

RESOLUTION NO. 2016-011
RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT
CANCELLING THE SECOND INSTALLMENT OF THE 2016 ANNUAL OPERATION AND
MAINTENANCE SPECIAL ASSESSMENT FOR IMPROVEMENT DISTRICT NO. 1,
THE TRACY LAKE IMPROVEMENT DISTRICT AND LEVYING THE 2017 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 ("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 Board of Directors of the District approved Resolution 2016-003, attached hereto as Exhibit A, levying the 2016 Annual Operation and Maintenance Special Assessment for Improvement District No. 1, the Tracy Lake Improvement District ("TLID").

WHEREAS, the TLID Landowners remitted payment of the first installment of its share of the 2016 Operation and Maintenance costs for the TLID, an amount of \$20,907.10.

WHEREAS, the District deposited the first installment of its share of the 2016 Operation and Maintenance costs for the TLID, an amount of \$11,258.59, into a separate account that is maintained for the TLID.

WHEREAS, the TLID facilities were not operated during the year 2016 due to lack of water availability under the District's water right and the amounts collected from the TLID Landowners and from the District for Operations and Maintenance were not expended.

WHEREAS, Paragraph 3 of Resolution 2016-003 requires the District's Board of Directors to cancel the second one-half installment of the annual Operations and Maintenance Assessment by Resolution if it determines that it is unlikely that water will be delivered to TLID through December 31, 2016.

WHEREAS, the 2017 Operations Plan and the anticipated Operations and Maintenance budget for 2017 were discussed and approved by the Tracy Lake Project Coordinating Committee on November 2, 2016.

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 cancel the second installment of the 2016 TLID Operations and Maintenance Assessment.

2. The Board does hereby order that all amounts collected from TLID Landowners and the District in the first installment of the 2016 TLID Operations and Maintenance Assessment be used to fund the 2017 TLID Operations and Maintenance budget.

3. The Board does hereby levy and apportion the 2017 Operation and Maintenance Assessment according to benefits at the rate of \$15.95 per acre in the manner set forth in Exhibit B, which is attached hereto and incorporated herein by reference. This amount is in addition to the amounts collected during 2016.

4. The 2017 Operation and Maintenance Assessment shall be payable in two (2) installments, one-half due by February 1, 2017 and the balance due by August 1, 2017.

5. If no water is delivered to TLID through July 15, 2017, and, if at the Board's July meeting, the Board determines that it is unlikely that water will be delivered to TLID through December 31, 2017, then the Board shall adopt a resolution cancelling the 2017 Operation and Maintenance Assessment that would otherwise be due on August 1, 2017, which resolution shall be recorded with the San Joaquin County Recorder.

6. 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 2017 Operation and Maintenance costs shall total \$11,258.59, payable on the same due date as for the TLID landowners and upon the same condition regarding delivery of water to TLID.

7. The District's Treasurer is hereby 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.

8. Pursuant to Section 10(d) 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.

9. This resolution levying the 2017 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 12 day of December, 2017.

Exhibit A – NSJWCD Resolution No. 2016-003

DRAFT

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 April 1, 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 trueed 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 Scanlon, seconded by Director Wilber that the foregoing resolution be adopted.

Upon roll call the following vote was had:

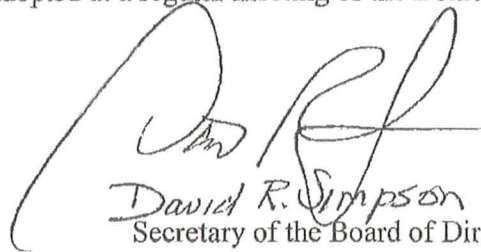
Ayes: valente
finn
scanlon
simpson
wilber

Noes: 0

Absent: 0

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.

A large, stylized handwritten signature in black ink, appearing to read "David R. Simpson".

David R. Simpson
Secretary of the Board of Directors
North San Joaquin Water Conservation District

Exhibit B – 2017 TLID Operation and Maintenance Budget

DRAFT

TRACY LAKE ALLOCATION of O&M COSTS

Diversion level 12ft based on quarry operation

2-Dec-16

Lake Operating Range 12.0 to 14+ ft	
Average Area Acres @ 12 ft	59
Evaporation Rate Ft/Ac	3.64
Assumed Perc Rate Ft/Ac	9.5

Water supplied for Irrigation	2,275
Acre-feet to reach Diversion Elevation	107
Acre-feet of evaporation	214.76
Acre-feet of percolation	560.5
Total Water Diverted Acre-feet	3,157

Acre-feet Allocated to Tracy Lake Improvement District

Ac-Ft used plus half of Diversion	2328.5
Ratio to total Diversion minus evaporation	79%
Ratio to evaporation for TLID share	169.95
Total Ac-Ft used plus evap and diversion	2498.45

Acre-feet Allocated to NSJWCD for O&M Cost Allocation

Acre-feet allocated to NSJWCD	658.81
Percentage of Total Water Diverted	21%

Estimated True Up 10.d.4

Annual O&M TLID

Annual	\$	25,455.16
Per Acre	\$	19.42

Annual O&M NSJWCD

Annual	\$6,712.25
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Estimated O&M Expenses

Irrigation Season April to October per Agreement 4b

EBMUD Water Charge	\$ 6,314.52
NSJWCD Administrative Support Charge	\$ 4,550.00
Liability Insurance	\$1,100
Property Insurance	\$550
Labor Cost \$70/hr 4 hrs per weekly visit during irrigation season (6 months), once monthly during non-irrigation season.	\$ 8,400.00
Pump Maintenance (oil, etc.)	\$1,500
Compliance Costs (Data Collection/eval)	\$ 7,500.00
PG&E Power and Customer Costs	\$ 31,356.72
Subtotal	\$ 61,271.24
5% Contingency	\$ 3,063.56
Total Costs	\$ 64,334.80
Total Paid in 2016	\$32,167.40
Total Costs in 2017	\$32,167.40

Agreement 10b 65%/35%

TLID

65% share	\$	20,908.81
Per Acre	\$	15.95
Annual	\$	20,908.81
Installment 1	\$	10,454.41
Installment 2	\$	10,454.41

NSJWCD

Annual	\$	11,258.59
Installment 1	\$	5,629.30
Installment 2	\$	5,629.30

Horsepower/KWH Required for average wet year condition

Average PS Wet Well water level, in feet	-23
Discharge Elevation at PS Standpipe	2
Total lift, feet	25
Flow in cubic feet per second	20
KW	66.74

Hours of operation per year 2016 Max

Hours during Summer, May to October	1680	#####	PG&E AG-4B Ag Rate (Jan 2016)	Energy-Mx	Cust Serv	Sub-total
Hours during Winter, November to April	336	#####	Energy-MP	\$ 1,694.72	\$177.65	\$ 3,110.35

Max Peak	\$	6,722.38
\$ 3,314.43	\$	1,084.59

\$,2331/KW

Notes:

1. It is

	\$	31,356.72
Total PG&E		

2. Maximum water level in the lake may be above 12 feet, depending upon diversion rates out of the lake.

3. Irrigation Season is assumed to be April to September.

4. The NSJWCD Water Rate is per the agreement and 218 Report.

5. Rounding revises the Annual cost for TLID downward by \$3.41