

AGENDA ITEM B-1



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Appointments of City Council Members to Fill Vacancies, Expiring Terms, and Consider Reassignments on Various Boards, Commissions, and Committees

MEETING DATE: December 14, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That following discussion, Council take appropriate action to appoint Council Members to fill vacancies, expiring terms, and consider reassignments on various boards, commissions, and committees.

BACKGROUND INFORMATION: With the recent election and reorganization of the City Council, it is necessary to fill the positions on various boards, commissions, and committees that are now vacant. In addition, Council may wish to consider reassignments at this time. All terms are for an unspecified period with the exception of the San Joaquin County Flood Control and Water Conservation District – Water Advisory Commission, which expires on February 26, 2005. *(Note: Lodi's opportunity to have a voting member on the Local Agency Formation Commission expires May 1, 2005 and will not reoccur until 2013.)*

The attached appointments list is presented to Council for its review. All vacancies have been highlighted. It is requested that Council discuss this matter and take appropriate action.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/jmp

Attachments

APPROVED: _____
Janet S. Keeter, Interim City Manager

**LODI CITY COUNCIL
SERVICE ON VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES**

GREATER LODI AREA YOUTH COMMISSION - (1 Lodi rep., no term limit) Meets 2nd Thursday of each month at 7:00 p.m., Cottage Room at Hutchins Street Square. *Contact: Mike Areida, 333-6800 x2424*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Vacancy (Howard)	333-6702	April 18, 2001	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

GREENBELT 2 X 2 X 2 COMMITTEE - (Comprised of 2 representatives each from City of Stockton / City of Lodi / San Joaquin County) (2 Lodi reps., no term limit) Meetings as called. *Contact: Rad Bartlam at 333-6711*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Susan Hitchcock	333-6702	December 15, 1998	Unspecified
John Beckman	333-6702	January 2, 2003	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

LOCAL AGENCY FORMATION COMMISSION (LAFCO) - (1 Lodi rep., 4-year term) Meets 3rd Friday of each month at 10:00 a.m., 1860 E. Hazelton Ave., Stockton.
Contact: Bruce Baracco, LAFCO Executive Officer, 468-3198

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Larry Hansen, Voting Member	333-6702	November 18, 2004	May 1, 2005

Appointments made by a City Selection Committee comprised of all seated Mayors in San Joaquin County. Council Member required.

(Per LAFCO – Voting member appointed 5/2/01 to a 4-year term expiring 5/01/05. For 8 years (from 5/2005 to 5/2013), Lodi will be off rotation. In May 2013, Lodi will begin the cycle anew with a City representative serving a 2-year Alternate term.)

LODI 2 X 2 COMMITTEE - (Comprised of 2 representatives each from City of Lodi and Lodi Unified School District (LUSD)) (2 Lodi reps., no term limit) Meetings as called. *Contact: Susan Lake, City Manager's Office, 333-6700*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Larry Hansen	333-6702	January 2, 2003	Unspecified
John Beckman	333-6702	January 2, 2003	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Two Council Members required.

NORTHEASTERN SAN JOAQUIN COUNTY GROUNDWATER BANKING AUTHORITY - (1 Lodi rep., 4-year term). Board meets 2nd Wednesday of each month, 9:30 a.m. at the SJ County Public Works Conf. Room A, Stockton.
Contact: Tanya Moreno, Water Resources Coordinator, 468-3531

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
John Beckman, Delegate	333-6702	January 2, 2003	Unspecified
Susan Hitchcock, Alternate	333-6702	February 7, 2001	Unspecified
Richard Prima, Alternate	333-6706	February 7, 2001	Unspecified

*Coordinating Committee meets 2nd and 4th Wednesdays. Mr. Prima serves as the representative on the committee.

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member not required.

**LODI CITY COUNCIL
SERVICE ON VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES**

NORTHERN CALIFORNIA POWER AGENCY (NCPA) - (1 Lodi rep., no term limit). Meets 4th Thursday of each month at 9:30 a.m. at various locations. *Contact: Denise Dow, NCPA, (916) 781-4202*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Larry Hansen, Delegate	333-6702	January 2, 2003	Unspecified
Susan Hitchcock, Alternate	333-6702	December 15, 1998	Unspecified
Alan Vallow, EUD Alternate	333-6762	December 15, 1998	Unspecified
VACANT, EUD Alternate (Stone retired)	333-6762	December 15, 1998	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required (Delegate only).

SAN JOAQUIN COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY - (1 Lodi rep., no term limit)
Meeting date/time/location varies. *Contact: Joseph Wood, 333-6823*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Vacancy (Howard)	333-6702	August 15, 2001	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - (1 Lodi rep., no term limit) Meetings held bi-annually at 1810 E. Hazelton Avenue, Stockton. *Contact: Karen Stevens, SJCDD, 468-3139*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Vacancy (Land)	333-6702	January 2, 2003	Unspecified

One representative from each of the 6 cities in San Joaquin County, plus two members of the County Board of Supervisors. Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

SAN JOAQUIN COUNCIL OF GOVERNMENTS (COG) - (1 Lodi rep., no term limit) Meets 4th Thursday of each month at 5:00 p.m., 555 East Weber Avenue, Stockton. *Contact: Julia Green, COG, 468-3913*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Vacancy (Howard), Delegate	333-6702	January 2, 2003	Unspecified
Larry Hansen, Alternate	333-6702	January 2, 2003	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

SAN JOAQUIN COUNCIL OF GOVERNMENTS' REGIONAL TRANSPORTATION IMPACT FEE POLICY COMMITTEE - (1 Lodi rep., no term limit) Meetings as called, 555 E. Weber Avenue, Stockton. *Contact: Julia Green, COG, 468-3913*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Larry Hansen, Voting Representative	333-6702	October 20, 2004	Unspecified
Janet Keeter, Ex-Officio Member (as determined by COG Board of Directors)	333-6700	October 20, 2004	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

**LODI CITY COUNCIL
SERVICE ON VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES**

SAN JOAQUIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT - WATER ADVISORY COMMISSION
(1 Lodi rep., 4-year term) Meets 3rd Wednesday of each month at 1:00 p.m., Canlis Building, 26 N. Hunter,
Stockton
Contact: Tanya Moreno, Water Resources Coordinator, 468-3531

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
John Beckman, Delegate	333-6702	January 2, 2003	February 26, 2005
Richard Prima, Alternate	333-6706		

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member preferred, not required.

SAN JOAQUIN COUNTY MOKELUMNE RIVER WATER AND POWER AUTHORITY - (1 Lodi rep., no term limit)
Meeting date/time/location varies. *Contact: Tom Gau, Deputy PW Director, 468-3101*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
John Beckman, Delegate	333-6702	January 2, 2003	Unspecified
Larry Hansen, Alternate	333-6702	January 2, 2003	Unspecified
Richard Prima, Alternate	333-6706		Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

SAN JOAQUIN COUNTY SOLID WASTE MANAGEMENT TASK FORCE - (1 Lodi rep., no term limit) Meets 2nd Thursday of each
month at 1:30 p.m., 1810 E. Hazelton, Stockton. *Contact: Allison Hudson, County Public Works, 468-
3066*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
John Beckman	333-6702	January 2, 2003	Unspecified

Membership determined by Board of Supervisors and a majority of cities within the County which contain a majority of
of the population of the County. Council Member required.

SAN JOAQUIN PARTNERSHIP - (1 Lodi rep., 4-year term) Meets 4th Thursday of each month at 8:00 a.m., 2800 W. March Lane,
Suite 470, Stockton. *Contact: Chris Bamesberger-Youngsma, 956-3380*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
John Beckman, Delegate	333-6702	January 7, 2004	Unspecified
Vacancy (Howard), Alternate*	333-6702	January 7, 2004	Unspecified

*Alternate has no voting authority in absence of the Delegate.

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

SMART GROWTH TASK FORCE (UNDER THE AUSPICES OF BUSINESS COUNCIL OF SAN JOAQUIN) – (1 Lodi rep., no term limit)
Meetings quarterly - date/time/location varies. *Contact: Ron Addington, 956-3380*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Larry Hansen, Delegate	333-6702	January 2, 2003	Unspecified
Richard Prima, Alternate	333-6706		Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

LODI CITY COUNCIL
SERVICE ON VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES

TRANSMISSION AGENCY OF NORTHERN CALIFORNIA (TANC) - (1 Lodi rep., no term limit) Meets 3rd Wednesday after 1st Monday of every other month starting in January, with additional special meetings as called. Meetings held at 10:00 a.m. at 3100 Zinfandel Drive, Suite 600, Ranch Cordova (location of firm which officiates over TANC activities). *Contact: Maury Kruth, (916) 852-1673*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
John Beckman, Delegate	333-6702	January 2, 2003	Unspecified
Alan Vallow, Alternate	333-6762	December 15, 1998	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required (Delegate only).

Posted pursuant to Section 54972 of the State of California Government Code.
Questions regarding this posting should be directed to the City Clerk's Office at (209) 333-6702.

Dated: December 2, 2004

Susan J. Blackston
City Clerk

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B-1



SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.468.3913 • 209.468.1084 (fax)

www.sjcog.org

December 9, 2004

RECEIVED

DEC 13 2004

City Clerk
City of Lodi

Gary S. Giovanetti
CHAIR

Gary Haskin
VICE CHAIR

Julia E. Greene
EXECUTIVE DIRECTOR

Mayor John Beckman
City of Lodi, City Hall
PO Box 3006
Lodi, CA 95241-1910

Dear Mayor Beckman:

Member Agencies
CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

The San Joaquin Council of Governments is responsible under the Delta Protection Act of 1992, SECTION 1. Section 21080.22 of the Public Resource Code for appointing one member of the Delta Protection Commission from a city council in San Joaquin County. This position was most recently filled by Councilman Augie Beltran of the City of Lathrop. Councilman Beltran has tendered his resignation due to other commitments, and the San Joaquin Council of Governments is soliciting any interest from your council in filling the position. Attached is a copy of the legislation creating the Delta Protection Commission, and a recent agenda from the Commission. The Executive Director for the Commission is Margit Aramburu and she can be contacted at (916) 776-2290 for more information or the Commission's website can be accessed at www.delta.ca.gov.

As way of background, the San Joaquin Council of Governments has filled the Delta Protection Commission since 1992 with a councilmember from the City of Lathrop. However, the position can be filled by any elected city councilmember in San Joaquin County.

I am requesting that if your city has a councilmember interested in the Delta Protection Commission position please respond in writing to the San Joaquin Council of Governments, attention Ms. Julia E. Greene, Executive Director by January 7, 2005. If you have any questions please feel free to contact Andrew T. Chesley, Deputy Executive Director of the San Joaquin Council of Governments at 209-468-3913.

Sincerely yours,

GARY S. GIOVANETTI
Chair, San Joaquin Council of Governments

Cc: Margit Aramburu

MEETING NOTICE AND PROPOSED AGENDA

Delta Protection Commission
Thursday, November 18, 2004, 6:30 p.m.

NOTE DIFFERENT MEETING LOCATION:
Courtland Auditorium, 180 Primasing Street, Courtland

NOTE: Staff reports for this meeting, plus a copy of this notice and agenda are available on the Commission's website: www.delta.ca.gov

- 1. Call to Order/Roll Call**
- 2. Public Comment**
- 3. Minutes of the Last Meeting**
- 4. Chairman's Report**
- 5. Commissioner Comments/Announcements**
- 6. Attorney General's Report**
- 7. Executive Director's Report**
 - Pending Projects Memo
 - Report on Field Trip to Liberty Island on October 28
 - Report on Election of Reclamation District Representatives
 - Resolutions of Appreciation for Retiring Commissioners
 - Update on CALFED Science Conference re: Levees
 - 2005 Schedule of Meetings
- 8. CALFED Activities and Projects-Ron Ott, Delta Coordinator**
(For Commission Information)
- 9. Briefing on San Joaquin River**
(For Commission Information)

Representatives of the Natural Resources Defense Council will update the Commission on recent legal rulings regarding flows in the San Joaquin River and what the rulings mean for the River and the Delta.
- 10. Presentation of Updated Recreation Facilities Inventory**
(For Commission Review and Discussion)

Commission staff has updated the Recreation Facilities Inventory as part of the current recreation planning process. Staff will present the revised inventory and identify changes since release of the first inventory in 1997.
- 11. Report from Delta Land Use Impacts Committee Regarding Review of Projects in the Primary and Secondary Zones**
(For Commission Action)

The Committee will recommend a process for review of projects and activities.
- 12. Discussion of Possible Updates to Land Use and Resource Management Plan for the Primary Zone of the Delta Protection Commission**
(For Commission Information and Discussion)

A panel of individuals familiar with the adopted Plan and current Delta issues will present their thoughts regarding updating the Background Reports and the Plan.

13. Adopt Proposed Report to the Legislature on the status of review of the Land Use and Resource Management Plan, including efforts to identify changes and growth pressures within the Primary Zone, and lands within the Secondary Zone, the development of which impacts the resources of the Primary Zone.

(For Commission Action)

The Commission has been directed to report on status of review of the Plan. Staff will present an overall plan to review the plan, and present analysis of Utilities and Infrastructure Policies and Levee Policies. A report is due to the Legislature by January 10, 2005.

14. Adjourn

COMMITTEE MEETINGS:

Recreation Citizens Advisory Committee: Wednesday, December 15, 2004, 1 to 3 pm

Location: Jean Harvie Community Center, 14273 River Road, Walnut Grove

Topics: Deltawide Recreation Study; South Delta Improvements Project; Other Proposed Recreation Projects and Studies

Delta Protection Act of 1992

DELTA PROTECTION ACT of 1992

(As amended by SB 1673, Chaptered on 9/17/96.)

(As amended by SB 1075, Chaptered on 9/18/98.)

(As amended by SB 750, Chaptered on 9/16/99.)

(As amended by AB 2930, Chaptered on 9/19/00.)

SECTION 1. Section 21080.22 is added to the Public Resources Code to read:

21080.22. (a) This division does not apply to activities and approvals by a local government necessary for the preparation of general plan amendments pursuant to Section 29763, except that the approval of general plan amendments by the Delta Protection Commission is subject to the requirements of this division.

(b) For purposes of Section 21080.5, a general plan amendment is a plan required by the regulatory program of the Delta Protection Commission.

SEC. 2. Division 19.5 (commencing with Section 29700) is added to the Public Resources Code, to read:

DIVISION 19.5

DELTA PROTECTION ACT OF 1992

CHAPTER 1.

FINDINGS AND DECLARATIONS

29700. This division shall be known, and may be cited, as the Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992.

29701. The Legislature finds and declares that the Sacramento-San Joaquin Delta is a natural resource of statewide, national, and international significance, containing irreplaceable resources, and it is the policy of the state to recognize, preserve, and protect those resources of the delta for the use and enjoyment of current and future generations.

29702. The Legislature further finds and declares that the basic goals of the state for the delta are the following:

(a) Protect, maintain, and, where possible, enhance and restore the overall quality of the delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities.

(b) Assure orderly, balanced conservation and development of delta land resources.

(c) Improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety.

29703. The Legislature further finds and declares as follows:

(a) The delta is an agricultural region of great value to the state and nation and the retention and continued cultivation and production of fertile peatlands and prime soils are of significant value.

(b) The agricultural land of the delta, while adding greatly to the economy of the state, also provides a significant value as open space and habitat for water fowl using the Pacific Flyway, as well as other wildlife, and the continued dedication and retention of that delta land in agricultural production contributes to the preservation and enhancement of open space and habitat values.

(c) Agricultural lands located within the primary zone should be protected from the intrusion of

nonagricultural uses.

29704. The Legislature further finds and declares that the leveed islands and tracts of the delta and portions of its uplands are floodprone areas of critical statewide significance due to the public safety risks and the costs of public emergency responses to floods, and that improvement and ongoing maintenance of the levee system is a matter of continuing urgency to protect farmlands, population centers, the state's water quality, and significant natural resource and habitat areas of the delta. The Legislature further finds that improvements and continuing maintenance of the levee system will not resolve all flood risks and that the delta is inherently a floodprone area wherein the most appropriate land uses are agriculture, wildlife habitat, and, where specifically provided, recreational activities, and that most of the existing levee systems are degraded and in need of restoration, improvement, and continuing management.

29705. The Legislature further finds and declares that the delta's wildlife and wildlife habitats, including waterways, vegetated unleveed channel islands, wetlands, and riparian forests and vegetation corridors, are highly valuable, providing critical wintering habitat for waterfowl and other migratory birds using the Pacific Flyway, as well as certain plant species, various rare and endangered wildlife species of birds, mammals, and fish, and numerous amphibians, reptiles, and invertebrates, that these wildlife species and their habitat are valuable, unique, and irreplaceable resources of critical statewide significance, and that it is the policy of the state to preserve and protect these resources and their diversity for the enjoyment of current and future generations.

29706. The Legislature further finds and declares that the resource values of the delta have deteriorated, and that further deterioration threatens the maintenance and sustainability of the delta's ecology, fish and wildlife populations, recreational opportunities, and economic productivity.

29707. The Legislature further finds and declares that there is no process by which state and national interests and values can be protected and enhanced for the delta, and that, to protect the regional, state, and national interests for the long-term agricultural productivity, economic vitality, and ecological health of the delta resources, it is necessary to provide and implement delta land use planning and management by local governments.

29708. The Legislature further finds and declares that the cities, towns, and settlements within the delta are of significant historical, cultural, and economic value and that their continued protection is important to the economic and cultural vitality of the region.

29709. The Legislature further finds and declares as follows:

- (a) Regulation of land use and related activities that threaten the integrity of the delta's resources can best be advanced through comprehensive regional land use planning implemented through reliance on local government in its local land use planning procedures and enforcement.
- (b) In order to protect regional, state, and national interests in the long-term agricultural productivity, economic vitality, and ecological health of delta resources, it is important that there be a coordination and integration of activities by the various agencies whose land use activities and decisions cumulatively impact the delta.

29710. The Legislature further finds and declares that agricultural, recreational, and other uses of the delta can best be protected by implementing projects that protect wildlife habitat before conflicts arise.

29711. The Legislature further finds and declares that the inland ports of Sacramento and Stockton constitute economic and water dependent resources of statewide significance, fulfill essential functions

in the maritime industry, and have long been dedicated to transportation, agricultural, commercial, industrial, manufacturing, and navigation uses consistent with federal, state, and local regulations, and that those uses should be maintained and enhanced.

29712. The Legislature further finds and declares as follows:

- (a) The delta's waterways and marinas offer recreational opportunities of statewide and local significance and are a source of economic benefit to the region, and, due to increased demand and useage, there are public safety concerns requiring increased coordination by all levels of government.
- (b) Recreational boating within the delta is of statewide and local significance and is a source of economic benefit to the region, and to the extent of any conflict or inconsistency between this division and any provisions of the Harbors and Navigation Code, regarding regulating the operation or use of boating in the delta, the provisions of the Harbors and Navigation Code shall prevail.

29713. The Legislature further finds and declares that the voluntary acquisition of wildlife and agricultural conservation easements in the delta promotes and enhances the traditional delta values of agriculture, habitat, and recreation.

29714. The Legislature further finds and declares that, in enacting this division, it is not the intent of the Legislature to authorize any governmental agency acting pursuant to this division to exercise their power in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the California Constitution or the United States Constitution.

29715. To the extent of any conflict or inconsistency between this division and any provision of the Water Code, the provisions of the Water Code shall prevail.

29716. Nothing in this division authorizes the commission to exercise any jurisdiction over matters within the jurisdiction of, or to carry out its powers and duties in conflict with the powers and duties of, any other state agency.

CHAPTER 2. DEFINITIONS

29720. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this division.

29720.5. "Aggrieved person" has the same meaning as defined in Section 29117.

29721. "Commission" means the Delta Protection Commission created by Section 29735.

29722. "Delta" means the Sacramento-San Joaquin Delta, as defined in Section 12220 of the Water Code, for all provisions of this division, other than Chapter 3 (commencing with Section 29735). For the purposes of Chapter 3, (commencing with Section 29735), "delta" means the area of the delta minus the area contained in Alameda County.

29723. (a) "Development" means on, in, over, or under land or water, the placement or erection of any solid material or structure; discharge of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), and any other

division of land including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational or fish and wildlife uses or preservation; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

(b) "Development" does not include any of the following:

- (1) All farming and ranching activities, as specified in subdivision (e) of Section 3482.5 of the Civil Code.
- (2) The maintenance, including the reconstruction of damaged parts, of structures, such as marinas, dikes, dams, levees, riprap (consistent with Chapter 1.5 (commencing with Section 12306) of Part 4.8 of Division 6 of the Water Code, breakwater, causeways, bridges, ferries, bridge abutments, docks, berths, and boat sheds. "Maintenance" includes, for this purpose, the rehabilitation and reconstruction of levees to meet applicable standards of the United States Army Corps of Engineers or the Department of Water Resources.
- (3) The construction, repair, or maintenance of farm dwellings, buildings, stock ponds, irrigation or drainage ditches, water wells, or siphons, including those structures and uses permitted under the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part I of Division I of Title 5 of the Government Code).
- (4) The construction or maintenance of farm roads, or temporary roads for moving farm equipment.
- (5) The dredging or discharging of dredged materials, including maintenance dredging or removal, as engaged in by any marina, port, or reclamation district, in conjunction with the normal scope of their customary operations, consistent with existing federal, state, and local laws.
- (6) The replacement or repair of pilings in marinas, ports, and diversion facilities.
- (7) Projects within port districts, including, but not limited to, projects for the movement, grading, and removal of bulk materials for the purpose of activities related to maritime commerce and navigation.
- (8) The planning, approval, construction, operation, maintenance, reconstruction, alteration, or removal by a state agency or local agency of any water supply facilities or mitigation or enhancement activities undertaken in connection therewith.
- (9) Construction, reconstruction, demolition, and land divisions within existing zoning entitlements, and development within, or adjacent to, the unincorporated towns of the delta, as permitted in the Delta Area Community Plan of Sacramento County and the general plan of Yolo County, authorized prior to January 1, 1992.
- (10) Exploration or extraction of gas and hydrocarbons.
- (11) The planning, approval, construction, repair, replacement, alteration, reconstruction, operation, maintenance, or removal of oxidation and water treatment facilities owned by the City of Stockton or the City of Lodi, or facilities owned by any local agency within or adjacent to the unincorporated towns of the delta consistent with the general plan of the County of Sacramento or the County of Yolo, as the case may be.

29724. "Local agency" means any local agency, other than a local government, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries or which maintains facilities within the delta. "Local agency" includes, but is not limited to, a port, water agency, flood control district, county service area, maintenance district or area, improvement district or improvement area, mosquito abatement district, resource conservation district, sanitary or sewer district, or any other zone or area, formed for the purpose of designating an area within which either an assessment or a property tax rate will be levied to pay for a service or improvement benefiting that area or a special function will be carried out within that area.

29725. "Local government" means the Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo, and the Cities of Sacramento, Stockton, Tracy, Antioch, Pittsburg, Isleton, Lathrop, Brentwood, Rio Vista, West Sacramento, and Oakley, and any other cities that may be incorporated in the future in

the primary zone.

29726. "Pacific Flyway" means the identified migratory bird flight path, including feeding and nesting habitat, as described in the Central Valley Habitat Joint Venture component of the North American Waterfowl Management Plan (NAWMP-1986).

29727. "Port" means the Port of Sacramento and the Port of Stockton, including all the land owned or leased by those ports.

29728. "Primary Zone" means the delta land and water area of primary state concern and statewide significance which is situated within the boundaries of the delta, as described in Section 12220 of the Water Code, but that is not within either the urban limit line or sphere of influence line of any local government's general plan or currently existing studies, as of January 1, 1992. The precise boundary lines of the primary zone includes the land and water areas as shown on the map titled "Delta Protection Zones" on file with the State Lands Commission. Where the boundary between the primary zone and secondary zone is a river, stream, channel, or waterway, the boundary line shall be the middle of that river, stream, channel, or waterway.

29729. Repealed (1998).

29730. "Restoration" means actions which return a degraded or deteriorated area to a level of increased productivity, environmental quality, or beneficial values.

29731. "Secondary zone" means all the delta land and water area within the boundaries of the delta not included within the primary zone, subject to the land use authority of local government, and that includes the land and water areas as shown on the map titled "Delta Protection Zones" on file with the State Lands Commission.

29732. "Sphere of influence line" refers to those boundaries of local governments as defined in Sections 56425 and 56426 of the Government Code.

29733. "Unincorporated towns" means the communities of Walnut Grove, Clarksburg, Courtland, Hood, Locke, and Ryde.

29734. "Urban limit line" means that general plan line established and approved by any local government within the delta which delineates boundaries beyond which urban development is not publicly proposed by local government, as of January 1, 1992.

CHAPTER 3. ORGANIZATION

29735. There is hereby created the Delta Protection Commission consisting of 19 members as follows:

(a) One member of the board of supervisors of each of the five counties within the delta whose supervisorial district is within the primary zone shall be appointed by the board of supervisors of the county.

(b) Three elected city council members shall be selected and appointed by city selection committees, from regional and area councils of government, one in each of the following areas:

(1) One from the north delta, consisting of the Counties of Yolo and Sacramento.

(2) One from the south delta, consisting of the County of San Joaquin.

(3) One from the west delta, consisting of the Counties of Contra Costa and Solano.

(c)(1) One member each from the board of directors of five different reclamation districts which are located within the primary zone who are residents of the delta, and who are elected by the trustees of reclamation districts within the following areas:

(A) Two members from the area of the North Delta Water Agency as described in Section 9.1 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), provided at least one member is also a member of the Delta Citizens Municipal Advisory Council.

(B) One member from the West Delta consisting of the area of Contra Costa County within the delta.

(C) One member from the area of the Central Delta Water Agency as described in Section 9.1 of the Central Delta Water Agency Act (Chapter 1133 of the Statutes of 1973).

(D) One member from the area of the South Delta Water Agency as described in Section 9.1 of the South Delta Water Agency Act (Chapter 1089 of the Statutes of 1973).

(2) Each reclamation district may nominate one director to be a member. The member from an area shall be selected from among the nominees by a majority vote of the reclamation districts in that area. For purposes of this section, each reclamation district shall have one vote. The north delta area shall conduct separate votes to select each of its two members.

(d) The Director of Parks and Recreation or the director's sole designee.

(e) The Director of Fish and Game or the director's sole designee.

(f) The Director of Food and Agriculture or the director's sole designee.

(g) The executive officer of the State Lands Commission or the executive officer's sole designee.

(h) The Director of Boating and Waterways or the director's sole designee.

(i) The Director of Water Resources or the director's sole designee.

29736. The term of office of the members of the commission shall be for four years, and a member may serve for one or more consecutive terms.

29737. Members shall serve without compensation, but the expenses of each member incurred in connection with official duties shall be paid by the commission.

29738. The position of a member of the commission shall be considered vacated upon the loss of any qualification required for appointment, and in that event the appointing authority shall appoint a successor within 30 days of the occurrence of the vacancy. Upon the occurrence of the first vacancy among any of the members listed in subdivision (d), (e), (f), (g), (h), or (I) of Section 29735, the Director of Conservation or the director's designee shall serve as the successor member.

29739. The commission shall elect from its own members a chairperson and vice chairperson whose terms of office shall be two years, and who may be reelected. If a vacancy occurs in either office, the commission shall fill the vacancy for the unexpired term.

29740. One nonvoting member who shall be a Member of the Senate, appointed by the Senate Committee on Rules, and one nonvoting member who shall be a Member of the Assembly, appointed by the Speaker of the Assembly, both of whom represent areas within the primary zone, shall meet with, and participate in the activities of, the commission to the extent that the participation is not incompatible with their respective positions as Members of the Legislature. For the purpose of this division, those Members of the Legislature shall constitute a joint interim investigating committee on the subject of this division, and as such shall have the powers and duties imposed upon those committees by the Joint Rules of the Senate and Assembly.

29741. The time and place of the first meeting of the commission shall be prescribed by the Governor, but in no event shall it be scheduled for a date later than January 31, 1993. All meetings after the first meeting shall be held in a city within the delta.

CHAPTER 4.
POWERS AND DUTIES
OF THE COMMISSION

29750. The commission shall meet at least bimonthly. All meetings shall be open to the public as required by law. Notice of the time and place of all regular and special meetings shall be published at least once in a newspaper of general circulation whose area of circulation is throughout the delta. Notice of any meeting shall be published at least seven days prior to the meeting date.

29751. A majority of the voting members of the commission shall constitute a quorum for the transaction of the business of the commission. A majority vote of the voting members present shall be required to take action with respect to any matter unless otherwise specified in this division. The vote of each member shall be individually recorded.

29752. The commission shall adopt its own rules, regulations, and procedures necessary for its organization and operation.

29753. The commission shall appoint agricultural, environmental, and recreational advisory committees for the purpose of providing the commission with timely comments, advice, and information. The commission may appoint committees from its membership or may appoint additional advisory committees from members of other interested public agencies and private groups. The commission shall seek advice and recommendations from advisory committees appointed by local government which are involved in subject matters affecting the delta.

29754. The commission shall establish and maintain an office within the delta, and for this purpose the commission may rent or own property and equipment. Any rule, regulation, procedure, plan, or other record of the commission which is of such a nature as to constitute a public record under state law shall be available for inspection and copying during regular office hours.

29755. The commission shall appoint, and fix the salary of, an executive director who shall have charge of administering the affairs of the commission, including entering into contracts, subject to the directions and policies of the commission. The executive director shall, subject to the approval of the commission, appoint those employees that are necessary to carry out the functions of the commission.

29756. The commission may promote, facilitate, and administer the acquisition of voluntary private and public wildlife and agricultural conservation easements in the delta.

29756.5. The commission may act as the facilitating agency for the implementation of any joint habitat restoration or enhancement programs located within the primary zone of the delta.

29757. The commission may apply for and accept federal grants or other federal funds and receive gifts, donations, rents, royalties, state funds derived from bond sales, the proceeds of taxes or funds from any other state revenue sources, or any other financial support from public or private sources.

29758. All members of the commission are subject to Title 9 (commencing with Section 85100) of the Government Code.

29759. Repealed (2000).

CHAPTER 5.

RESOURCE MANAGEMENT PLAN

29760. (a) Not later than October 1, 1994, the commission shall prepare and adopt, by a majority vote of the membership of the commission, and thereafter review and maintain, a comprehensive long-term resource management plan for land uses within the primary zone of the delta. The resource management plan shall consist of the map of the primary zone and text or texts setting forth a description of the needs and goals for the delta and a statement of the policies, standards, and elements of the resource management plan.

(b) The resource management plan shall meet the following requirements:

(1) Protect and preserve the cultural values and economic vitality that reflect the history, natural heritage, and human resources of the delta.

(2) Conserve and protect the quality of renewable resources.

(3) Preserve and protect agricultural viability.

(4) Restore, improve, and manage levee systems by promoting strategies, including, but not limited to, methods and procedures which advance the adoption and implementation of coordinated and uniform standards among governmental agencies for the maintenance, repair, and construction of both public and private levees.

(5) Preserve and protect delta dependent fisheries and their habitat.

(6) Preserve and protect riparian and wetlands habitat, and promote and encourage a net increase in both the acreage and values of those resources on public lands and through voluntary cooperative arrangements with private property owners.

(7) Preserve and protect the water quality of the delta, both for instream purposes and for human use and consumption.

(8) Preserve and protect open-space and outdoor recreational opportunities.

(9) Preserve and protect private property interests from trespassing and vandalism.

(10) Preserve and protect opportunities for controlled public access and the use of public lands and waterways consistent with the protection of natural resources and private property interests.

(11) Preserve, protect, and maintain navigation.

(12) Protect the delta from any development that results in any significant loss of habitat or agricultural land.

(13) Promote strategies for the funding, acquisition, and maintenance of voluntary cooperative arrangements, such as conservation easements, between property owners and conservation groups that protect wildlife habitat and agricultural land, while not impairing the integrity of levees.

(14) Permit water reservoir and habitat development that is compatible with other uses.

(c) The resource management plan shall not supersede the authority of local governments over areas within the secondary zone.

(d) To facilitate, in part, the requirements specified in paragraphs (8), (9), (10), and (11) of subdivision (b), the commission shall include in the resource management plan, in consultation with all law enforcement agencies having jurisdiction in the delta, a strategy for the implementation of a coordinated marine patrol system throughout the delta that will improve law enforcement and coordinate the use of resources by all jurisdictions to ensure an adequate level of public safety. The strategic plan shall identify resources to implement that coordination. The commission shall have no authority to abrogate the existing authority of any law enforcement agency.

(e) To the extent that any of the requirements specified in this section are in conflict, nothing in this division shall deny the right of the landowner to continue the agricultural use of the land.

29761. The Director of the Office of Planning and Research shall submit comments and recommendations on the resource management plan for the commission's consideration, prior to the plan's adoption.

29761.5. Not later than January 7, 1995, the commission shall transmit copies of the resource

management plan to the Governor. Copies of the resource management plan shall be made available, upon request, to Members of the Legislature.

29762. The commission shall adopt, by a majority vote of the membership of the commission, the resource management plan after at least three public hearings, with at least one hearing held in a city in the north delta, the south delta, and the west delta.

29763. Within 180 days from the date of the adoption of the resource management plan or any amendments by the commission, all local governments shall submit to the commission proposed amendments that will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the primary zone.

29763.5. The commission shall act on proposed local government general plan amendments within 60 days from the date of submittal of the proposed amendments. The commission shall approve the proposed general plan amendments by a majority vote of the commission membership, with regard to lands within the primary zone, only after making all of the following written findings as to the potential impact of the proposed amendments, to the extent that those impacts will not increase requirements or restrictions upon agricultural practices in the primary zone, based on substantial evidence in the record:

- (a) The general plan, and any development approved or proposed that is consistent with the general plan, are consistent with the resource management plan.
- (b) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in wetland or riparian loss.
- (c) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in the degradation of water quality.
- (d) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in increased nonpoint source pollution.
- (e) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in the degradation or reduction of Pacific Flyway habitat.
- (f) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in reduced public access, provided the access does not infringe on private property rights.
- (g) The general plan, and any development approved or proposed that is consistent with the general plan, will not expose the public to increased flood hazard.
- (h) The general plan, and any development approved or proposed that is consistent with the general plan, will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- (i) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in the degradation or impairment of levee integrity.
- (j) The general plan, and any development approved or proposed that is consistent with the general plan, will not adversely impact navigation.
- (k) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

29763.8. A local government shall adopt its proposed general plan amendments within 120 days after their approval by the commission.

29764. This division does not confer any permitting authority upon the commission or require any local government to conform their general plan, or land use entitlement decisions, to the resource management plan, except with regard to lands within the primary zone. The resource management plan does not preempt local government general plans for lands within the secondary zone.

29765. Prior to the commission approving the general plan amendments of the local government, the local government may approve development within the primary zone only after making all of the following written findings on the basis of substantial evidence in the record:

- (a) The development will not result in wetland or riparian loss.
- (b) The development will not result in the degradation of water quality.
- (c) The development will not result in increased nonpoint source pollution or soil erosion, including subsidence or sedimentation.
- (d) The development will not result in degradation or reduction of Pacific Flyway habitat.
- (e) The development will not result in reduced public access, provided that access does not infringe upon private property rights.
- (f) The development will not expose the public to increased flood hazards.
- (g) The development will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on private or public land.
- (h) The development will not result in the degradation or impairment of levee integrity.
- (i) The development will not adversely impact navigation.
- (j) The development will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

29766. Nothing in this division shall deny the right of private or public property owners and local governments to establish agriculture preserves and enter into contracts pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of part I of Division I of Title 5 of the Government Code) or apply other enforceable restrictions or zoning within the primary zone or the secondary zone.

29767. The commission may not exercise the power of eminent domain in implementing the resource management plan, unless requested by the landowner.

CHAPTER 6. APPEAL AND JUDICIAL REVIEW

29770. (a) Any person who is aggrieved by any action taken by a local government or other local agency in implementing the resource management plan, or otherwise taken pursuant to this division, may file an appeal with the commission. The ground for an appeal and the commission consideration of an appeal shall be that an action, as to land located exclusively within the primary zone, is inconsistent with the resource management plan, or this division. The appeal shall be heard by the commission within 60 days from the date of the filing of the appeal, unless the commission, either itself or by delegation to the executive director, determines that the issue raised on appeal is not within the commission's jurisdiction or does not raise an appealable issue.

(b) The commission shall, by regulation, adopt administrative procedures governing those appeals.

29771. After a hearing on an appealed action, the commission shall either deny the appeal or remand the matter to the local government or local agency for reconsideration, after making specific findings. Upon remand, the local government or local agency may modify the appealed action and resubmit the matter for review to the commission. A proposed action appealed pursuant to this section shall not be effective until the commission has adopted written findings, based on substantial evidence in the record, that the action is consistent with the resource management plan, the approved portions of local government general plans that implement the resource management plan, and this division.

29772. An aggrieved person may seek judicial review of any action taken by the commission in adopting the resource management plan or any action taken by a local government or other local agency that is appealable pursuant to subdivision (a) of Section 29770, by filing a petition for writ of mandate in

accordance with Section 1094.5 of the Code of Civil Procedure within 60 days from the date that the commission action was taken or, if appealed to the commission, within 60 days from the final decision of the commission on the appeal.

CHAPTER 7. FINANCIAL PROVISIONS.

29775. Repealed (1996).

29776. The Sacramento-San Joaquin Delta Protection Fund is hereby created in the State Treasury. Any money in the Sacramento-San Joaquin Delta Protection Fund is available, upon appropriation by the Legislature, for support of the commission in an amount not to exceed two hundred fifty thousand dollars (\$250,000) in any fiscal year.

29777. (a) The commission shall submit to the Governor and the Legislature, on or before December 31, 1993, a report setting forth its recommendation for legislation that would provide funding sources to replace the penalty assessment prescribed by Section 19775 that would provide sufficient funds, in an amount not to exceed two hundred fifty thousand dollars (\$250,000) in any fiscal year, for its activities and operations pursuant to this division.

(b) In preparing the report, the commission shall meet and consult with individuals and groups whose activities the commission is considering as potential funding sources.

(c) The commission shall not incur costs in excess of the amount of funds available for expenditure by the commission in any fiscal year.

CHAPTER 8 ANNUAL REPORT

29780. On January 1 of each year, the commission shall submit to the Governor and the Legislature a report describing the progress that has been made in achieving the objectives of this division. The report shall include, but not be limited to, all of the following information:

(a) An evaluation of the effectiveness of the resource management plan in preserving agricultural lands, restoring delta habitat, improving levee protection and water quality, providing increased public access and recreational opportunities, and in undertaking other functions prescribed in this division.

(b) An update of the resource management plan, using baseline conditions set forth in the original resource management plan.

(c) The status of the environmental thresholds established by the commission in the original resource management plan.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 4. The sum of two hundred fifty thousand dollars (\$250,000) is hereby appropriated from the California Environmental License Plate Fund to the Delta Protection Commission as a loan for costs incurred for organization and operation of the commission, including costs incurred for preparation and adoption of the regional plan, as defined in Section 29729 of the Public Resources Code. The loan shall be repaid to the California Environmental License Plate Fund not later than December 31, 1998.

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CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
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BOB JOHNSON
JOANNE MOUNCE

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SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

January 20, 2005

Maury Kruth
Transmission Agency of Northern California
P.O. Box 15140
Sacramento, CA 95851-5140

RE: Appointment of City of Lodi Representative

This letter is to notify you that the Lodi City Council, at a special meeting held December 14, 2004, appointed Council Member Larry D. Hansen to serve as the Delegate representative to the Transmission Agency of Northern California (TANC).

Additionally, Electric Utility Director Vallow will continue to serve as an Alternate representative.

Please contact Mr. Hansen at your earliest convenience to provide him with background information regarding his service on TANC, as well as a schedule outlining upcoming meeting dates, times, and locations.

Should you have questions regarding this appointment, please feel free to call my office at (209) 333-6702.

Sincerely,

Susan J. Blackston
City Clerk

SJB/JLT

cc: Council Member Hansen
Alan Vallow, Alternate
B&C folder
12/14/04 follow-up