

MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES OF
DELTA FARMS RECLAMATION DISTRICT NO. 2028
HELD ON WEDNESDAY, JANURAY 19, 2022

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, as well as various teleconference locations in accordance with Paragraph 11, Executive Order N-25-20, Executive Department, State of California on Wednesday, January 19, 2022, at 11:00 A.M.

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

PRESENT

DAVID A. FORKEL
RANDALL NEUDECK
RUSSELL RYAN

ABSENT

NONE

There was also present Pamela A. Forbus, of the Law Offices of Hoslett and Forbus, Attorneys for the Reclamation District; Nate Hershey, of the firm MBK Engineers, the District's Engineer; Ralph Heringer, the District's Superintendent; Andrew Petrini, the District's Assistant Superintendent; and Anna Olvera, from Metropolitan Water District.

The Minutes of the meeting of the Board of Trustees held on December 15, 2021, 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 December 15, 2021 be and the same are hereby approved.

ROLL CALL:

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

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 December 15, 2021 and presented to the Trustees at this January 19, 2022 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 \$92,944.03 and held \$125,000.00 in registered warrants with the Bank of Stockton.

ROLL CALL:

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

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

The Superintendent advised the Trustees that there is seepage at Stations 170 and 175, he was directed to have district forces look into the matter.

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 2020-21: The District submitted an application in the Program in the amount of \$615,000. DWR has indicated that \$12 million has been approved for program funding for FY 2020-21. The District's final claim has been submitted in the amount of \$301,108.19.

- B. Fiscal year 2021-22: The District submitted an application in the Program in the amount of \$541,000. DWR has lowered the Program funding amount to \$10 million for FY 2020-21.
2. Flood Fight Supplies: The District submitted the reimbursement package to San Joaquin County for flood fight supplies prior to the deadline. The District is waiting to receive reimbursement.
 3. Special Projects: The enhancement component of the Old River multi-benefit levee rehabilitation project is in progress. Maintenance activities will be on-going to promote plant health and longevity.
A sheet pile wall has been approved for construction under the PFA. The sheet pile wall will intercept an old sluice box discovered deep within the levee during construction near Station 525. The Engineer has advertised the project for bid and bids are scheduled to be opened on Thursday, January 28. Once the contract is awarded, the timing of installation will be weather dependent. All work is scheduled to be complete prior to May 31.
The District received an advance of funds for design of the Directed Action project to rehabilitate the north and south levees. The Engineer has started work on the design and will be moving forward in anticipation of construction. The District will need to consider a variety of issues, including availability and location of onsite borrow material and other issues that may result in an impact to the landowner and/or their tenants.
 4. Annual Maintenance: The Engineer attached the current maintenance items that that the district is tracking.
 5. Five Year Plan: Work on the Five-Year Plan is currently in progress. A draft of the plan was distributed via email and the Engineer has incorporated many of the comments received. A draft was also sent to DWR staff for review and comment. DWR has extended the expiration date of the funding agreements to December 31, 2021. At DWR's request, the Engineer will be submitting the anticipated total cost of improvements for planning purposes by the end of the month.
 6. SB 88: Work under Phase 3 of the measurement experiment has been completed. Phase 3 efforts primarily involve installing 8 additional flange magnetic meters on the water side of the highest use siphons, with at least one flow meter on each island. Work on Phase 4 of the measurement experiment is expected to begin in the near future. MWD has authorized the purchase of 25 flow meters along with telemetry units to be installed on all four islands. The flow meters, flanges, bolts, and job boxes were delivered by Technoflo earlier this month. MWD has begun their inspection of the delivered equipment and will reach out to Technoflow if anything is missing

and/or damaged. MWD has also begun the process of selecting a contractor to perform the installations of this equipment. The installations are estimated to be completed before the end of 2022. MBK has conducted visits to the proposed sites to identify work that needs to be completed prior to installing the flow meters. MBK will work with MWD and the selected contractor to complete these preparations.

After reviewing the notes and photos from MBK's visits to the Phase 4 sites, 4 siphons were identified as potentially having asbestos or had a tar coating on the pipe exterior. These hazardous materials could harm the contractor and the environment if not disposed of properly. MBK visited these sites with an environmental consultant, Bovee Environmental Management, on December 30th to determine if any hazardous materials are present. These tests showed hazardous materials were present at 3 of the 4 sites. MWD has already contracted with W.C. Maloney to remove the materials in the area where the flow meter would be installed. MBK will be joining W.C. Maloney at the first site to ensure there is enough material for the flow meter installation to continue.

MWD and the RDs are in compliance for calendar year 2022 under an approved extension of time. The extension was approved by the Delta Watermaster on January 13, 2022 and will expire on January 1, 2024. The extension of time included a Plan for Compliance which provides details regarding the methods to estimate diversions on siphons without flow meters and provides a measurement equipment installation schedule. MWD currently anticipates that installing all the flow meters will take five years. Therefore, MBK has provided cost estimates for flange magnetic meters with telemetry equipment installed on the water side of all active siphons. Development of the Delta-wide ACP by the Delta Measurement Experiment Consortium to utilize Open ET for measuring and reporting diversions continues. RD staff are currently in the process of creating place of use polygons for each of the islands. MBK and MWD continue to participate in the Consortium.

The Trustees next considered the many years of service that Dave Robertson has given to this reclamation district as its Superintendent. Following a discussion of this matter and upon motion by Trustee Neudeck, and seconded by Trustee Ryan, and unanimously passed and adopted, it was:

RESOLUTION OF APPRECIATION

WHEREAS, DAVE ROBERTSON has for many years served as the Superintendent of and for Delta Farms Reclamation District No. 2028 (Bacon Island) and the Board of Trustees of this reclamation district; and,

WHEREAS, DAVE ROBERTSON has throughout this period of time devoted his

time and energies to Bacon Island and to representing this District and its Board of Trustees as to the many issues facing this reclamation district; and,

WHEREAS, the knowledge and expertise of DAVE ROBERTSON with respect to the issues and management facing this District will be missed by this Board of Trustees; and,

WHEREAS, the Board of Trustees of Delta Farms Reclamation District No. 2028 and the landowners within this District are appreciative of the time and energies devoted by DAVE ROBERTSON.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Trustees of Delta Farms Reclamation District No. 2028, that this reclamation district does hereby commend and acknowledge the dedicated services of DAVE ROBERTSON to Delta Farms Reclamation District No. 2028, and to the lands and landowner therein.

ROLL CALL:

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

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

The Trustees next discussed the District's intent to participate in the Delta Levee Subventions Program for the Fiscal Year 2022-2023 and decided that it would be necessary to file an application at this time. Following the discussion of this matter, upon motion duly made and seconded, it was:

RESOLUTION AUTHORIZING
FILING OF APPLICATION FOR
PARTICIPATION IN 2022-2023
SUBVENTIONS PROGRAM

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

1. That the officers of this Reclamation District and the District Engineer are hereby authorized and directed to submit on behalf of this Reclamation District an application under the Delta Levee Subventions Program for the fiscal year 2022-2023.

ROLL CALL:

Ayes: Trustees Forkel, Neudeck and Ryan

Noes: None

Absent: None

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

Having decided to proceed with levee maintenance projects as a part of the District's Delta Levee Subventions Program for the fiscal year 2022-2023, the Trustees next reviewed and discussed the provisions and exemptions of the California Environmental Quality Act. Following a discussion of this matter, upon motion duly made and seconded, it was:

RESOLUTION FINDING PROJECTS
EXEMPT FROM CEQA

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

1. RESOLVED, that the work described in the 2022-2023 Delta Levee Subventions Program application consists of routine levee maintenance to existing levee improvements and falls within the categorical exemptions to the California Environmental Quality Act.
2. RESOLVED FURTHER, that the District finds that the proposed work will not have a material adverse effect upon the environment.
3. RESOLVED FURTHER, that said work does not constitute an exception to the exemptions of the California Environmental Quality Act.
4. RESOLVED FURTHER, that MBK Engineers, the District's Engineer, is directed to prepare and file with the County of San Joaquin the appropriate notice of exemption on behalf of the District.

ROLL CALL:

Ayes: Trustees Forkel, Neudeck and Ryan

Noes: None

Absent: None

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

The Trustees were advised that the District would be required to execute agreements with the California Central Valley Flood Protection Board for participation in the 2022-2023 Delta

Levee Subventions Program. Following a discussion of this matter, it was the conclusion of the Trustees that the officers of this District should be authorized to execute, on behalf of this District, the agreements with the State, and upon motion duly made and seconded, it was:

RESOLUTION AUTHORIZING EXECUTION
OF AGREEMENTS WITH CALIFORNIA
CENTRAL VALLEY FLOOD PROTECTION BOARD

WHEREAS, this Reclamation District will submit its application for participation in the Delta Levee Subventions Program for the fiscal year 2022-2023; and

WHEREAS, the California Central Valley Flood Protection Board of the State of California will submit to this Reclamation District agreements, providing for reimbursement to this Reclamation District of certain approved eligible expenses under the Delta Levee Subventions Program.

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

1. That the Officers of the District, be, and they each hereby are, authorized and directed to execute for and on behalf of this Reclamation District, such work agreements with the California Central Valley Flood Protection Board for participation in the Delta Levee Subventions Program for the fiscal year 2022-2023.
2. That the officers are authorized and directed to execute such other agreements, and to take such other actions as may be necessary or appropriate to carry out the intent and purpose of this Resolution.

ROLL CALL:

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

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.

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

Minutes of the Meeting
held on January 19, 2022,
are hereby approved.

Trustees of Delta Farms
Reclamation District No. 2028

RECLAMATION DISTRICT 2028
WARRANT LIST

From: 12/15/2021 through 01/18/2022

Date	Num	Payee	Account	Payment
12/20/2021	5141	MBK Engineers	55140 Engineering Serv	3,240.72
01/03/2022	5142	PG&E	57185 BN-18-1 5YP Engineering	120.50
01/07/2022	5143	Linden-Peters Fire Department	50212 Utilities	7,280.55
			50400 Miscellaneous	400.00
			Total	\$ 11,041.77
		<u>Account Balance as of 01/18/2022</u>		
		General Fund		\$ 92,944.03
		Bank of Stockton Payroll		\$ 18,754.88
		Outstanding Registered Warrants		\$ 125,000.00
12/20/2021		RW #5140		25,000.00
01/07/2022		Retire RW #5005,5018,5019,5023,5027,5032,5041,5042,5052,5061,5060, 5065,5068,5072,5080,5081,5090,5095,5100,5104,5105,5106,5107,5112,5118		650,000.00
		BN-15-1 Bank of Stockton Acct		\$ 457,509.80
		BN-19-1 Bank of Stockton Acct		\$ 660,317.26