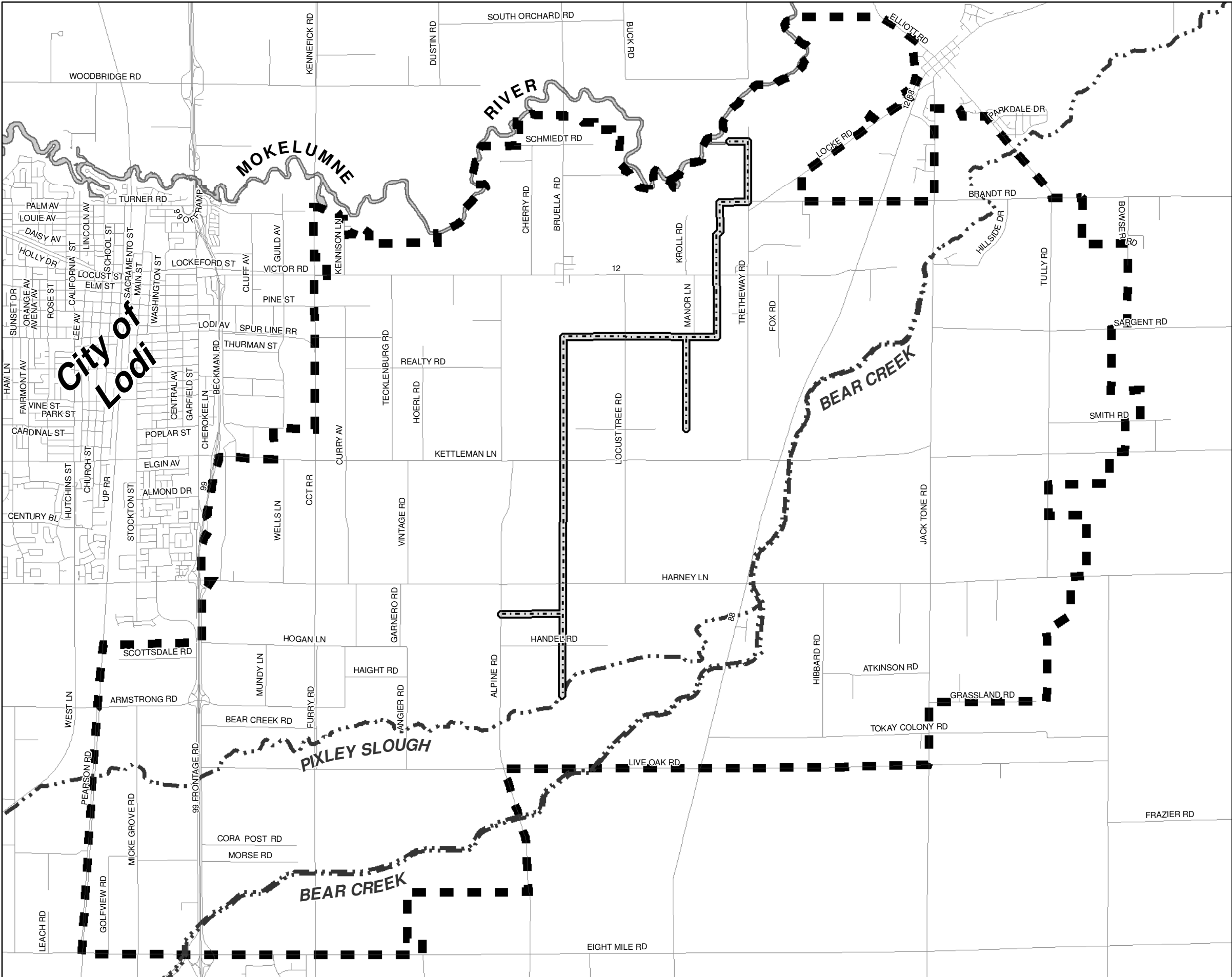
The President declared the resolution passed at a regular meeting of said Board of Directors held the 27th day of November, 2017.

*Description of Lands:* Improvement district contains irrigated lands located south of the Mokelumne River and East of the City of Lodi City limits and East of Pearson Road, lands North of Eight Mile Road until the intersection of Eight Mile Road and Alpine Road, then lands north of Live Oak Road to the trajectory of Live Oak and Clements Roads, then lands west of the trajectory of Clements Road to the intersection of Clements Road and Brandt Road, then lands south west of Tully Road until you reach the Mokelumne River. Non-irrigated lands and parcels less than 10 acres that are not associated with a larger irrigated operation are excluded from the improvement district. To view a map of the proposed Improvement District, visit the District's website at: [www.nsjgroundwater.com](http://www.nsjgroundwater.com).

November 30th thru December 9th, 2017 - 176137

**Exhibit B – Final Boundaries of Improvement District No. 2**





North San Joaquin WCD

Proposed Improvement District

Parcel Benefit Areas

Legend

- Road
- District Pipeline
- Channel
- Improvement District Boundary (Proposed)

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