

Patterson Irrigation District Policy Regarding Westside Drainage Coalition Fee Collection

Passed and adopted March 21, 2018

In response to the Regional Water Quality Control Board's (**Board**) Irrigated Lands Program, the Westside Drainage Coalition (**Coalition**) was created to help affected irrigation districts and growers. Patterson Irrigation District (**District**), became the representative agency to the Coalition for the landowners under the Irrigated Lands Program to help reduce the cost for compliance. Since the inception of the Coalition, the District has either paid in full or subsidized the fees charge to irrigated lands within the District. However, these fees are the legal obligation of the lands within the Coalition and not of the District. Membership within the coalition is voluntary. If lands are not within the Coalition, they remain subject to the Irrigated Lands Program's reporting and mitigation requirements, but would be required to meet those requirements on their own, independent of the Coalition.

The District's approach to paying in full or subsidizing the Coalition fees worked fine until the 2017 water year, when certain responsible parties within the District refused to pay the District for coalition fees. Since the fees are not imposed by the District, the District has no mechanism or ability to force the parties to pay the fees.

Therefore, this policy is needed and intended to address how the District is to pass through the fees to the landowners and how to address non-payment.

Applicability:

This policy affects all lands within the District that are subject to the Board's Irrigated Lands Program.

Policy:

1. The Coalition will invoice the District for fees for all lands within the Coalition and within the boundaries of the District.
2. The District will pay the Coalition Fees on behalf of its landowners/lessees in advance of reimbursement from the District's Coalition members.
3. The District will pass through all expenses and fees charged by the Coalition to its landowners/lessees, and will bill the landowner/lessee directly.
4. All landowners/lessees billed by the District are to pay the District by August 31st of the year the bill was issued.

5. If the landowner/lessee has not paid by August 31st, non-payment measures are as follows:
 - a. Landowner and lessee will receive a written notice that payment is delinquent and must be paid to the District within fourteen (14) calendar days:
 - i. The notice will detail that if the bill is not paid, the District will turn the delinquency over to the Coalition
 - ii. The notice will also inform that the Coalition may drop the member and associated properties, and that the property will be required to work directly with the Board to comply with the Irrigated Lands Program.
 - b. If after fourteen (14) calendar days the District has not received payment:
 - i. the District will inform the Coalition that the landowner is delinquent, and the Coalition will issue a non-payment letter.
 - ii. The District will request that the Coalition remove the member from the Coalition.
6. Should any landowner or lessee that has been through the process outlined in Section 5.b have its membership with the Coalition reinstated, the District shall have the option in the future to either:
 - a. Refuse to pay the Coalition fees on behalf of the landowner/lessee and require the landowner/lessee to work directly with the Coalition, or
 - b. Require that the landowner/lessee make all payment of Coalition Fees to the District in advance.