



**CITY OF LODI
COUNCIL COMMUNICATION**

™

AGENDA TITLE: Adopt Resolution Regarding City Vote on Property Assessment Ballot for City Property within the Central Delta Water Agency

MEETING DATE: July 7, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution regarding the City vote on the property assessment ballot for City property within the Central Delta Water Agency.

BACKGROUND INFORMATION: The Central Delta Water Agency is conducting a "Public Hearing and Assessment Ballot Proceeding" to increase the Agency's property maximum assessment from a rate of \$8 to \$12 per acre. The City's property at White Slough is within the Agency boundaries and is subject to the assessment. If approved, the annual cost to the City would increase from approximately \$8,100 to \$10,900; however, as a property owner, the City has the opportunity to vote on the assessment. The City's property assessment represents approximately 0.8 percent of the total.

The Agency engages in legal and lobbying work on behalf of the properties and districts within its boundaries. Background information provided by the Agency supporting the proposal is attached.

The City's options are to:

- 1) Vote "Yes"
- 2) Vote "No"
- 3) Cast no ballot

Casting no ballot is essentially taking a neutral position.

While the amount of money is not large in comparison to the wastewater budget, staff has difficulty associating the assessment with benefit to the citizens of Lodi and recommends a "No" vote. In 2005, the Agency conducted a similar proceeding to raise the assessment to \$8 per acre. At that time, City Council adopted Resolution No. 2005-158 authorizing the City Manager to submit a "no" vote on behalf of the City.

FISCAL IMPACT: The White Slough budget includes only \$8,000 for this item.

FUNDING AVAILABLE: The Central Delta Water Agency assessment is paid out of the Wastewater Fund (170403).



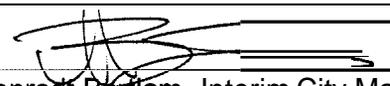
 Jordan Ayers
 Deputy City Manager/Internal Services Director



 F. Wally Sandelin
 Public Works Director

FWS/pmf
 Attachments

APPROVED:



 Konradt Bartlam, Interim City Manager



CENTRAL DELTA WATER AGENCY

235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201
Phone 209/465-5883 • Fax 209/465-3956

DIRECTORS

*George Biagi, Jr.
Rudy Mussi
Edward Zuckerman*

COUNSEL

*Dante John Nomellini
Dante John Nomellini*

INSTRUCTIONS TO VOTERS

ASSESSMENT BALLOT PROCEEDING CENTRAL DELTA WATER AGENCY

July 13, 2010

QUALIFICATIONS OF VOTERS

Each landowner (holder of title) or the legal representative of the landowner in the Agency shall be entitled to cast one vote for each dollar of the proposed assessment based on the proposed maximum rate of assessment of \$12.00 per acre with a minimum of \$2.00 per parcel. Depending upon the land use grouping and related benefits assigned in the Engineer's Report, the maximum for some parcels will be less than the \$12.00 per acre.

NUMBER OF VOTES ENTITLED TO CAST

The number of votes which the voter is entitled to cast is marked on each ballot.

VOTER CERTIFICATION

The individual(s) casting the ballot must sign the certification on the face of the ballot and submit the ballot and the other required information. If the ballot includes parcels which are no longer owned by the voter, then the ballot including the total number of votes should be corrected. All corrections should be initialed. If the voter desires to have a new ballot, please contact the Central Delta Water Agency office.

If you no longer own the parcel or parcels listed on your ballot, please promptly notify us so that the ballot or a corrected ballot can be provided to the new owner.

MARKING THE BALLOT

The number of votes you are entitled to cast is written on the ballot. Mark an "X" in the square "Yes" or in square marked "No".

VOTING BY PROXY

Landowner's votes cast by proxy will be accepted as valid only if such proxy meets all of the following requirements:

- (a) must be in writing and on the proxy form (or a reproduction thereof) which accompanies the official ballot.
- (b) must be executed by the landowner or legal representative of the landowner who is entitled to cast the votes for which the proxy is given.
- (c) must be acknowledged.
- (d) must specify the election at which the proxy is to be used.

Any proxy may be revoked at the pleasure of the person executing such proxy at any time before the person appointed as proxy shall have cast a ballot representing the votes for which the appointment was given.

JOINT TENANCY--CO-TENANCY

When a parcel is held as community property, joint tenancy,, or as a tenancy in common, any spouse, joint tenant, or tenant in common shall be presumed to have authority to cast all votes for that parcel.

PARTNERSHIPS AND LIMITED LIABILITY COMPANIES

Where the title to a parcel stands in the name of a partnership or limited liability company, one ballot must be used to vote all of the votes for the parcel. The person voting must be a general partner of the partnership or designated as the managing partner for the limited liability company; **or** be authorized to vote by way of a proxy from the general partner or designated managing partner.

ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS

Guardians, executors, conservators and administrators shall be presumed to have authority to vote without obtaining special authority to vote.

TRUSTS

When title to a parcel stands in the name of a trustee or is otherwise held by a trust, the trustee or trustees shall be presumed to have authority to cast votes for that parcel.

CORPORATION, ASSOCIATION OR FOUNDATION

When title to a parcel stands in the name of a corporation, association or foundation, any officer thereof shall be presumed to have authority to cast votes for that parcel.

LIFE ESTATES

A life tenant may cast all votes for a parcel without obtaining a proxy from the holders of the remainder interest.

DISPUTES RELATED TO BALLOTS

In the event that more than one of the record owners of an identified parcel submits an assessment ballot, the amount of the proposed assessment (votes) for the identified parcel shall be allocated to each ballot submitted in proportion to the respective record ownership interests or, if the ownership interests are not shown on the record, as established to the satisfaction of the Agency by documentation provided by those record owners.

The Agency may request documentation to support the authority of any voter to cast the votes for any parcel.

Disputes which will not affect the outcome of the balloting will be left unresolved.

SIGN AND DATE BALLOT DECLARATION

The declaration on the ballot must be signed and dated.

RETURN OF BALLOT

Mail the ballot in the enclosed envelope to Central Delta Water Agency, c/o Kjeldsen, Sinnock & Neudeck, Inc., P. O.Box 844, Stockton, California 95201 or hand deliver to 711 North Pershing Avenue, Stockton, California 95203. Ballots may also be submitted at the Assessment Ballot Hearing. Ballots must be received prior to the close of the Assessment Ballot Hearing which is to commence at 9:30 a.m., July 13, 2010, at 235 East Weber Avenue, Stockton, California 95202.

If you have any questions regarding the enclosed, please contact Mike Conrad at Kjeldsen, Sinnock & Neudeck, Inc., 711 North Pershing, Stockton, CA 95203, telephone: (209) 946-0268, or Dante John Nomellini at the office of the Agency, 235 East Weber Avenue, Stockton, CA, telephone: (209) 465-5883.

VOTING PROXY

ASSESSMENT BALLOT PROCEEDING
CENTRAL DELTA WATER AGENCY

JULY 13, 2010

The undersigned, a landowner or legal representative of a landowner in the Central Delta Water Agency, in the County of San Joaquin, State of California, does hereby coistitute and appoint

the proxy of the undersigned to cast all votes for all parcels for which the undersigned is authorized to vote in the above Assessment Ballot Proceeding.

Dated: _____

(signature)

(signature)

(signature)

(signature)

ACKNOWLEDGMENT BY NOTARY

STATE OF CALIFORNIA)
)ss.
COUNTY OF _____)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed in the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



CENTRAL DELTA WATER AGENCY

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Phone 209/465-5883 • Fax 209/465-3956

DIRECTORS

*George Biagi, Jr.
Rudy Mussi
Edward Zuckerman*

COUNSEL

*Dante John Nomellini
Dante John Nomellini, Jr.*

May 3, 2010

NOTICE OF PUBLIC HEARING AND ASSESSMENT BALLOT PROCEEDING TO SET MAXIMUM ASSESSMENT RATE AND ASSESSMENT RATE FOR FISCAL YEAR 2010-2011 AND NOTICE OF PUBLIC MEETING

Dear Landowner:

The Board of Directors of the Central Delta Water Agency will hold a hearing on Tuesday, July 13, 2010, at 9:30 a.m. at 235 East Weber Avenue, Stockton, California, for the purpose of considering protests, tabulating assessment ballots and otherwise considering adoption of a new maximum assessment rate for future years and the assessment rate for fiscal year 2010-2011.

A public meeting (workshop) will be held on Tuesday, June 29, 2010, at 9:30 a.m. at 235 East Weber Avenue, Stockton, California, for the purpose of discussion and comment relating to the proposed assessment rate and assessment.

In August of 2005, the Central Delta Water Agency landowners approved an increase in the maximum annual assessment rate from \$5.00 per acre to the current maximum of \$8.00 per acre with a minimum of \$2.00 per parcel. The current \$8.00 per acre rate generates about \$900,000.00 per year. The proposal before you is to increase the maximum annual assessment rate to \$12.00 per acre with a minimum of \$2.00 per parcel. The proposed maximum rate could generate about \$1,347,000.00 per year. The amount chargeable to each of your parcels is set forth on the enclosed Official Ballot. The proposed maximum annual rate would remain in effect indefinitely. The Board of Directors could set the annual assessment at or below the maximum rate each year.

The proposed increased assessment is for the purpose of sustaining and increasing the level of activity to ~~try~~ to protect your water, water rights, drainage, levee and flood-related interests. The basis of the **proposed** increased assessment is the acreage of each parcel as shown on the San Joaquin County Assessor's Roll with some adjustments related to land use. The basis of assessment **has** been reviewed and is supported **by** the report prepared by Christopher H. Neudeck, Registered Civil Engineer. The **report can be** inspected at the Agency office or a copy **can** be provided pursuant to your Written request.

BALLOT- Landowner Approval

The maximum rate of assessment and assessment will not be increased if there is a "majority protest" however, the existing maximum rate will remain in effect. Under Section 4 of Article XIII D of the California Constitution (Proposition 218), a majority protest exists if, upon conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, The number of votes will be based on the dollar amount of the proposed assessment using the proposed maximum assessment rate of \$12.00 per acre with a minimum of \$2.08 per parcel as adjusted pursuant to the allocations in the Engineer's Report. Your votes will be equal to the maximum number of dollars which you might be required to pay in any year.

Enclosed is a Ballot, Instruction to Voters, and Proxy Form. The ballot may be returned by mail to the Central Delta Water Agency, c/o Kjeldsen, Sinnock & Neudeck, Inc., P. O. Box 844, Stockton, California 95201, in the enclosed self-addressed envelope, or hand delivered to 711 North Pershing Avenue, Stockton, California 95203. Ballots may also be submitted at the Assessment Ballot Hearing on July 13, 2010, at 235 East Weber Avenue, Stockton, California 95202. The hearing will commence at 9:30 a.m. but the close of the hearing will be determined at the hearing. To assure the counting of your ballot, you should return it by mail or hand deliver it well in advance of the hearing or be present at 9:30 a.m. on July 13, 2010. Ballots received after the close of the hearing will not be counted.

The ballots must be marked *Yes* or *No* and the certification on the face of the ballot signed by the person casting the ballot. Landowners must comply with the requirements set forth in the attached Instruction to Voters.

If you have any questions relating to the above, you may contact Mike Conrad or Christopher H. Neudeck of Kjeldsen, Sinnock & Neudeck, Inc., telephone (209) 946-0268, facsimile (209) 946-0296, or you may contact our office at (209) 465-5883, facsimile (209) 465-3956.

Yours very truly,



DANTE JOHN NOMELLINI
Manager and Co-Counsel

DJN:ju
Enclosures



CENTRAL DELTA WATER AGENCY

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COUNSEL
Dante John Nomellini
Dante John Nomellini, Jr

MAY 19,2010

STATUS REPORT

It is estimated that the Central Delta Water Agency will on June 30,2010, end the current fiscal year with a General Fund deficit of approximately (\$70,000.00). Expenditures have already and will continue to exceed available cash and borrowing against future revenues is required. The current level of expenditures and the anticipated increased level of activity will require additional revenue. The attack on Delta water rights and intensive efforts to build a Peripheral Canal/Tunnel are the major immediate challenges which must be confronted.

The current \$8.00 per acre maximum rate with a minimum of \$2.00 per parcel generates approximately \$900,000.00 of annual revenue. Expenditures for the last twelve (12) months have exceeded \$1,640,000.00. While the Agency had reserves primarily from recovery of fees and costs from prior litigation, the reserves have been exhausted.

Assessments have generally been increased to meet increasing challenges however, the Board of Directors has tried to keep rates in check. The minimum annual assessment rate for agricultural land was increased to \$5.00 per acre in August of 1998 and increased again to \$8.00 in August of 2005. The rates actually levied are as follows:

1998-1999	\$5.00 per acre	2005-2006	\$7.00 per acre
1999-2000	\$5.00 per acre	2006-2007	\$7.00 per acre
2000-2001	\$5.00 per acre	2007-2008	\$7.00 per acre
2001-2002	\$5.00 per acre	2008-2009	\$7.00 per acre
2002-2003	\$4.00 per acre	2009-2010	\$8.00 per acre
2003-2004	\$5.00 per acre		
2004-2005	\$5.00 per acre		

The maximum assessment rate now proposed for your approval in the current assessment ballot is \$12.00 per acre with a minimum of \$2.00 per parcel. If approved, the increased amount could generate approximately \$1,347,000.00 of annual revenue. (Actual receipts are usually somewhat lower than the total assessed.) Although the Board of Directors could set the rate at or below the maximum depending on the challenges facing the Agency, the likely action would be to levy the new higher rate starting with the 2010-2011 assessment and stay at that rate until the challenges subside.

A brief summary of the items involving the greatest expenditures is set forth below:

Defense of Attack on Water Rights

In July of 2008, the San Joaquin River Group Authority (SJRGGA) consisting of Oakdale Irrigation District, South San Joaquin Irrigation District, Modesto Irrigation District, Turlock Irrigation District, Merced Irrigation District, San Joaquin River Exchange Contractors Water Authority and the Friant Water Users Authority made a submittal to the State Water Resources Control Board regarding their Strategic Work Plan. In their submittal they stated their support for construction of an isolated conveyance facility (Peripheral Canal) and supported enforcement of water rights focused on the Delta. Their argument was that the Peripheral Canal would be built to solve the problems in the Delta without the need to address upstream activities or exports and that actions should be focused only on the Delta diverters. They also submitted a report pertaining to Union and Roberts Islands prepared by a Mr. Wee alleging that "Out of 65,000 acres approximately 20,000 may have riparian rights, but upon further refinement of the analysis, the amount may be no more than 6,500." Although this report was based on an erroneous application of water rights law and was prepared by and under the direction of those who knew or should have known better, it has resulted in a cloud on the property rights of agricultural lands throughout the Delta.

The SJRGGA submittal can be accessed on the State Water Resources Control Board website. Go to O'Laughlin-Paris LLP at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/strategicplan/
Google "SWRCB Strategic Work Plan Comments" and click on the first item "Strategic Workplan," to get to the same website.

The erroneous maps of riparian lands submitted by the SJRGGA and Mr. Wee created an impression that most of the Roberts and Union Island area was illegally diverting. This had a significant impact with legislators and the SWRCB and led to increased funding and staffing of the SWRCB to investigate and challenge Delta water rights. While the challenge of water rights will likely extend through the Northern California watersheds, the initial focus is on the Delta starting with Roberts and Union Islands (including Fabian Tract).

On February 18, 2009, the SWRCB mailed letters to property owners on Roberts and Union Islands and Fabian Tract requesting (under the threat of imposition of the costs of investigation) that each property owner inform the SWRCB within sixty (60) days as to the basis of their rights to divert water by filing a Statement of Water Diversion and Use with appropriate evidence or define a contractual basis for diversion of water or cease diversion of water until a basis of right is secured.

In numerous cases, the SWRCB investigation requested further information. Where additional information was not submitted within the deadlines or was deemed unsatisfactory, the SWRCB filed notices of Cease and Desist Orders. The Notice of Cease and Desist Orders required that the diverter take one or more of the following actions:

- 1) immediately cease and desist diverting water to the property;

- 2) submit sufficient evidence establishing a valid basis of right or an existing water supply contract to serve the property;
- 3) submit a plan showing how and when the diverter will permanently remove the diversion works serving the property; or
- 4) request a hearing with regard to the CDO, if diverter wishes to contest the CDO.

Hearings have been requested and are proceeding. The Central Delta Water Agency and South Delta Water Agency are funding the gathering of historic maps and other documents necessary to support historic water rights throughout the Delta and are jointly providing assistance to the challenged landowners.

In cases where landowners have relied on their water licenses, the Modesto Irrigation District, State Water Contractors (including the Metropolitan Water District of Southern California and the Kern County Water Agency) and San Luis and Delta Mendota Water Authority (29 Federal Contractors including Westlands Water District) have filed complaints alleging diversion and use at times and in quantities not permitted by the water license. The principal contention is that the water license is not adequate to support the growth of the particular crops grown on the properties.

These attacks on the Delta follow the rumored threat that a large landowner south of the Delta was willing to fund 125 lawsuits against Delta diverters.

The Directors of the Central Delta Water Agency view this attack as the first wave of many to come which must be vigorously defended.

Pursuant to the Governor's water package passed last fall, all diverters will be required to file by July 1, 2010, a Statement of Water Diversion and Use. Starting in January of 2012, measurement and monthly reporting of water diversions will be required. Those holding water licenses will also be required to file a Report of Licensee. These reports need to be filed with care. A claim of riparian, pre-1914 and other rights independently and in addition to any SWRCB Permit or License rights should be made until such time as the courts have determined that you do not have such rights. (Attached hereto is a package of information to help you in your filings.)

DWR Temporary Entry Permits to Perform Studies For a Peripheral Canal or Tunnel

Many landowners in the Delta were requested by DWR to sign temporary entry permits. The permits are overly intrusive, would last three (3) years, would allow the digging of pits, borings, trapping of endangered and other species and inspection of buildings for hazardous materials. The DWR requests were followed by threats of litigation and numerous court petitions have been filed by the DWR. There is no legal requirement that landowners sign such permits. The Central Delta Water Agency and South Delta Water Agency have offered defense to any landowner in the Delta who does not elect to voluntarily grant such entry on the basis that DWR has not complied with the legal requirements for taking such access without landowner consent. If and when access is allowed by the Court, landowners will be on their own for claiming any

damages. Over 100 actions have been filed and coordinated for determination of common issues before the San Joaquin County Superior Court. No trial has yet been conducted.

Bay Delta Conservation Plan (BDCP) and the Delta Stewardship Council - Peripheral Canal

Both of these efforts are directed at expediting construction of a Peripheral Canal/Tunnel and turning the Delta into an inland saline bay. The argued justification is that the Delta is unsustainable due to earthquake and sea-level rise,

Although both processes are supposed to be objective as to what if any improved Delta conveyance is to be constructed, the Governor has made it clear well before these processes started that a Peripheral Canal (now possibly a Peripheral Tunnel) must be constructed. The heavy political pressure from "south of the Delta" interests is apparent. The Governor has directed the BDCP towards isolated conveyance and stacked the Delta Stewardship Council with pro-Peripheral Canal members. A draft Bay Delta Conservation Plan is expected to be released in September and release of a draft Environmental Impact Report for the Peripheral Canal is scheduled for January 2011. These efforts must be followed and challenged as appropriate,

Other Efforts

Levee programs, regulation of agricultural drainage, screening of diversions, and changes to Delta water quality standards all require sustained attention.

The monthly measurement and reporting of water diversions in the Delta which is to commence in January 2012 will be costly and the information derived will serve no useful purpose except perhaps the basis for increased State fees. The Central Delta Water Agency will attempt to work with the State Water Resources Control Board to establish a more workable program for reporting. The Agency desires to pursue legislation to eliminate the measuring and monthly reporting requirements for the Delta however, such an effort cannot be funded at the present time.



DANTE JOHN NOMEILLINI
Manager and Co-Counsel

DJN:ju
Enclosures

**NOTICE - ONLY FOR FARMERS AND OTHERS WHO
DIVERT WATER FROM SURFACE CHANNELS**

Water Diversion And Use Reporting

There are Three Types of Water Reports required of Delta diverters. Report of Licensee which is required of those holding State Water Resources Control Board Permits and Licenses, Report of Water Use and Diversion, and Supplemental Statement of Water Diversion and Use. The Supplemental Statement of Water Diversion and Use may also be filled out using the following as a guide.

REPORT OF LICENSEE (Report of Licensee forms are mailed to the license holders and must be filed by the due date in the notice.) Online reporting for this year is optional and the pager form **is** likely easier to use because of the restrictions in the online reporting.

This report should be filled out consistent with the terms of the license. Months of use should be consistent with Direct Diversion Season and the acreage should correspond with that on the form. Unless you have measurements of your diversion you should on Line 5.a. write in "unmeasured and estimated". For each month you diverted water multiply the maximum diversion rate in cfs times 1.98 acre feet per day per cfs times the number of days in that month and insert the number in the box. Line 5.b. mark the box for same as 5.a.

Unless the status of your water rights has been carefully analyzed or adjudicated to conclude that you don't have other rights you should fill in under Remarks:

"These rights are supplemental to all riparian, pre-1914, overlying, statutory, and other water rights appurtenant to the property."

Crops are supplied with groundwater (including seepage and possibly artesian flow), precipitation and applied water. All excess water is typically recirculated to the Delta pool via float operated drainage pumps.

REPORT OF WATER USE AND DIVERSION The SWRCB is not sending out notice and these Reports are due before July 1, 2010. Penalty for failure to file is \$1,000.00 and \$500.00 per day after a thirty (30) day correction period. To obtain the form and review the SWRCB instructions, use your computer to find the "SWRCB" or "California Water Boards" home page and under "Announcements" click on "New - Information Regarding Statements of Diversion and Use."

This reporting is now basically mandatory for all diverters except those reporting as Licensees. Licensees who claim riparian and/or pre-1914 rights in addition to their License must also file this report. If you are on Roberts Island, Union Island or Fabian Tract and have filed a report in response to the recent SWRCB investigation, new reports should be filed. The mandatory requirement for estimated quantities diverted, coordinates to locate the points of diversion and the requirement for a separate report for each diversion suggests the need for new reports.

CAUTION. A separate report and coordinates are required for each point of diversion. If you have two or more pumps or siphons or flood-gates a separate report is needed for each.

SUGGES

Unless your riparian and pre-1914 water rights have been carefully evaluated or adjudicated with the conclusion that you do not have any you should claim both on line B.

Line C: Name the river, channel, slough, etc. and insert after Tributary to “Sacramento-San Joaquin Delta.”

Line D: Provide coordinates for the point of diversion. You can use a GPS or mark the location on USGS topographic map or get the coordinates with your computer from the map of your location. Go to “USGS Map Locator” for coordinates for diversion locations and topographic/satellite maps.

If there is a name for a common diversion work insert the name.

Line E: Enter Yes or No and if No the name and address of owner.

Line F: Unless you have a measurement of the maximum capacity mark “estimate” and insert your acreage served $\times .0168$. This will give you the cfs for about 1 acre ft per month per acre. (1 cfs = 450 gpm)

Monthly is optional. Do not mark unless you have accurate measurements.

Line G: At the end of the line insert “unmeasured- see estimate attached”. Unless you have a better estimate or measurement, insert the number calculated from the water use and diversion worksheet in the months when you diverted water and “0” in the months when you didn’t. Attach the worksheet and a copy of the attached Table A-5 to your filing.

Line H: At the end of the 1st line insert “unmeasured - estimated” and insert in the blank following maximum “5 acre ft/acre.” For year of first use at diversion site if you h o w , enter the year. If you don’t know then enter “possibly 1800’s”.

Line I: Insert as appropriate: Field, row and tree crops, vines, livestock, households (___ to ___ people), habitat, fish rearing, wetlands, waterfowl habitat, recreation, etc. and estimated acreage.

Line J: Show place of use as indicated. A copy of your deed description with the Assessor’s Parcel Map should be adequate or an outline on a topographic map or all of the above. Assessor’s Parcel Maps can be accessed via computer at “San Joaquin County Assessor Maps,” then go to “Map Viewer” and click on the book and page of your Assessor’s Parcel Number.

Line K 1.: Insert as appropriate: Concrete lined ditches, pipelines, drip irrigation, good farming practices, all excess water is returned to the Delta channels.

Line K 2. and 3.: Mark as appropriate.

TABLE A-5
1976-77 Estimated Crop Et Values
Delta Service Area
(in inches)

Land Use Category	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Total Oct.76-Sep.77	Oct. 77	Total Nov.77-Oct.77
Sacramento-San Joaquin Delta															
Irrigated Pasture	3.2	1.5	1.0	0.7	1.5	3.6	5.4	4.8	6.9	7.7	6.4	4.7	47.4	3.4	47.6
Alfalfa	3.2	1.5	1.0	0.7	1.5	3.2	4.9	4.4	6.5	7.5	6.5	4.9	45.8	3.4	46.0
Deciduous Orchard (Fruits & Nuts)	2.6	1.5	1.0	0.7	1.5	2.7	3.8	4.0	6.1	7.4	6.1	4.3	41.7	2.6	41.7
Tomatoes	2.4	1.5	1.0	0.7	1.5	1.9	2.2	2.6	4.0	8.2	6.0	2.3	34.3	1.9	33.8
Sugar Beets	2.4	1.5	1.0	0.7	1.5	1.9	2.2	3.7	7.6	8.3	6.4	4.4	41.6	2.4	41.6
Grain Sorghum (Milo)	2.4	1.5	1.0	0.7	1.5	1.9	2.2	2.0	5.9	7.3	4.3	2.5	33.2	1.9	32.7
Field Corn	2.4	1.5	1.0	0.7	1.5	1.9	2.2	2.3	5.7	6.9	5.1	2.6	33.8	1.9	33.3
Dry Beans	2.4	1.5	1.0	0.7	1.5	1.9	2.2	1.7	5.7	6.2	2.7	2.5	30.0	1.9	29.5
Safflower	2.4	1.5	1.0	0.7	1.5	1.9	2.5	4.8	8.7	7.7	4.4	2.5	39.6	1.9	39.7
Asparagus	2.4	1.5	1.0	0.7	1.5	1.9	2.2	1.0	3.5	7.7	6.4	4.7	34.5	2.4	34.5
Potatoes	2.4	1.5	1.0	0.7	1.5	1.9	2.2	1.7	4.3	7.4	5.5	2.8	32.9	1.9	32.4
Irrigated Grain	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	1.8	1.0	1.0	1.6	26.1	1.6	24.7
Vineyard	2.4	1.5	1.0	0.7	1.5	1.9	2.2	2.8	5.3	6.5	5.3	3.4	34.5	2.4	34.5
Rice	3.2	1.5	1.0	0.7	1.5	1.9	2.8	5.6	8.8	9.8	8.1	5.5	50.4	3.4	50.6
Sudan	2.4	1.5	1.0	0.7	2.0	4.3	5.7	4.8	6.9	7.7	4.9	4.7	46.6	2.4	46.6
Misc. Truck	2.4	1.5	1.0	0.7	1.5	1.9	3.2	4.6	6.7	7.4	5.2	3.7	39.8	1.9	39.3
Misc. Field	2.4	3.5	1.0	0.7	1.5	1.9	2.2	2.4	6.1	7.4	5.0	1.9	34.0	1.9	33.5
Double Cropped with Grain															
Sugar Beets	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	1.8	4.2	5.2	5.8	37.7	3.4	38.7
Field Corn	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	1.8	4.3	6.3	6.1	39.2	2.7	39.5
Grain Sorghum (Milo)	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	1.8	2.7	6.1	5.2	36.5	1.9	36.0
Sudan	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	3.6	7.7	4.9	4.7	41.6	1.9	41.1
Dry Beans	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	3.1	7.6	3.5	1.5	36.4	1.9	35.9
Tomatoes	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	2.3	6.6	6.0	5.2	40.8	1.9	40.3
Lettuce	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	4.1	7.4	5.3	4.9	42.4	2.4	42.4
Misc. Truck	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	2.3	6.6	6.0	5.2	40.8	2.4	40.8
Misc. Field	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	4.1	7.4	5.3	4.9	42.4	3.4	43.4
Fallow Lands 1/	2.4	1.5	1.0	0.7	1.4	1.0	1.0	1.0	1.0	1.0	1.0	1.0	14.0	1.0	12.6
Native Vegetation 2/	2.4	1.5	1.0	0.7	1.4	3.7	3.1	2.1	2.3	2.8	2.3	2.0	25.8	1.6	25.0
Riparian Veg. & Water Surface	4.6	2.4	1.4	0.8	1.5	4.5	7.4	6.6	9.7	11.8	9.7	7.0	67.2	4.3	67.5
Urban	1.2	0.0	0.0	0.7	1.0	1.0	1.0	2.4	2.4	2.5	2.4	1.9	19.2	1.6	19.2

1/ Applies also to nonirrigated grain.

2/ Applies also to nonirrigated orchards and vineyards

Metric conversion: inches times 25.4 equals millimetres.

RESOLUTION NO. 2010-111

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO SUBMIT "NO"
VOTE ON PROPERTY ASSESSMENT BALLOT FOR
CITY PROPERTY LOCATED WITHIN THE CENTRAL
DELTA WATER AGENCY DISTRICT

=====

WHEREAS, the Board of Directors of the Central Valley Water Agency will hold a public hearing and assessment ballot proceeding on Tuesday, July 13, 2010, at 9:30 a.m., at 235 East Weber Avenue, Stockton, California, for the purpose of considering protests, tabulating assessment ballots and otherwise considering adoption of a new maximum assessment rate for future years and the assessment rate for fiscal year 2010/11; and

WHEREAS, the current maximum annual assessment rate is \$8.00 per acre with a minimum of \$2.00 per parcel and generates approximately \$900,000.00 per year; and

WHEREAS, the current proposal would increase the maximum annual assessment rate to \$12.00 per acre with a minimum of \$2.00 per parcel, generating \$1,347,000.00 per year, which would remain in effect indefinitely; and

WHEREAS, the Board of Directors could set the annual assessment at or below the maximum rate each year; and

WHEREAS, the proposed increased assessment is for the purpose of sustaining and increasing the level of activity to try to protect the water, water rights, drainage, levee, and flood-related interests; and

WHEREAS, the basis of the proposed increased assessment is the acreage of each parcel as shown on the San Joaquin County Assessor's Roll with some adjustments related to land use; and

WHEREAS, the maximum rate of assessment and assessment will not be increased if there is a "majority protest" however, the existing maximum rate will remain *in effect*; and

WHEREAS, under Section 4 of Article XIII D of the California Constitution (Proposition 218), a majority protest exists if, upon conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment; and

WHEREAS, the number of votes will be based on the dollar amount of the proposed assessment using the proposed maximum assessment rate of \$12.00 per acre with a minimum \$2.00 per parcel as adjusted pursuant to the allocations in the Engineer's Report; and

WHEREAS, staff recommends a "no" vote because of difficulty associating the proposed assessment with benefit to the citizens of Lodi.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to submit "no" vote on the Property Assessment Ballot for City property located within the Central Delta Water Agency, on behalf of the City of Lodi.

Dated: July 7, 2010

I hereby certify that Resolution No. 2010-1 ■■ was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 7, 2010, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and
Mayor Katzakian

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk