

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
JANUARY 29, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., at the Lodi News Sentinel, 125 North Church Street, Lodi, California. Present were Directors Ferreira, Hoffman, Mehrten, Van Gaalen and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

**2. Closed Session – Existing Litigation - Case No. SV266837, Government Code 54956.9(a).**

No action was taken.

**3. Closed Session – Potential Litigation - Government Code Section 54946.9(c).**

No action was taken.

**4. Adjournment**

The meeting was adjourned at 10:00 A. M.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
MARCH 4, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., at the Community Room of the Lodi Public Library, 201 West Locust Street, Lodi, California. Present were Directors Ferreira, Hoffman, Mehrten, Van Gaalen and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

Also present were Gerald Schwartz of EBMUD, Bill and Ruth Brown.

**2. Consider Approving Minutes for the following Board Meetings:**

- December 4, 2007
- January 29, 2008

Following discussion, the Board voted unanimously to approve the minutes for the December 4, 2007 and January 29, 2008 meetings.

**3. Consider Approving Bills for Payment.**

Manager Steffani reviewed the problem with Fish and Game (still no agreement on screens and by-pass flow). He also said that supply for this year is not certain.

Watermaster Weinzheimer said that no water could be distributed until repairs costing \$10,000 were made north of Harney and at Brandt Rd. The Board voted unanimously to approve payment of the bills with the condition that no repairs be made until; 1) agreements with Fish and Game; 2) Water is available, and 3) surface water users have been identified for 2008.

**4. Receive Report on Water Commission (Director Weybret)**

Director Weybret said that County staff told the Commission that groundwater levels are falling within Woodbridge Irrigation District (WID) because of drip irrigation. He also reported that WID sold some water to the City of Stockton.

**5. Receive Report on Mokelumne Forum (Directors Ferreira and Mehrten)**

Director Ferreira said that Forum members did not want to talk about the major issue – how EBMUD would recover water banked in the basin.

Gerald Schwartz said that it took six and a half years for the Sacramento Forum to reach an agreement at a cost of \$14 million, but that it has received \$40 million in grants.

**6. Receive Report on GBA (Manager Steffani)**

Manager Steffani reviewed the material included with the agenda.

No action was taken.

**7. Discuss December 4, 2007 Letter from NSJWCD to Woodbridge Irrigation District.**

Manager Steffani reviewed WID's February 22, 2008 letter indicating that a Joint Board meeting could be held during April 2008.

**8. Discuss Cal Poly study on Drip Irrigation.**

Manager Steffani said that Professor Burt is starting a study to test his theory that drip irrigation; 1) increases energy consumption, 2) decreases recharge, 3) increases use of groundwater and 4) increases overdraft. Manager Steffani reminded the Board that he has the same theory.

**9. Public Comment: Non Agenda items.**

There were no comments.

**10. CLOSED SESSION – Existing Litigation – Case No. SV266837, Government Code 54956.9(a).**

No action was taken.

**11. CLOSED SESSION – Potential Litigation – Government Code Section 54946.9(c).**

No action was taken.

## **12. Adjournment**

The meeting was adjourned at 11:30 A.M.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
MARCH 14, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., at the Community Room of the Lodi Public Library, 201 West Locust Street, Lodi, California. Present were Directors Ferreira, Hoffman, Mehrten, and Van Gaalen; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

**2. Receive Engineer's Investigation and Report – Groundwater Charge for 2008-2009 and Set Date for a Public Hearing.**

Counsel Harrigfeld explained why the Board must conduct an annual hearing on the Engineer's Report on groundwater conditions prior to adoption of charges for the coming year.

Manager Steffani said that the report is the same as the April 2007 Report except for current groundwater levels shown on page 3, for descriptions of current groundwater conditions and for statements about the current situation with the State Water Resources Control Board.

Following discussion, the Board voted unanimously to receive the Engineer's Report and to schedule a public hearing on the Report for 5:30 p.m., Monday, April 21, 2008 at the Lodi Library.

**3. Public Comment: Non Agenda items.**

Mr. Dale Carver asked how the District will pay the cost of collecting the groundwater charge.

Manager Steffani said that the collection costs would be paid from groundwater charge revenue, as detailed in the 10-Year Budget prepared for the April 2007 hearings on the groundwater charge.

**4. CLOSED SESSION – Existing Litigation – Case No. SV266837, Government Code 54956.9(a).**

No action was taken.

**5. CLOSED SESSION – Potential Litigation – Government Code Section 54946.9(c).**

No action was taken.

**6. Adjournment**

The meeting was adjourned at 10:00 A.M.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
APRIL 8, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., at the Community Room of the Lodi Public Library, 201 West Locust Street, Lodi, California. Present were Directors Hoffman, Mehrten, and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

Also present were Bill and Ruth Brown.

**2. Consider Adoption of Waiver – Hearing Date – Redevelopment Agency of the City of Lodi.**

Manager Steffani said that the City was simply asking for permission to schedule a hearing earlier than normally required and that such scheduling would not impact the District.

The Board voted unanimously to adopt the Waiver and to request the City to explain the tax revenue tables included with the agenda material.

**3. Consider Adoption of Reimbursement Agreement for City of Lodi Administrative Services.**

Manager Steffani said that the City is requesting that the District begin to pay for City Hall administrative services provided for the District at no cost since the year 2000. He recommended that the Board adopt the Reimbursement Agreement.

The Board voted unanimously to adopt the Agreement.

**4. Receive Report – Operations for 2008.**

Manager Steffani reported that no water would be available this year.

Watermaster Weinzheimer said that some repairs would have to be made anyway, because Larry Mettler uses a portion of the Districts pipeline to move dry year well water to land normally served with surface water.

Manager Steffani recommended the repair in order that a kind of dual system might be in place.

The Board voted unanimously to repair the main line north of Kettleman Lane, at a cost estimated to be \$10,000.00.

**5. Public Comment: Non Agenda items.**

Mr. Brown questioned use of District water for SEWD. Directors and the Manager said that the proposal involving temporary diversion of District water through the EBMUD Aqueduct to Mosher Creek would provide funds that could be used to build facilities for long term use of the water within the District. Manager Steffani also said that without such temporary use by SEWD, the water would flow to the ocean or to Southern California. He added that use within SEWD would benefit all property within the basin.

**6. CLOSED SESSION – Existing Litigation – Case No. SV266837, Government Code 54956.9(a).**

No action was taken.

**7. CLOSED SESSION – Potential Litigation – Government Code Section 54946.9(c).**

No action was taken.

**8. Adjournment**

The meeting was adjourned at 10:04 A.M.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
APRIL 21, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 5:00 P.M., at the Community Room of the Lodi Public Library, 201 West Locust Street, Lodi, California. Present were Directors Ferreira, Hoffman, Mehrten, and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

Also present were Gerald Schwartz of EBMUD, Bill and Ruth Brown, Brian Pilkington, William Fuhs, Dale Carver and five or six unidentified people.

**2. Public Comment (Non-Agenda Items)**

Mr. Brown asked why there was no notice for this meeting. Manager Steffani said that a legal notice was published in the Lodi News Sentinel 12 days before the meeting.

**3. Public Hearing – Receive Comments/Evidence on Engineering Investigation and Report.**

President Hoffman opened the Public Hearing.

Counsel Harrigfeld reviewed the law requiring an annual hearing on an Engineer's Report on Groundwater conditions prior to annual adoption of a groundwater charge.

Manager Steffani reviewed the Engineer's Report.

Mr. Fuhs asked that all Board minutes be available for public review. President Hoffman asked if Mr. Fuhs was talking about minutes back to 1948. Manager Steffani said that he has minutes back to 1999. There was some talk about making copies of minutes since 1999 for public review at the Lodi Library, but no action was taken.

**4. Consider approving Engineering Investigation and Report and Adoption of Findings and Determinations required by Water Code Section 75574**

Manager Steffani summarized the findings.

The Board voted unanimously to approve the Engineer's Report and to adopt the findings included with the agenda.

**5. Proposed County Resolution Regarding the Proposed Peripheral Canal**

Manager Steffani said that this matter was discussed by the Water Commission after this Board agenda was prepared and suggested that it be discussed today.

Director Weybret said that he thought the matter was to come back to the Commission before going to the Board of Supervisors. President Hoffman directed the Manager to talk with Kevin Kauffman and Water Coordinator Lytle to learn more.

**6. Adjournment**

The meeting was adjourned at 6:00 P. M.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
JUNE 3, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., at the Community Room of the Lodi Public Library, 201 West Locust Street, Lodi, California. Present were Directors Ferreira, Hoffman, Van Gaalen and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

Also present were Gerald Schwartz of EBMUD, Bill and Ruth Brown and Jeff Hood, Rich Prima and Don Fraser from the City of Lodi.

**2. Consider Approving Minutes for the following Board Meetings:**

- March 4, 2008
- March 14, 2008
- April 8, 2008
- April 21, 2008

Following discussion, the Board voted unanimously to approve the minutes for the March 4, March 14, April 8, and April 21, 2008 meetings.

**3. Presentation by City of Lodi – Redevelopment Agency**

The representatives of the City of Lodi explained how the Redevelopment project might impact the District. They said that property tax for the District would be greater with redevelopment than without it.

No action was taken.

**4. Consider Approving Bills for Payment.**

Following discussion, the Board voted unanimously to approve the bills for payment.

**5. Receive Watermaster's Report**

Watermaster Weinzheimer said that repairs have been completed on the south distribution main in order that irrigators might use it this dry year to convey well water to one another.

No action was taken.

**6. Receive Managers Report**

Manager Steffani described his and consultant Merz's efforts to bring about agreement with Fish and Game (F&G), on the by-pass flow question. He said that a draft agreement should be coming from F&G soon.

**7. Receive Report on Water Commission Activities**

Director Weybret said that the county was moving ahead with its opposition to any peripheral canal.

No action was taken.

**8. Receive Report on Alliance Activities**

Director Hoffman said that while most agencies are now okay with the principles of Agreement (POA), Stockton East Water District (SEWD) now agrees with NSJWCD on asking that details of Principles 12 and 13 be agreed upon prior to dismissal of protests of the EBMUD water right extension. He referred to Agenda item 10.

No action was taken.

**9. Receive Report on GBA, and consider action on the proposed joint exercise of powers agreement creating the Eastern San Joaquin Groundwater Basin Authority**

Manager Steffani said that most GBA members expressed concern about the proposal for an Authority, and asked for more time to consider it. County staff then suggested that the GBA be extended, as is, until June 30, 2009.

Following discussion, the Board voted unanimously to extend the GBA until June 30, 2009.

**10. Discuss May 16, 2008 e-mail from Stockton East Water District – Proposed Principles of Agreement**

(See item 8)

**11. Discuss EBMUD Water Supply Management Program 2040**

Manager Steffani reviewed the material included with the agenda.

No action was taken.

## **12. Consider Resolution – Budget Limit**

Following discussion, the Board voted unanimously to adopt the Resolution setting the 2008-2009 expenditure limit at \$1,000,000.

## **13. “Presentation of Registrar of Voters Certification of Signatures on Pilkington’s Initiative; Determine whether to adopt the initiative ordinance without alteration or submit the ordinance to a vote pursuant to subdivision (b) of Elections Code 1405. (Elections Code 9311).” (Continue to special meeting on June 13, 2008).**

Counsel Harrigfeld said that a number of options existed; including 1) Accept the Initiative, 2) put it on the ballot, or 3) wait for the Judge’s decision.

She also said that adoption of the Initiative would require that the charge be submitted to an election every year.

President Hoffman continued this item to a special meeting on June 13, 2008.

## **14. Public Comment: Non Agenda items.**

Mr. & Mrs. Brown said that people don’t understand the overdraft problem or recharge. They said that an election should have been held instead of the protest hearings. They also asked that the District educate the people on the overdraft and recharge.

## **15. Adjournment**

The meeting was adjourned at 9:55 A.M.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pjt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
JUNE 11, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., at 1520 Edgewood Drive, Lodi, California. Present were Directors Ferreira, Hoffman, Van Gaalen and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

**2. CLOSED SESSION – Existing Litigation – Case No. SV266837, Government Code 54956.9(a)**

No action was taken.

**3. CLOSED SESSION – Potential Litigation – Government Code Section 54946.9(c)**

No action was taken.

**4. Adjournment**

The meeting was adjourned at 9:30 a.m.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pjt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
JUNE 13, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., at the Community Room of the Lodi Public Library, 201 West Locust Street, Lodi, California. Present were Directors Hoffman, Van Gaalen and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

Also present were seventeen members of the public.

**2. Receive Superior Court Decision – Groundwater Charge**

Counsel Harrigfeld reviewed the decision included with the agenda. She said that the Court found in favor of the District, that the Groundwater charge was adopted properly.

No action was taken.

**3. Discuss WID overlap problem and consider approving Newsletter, Notice and Bill forms for Groundwater charges for 2007-2008, for mailing no later than June 30, 2008**

Counsel Harrigfeld said that LAFCO must sort out the overlap problem, but in the meantime, the District must bill the overlap parcels, that they must be treated the same as all other parcels within the District.

Following discussion the Board voted unanimously to approve the President's letter, to put the Well Registration form on the back of the bill, and to include a phone number.

**4. Consider Approving Groundwater Charges for 2008-2009**

Following discussion, the Board voted unanimously to adopt Resolution 6-13-08-01 setting the 2008-2009 charges at the same rates as those set for 2007-2008.

**5. Consider accepting proposal from Ruth Mulrooney – Billing Services**

Following discussion during which Mrs. Mulrooney said that her annual charge for similar work done for Ag Drainage Coalition is approximately \$30,000, the Board voted unanimously to accept her proposal, included with the agenda.

**6. Presentation of Registrar of Voters Certification of Signatures on Pilkington's Initiative; Determine whether to adopt the initiative ordinance without alteration or submit the ordinance to a vote pursuant to subdivision (b) of Elections Code 1405. (Elections Code 9311) or take other possible actions – Adoption of Resolution confirming determination. (Continued from June 3, 2008 Board meeting)**

Counsel Harrigfeld said that she believes the Initiative is invalid, and recommends that the District place it on the November 2008 ballot, but seek to enjoin such placement.

Brian Pilkington said that Jarvis Attorney Bittle represents him, that he (Pilkington) will not say anything about this matter. He then asked if the Initiative is currently in litigation.

Counsel Harrigfeld said, no, and then presented the Board with Resolution 6-13-08-2 placing the Initiative on the November 2008 ballot, and directing Legal action to enjoin placement on the ballot.

Following discussion, the Board voted unanimously to adopt Resolution 6-13-08-2.

**7. Consider Approving Agreement with Fish and Game – Bypass Flows**

Manager Steffani reviewed the agreement included with the agenda. He said that 5% for bypass flows is reasonable. This could range from 0 cfs in dry years to 1,000 cfs in very wet years.

Following discussion, the Board voted unanimously to authorize execution of the Agreement included with the agenda.

**8. Consider actions necessary for District compliance with SWRCB orders that plans be submitted by June 16 and June 18, 2008**

Manager Steffani reviewed the schedule included with the agenda and said that counsel and he were working on the material to be submitted on June 16 and June 18, 2008.

No action was taken.

**9. Discuss proposal to reconnect the San Joaquin River to the Estuary**

Manager Steffani reviewed the material included with the agenda.

No action was taken.

**10. Receive changes to Brown Act Counsel Harrigfeld reviewed her June 3, 2008 memo included with the agenda**

Following discussion, the Board voted unanimously to make agenda material available, as required at the Public Works Counter at Lodi City Hall, and to also make available at the same location, the last 10 years of Board meeting minutes.

**10a Late item – Resolution opposing the Delta Vision Blue Ribbon Task Force Recommendations for the Sacramento – San Joaquin River Delta**

President Hoffman asked that this matter be considered at the next regular meeting.

**11. Public Comment: Non Agenda items.**

Brian Pilkington asked if groundwater charges would be given back if the Initiative were enacted by the voters.

President Hoffman said charges would be returned if required.

The Board adjourned to Closed Session at 10:15 a.m.

**12. CLOSED SESSION – Existing Litigation – Case No. SV266837, Government Code 54956.9(a)**

No action was taken.

**13. CLOSED SESSION – Potential Litigation – Government Code Section 54946.9©.**

No action was taken.

**14. Adjournment**

The meeting was adjourned at 11:00 a.m.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pjt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
AUGUST 12, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., at the office of the Lodi News Sentinel, 125 N. Church St., Lodi, California. Present were Directors Hoffman, Van Gaalen and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

**2. CLOSED SESSION – Existing Litigation – Case No. SV266837, Government Code 54956.9(a)**

No action was taken.

**3. Adjournment**

The meeting was adjourned at 10:00 a.m.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pjt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
SEPTEMBER 2, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., Tuesday, September 2, 2008, at the Community Room of the Lodi Public Library, 201 West Locust Street, Lodi, California. Present were Directors Ferreira, Hoffman, Mehrten, Van Gaalen and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld and Manager Steffani.

Also present were Mrs. Brown, and Messrs. Pilkington, Chaves and Fuhs.

**2. Consider approving minutes for the following Board meetings:**

- June 3, 2008
- June 11, 2008
- June 13, 2008
- August 12, 2008

Following discussion, the Board voted unanimously to approve the minutes for the June 3, June 11, June 13, and August 12, 2008 meetings.

**3. Consider Approving Bills for Payment**

Following discussion, the Board voted unanimously to approve the Bills for payment.

**4. Receive Report on Water Commission (Director Weybret)**

Director Weybret said that the Commission was concerned about the Delta Blue Ribbon Task Force heading in the direction of a peripheral canal.

**5. Receive report on Mokelumne Forum (Directors Ferreira and Mehrten)**

Director Mehrten said that there was nothing new to report because there have been no meetings since May.

**6. Receive Report on GBA (Manager Steffani)**

Manager Steffani had nothing to report.

**7. Receive Report on Groundwater charge collection and consider preliminary budget for expenditure of '07-'08 Groundwater charge funds**

Manager Steffani reviewed his August 24, 2008 memo.

Following discussion, the board unanimously voted to adopt the preliminary budget presented in the memo.

**8. Consider adopting Negative Declaration for the South Pumping Station Fish Screen**

Following discussion, the Board unanimously voted to adopt the Negative Declaration for construction of the South Pumping Station Fish Screen.

**9. Consider accepting Proposal from Intake Screens to install Fish Screen at the South Pumping Station**

Following discussion, the Board voted unanimously to accept the Intake Screens proposal for \$145,033.50.

**10. Consider approving letter to City of Lodi – use of City water for CAL FED project this year**

Following discussion, the Board voted unanimously to approve the letter included with the agenda.

**11. Discuss WID – NSJWCD boundary overlap**

Following discussion of the WID letter and e-mail from LAFCO, the Board voted unanimously to ask LAFCO to solve the overlap problem.

**12. Consider accepting proposal from Minyard Excavating to replace portions of South Distribution System with reinforced concrete pipe (proposal available on 9/2/08)**

Following discussion of the Minyard proposal of August 31, 2008, attached to these minutes, the Board voted unanimously to authorize the work, but only after at least one more bid is received.

**13. Consider Resolution Opposing the Delta Vision Blue Ribbon Task Force recommendation for the Sacramento-San Joaquin River Delta**

Following discussion, president Hoffman tabled this matter until the December meeting.

**14. Public Comment: Non-Agenda Items**

Mr. Scanlon, 24201 Jack Tone Road, asked if a list of non-payers of the Groundwater charge were available. Manager Steffani said that a list should be available by the December meeting.

Mr. Neal Welsh of Peltier Road said that the Groundwater charge was illegal.

**15. CLOSED SESSION – Existing Litigation – Case No. SV266837, Government Code 54956.9(a)**

No action was taken.

**16. CLOSED SESSION – Potential Litigation – Government Code Section 54946.9(c)**

No action was taken.

**17. Adjournment**

The meeting was adjourned at 10:30 a.m.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pjt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
SEPTEMBER 23, 2008**

**1. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., Tuesday, September 23, 2008, at 1520 Edgewood Drive, Lodi, California. Present were Directors Ferreira, Hoffman, Mehrten, Van Gaalen and Weybret, and Manager Steffani.

**2. CLOSED SESSION – Existing Litigation – Case No. SV266837, Government Code 54956.9(a)**

No action was taken.

**3. CLOSED SESSION – Potential Litigation – Government Code Section 54946.9(c)**

No action was taken.

**4. Adjournment**

The meeting was adjourned at 9:45 a.m.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pjt

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
DECEMBER 9, 2008**

**1. Receive certificates of Election and Administer Oaths of Office**

President Hoffman welcomed newly elected Directors Ferreira and Pilkinton and noted that the oaths of office had been administered by the Registrar of Voters.

**2. Call to Order and Roll Call**

President Hoffman called the meeting to order at 9:30 A. M., Friday, November 14, 2008, at the office of Herum/Crabtree, 2291 West March Lane, Suite B 100, Stockton, California. Present were Directors Ferreira, Hoffman, Mehrten, Van Gaalen and Weybret; Counsel Harrigfeld and Herum, Watermaster Weinzheimer and Manager Steffani.

**3. CLOSED SESSION – Existing Litigation – Case No. 39-2008-00187123 CU-WM-STKN, Government Code 54956.9(a)**

No action was taken.

**3. Adjournment**

The meeting was adjourned at 10:30 a.m.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pjt

*(Revised on January 5, 2009 for Action on January 20, 2009)*

**SUMMARY MINUTES  
NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS  
DECEMBER 9, 2008**

**1. Receive certificates of Election and Administer Oaths of Office**

President Hoffman welcomed newly elected Director Pilkinton and re-elected Director Ferreira and noted that the oaths of office had been administered by the Registrar of Voters.

**2. Call to Order and Roll Call**

President Hoffman called the meeting to order at 8:30 A. M., Tuesday, December 9, 2008, at the Mokelumne Rural Fire District, 13157 E. Brandt Rd., Lockeford, California. Present were Directors Ferreira, Hoffman, Mehrten, Pilkington and Weybret; Watermaster Weinzheimer, Counsel Harrigfeld, Manager Steffani and sixteen members of the public.

**3. Consider approving minutes for the following Board meetings:**

- **September 2, 2008**
- **September 23, 2008**
- **November 14, 2008**

Following discussion, the Board voted to approve the minutes for September 2, September 23, and November 14, 2008, with Director Pilkington abstaining.

**4. Consider Approving Bills for Payment**

Following discussion, the Board voted unanimously to approve the Bills for payment.

**5. Consider Approving Budget for December 2008 – December 2009**

Manager Steffani reviewed his memo.

A member of the public asked if Proposition 218 prevents the District from charging \$0 for surface water. Counsel Harrigfeld replied no, she did not think so and that should the District proceed with providing surface water for free or at an increased rate in the future it would most likely be done by agreement with the individual surface water users. Counsel Harrigfeld noted that only the groundwater charge has undergone Proposition 218 compliance because it was a “new” fee. The public member then asked Counsel Harrigfeld to confirm her legal opinion.

Director Ferreira said that the \$0 charge would not go on forever, that it was to encourage the use of surface water.

*(Revised on January 5, 2009 for Action on January 20, 2009)*

Another member of the public said that projects should go to bid. Manager Steffani agreed.

President Hoffman suggested that no action be taken on the budget until Measure V impacts have been determined. He then moved to agenda item 14.

**14. Receive Report on Measure V Election** (Manager Steffani)

Manager Steffani reviewed his memo which presented votes by precinct. He said that the precincts beginning with 004 are within Lodi, and those beginning with 009 are outside the City. He noted that the City vote was 5014 for and 5316 against Measure V, while the totals were 10,219 and 8392.

Counsel Harrigfeld said that Judge Humphries ruled that Measure V applied only to the '07-'08 charge and not to future charges. She also said that the District can collect delinquent '07-'08 charges, and that the repeal cannot affect prior administrative approval of the '07-'08 charge.

Director Weybret said that no collection of the '07-'08 charge would hurt the District's effort to do things. He said that the District should not keep the collected '07-'08 charges, that they be credited to the '08-'09 charge. He made a motion to apply the '07-'08 charge to the '08-'09 charge.

Counsel Harrigfeld said that she does not know if Director Weybret's suggestion can be implemented legally.

A member of the public said that he does not agree that the '08-'09 charge is legal. He asked that the Board postpone action until the Jarvis appeal of Judge Humphries decision has been completed.

Counsel Harrigfeld reported that the appeal process could take over a year.

Members of the public asked questions about the "no-project" budget on page 29.

Director Weybret then asked that his motion be tabled until counsel checked legality. President Hoffman said that many people have supported the District, that it would not be fair to forgive the delinquent '07-'08 charges. President Hoffman moved to collect the delinquent charges, and Director Ferreira seconded the motion.

The Board voted to collect the delinquent charges, with Director Pilkington opposed.

A member of the public asked how the District can proceed with any charge since the initiative said that future charges could not be imposed.

Counsel Harrigfeld said that the Judge ruled that the charge was adopted properly and that Measure V could not affect future charges.

A member of the public said that the Judge made a mistake that the District does not provide a "water service."

*(Revised on January 5, 2009 for Action on January 20, 2009)*

Director Pilkington asked Manager Steffani for a report on what has happened to groundwater levels within Stockton East Water District (SEWD). Manager Steffani said that the SEWD treatment plant, with an original capacity of 20 million gallons per day (mgd) has been expanded twice, to 40 and 60 mgd, and that the groundwater levels within the urban area have increased substantially, but that levels within the agricultural area are still very low.

President Hoffman said that the District must move ahead, until the Judge acts again. Public member Carver, asked why the Initiative language was not followed.

Counsel Harrigfeld said that the Judge put the Initiative on the ballot and interpreted the language of Section 2 to not affect future charges.

Mr. Carver then reported that his well water level has not gone down.

Director Weybret then gave a brief history of the District.

There was then much discussion about the history and about use of riparian pumps and pipelines for recharge.

**6. Receive Report on Water Commission** (Director Weybret)

Director Weybret said that EBMUD reported on its progress with the Freeport project. He also said that the county supports the Amador County Water Agency's efforts to increase the height of Bear Dam.

**7. Receive Report on Mokelumne Forum** (Directors Ferreira and Mehrten)

Manager Steffani said that the Forum did not meet for a couple of months and that there was no action to report.

**8. Receive Court Decision of November 6, 2008, Pilkington vs. North San Joaquin Water Conservation District**

No action was taken.

**9. Receive Report on CAL FED Project** (Manager Steffani)

Manager Steffani reviewed his memo.

No action was taken.

**10. Receive Report on South Pumping Station Fish Screen** (Manager Steffani)

Manager Steffani reviewed his memo.

*(Revised on January 5, 2009 for Action on January 20, 2009)*

No action was taken.

**11. Receive Report on Tecklenburg Recharge Project (Manager Steffani)**

Manager Steffani reviewed his memo.

No action was taken.

**12. Receive Report on EBMUD Environmental Scoping Meeting of November 18, 2008 (Manager Steffani)**

Manager Steffani reviewed his memo.

Counsel Harrigfeld was directed to write a letter to EBMUD, for reception by EBMUD no later than 5:00 p.m. on December 10, 2009, including the points contained in the Manager's memo.

**13. Discuss Plans for Billing for the '08-'09 Groundwater Charge**

Following discussion of Manager Steffani's memo, President Hoffman said that billing for '08-'09 should be the same as for '07-'08, but that a final decision on billing details would have to wait for action on Director Weybrets tabled motion. See item 14 above.

**15. Discuss procedure for Adoption of Groundwater charge for '09-'10**

Manager Steffani reviewed his memo and suggested that the '09-'10 charge be considered in the same manner as that followed for the '08-'09 charge. Director Pilkington said that there should be a public vote, not a "protest" process.

President Hoffman said that the '09-'10 charge should be considered after a "protest process," with Board action in late June 2009, after educating the public between now and June.

No action was taken.

**16. Consider Alternate Actions for Collection of the Delinquent '07 – '08 charge (Counsel Harrigfeld)**

Counsel Harrigfeld suggested a special Board meeting in early January 2009 for further discussion of item 15 after she presents her report on Director Weybret's tabled motion.

*(Revised on January 5, 2009 for Action on January 20, 2009)*

**17. Consider Publishing a District Newsletter**

Manager Steffani reviewed his memo.

President Hoffman said that a newsletter should be published quarterly, and that a two-Director committee comprised of Directors Mehrten and Hoffman would be responsible for this project.

**18. Consider moving ahead with a District website**

Manager Steffani reviewed his memo.

President Hoffman said that the website should be established and that he and Director Pilkington would be responsible for this effort, utilizing Mr. Keith Colgan with whom the District contracted for this work.

**19. Consider Requesting LAFCO to detach the WID overlap area from NSJWCD**

Following discussion of Manager Steffani's memo, counsel Harrigfeld suggested that she prepare a resolution requesting such LAFCO action.

**20. Discuss Public Policy Institutes Report on Water Management and Climate Change**

Following discussion of Manager Steffani's memo, President Hoffman asked that the Manager draft a letter for the president's signature, asking that the Public Policy Institute consider construction of more reservoirs for flood control.

**21. Adjournment**

The meeting was adjourned at 11:00 a.m., with the understanding that a special meeting would be held on January 5, 2009.

Respectfully submitted,

Ed Steffani  
Secretary

ES/pjt