

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

**Monday, April 28, 2014
2:00 p.m.**

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

1. Call Regular Meeting to Order/Roll Call

The meeting was called to order by President Valente at 2:02 p.m.

Present: Directors Valente, Scanlon, Wilber. Mr. Masuda, Mr. Sadler, Ms. Spaletta. Six audience

Absent: Directors Beck, Flinn

2. Correspondence/Announcements – None

3. Action Items

A. Minutes of the Regular Meeting of March 31, 2014

Moved: Scanlon Second: Wilber Approved: 3-0

B. NSJWC District Monthly Financial Reports

The current financial reports were received by the Board and approved for filing.

Moved: Scanlon Second: Wilber Approved: 3-0

C. Invoice/expense Payments by the NSJWCD

The Treasurer was authorized to make payment on the current docket of invoices and expenses, including two months of payments to ATT (office phone) due to the early May meeting.

Action included with Item 3. B.

D. Tracy Lake Recharge Project

- 1) The current financial reports for Tracy Lake Project were received by the Board and approved for filing. Action also included payment of current docket of bills presented by Director Scanlon

Moved: Wilber Second: Scanlon Approved: 3-0

- 2) Consultant Sadler presented an oral **status report for this project**, including the meeting of the Tracy Lake Improvement District Coordinating Committee. It was noted that all but one permit application has been submitted and activities are proceeding per schedule. There is a need to move the National Marine and Fisheries entity. The parts for the pump system are being acquisitioned a bit at a time. PG and E work will take a notable period of time. **No action was taken.**

3) **Award of Contract – for the irrigation pump for the Tracy Lake Groundwater Recharge Project pump station**

Mr. Sadler noted that in addition to the required advertising, solicitation for bids was taken to the BIA as well as four suppliers. One bid was received for the pump, which is to be an owner-provided item during project construction. Mr. Sadler advised that the recommended strategy is to award the bid and then decide if the pump is to be acquired immediately or wait to accept delivery within 160+ days. This will be at a minimal cost. The system can be completed before the end of the grant period. Additional budget authorization will be necessary at the June meeting. The Coordinating Committee concurs that moving forward expeditiously is important. What entity will install the pump is to be determined.

The Board accepted the bid from Cascade Pump Company for a mixed flow irrigation pump with inverter duty rated premium efficiency motor, and authorized the purchase in the amount of \$107,784. **An informational memorandum was provided at the meeting.**

Moved: Hugh Second: Wilbur Approved: 3-0

E. Professional Engineering Services

Mr. Masuda reviewed the contract. The original engineering firm – RBI will not complete their contract. The Board adopted Resolution 2014-03 authorizing execution of a master contract for professional engineering services directly with Kjeldsen, Sinnock and Neudeck, Inc. (KSN). Individual work tasks to be authorized by the Board each time. The resolution was provided by counsel after-the-fact and is appended to these minutes. No additional funds are necessary for this work. **An informational memorandum was provided at the meeting.**

Moved: Wilber Second: Scanlon Approved: 3-0

F. Design and Specifications for the Tracy Lakes Groundwater Recharge Project Pump Station and Pipeline

The Board approved Task Order #1 (April 16, 2014) under the KSN Master Contract for the execution of this work. Mr. Sadler noted that the funds originally budgeted and allocated to the RBI contract will be used for this work. **An informational memorandum was provided at the meeting.**

Moved: Scanlon Second: Wilber Approved: 3-0

G. Preliminary Design Work for South Pump Station Rehabilitation Project

The Board approved Task Order #2 (April 16, 2014) under the KSN Master Contract for the execution of this work. The Order includes some system evaluation (and surveying) for future work and design to upgrade the system to have a shovel ready project. This work is to be completed within the next couple of months. **An informational memorandum was provided at the meeting.**

The action included having the South System in a revised NSJWCD budget with two line items: legal costs and engineering. The current budget included an allocation for water rights related to the South System, including permitting, which is to be more clearly reflected in a revised budget for the project.

Moved: Wilber Second: Scanlon Approved: 3-0

H. Grant Funding

An informational memorandum was provided at the meeting on potentially new funding opportunities by Ms. Spaletta. Mr. Nakagawa noted that the legislative proposal is for a reallocation of approved bond funds for drought-related projects. The deadlines are in June or July; however, the NSJWCD projects that are “on the list” may not qualify. They will likely qualify for funding under the next round of the bond funds (not drought relief) if there is sufficient information. The Board took no action pending completion of the KSN work and the review criteria by the County. By tacit agreement, the Board directed that authorization to file for funding

be placed on the June agenda and directed consulting staff to bring forward all potential grant and funding opportunities as they may arise.

I. Designation of the Mokelumne River as a “Wild and Scenic River”

An informational memorandum was provided at the meeting by Ms. Spaletta regarding SB 1199. This is a State proposal, not Federal, which would restrict uses of the Mokelumne River. The significant potential impacts (among many) on NSJ would essentially be elimination of upstream storage projects; impacts on filling Pardee Reservoir; and uncertainty regarding the full utilization of existing riparian rights. “Protective” legislation may be necessary. The Board took action to oppose SB 1199. Ms. Spaletta will prepare a resolution after-the-fact patterned on that approved by other water districts for presentation to the Bill’s author, Lonnie Hancock from the Bay Area. She will also contact local legislator Galgiani.

Moved: Wilber Second: Scanlon Approved: 3-0

J. Groundwater Regulation

An informational memorandum was provided at the meeting by Ms. Spaletta regarding SB 1168 (new groundwater regulation) and the potential for new regulation as part of the Governor’s Budget Trailer (specifically if SB 1168 is not passed). Significant discussion ensued, focusing on the State’s interests in groundwater overdraft and reduction in water quality. In the past, the State Boards have not dealt with groundwater; however, the Governor is “stating” that if there is not substantive legislation, then he will proceed with action through the Budget Trailer Bill. SB 1168 has a number of “blanks” that are being addressed by numerous (and varied) interest groups. There is support for having groundwater issues addressed at local levels. Mr. Nakagawa spoke to the State’s attitude of “you do it, or “we will do it for you” and the County’s interests and activities in this arena, including recent meetings of stakeholders to develop responses and constructive “ideas.” Mr. Masuda noted that the NSJWCD Board should adopt its AB 3030 plan, which was previously approved in concept. A major question is funding for whatever requirements or activities are set forth. Ms. Spaletta invited Board members to review the emerging proposals, which she is maintaining in her office; and noted that this should be an ongoing agenda item, including the potential for special meetings to take action, to which the Board concurred. **No action taken at this time.**

K. General Election November 4, 2014

Chair Valente received the packet from the County Registrar of Voters. Director terms are expired for Areas 1 (Beck), 4 (Scanlon), and 5 (Wilber). The Area 2 seat (Flinn) is also up for election as Mr. Flinn was appointed to fill out the term of Mr. Petersen until the next General Election. The Treasurer noted that the cost for the last election was about \$31,000; however, if candidates are unopposed then there is only a simple fee. **No action was taken;** however, Mr. Valente noted that he would provide all necessary forms to Secretary Flinn for completion of filing on behalf of the District as required by the County Registrar.

L. District Staffing

No action.

M. Organization of District Files

No action.

N. Community Outreach Informational Meetings

Chair Valente noted that there may be more meetings in the summer. **No action.**

O. STANTEC Engineering Presentation – WID Invitation

STANTEC Engineering will make a presentation to the Board of Directors of the Woodbridge Irrigation District on intelligent irrigation distribution design and the latest technology available to water districts to deliver irrigation water to customers in the most efficient manner. WID has extended an invitation to the NSJWCD Directors to attend the presentation on May 8th at 9:30

a.m. at the WID offices (18750 North Lower Sacramento Road). Since this is a public meeting Board members can attend without there being a Brown Act violation. Mr. Valente will attend. **No action.**

4. Report Items

A. State Board Water Right Process

Ms. Spaletta noted that the protests with EBMUD and Cal Sport Fishing Alliance are not yet resolved. All others have been addressed. There is no word from the State Board at this time.

B. Water Rights and Delivery of Water

The Board noted that there is no water this year.

C. Director and Staff Reports

- 1) President's Report – Mr. Valente attended meetings of the Farm Bureau where legislation and the Ground Water Banking Authority have been discussed. He is the alternate to the Water Advisory Board.
- 2) General Counsel Masuda noted that the Treasurer should work with Mr. Sadler and Ms. Spaletta on the budget needs and revisions for the Tracy Lakes projects for action by the Board in June. Directors agreed that preparation of budget revisions for 2014-2015 should move forward and that there should be a “dry year” version and a “wet year” version.
- 3) Consultant Walt Sadler- none
- 4) Committee Reports- none
- 5) Other
 - i. Mr. Scanlon attended the WISE Upper Mokelumne meeting for Director Flinn and obtained forms, etc. for a joint powers agreement. A number of local agencies are represented, including San Joaquin County (Brandon Nakagawa). The point of our attendance is to be sure our position on issues is heard along with other stakeholders. It was noted that “lower river” groups are outnumbered by “upcountry” interests.
 - ii. Ms. Spaletta announced that the LDDGA was sponsoring a Board of Supervisors candidate forum at the Library. Each candidate was presented with questions on a variety of topics of particular interest in the north County, many dealing with water.

5. Public Comment on Items Not on the Agenda

Mr. Schwartz from EBMUD strongly urged board members to attend the STANTEC presentation. The Farm Bureau representative stated that the south County growers using this system were extremely pleased.

6. Closed Session

Conference with Legal Counsel – Anticipated Litigation

The Board discussed potential significant exposure to litigation pursuant to subdivision (b) of California Government (GC) Code section 54956.9):

Two cases: (1) Pending NSJWCD Protest of EBMUD SWRCB Petitions; and
(2) Pending Protests to NSJWCD SWRCB Petitions

No action was taken or reported out.

7. Motion to Adjourn

The public portion of the meeting was adjourned at 3:22 p.m.

Next Regular Meeting of the Board: Monday, May 19, 2014 at 2:00 p.m.
