

MINUTES OF THE MEETING  
OF THE BOARD OF TRUSTEES OF  
DELTA FARMS RECLAMATION DISTRICT NO. 2028  
HELD ON TUESDAY, SEPTEMBER 10, 2019

Upon Notice to and consent by the Trustees of Delta Farms Reclamation District No. 2028, of the County of San Joaquin, State of California, a Meeting of the Board of Trustees was held at the offices of the District, at 343 East Main Street, Suite 815, Stockton, California, on Tuesday, September 10, 2019, at 2:00 P.M. Trustee Randall Neudeck participated via teleconference, from 700 N. Alameda Street, Conference Room 9-199, Los Angeles, California.

There were present and absent the following named Trustees, to-wit:

PRESENT

DAVID A. FORKEL

RUSSELL RYAN

ABSENT

RANDALL NEUDECK (participating via teleconference)

There was also present Pamela A. Forbus, of the Law Offices of Al Warren Hoslett, Attorneys for the Reclamation District; and Nate Hershey, of the firm MBK Engineers, the District's Engineer; and Ralph Heringer.

The Minutes of the meeting of the Board of Trustees held on August 16, 2019, were considered, and upon motion made and seconded, it was:

RESOLUTION APPROVING MINUTES

RESOLVED AND ORDERED by the Board of Trustees of Delta Farms Reclamation District No. 2028, as follows:

1. That the Minutes of the meeting of the Board of Trustees of Delta Farms Reclamation District No. 2028 held on August 16, 2019 be and the same are hereby approved.

ROLL CALL:

Ayes: Trustees Forkel and Ryan

Noes: None

Absent: Trustee Neudeck

Upon Roll Call, the foregoing Resolution was declared unanimously passed and adopted.

The Trustees were presented with the financial report for the District. The Trustees discussed the ratification and approval of warrants and checks issued in payment of obligations of the District. Upon motion duly made and seconded, it was:

RESOLUTION RATIFYING AND APPROVING WARRANTS  
AND CHECKS IN PAYMENT OF CURRENT OBLIGATIONS

RESOLVED AND ORDERED by the Board of Trustees of Delta Farms Reclamation District No. 2028, as follows:

1. That the Warrants and Checks written since the meeting held on August 16, 2019 and presented to the Trustees at this September 10, 2019 meeting are hereby ratified, approved and authorized, a copy of which shall be attached to the minutes of the meeting and which is incorporated by reference, are hereby approved.

The Trustees were advised that, with the payment of the current obligations of this Reclamation District, there was a balance on hand in the general account in the sum of \$6,245.20 and held \$1,175,000.00 in registered warrants with the Bank of Stockton.

2. That the following described Checks drawn on the District Bank of Stockton Account for Project Funding Agreement BN-15-1 in the following amounts are hereby ratified and approved, to-wit:

WARRANT				
NO.	DATE	PAYEE	PURPOSE	AMOUNT
1031	09-03-19	RD 2028	Prog Bill #31	\$96,486.12

The Trustees were advised that, with the payment of the current obligations of this Reclamation District, there was a balance on hand in the District's account with the Bank of Stockton the sum of \$6,479,388.63.

ROLL CALL:

Ayes: Trustees Forkel and Ryan  
Noes: None  
Absent: Trustee Neudeck

Upon Roll Call, the foregoing Resolution was declared unanimously passed and adopted.

The Engineer presented the Trustees with a written report, which included the following:

1. The Engineer reported on the District's participation in the Delta Levee Subventions Program, as follows:

- A. Fiscal year 2016-17: The District submitted an application in the Program in the amount of \$396,000. \$12 million has been approved for program funding for FY 2016-17. The District submitted a claim in the amount of \$320,706.82. The District has been notified that CDFW has approved the release of funds for FY 2016-17.
  - B. Fiscal year 2017-18: The District submitted an application in the Program in the amount of \$565,000. DWR has indicated that \$14.5 million has been approved for program funding for FY 2017-18. The District submitted a claim in the amount of \$315,922.67.
  - C. Fiscal year 2018-19: The District submitted an application in the Program in the amount of \$500,000. DWR has indicated that \$12 million has been approved for program funding for FY 2018-19, consistent with recent years.
  - D. Fiscal year 2019-20: The District submitted an application in the Program in the amount of \$615,000. DWR has lowered the Program funding amount to \$10 million for FY 2019-20. The Engineer does not believe this amount will be sufficient to fund the Program and have expressed their concerns to DWR and the Central Valley Flood Protection Board.
2. Special Projects: Construction of the Old River multi-benefit levee rehabilitation project continues. Teichert has completed most of the earthwork, with just finishing of the slopes and ramps left. Rip rap slope protection has been placed and the first of two layers of aggregate base has been placed on the levee crest. Additional aggregate base will be placed on the ramps and levee crest following the replacement of siphons. Siphon replacement will begin this week and we have coordinated with Teichert, D&L Farms, and the District on scheduling the siphon replacement. The project is on schedule and the levee rehabilitation component will be complete sometime in November of 2019.

The Engineer is continuing the coordination with CDFW of the enhancement component of the Project. The request for bids was advertised last week and again this week. The pre-bid walk with planting contractors is scheduled for September 17 and bids are scheduled to be opened on September 26<sup>th</sup>.

The Engineer has submitted a Full Proposal for a Directed Action project to rehabilitate the north and south levees in January 2019. DWR is currently reviewing the proposal, and a follow up letter has been sent inquiring about the status.

3. Annual Maintenance: The Engineer advised the Trustees of the current maintenance items that the District is currently tracking.

4. Five Year Plan: The District received a fully executed agreement for updating the District's Five-Year Plan (FYP). Up to \$35,000 with 100% State funding is available for the update. The District Engineer has started work on the Plan update and the District has received an advance of funds in the amount of \$26,250.00.
5. SB 88: Work under Phase 2 of the measurement experiment (work plan for 2019) is progressing and coordination with the Delta Measurement Experimentation Consortium continues. An additional test site was added during August at Bouldin Island Siphon No. 24. One more additional test site is planned for installation at Bouldin Island Siphon No. 27 during September. At the current time, 8 of 11 test sites appear to be functioning properly and collecting flow data. Coordination with contractors is ongoing to correct problems at the non-operational test sites. 2019 siphon logs have been received for the month of July and collection of August logs is in progress. Portable meter testing was performed on several new siphons during August is scheduled to continue throughout the irrigation season and during fall flooding. Site visits were conducted on Bacon Island on August 23, 2019 and September 5, 2019 to troubleshoot data logger and other sensor-related issues. Site visits were conducted on Bouldin Island on 8/9/2019, 8/14/2019 and 8/29/2019 for equipment installation and to continue troubleshooting various issues. Common issues being experienced include loss of power, corrosion, and communication related issues.

The Attorney advised the Trustees that this was the time and place for a public hearing on the need for an operation and maintenance. The Chairman of the Board of Trustees thereupon opened the public hearing on the levy of an operation and maintenance assessment and asked if there was anyone who wished to speak in favor of or in opposition to the levy of such assessment. The District's Attorney advised the Trustees that the District should levy an assessment in order that the District may carry out needed levee repairs and maintenance, and therefore there was a need to levy an assessment at this time in order for the District to continue to meet its bills and obligations and provide for the maintenance of the District levees. There being no other person wishing to speak in favor of or opposition to the levy of an assessment, the public hearing was closed.

The Attorney advised the Board that this was the time for them to consider the levy and call of the District's annual assessment for the year 2020. Under the Prop 218 election, the District's maximum annual assessment may be adjusted by an amount equal to the change in the Consumer Price Index, Pacific Cities & U.S. City Average, All Items Index (1982-84=100), All Urban Consumers, San Francisco-Oakland-San Jose (herein referred to as the "CPI"), between December 2017 and December 2018. Following a discussion of this matter, upon motion duly made and seconded, it was:

RESOLUTION ESTABLISHING  
MAXIMUM ASSESSMENT RATE

WHEREAS, the maximum assessment rate that this District can levy was established by the Prop 218 election, subject to an annual adjustment based upon the change in the Consumer Price Indexes, Pacific and U.S. City Average, All Items Indexes (1982-84 = 100), All Urban Consumers, San Francisco-Oakland-San Jose, for December 2017 with a base figure of 277.414; and,

WHEREAS, CPI figure for December 2017, the base period, was 277.414; and,

WHEREAS, the CPI figure for December 2018, the current period, is 289.896; and,

WHEREAS, the increase in the CPI is determined by the percentage difference between the base period CPI figure and the current period CPI figure.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Trustees of Delta Farms Reclamation District No. 2028, as follows:

1. That the maximum assessment rate for the assessment year 2020 is \$71.99 per acre of vacant land.
2. That the maximum assessment rate for the assessment year 2020 is \$83.72 per acre of agricultural land use.
3. That the maximum assessment rate for the assessment year 2020 is \$138.06 per acre of commercial/industrial land use.
4. That the maximum assessment rate for the assessment year 2020 is \$524.81 per acre of single-family residence land use.

ROLL CALL:

Ayes: Trustees Forkel and Ryan  
Noes: None  
Absent: Trustee Neudeck

Upon Roll Call, the foregoing Resolution was declared unanimously passed and adopted.

In connection with the assessment, the Trustees considered the fixing of charges and fees pursuant to Sections 50902 and 50904 of the Water Code for the purpose of raising funds needed by the Reclamation District for the payment of maintenance, repair, operation and incidental expenses, and supplemental construction and replacement expenses. The Trustees concluded the amount of money needed during the assessment year 2020 for such purposes is approximately \$469,637. Following a consideration of this matter, upon motion duly made, seconded and unanimously carried, it was:

RESOLUTION FIXING OPERATION AND  
MAINTENANCE ASSESSMENT FOR  
2020 AND PROVIDING  
FOR THE COLLECTION THEREOF

WHEREAS, the Board of Trustees of Delta Farms Reclamation District No. 2028 has elected for the year 2020 to fix the operation and maintenance assessment and provide for the collection thereof pursuant to Section 50904 of the Water Code for the purpose of raising funds needed by this Reclamation District for the payment of maintenance, repair, operation, and incidental expenses, and supplemental construction and replacement expenses; and,

WHEREAS, this Board of Trustees estimates the amount of revenue needed during the year 2020 for such purposes is \$469,637; and,

WHEREAS, a public hearing was held before the Board of Trustees on September 10, 2019, at which time no person appeared to speak in favor of or in opposition to the levy and call of an assessment; and,

WHEREAS, the levy of this assessment complies with all legal requirements of the Reclamation District Act of the State of California, the Ralph M. Brown Act, and Proposition 218; and,

WHEREAS, this assessment is levied without regard to property valuation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Trustees of Delta Farms Reclamation District No. 2028, as follows:

1. That the maximum assessment rate for the assessment year 2020 is \$71.99 per acre of vacant land, the maximum assessment rate is \$83.72 per acre of agricultural land use, the maximum assessment rate is \$138.06 per acre of commercial/industrial land use, and the maximum assessment rate is \$524.81 per acre of single-family residence land use.
2. That \$469,637 is hereby fixed as the estimate of the funds needed during the year 2020 for the payment of maintenance, repair, operation, and incidental expenses, and supplemental construction and replacement expenses.
3. That for purpose of raising said sum of \$469,637 this Board of Trustees does hereby elect for the year 2020 to fix and collect the operation and maintenance assessment pursuant to Section 50904 of the Water Code.
4. That upon said assessment being prepared and completed in accordance with the terms of this Resolution, it be certified by the Secretary of this Reclamation District.

5. That each and every assessment shown on that certain assessment list of this Reclamation District, being known and designated as "Assessment Roll No. 2020, Delta Farms Reclamation District No. 2028", is here by ordered paid in two installments as follows: (a) the first installment thereof in the amount of \$234,818.50 within sixty (60) days of the date of said "Assessment Roll No. 2020, Delta Farms Reclamation District No. 2028", is filed in the office of the County Treasurer of the County of San Joaquin, namely December 1, 2019; and (b) the second installment thereof in the amount of \$234,818.50 within sixty (60) days of the date of said "Assessment Roll No. 2020, Delta Farms Reclamation District No. 2028", is filed in the office of the County Treasurer of the County of San Joaquin, namely June 1, 2020.

ROLL CALL:

Ayes: Trustees Forkel and Ryan  
Noes: None  
Absent: Trustee Neudeck

Upon Roll Call, the foregoing Resolution was declared unanimously passed and adopted.

The Chair asked for Public Comment. There being no one present wishing to address the Board of Trustees, the Public Comment session was closed. There being no one wishing to address the Board, and there being no further business to come before the Board, the meeting was adjourned.

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PAMELA A. FORBUS, Assistant Secretary  
Delta Farms Reclamation District No. 2028

Minutes of the Meeting  
held on September 10, 2019,  
are hereby approved.

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Trustees of Delta Farms  
Reclamation District No. 2028

**Reclamation District No 2028****Warrant Lists**

From: 08/15/2019 through 09/09/2019

<u>Date</u>	<u>Num</u>	<u>Payee</u>	<u>Account</u>	<u>Payment</u>
08/21/2019	4824	Marchetti Servcies	55330 Vegetation Control	22,545.00
08/21/2019	4825	MBK Engineers	-SPLIT-	3,722.50
08/21/2019	4826	D & L Farms	-SPLIT-	63,981.96
08/23/2019	4830	Dino & Son Ditching	Levee Maintenance-Non Sub	17,601.14
08/23/2019	4831	Calif. Central Valley Flood Control Assn.	50121 Dues	2,003.00
08/23/2019	4833	San Joaquin County Registrar of Voters	50400 Miscellaneous	50.00
09/04/2019	4835	MBK Engineers	57125 BN-15-1 Engineering	108,549.30
09/04/2019	4836	PG&E	50212 Utilities	17,910.09
09/04/2019	4837	W.C. Maloney, Inc.	50185 Other Maintenance	24,300.00
09/09/2019	4838	Mid Valley Agricultural Services, Inc.	55330 Vegetation Control	2,911.60

**Account Balances**

		General Fund Account Balance	\$ 6,245.20
		Bank of Stockton Payroll Acct Balance	\$ 22,556.14
		Outstanding Registered Warrant Acct Balance	\$ 1,275,000.00
		BN-15-1 Bank of Stockton Acct Balance	\$ 6,479,388.63
09/03/2019	1031	Reclamation District No. 2028	96,486.12