

RESOLUTION NO. 2016- 03

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
LEVING THE 2016 ANNUAL OPERATION AND MAINTENANCE SPECIAL
ASSESSMENT FOR IMPROVEMENT DISTRICT NO. 1,
THE TRACY LAKE IMPROVEMENT DISTRICT

WHEREAS, the Board of Directors of the North San Joaquin Water Conservation District, on January 30, 2012, adopted Resolution No. 2012-1, forming Improvement District No. 1, the Tracy Lake Improvement District, under the provisions of Chapter 3, Part 7, Division 21, of the California Water Code; and

WHEREAS, Sections 6 and 7 of Resolution No. 2012-1, provided as follows:

6. * * * [T]here shall be assessed against the lands of the improvement district a sum sufficient to pay for the necessary operation and maintenance costs, as determined by the Board, of the improvement district's facilities and related improvements. This assessment shall be levied and apportioned according to the benefits to each acre by the Board each year and shall be in addition to any other assessment levied upon the lands within the improvement district. Operation and maintenance costs will include all Pacific Gas & Electric Company charges, District employee costs, facility maintenance and repair costs, facility replacement costs, property insurance on improvement district facilities, liability insurance, costs for compliance with all applicable project permits and regulatory approvals, and a contingency fund of 5%. The District employee costs shall be charged to the improvement district based upon the number of hours worked on improvement district-related matters times the employee's then applicable hourly rate (including employee benefits and Workers Compensation costs). All installation, maintenance and operation costs of improvement district facilities will be assessed to the improvement district members on a per acre basis.

7. The improvement district assessment and each installment thereof, shall be and remain a lien on such lands in the same manner and effect as would an annual assessment of the North San Joaquin Water Conservation District, whether or not any such annual assessment is actually levied by the District.

WHEREAS, the Tracy Lake Project (Project) has been completed and the Board has approved final acceptance of the Project; and

WHEREAS, District's engineering consultant, Walter Sadler, has prepared a proposed 2016 Operations Plan for the Tracy Lake Improvement District and a spreadsheet setting forth the estimated 2016 operations and maintenance costs; and

WHEREAS, Walter Sadler presented and discussed his proposed Operations Plan and spreadsheet with the Tracy Lake Project Coordinating Committee (TLPCC) on February 17, 2016, in Lodi,

WHEREAS, the TLPCC considered the proposed Operations Plan and spreadsheet and agreed to Items 1 through 6 set forth below; and

WHEREAS, the TLID landowners have approved the imposition of the proposed 2016 Operation and Maintenance Assessments on the terms set forth below and have waived their rights to notice and hearing pursuant to Proposition 218 as set forth in Exhibit A, which is attached hereto and incorporated herein by reference; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the North San Joaquin Water Conservation District as follows:

1. The Board does hereby levy and apportion the 2016 Operation and Maintenance Assessment according to benefits at the rate of \$31.90 per acre in the manner set forth in Exhibit B, which is attached hereto and incorporated herein by reference.

2. The 2016 Operation and Maintenance Assessment shall be payable in two (2) installments, one-half due by _____, 2016, and the balance due by August 1, 2016.

3. If no water is delivered to TLID through July 15, 2016, and, if at the Board's July meeting, the Board determines that it is unlikely that no water will be delivered to TLID through December 31, 2016, then the Board shall adopt a resolution cancelling the one-half portion of the

2016 Operation and Maintenance Assessment that would otherwise be due on August 1, 2016, which resolution shall be recorded with the San Joaquin County Recorder.

4. Pursuant to Section 10b of that certain Landowner Agreement for Tracy Lake Groundwater Recharge Project (Landowner Agreement), the Board agrees that the District's share of the 2016 Operation and Maintenance costs shall total \$22,517.18, payable in two equal installments of \$11,258.59 by the same due dates as for the TLID landowners and upon the same condition regarding delivery of water to TLID.

5. The District's Treasurer is hereby authorized and directed to open a separate bank account for the receipt and disbursement of funds for TLID operation and maintenance costs.

6. The Treasurer is further authorized and directed to reimburse the District's general fund for any funds advanced to pay TLID operation and maintenance costs incurred to date and approved by the TLPCC.

7. Pursuant to Section 10d of the Landowner Agreement, the annual operation and maintenance revenues and expenses for the prior fiscal year shall be trued up. As provided in Subsection 10d(7), any true-up adjustment will be reflected in the calculation of the next year's annual operation and maintenance assessment.

8. This resolution levying the 2016 annual operation and maintenance assessment shall be entered in the minutes of the Board and the Secretary of the Board shall cause a certified copy of this resolution to be recorded with the San Joaquin County Recorder.

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

Upon roll call the following vote was had:

Ayes:

Noes:

Absent:

The President declared the resolution adopted.

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 regular meeting of the Board of Directors held the 29th day of February, 2016.

Secretary of the Board of Directors
North San Joaquin Water Conservation District

EXHIBIT A

**APPROVAL OF PROPOSED 2016 OPERATION AND MAINTENANCE ASSESSMENT
FOR IMPROVEMENT DISTRICT NO. 1, TRACY LAKE IMPROVEMENT DISTRICT,
AND
WAIVER OF RIGHTS TO NOTICE AND HEARING UNDER PROPOSITION 218**

We, the undersigned, represent 100% of the owners of the lands within the Tracy Lake Improvement District. We participated in the Tracy Lake Project Coordinating Committee meeting on February 17, 2016, and agreed to the terms, conditions, and calculation of the 2016 Operation and Maintenance Assessment as set forth in the proposed North San Joaquin Water Conservation District Board of Directors resolution.

We, therefore, agree to the proposed 2016 Operation and Maintenance Assessment as set forth in the proposed Board resolution.

We expressly waive all legal rights under Proposition 218 as to notice and right to a public hearing prior to imposition of the 2016 Operation and Maintenance Assessment.

LANDOWNERS

By _____
General Partner

Dated: February _____, 2016.

Approved as to form:

Jennifer Spaletta, Attorney

EXHIBIT B

**STATEMENT OF 2016 OPERATION AND MAINTENANCE ASSESSMENT
IMPROVEMENT DISTRICT NO. 1, TRACY LAKE IMPROVEMENT DISTRICT**

PARCEL #	COUNTY APN	NAME AND ADDRESS OF OWNER	NUMBER OF ACRES	ASSESSMENT PER ACRE	MAXIMUM TOTAL AMOUNT OF ASSESSMENT
1	003-110-08	FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	63.45	\$31.90	\$2,024.06
2	003-110-01	FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	156.76	\$31.90	\$5,000.64
3	003-110-03	FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	158.94	\$31.90	\$5,070.19
4	003-100-02	FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	77.71	\$31.90	\$2,478.95
5	003-100-03	FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	34.00	\$31.90	\$1,084.60
6	003-120-03	FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	223.01	\$31.90	\$7,114.02
7	003-140-01	FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	160.00	\$31.90	\$5,104.00
8	003-140-02	FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	160.00	\$31.90	\$5,104.00
9	003-150-01	FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	56.30	\$31.90	\$1,795.97
10	003-150-13	FJ Venture Partnership c/o John Franzia 6342 Bystrum Road	46.04	\$31.90	\$1,468.68

11	005-030-01	Ceres, CA 95307 FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	112.93	\$31.90	\$3,602.47
12	005-030-06	Ceres, CA 95307 FJ Venture Partnership c/o John Franzia 6342 Bystrum Road Ceres, CA 95307	61.65	\$31.90	\$1,966.64
TOTALS			1,310.79		\$41,814.20