

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

Lodi Library Community Room, 201 West Locust Street, Lodi CA

**Monday May 23, 2016**

**MINUTES**

**1. Call to Order/Roll Call** - President Valente called the meeting to order at 2:00 PM

President Joe Valente  
Vice President Tom Flinn  
Secretary David Simpson  
Treasurer Hugh Scanlon  
Director Marden Wilber

General Counsel Jennifer Spaletta  
Special Legal Counsel Roger Masuda-na  
Consultant Walt Sadler  
Deputy Secretary Shasta Burns

**2. Correspondence/Announcements**

Announcement regarding annual letter sent out about mosquito abatement happening now, and there will be pesticide used to spray around local pump stations.

Action Item "L" added the Agenda – Comment to State Water Resources Board – Submit a Written Comment Concerning Irrigated Lands Program. Motion made by Secretary Simpson, second by Vice President Flinn. Roll call was taken: Director Wilber; Aye, Treasurer Scanlon; Aye, Secretary Simpson; Aye, Vice President Flinn; Aye, and President Valente; Aye. Motion passed unanimously.

**3. Action Items**

**A. Approval of Minutes**

Motion to approve the Minutes of the April 25, 2016 Regular Board Meeting, made by Secretary Simpson, second by Treasurer Scanlon. Vice President Flinn, and Director Wilber abstain due to their absence from the April Board Meeting. The motion passed 3:0.

**B. Monthly Financial Reports and Invoice/Expense Payments**

Treasurer Scanlon reviewed the financial reports, the proposed list of invoices, and expenses to be paid. A motion to pay all invoices for expenses made by Director Wilber, and second by Vice President Flinn. The motion passed unanimously

**C. Tracy Lake Current Financial Reports**

Treasurer Scanlon reviewed recent expenditures and account balances with the Board. A review of all accounts associated with Tracy Lakes were reviewed. A motion to pay all invoices, and update all accounts made by Secretary Simpson, and second by Director Wilber. The motion passed unanimously

**D. Approval of Protest Dismissal Agreement Amendment between San Joaquin County, EBMUD, and NSJWCD.**

General Counsel Spaletta reviewed the attachment in the monthly Board Meeting packet, and gave brief background information regarding the current issue. The DREAM Project has been delayed for a few months. This Amendment will allow the District to receive \$1.75 million from EBMUD to use for the South System Rehabilitation Project. Questions asked by the Board Members regarding this issue were addressed. A motion to sign the proposed Dismissal

Agreement Amendment was made by Secretary Simpson, second by Director Wilber. No public comments were made. The motion passes unanimously. Roll call was taken: Director Wilber; Aye, Treasurer Scanlon; Aye, Secretary Simpson; Aye, Vice President Flinn; Aye, and President Valente; Aye. Motion passed unanimously.

E. Water Supply Conditions Report – Update given by General Counsel Spaletta. EBMUD does not have any water available at this time. Prediction made that look like water will come to its maximum level for the Holidays. Next year is looking really well for the District to receive water under its Permit. Different water scenarios were discussed about possibilities of receiving water in the future. Weather conditions play a large role in this determination.

F. Update on DREAM Groundwater Banking Demonstration Project- No action just update.  
a. CEQA- Initial Study/Mitigated Negative Declaration Circulation Update  
b. San Joaquin County Export Permit Application update.  
Both items a & b were discussed together. The County has prepared the CEQA Document. There has been a delay in this project due to the CEQA Document. CEQA is being extended for further Public Comments. NSJWCD is now on hold due to this extension period. No other major objectors at this time. No action necessary.

G. Pre-election Certification

Two Director positions, Districts 2 and 3, are to be filled for this next election. The District Map boundary error is in District 1, which is not up for election. Simpson will follow up with Registrar of Voters Office to correct the map and sign off prior to the election. A motion to have Candidate Statements limited to 200 words, have the Candidate pay for the statement, use the Registrars recommendation for public notification and to accept the District Map by Secretary Simpson, second Vice President Flinn. Motion passed unanimously.

H. Tracy Lakes Improvement District

- a. Discuss possible 2016 operations and direct staff - There is currently runoff (not Mokelumne River) water in Tracy Lake now and is ready to pump if needed. No action taken at this time.
- b. License for As-Built Facilities and Agreement to Compensate for Construction Impacts (not to exceed \$2800)- License approved by the Board of Directors in 2011, but never drafted. A draft will be written by Masuda Law and reviewed by the board. A motion to approve Consultant Sadler, General Counsel Spaletta, and President Valente to review and approve compensation for impacts and Clean Up Agreement in the amount not to exceed \$2800, second by Treasurer Scanlon. Motion passed unanimously.
- c. Direct Close-out of Capital/Construction Account – Review again at the June Board Meeting.

G. South System Pump and Distribution System

- a. Discuss Facility operation or 2016 irrigation Season.  
No water at this time and cannot run the pump. Test run will be held off at this time.
- b. Action as needed on repair or Facilities preparation for operation - No action at this time.
- c. Approve Task Order No. 6 with KSN for Mapping of the South System  
A motion made by Vice President Flinn for Consultant Sadler to move forward with KSN to finish the mapping needed for the South System, second by Secretary Simpson. Motion passed unanimously.

- D. CEQA document for Pump Station Rehabilitation and Bear Creek and Pixley Slough diversion dams – Currently on hold until the CEQA document is finished. The Board needs this documentation to proceed forward. A motion made by Vice President Flinn to have General Counsel Spaletta and Consultant Sadler proceed forward with the Districts own CEQA document with an amount not to exceed \$6000 for the preparation and permit fees, second by Secretary Simpson. Motion passed 4:0, Treasurer Scanlon; abstain.
- e. Contract with Honor Farm Crew for Maintenance/Clean-up of Pump Station. Board would like to hold off at this time.

J. Cal-Fed/Woodbridge Pump Station

- a. Discussion of agreement with landowner for facilities – Secretary Simpson gave an update of discussion with the landowners. No action taken at this time, but agreed to meet and discuss at a later date.

K. Sustainable Groundwater Management Act -Groundwater Sustainability Agency (GSA)

- a. Review of GSA filings.
- b. Update on DWR Basin Boundary Modification Request
- c. Update on Draft DWR Regulations
- d. Update on GBA Workgroup

All items above were discussed together. A motion to direct Staff to prepare documents related to removing Lockeford Community Service, City of Lodi, and the County if requested made by Secretary Simpson, second by Director Wilber. Motion passed 4:1, Vice President Flinn; opposed.

Adoption of **Resolution 2016-07** – Resolution regarding coordination with Cosumnes Subbasin entities for purposed of Eastern San Joaquin Subbasin groundwater modification to include district lands north of the Mokelumne River within the Easter San Joaquin Subbasin. Motion made by Vice President Flinn, second by Treasurer Scanlon, motion passed unanimously. 5:0

With numerous changes in the DWR Regulations the Board agreed to have contact with the Senators office. A motion to have General Counsel Spaletta contact Senators Office to express concerns of restrictions regarding the North Mokelumne River made by Secretary Simpson, second by Director Wilber. Motion passed unanimously.

L. Comment to State Water Resources Board – Submit a Written Comment Concerning Irrigated Lands Program.

A motion to send drafted letter to the State Water Resources Control Board expressing concerns made by Treasurer Scanlon, second by Director Wilber. Motion passed unanimously.

**4. Discussion Items**

- A. Update of existing system and proposed projects map for website – No update at this time
- B. South System Rehabilitation Project
  - a. Permitting and Construction Timeline – No update at this time
- C. South System Long-Term Planning – No update at this time
- D. 2016-2017 Budget Planning – Subcommittee meeting being held. Item will be brought back to the June Board Meeting for review.

**5. Director and Staff Reports**

- A. Presidents Report – No report at this time
- B. General Counsel Spaletta – No report at this time.

- C. Consultant Saddler - No report at this time.
- D. Committee Reports – No report at this time.
- E. Other – No reports at this time.

**6. Public Comment on Items not on the Agenda** - No public comments at this time

**7. Closed Session-** The Board entered into closed session at **4:31 p.m.**

Closed Session pursuant to Section 54956.9

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION - One Case

Administrative Hearings regarding California Water Fix Petitions for Change, Protest

Closed Session pursuant to Section 54956.8

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Easements; Negotiator: General Counsel Jennifer Spaletta and Director David Simpson; Parties: Landowners along district facilities; Under negotiation: Price, terms.

Closed Session pursuant to Section 54956.9(b):

CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION - One Case

**8. Return to Open Session** – President Valente reported- no reportable action taken.

**9. Adjournment -**

Motion to adjourn the Regular Board Meeting, made by Secretary Simpson, second by President Valente. The motion passed unanimously. Meeting adjourned.

**Next Regular Board Meeting on June 27, 2016, 2:00 PM - 4:00 PM\*\***

ATTEST:

APPROVED:

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David Simpson, Secretary

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Joe Valente, President