



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Supporting Assembly Bill 93 Which Would Authorize the North San Joaquin Water Conservation District to Fix and Collect a Per-Acre Charge for Water Supply Operations.

MEETING DATE: March 21, 2001

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution supporting Assembly Bill 93 which would authorize the North San Joaquin Water Conservation District to fix and collect a per-acre charge for water supply operations.

BACKGROUND INFORMATION: In each of the past two years, the North San Joaquin Water Conservation District (NSJWCD) has requested, and has received, funds from the City of Lodi to support their water supply activities. In approving these funds, the City Council was clear that the District should work on a permanent source of funding. The amounts approved were \$12,000 (December 15, 1999), and \$21,000 (November 15, 2000).

The District has worked with Assemblyman Pescetti on AB93 which would authorize the District to charge up to \$5.00 per acre per year. Since many parcels in the City are in the District and are under one acre in size, the minimum amount of up to \$5.00 would be added to the property tax. A copy of the bill in it's current form is attached (Exhibit A). Although not explicitly stated in the bill, it is staff's understanding that the District will still need to follow the provisions of Proposition 218 in order to impose the tax.

The District has sent a letter requesting City support (Exhibit B).

Staff is recommending support, partly in response to past Council direction, but, more importantly, in order to secure additional water supplies and help preserve our groundwater basin, the District does need an ongoing source of funding.

FUNDING: None needed by the City.

Richard C. Prima, Jr.  
Public Works Director

RCP/pkh

Attachments

cc: Jack Sieglock, San Joaquin County Board of Supervisors  
Ed Steffani, North San Joaquin Water Conservation District  
Andy Christensen, Woodbridge Irrigation District  
Manuel Lopez, San Joaquin County Public Works Director  
Fran Forkas, Water/Wastewater Superintendent

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

**Introduced by Assembly Member Pescetti**January 11, 2001

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An act to add Chapter 6 (commencing with Section 75480) to Part 8 of Division 21 of the Water Code, relating to water.

## LEGISLATIVE COUNSEL'S DIGEST

AB 93, as introduced, Pescetti. North San Joaquin Water Conservation District: charge.

(1) Existing law specifies the powers and purposes of water conservation districts.

This bill would authorize the North San Joaquin Water Conservation District, by resolution, to fix and collect a specified per-acre charge, not to exceed \$5 per-acre, on taxable land within the district to pay for the expenses of the district. The bill would authorize the board of the district to provide a procedure for the collection of the charges by way of the county tax bills, thereby imposing a state-mandated local program by imposing additional duties on the affected county with regard to the collection of those charges.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,



reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 6 (commencing with Section 75480) is  
2 added to Part 8 of Division 21 of the Water Code, to read:

3

4 CHAPTER 6. NORTH SAN JOAQUIN WATER CONSERVATION  
5 DISTRICT

6

7 75480. (a) The North San Joaquin Water Conservation  
8 District, in addition to its other powers, may fix and collect charges  
9 as provided in this chapter.

10 (b) "District," for the purposes of this chapter is the North San  
11 Joaquin Water Conservation District.

12 75480.5. (a) On or before the 30th day of June of each year,  
13 the district may, by resolution of the board, fix and collect charges  
14 sufficient to meet and pay the estimated expenses and obligations,  
15 including a reasonable reserve for contingencies, of the district,  
16 until the time that money shall be available to the district from  
17 charges fixed in the next succeeding year, subject, however, to a  
18 maximum limit of five dollars (\$5) upon each acre, or portion of  
19 an acre, of taxable land within the district.

20 (b) The board, in fixing the charges, may establish the dates of  
21 delinquency and may impose penalties for delinquency not  
22 exceeding 10 percent of the amount of the charge and may, in  
23 addition, collect interest at the rate of 8 percent per annum from  
24 the date of delinquency on all delinquent charges. The district may  
25 sue for the recovery of unpaid charges.

26 (c) The revenue obtained from the charges may be used for any  
27 district purpose and the payment of any district obligation.

28 75481. (a) The district may, by resolution of the board,  
29 provide a procedure for and collect the charges by way of the tax  
30 bills of the county in which the district is located. The charges shall  
31 appear as a separate item on the tax bill, shall be collected at the  
32 same time and in the same manner as county ad valorem property  
33 taxes are collected, and shall be subject to the same penalties and



1 the same procedure and sale in case of delinquency as provided for  
2 those taxes.

3 (b) The district shall, on or before August 1 of each year, certify  
4 to the county auditor the charges to be collected. The county may  
5 deduct from the revenue so collected for the district an appropriate  
6 amount for the billing and collection services provided to the  
7 district.

8 75481.5. Any charges erroneously made by reason of  
9 inadvertence of clerical mistake may be refunded upon order of the  
10 board at any time after payment thereof.

11 SEC. 2. Notwithstanding Section 17610 of the Government  
12 Code, if the Commission on State Mandates determines that this  
13 act contains costs mandated by the state, reimbursement to local  
14 agencies and school districts for those costs shall be made pursuant  
15 to Part 7 (commencing with Section 17500) of Division 4 of Title  
16 2 of the Government Code. If the statewide cost of the claim for  
17 reimbursement does not exceed one million dollars (\$1,000,000),  
18 reimbursement shall be made from the State Mandates Claims  
19 Fund.



DIRECTORS  
George A. Gillespie  
Thomas Hoffman  
Jerry D. Mettler  
Matthys Van Gaalen  
Fred Weybret

# NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

221 W. Pine St., Lodi, CA 95240

GENERAL MANAGER  
Edward M. Steffani

LEGAL COUNSEL  
Stewart C. Adams, Jr.

**EXHIBIT B**

March 12, 2001

Mr. Richard Prima  
Director of Public Works  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95241-1910

SUBJECT: AB-93

Dear Mr. Prima,

I am writing on behalf of the Board of Directors of North San Joaquin Water Conservation District to request City of Lodi support of the subject proposed state legislation.

AB-93 would authorize the NSJWCD Board, subject to a Prop 218 election, to impose an annual acreage charge up to \$5.00.

As you well know, the District's current revenue of less than \$200,000. per year is completely inadequate for programs and projects necessary for correction of the groundwater overdraft.

As you also know, the District has been unable to fully use its wetter year supply of the 20,000 acre feet of Mokelumne River water. Farmers are unwilling to pay \$50.00 per acre per year for a part time supply.

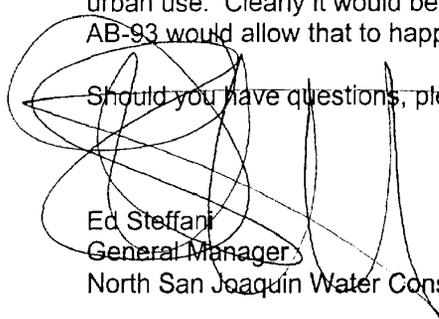
If AB-93 were to be enacted it would be the District's intent to seek voter approval of a \$1.00 per acre charge, with the new revenue used to reduce the surface water rate from \$50.00 to \$20.00. Discussions with a number of farmers indicate that such reduction would be sufficient to bring about a greater use of surface water, thus decreasing use of well water.

The \$1.00 charge would apply to all land within the District, including urban land. Each parcel within the City of Lodi generally east of Mills Avenue, would be charged a minimum of \$1.00. Large parcels would be charged at the rate of \$1.00 per acre.

It is reasonable to charge the urban area because reductions of groundwater pumping by farmers will benefit everyone using well water. Another, but, more costly way to use the 20,000 acre feet of surface water would involve construction of a treatment plant for urban use. Clearly it would be much better to encourage farmers to use less well water.

AB-93 would allow that to happen.

Should you have questions, please do not hesitate to contact me.

  
Ed Steffani  
General Manager  
North San Joaquin Water Conservation District

RESOLUTION NO. 2001-72

A RESOLUTION OF THE LODI CITY COUNCIL  
SUPPORTING ASSEMBLY BILL 93 WHICH AUTHORIZES  
THE NORTH SAN JOAQUIN WATER CONSERVATION  
DISTRICT FOLLOWING AN ELECTION HELD PURSUANT  
TO THE PROVISIONS OF PROPOSITION 218 TO FIX  
AND COLLECT A PER-ACRE CHARGE FOR  
WATER SUPPLY OPERATIONS

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WHEREAS, groundwater use in northeastern San Joaquin County exceeds the amount being replaced by nature; and

WHEREAS, encouraging use of surface water, when available, will help reduce the demand on groundwater resources; and

WHEREAS, providing funding for projects and programs that will encourage use of surface water is appropriate and necessary for the benefit of the area.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby supports approval of Assembly Bill 93 which will authorize the North San Joaquin Water Conservation District following an election held pursuant to the provisions of Proposition 218 to fix and collect a specified charge, not to exceed \$5.00 per acre to pay for expenses of the District.

Dated: March 21, 2001

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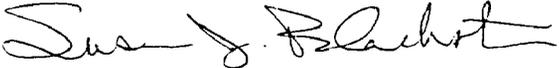
I hereby certify that Resolution No. 2001-72 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 21, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
City Clerk

CITY COUNCIL

ALAN S. NAKANISHI, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
EMILY HOWARD  
KEITH LAND

**CITY OF LODI**  
**PUBLIC WORKS DEPARTMENT**

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
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<http://www.lodi.gov>

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney  
RICHARD C. PRIMA, JR.  
Public Works Director

March 15, 2001

**SUBJECT: ADOPT RESOLUTION SUPPORTING ASSEMBLY BILL 93 WHICH  
WOULD AUTHORIZE THE NORTH SAN JOAQUIN WATER  
CONSERVATION DISTRICT TO FIX AND COLLECT A PER-ACRE  
CHARGE FOR WATER SUPPLY OPERATIONS.**

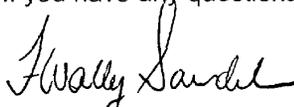
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, March 21, 2001. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call me at (209) 333-6759.



Richard C. Prima, Jr.  
Public Works Director

RCP/pkh

Enclosure

cc: City Clerk