

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

**Monday, February 25, 2013  
6:06 PM**

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

The minutes, all noted documentation and digital recording may be obtained and downloaded at [www.nsigroundwater.org](http://www.nsigroundwater.org)

**1. Call Regular Meeting to Order/Roll Call**

Called to order by President Valente at 6:06PM

Present: President – Joe Valente  
Vice President – Mark Beck  
Treasurer – Hugh Scanlon  
Secretary – Tom Flinn

Absent: Marden Wilber

**2. Correspondence/Announcements**

- President Valente noted need to complete new Director contact information form to develop a complete roster – Secretary to collect

**3. Action Items**

**A. Consent Items**

Approval of the Minutes of the Regular Meeting of January 28, 2013.

**Motion: Flinn – Second: Scanlon Approved 4-0**

**B. Receive and file NSJWC District monthly financial report**

Treasurer presented a report, invoices, and expenses related to the operation of the District.

**C. Approval of invoice/expense payments by the NSJWCD**

Noted Checks approved.

**Motion Approve items 3.B & 3.C: Beck – Second: Flinn Approved 4-0**

**D. Review 2013-2014 Budgets**

Discussed status of current budget – no action

**E. Receive and file Tracy Lake Project financial report**

Treasurer presented a report, invoices, and expenses related to the operation of the Tracy Lake Project.

**F. Approval of invoice/expense payments related to the Tracy Lake Project**

Discussion as to status of engineering expenses. Noted Checks approved.

**Motion Approve items 3.E & 3.F: Flinn – Second: Scanlon Approved 4-0**

**G. Receipt and approval of request for water depth monitoring in wells**

Mr. Richard Best presented his proposed activities to check and report on the depth of water in wells in various locations of the NSJWCD. It was noted that this was not a duplication of work by others and was of benefit to the District. Other sites could be included as needed. The action by the Board was to authorize the study by Mr. Best to be performed this year work, authorizing reimbursement for mileage not to exceed \$400 under the direction of Director Beck.

**Motion: Flinn – Second: Beck Approved 4-0**

**H. Consideration and approval of Agreement for Ditch Tender and Water Contract Services**

Approval of agreement with the Woodbridge Irrigation District for WID to provide ditch tender and operational services to the NSJWCD for the 2013 irrigation season if EBMUD provides any water to NSJWCD and to authorize WID on a time and materials basis to spray weeds around NSJWCD pump stations.

**Motion: Beck – Second: Flinn Approved 4-0**

**I. Delivery/Sale of Water**

Mr. Gerald Schwartz of EBMUD noted that January and February 2013 had been the 2 driest January-February months on record as to precipitation for the Mokelumne watershed and at this time there was a 90% possibility of no water being available to the District – hopefully the situation will improve in the future. No action taken.

**J. Consideration of NSJWCD Vehicle Needs**

The Board declared the 2 District vehicles to be surplus to the District's needs and authorized Directors Valente and Beck to proceed with the sale of each vehicle in the manner each Director considers reasonable, and that the actual sales price of each vehicle must be concurred upon by Treasurer Scanlon.

**Motion: Flinn – Second: Beck Approved 4-0**

**K. Consideration of office location and administrative functions**

Walter Sadler discussed his review to date and he would have a final report next month.

**L. Consideration and approval of a policy on audio recordings**

The Board to retain the audio recordings of the meetings for 12-months.

**Motion: Flinn – Second: Beck Approved 4-0**

**M. Standing committees and Director responsibilities**

Director Flinn agreed to create a list of Board and/or public-member standing committees and/or assignment of specific duties to individual Directors regarding the activities and responsibilities of the NSJWCD for discussion and approval at the next meeting. Adjustments included Field operations with Beck as Primary and Valente as secondary and creation of a special committee to develop a list of priorities for potential conjunctive use/ground water banking projects – said committee to include Directors Valente and Flinn, former Director Petersen & Brandon Nakagawa with San Joaquin County Public Works.

**N. Director training**

Roger Masuda will create an annual calendar of activities for the district including administrative, technical, reporting and field activities for consideration at the next meeting

**4. Report Items**

**A. Tracy Lake Project**

Project staff reported on several recent meeting and noted project to be on-track.

**B. Director and Staff Reports**

- 1) President's report – attempting to expedite meetings

- 2) General Counsel Masuda - none
- 3) Consultant Walt Sadler - none
- 4) Water Master Report - none
- 5) Committee Reports - Director Scanlon reported on the February GBA meeting and noted the fall groundwater report found an average decrease in groundwater surface elevation of 2.4 feet.
- 6) Other - none

**5. Public Comment on Items Not on the Agenda**

- Mr. Rob Hoag noted that he had been appointed to serve as a Citizens Advisory Committee. After some discussion it was agreed that the committee could serve a valuable role in Public Outreach and in particular to those properties adjacent to the District facilities and could benefit when the District has water to market.

**6. Closed Session – Conference with Legal Counsel – Existing Litigation; County Grand Jury.**

**Motion to adjourn to Closed Session: Flinn – Second: Beck Approved 4-0**

**7. Report on Action Taken in Closed Session**

The Board President announced that the Board adopted the following resolution in Closed Session:

**RESOLUTION NO. 2013 - 1**

**RESOLUTION APPROVING LEGAL SERVICES AGREEMENT  
AND OTHER MATTERS WITH SPALETTA LAW PC**

WHEREAS, Jennifer Spaletta, Attorney at Law, has represented the North San Joaquin Water Conservation District (“District”) on water rights matters while affiliated with the law firm of Herum/Crabtree; and

WHEREAS, as of February 1, 2013, Jennifer Spaletta has left Herum/Crabtree and formed her own law firm known as Spaletta Law PC (“Attorney”); and

WHEREAS, the District wishes to continue to have Attorney work on water rights matters for the District and Attorney agrees to continue such work subject to a Legal Services Agreement, which includes a Waiver of Potential Conflict of Interest relating to the Attorney’s continued representation of FJ Venture Partnership and West Coast Credit Services, Inc., which are directly involved in the Tracy Lake Recharge Project;

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

1. The Board of Directors finds that it is in the best interests of the District to retain Attorney on water rights matters.

2. The Legal Services Agreement between the District and Attorney, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. The President of the Board of Directors is hereby authorized to execute and

deliver after consultation with the District's General Counsel the agreement in the form presented to this meeting, with such changes, insertions and deletions as may be approved by the President, said execution by the President being conclusive evidence of such approval.

3. The President of the Board of Directors is also hereby authorized to sign Exhibit A, Consent and Waiver of Rights, and Authorization for Release of Client Files.

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

Upon roll call the following vote was had:

Ayes: Directors Valente, Flinn, Beck, Scanlon  
Noes: None  
Absent: Director Wilber  
Abstain: None

The President declared the resolution adopted.

**8. Motion to Adjourn**

Meeting adjourned at 8:50 p.m. The next scheduled meeting is March 25, 2013 at 6:00 p.m. at the Lodi Library

**Motion: Flinn – Second: Beck Approved 4-0**

Respectfully Submitted,

Tom Flinn  
Secretary