

MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES OF
DELTA FARMS RECLAMATION DISTRICT NO. 2028
HELD ON WEDNESDAY, OCTOBER 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, on Wednesday October 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; Andrew Petrini, the District's Assistant Superintendent; Jack Cronin with MWD; and Angela Carter, the District's bookkeeper. Ralph Heringer, the District's Superintendent and Anna Olvera, with MWD participated via teleconference.

Following the Roll Call, a quorum was declared present, and the meeting was called to order.

The Minutes of the meeting of the Board of Trustees held on September 21, 2022, 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 September 21, 2022, 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 September 21, 2022, and presented to the Trustees at this October 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.

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, 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 \$21,054.13 and held \$500,000.00 in registered warrants with the Bank of Stockton. The Trustees were further advised that there was a balance on hand in the District's account with the Bank of Stockton for special project BN-15-1.0 held the sum of \$405,383.63 and the Bank of Stockton special project BN-19-1.0 held the sum of \$5,209,562.92.

Following a review of the District's expenses, the Trustees next discussed the adoption of a budget for the next fiscal year. The Trustees were previously provided with a copy of a draft budget for purposes of making comments and corrections. The final draft of the Fiscal Year 2022-23 was presented to the Trustees at this Board meeting. Upon motion duly made and seconded, it was:

RESOLUTION APPROVING
BUDGET FOR YEAR FISCAL YEAR 2022-2023

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

1. That the budget for this Reclamation District for the Fiscal Year 2022-23 be and the same hereby is approved and adopted; a copy of which shall be attached to the minutes of the meeting, and which is incorporated by reference, 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 Engineer presented the Trustees with a written report prior to the meeting, which included the following matters:

1. The Engineer reported on the District's participation in the Delta Levee Subventions Program, as follows:
 - A. Fiscal year 2021-22: The District submitted an application in the Program in the amount of \$541,000. An additional \$2 million was recently approved by the Central Valley Flood Protection Board, for a total of \$12 million for FY 2021-22. The final claim is in the process of being compiled and will be submitted prior to November 1.
 - B. Fiscal year 2022-23: The District submitted an application in the Program in the amount of \$541,000. \$12 million was recently approved by the Central Valley Flood Protection Board for the Program for FY 2022-23.
2. Annual Maintenance: The Engineer attached the current maintenance items that that the district is tracking.
3. Special Projects: The enhancement component of the Old River multi-benefit levee rehabilitation project (BN-15-1-SP) is in progress. Maintenance activities will be on-going to promote plant health and longevity.
The District is still awaiting approval of the revised Scope of Work that was submitted to DWR. Upon approval, the project will be put out for bid. Advance funds for construction were received on August 8 in the amount of \$4.6 million.

4. 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, 2022. At DWR's request, the Engineer submitted the anticipated total cost of improvements for planning purposes.
5. SB 88: Work under Phase 4 of the measurement experiment is underway. All Phase 4 meters have been installed and most have been certified by MBK Engineers. The remaining certifications are expected to occur next week.
Flow meters for the remaining siphons will be installed over the next two years. Prior to the end of this year, MBK will obtain quotes for the remaining measurement equipment and identify any sites that need to be tested for asbestos or tar coating. MBK and MWD will work with Bovee Environmental Management to test sites that are suspected to contain asbestos or tar coating on the pipe exterior. Any sites that test positive for test hazardous materials will be abated by W.C. Maloney prior to any flow meter installation.
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. Place of use polygons for each island have been completed and will be used in conjunction with Open ET to report on diversions. MBK and MWD continue to participate in the Consortium.

The Superintendent reported that Delta Pump is working on repairing the pump that was pulled earlier this fall. He further reported that they are mobilizing the winter spray program.

The Secretary 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 Secretary 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.

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 2023 for such purposes is approximately \$1,006,666. Following a consideration of this matter, upon motion duly made, seconded and unanimously carried, it was:

RESOLUTION FIXING OPERATION AND
MAINTENANCE ASSESSMENT FOR
2023 AND PROVIDING
FOR THE COLLECTION THEREOF

WHEREAS, the Board of Trustees of Delta Farms Reclamation District No. 2028 has elected for the year 2023 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 2023 for such purposes is \$1,006,666; and,

WHEREAS, a public hearing was held before the Board of Trustees on October 19, 2022, at which time no person appeared to speak in favor of or in opposition to the levy and call of an assessment; and,

WHEREAS, there are not sufficient funds in the hands of the County Treasurer of the County of San Joaquin, in the matter of the fund of Delta Farms Reclamation District No. 2028 for the maintenance, repair and operation of the works of reclamation, or for incidental expenses of said District; 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 \$1,006,666 is hereby fixed as the estimate of the funds needed during the year 2023 for the payment of maintenance, repair, operation, and incidental expenses, and supplemental construction and replacement expenses.
2. That for purpose of raising said sum of \$1,006,666 this Board of Trustees does hereby elect for the year 2023 to fix and collect the operation and maintenance assessment pursuant to Section 50904 of the Water Code.
3. 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.
4. That that the total amount to be raised for the maintenance, repair and operation of the works of reclamation and for the incidental expenses of said Delta Farms Reclamation District No. 2028 be, and the same is hereby fixed and determined to be the sum of \$1,006,666.00, and there is hereby levied an assessment on all of the lands located within the boundaries of said Delta Farms Reclamation District No. 2028, in the sum of \$1,006,666, and that the sum of \$1,006,666.00 be, and the same is hereby fixed and designated as the amount to be called in two installments, the first installment in the amount of \$763,185.00, and the second installment, if needed, in the amount of \$235,981.00.
5. That each and every assessment shown on that certain assessment list of this Reclamation District, being known and designated as "Assessment Roll No. 2023, Delta Farms Reclamation District No. 2028", is here by ordered paid in two installments, the first installment in the amount of \$763,185.00 within sixty (60) days of the date of said "Assessment Roll No. 2023, Delta Farms Reclamation District No. 2028", is filed in the office of the County Treasurer of San Joaquin County, namely December 1, 2022.

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 October 19, 2022,
are hereby approved.

Trustees of Delta Farms
Reclamation District No. 2028

RECLAMATION DISTRICT 2028 WARRANT LIST

From: 09/20/2022 through 10/17/2022

Date	Num	Payee	Account	Payment
09/21/2022	5230	Central Delta Water Agency	50419 CDWA Assmt	1,866.04
09/21/2022	5231	D & L Farms, Inc	50425 Emergency Standby Equip.	15,302.40
			50185 Other Maintenance	216.40
09/21/2022	5232	D & L Farms	55180 Levee Patrol	8,625.72
			55330 Vegetation Control	1,247.04
			50185 Other Maintenance	7,568.93
			55110 Toe Ditch Cleaning	43,095.69
09/27/2022	5233	MBK Engineers	55140 Engineering Serv	1,001.00
09/28/2022	5235	PG&E	57195 BN-19-1 Engineering	275.30
10/06/2022	5237	5G Land Management	50212 Utilities	10,974.15
10/17/2022	5238	Pacific Storage Comapny	55330 Vegetation Control	19,800.00
			50411 Storage	90.00
			Total	\$ 110,062.67
		<u>Account Balance as of 10/17/2022</u>		
		General Fund		\$ 21,054.13
		Bank of Stockton Payroll		\$ 20,255.31
		Outstanding Registered Warrants		\$ 500,000.00
09/21/2022		RW #5227, #5228, #5229		75,000.00
09/27/2022		RW #5234		25,000.00
10/06/2022		RW #5236		25,000.00
		BN-15-1 Bank of Stockton Acct		\$ 405,383.63
		BN-19-1 Bank of Stockton Acct		\$ 5,209,562.92

RECLAMATION DISTRICT BUDGET					
RD 2028 (Bacon Island)					
		PRIOR BUDGET	YEAR-TO-DATE	APPROVED BUDGET	Comments
GL CODE	INCOME	FY 21-22	6/30/2022	FY 22-23	
40100	Assessments	\$ 748,238	\$ 748,238.00	\$ 763,185	FY 21/22 3% increase (not incl. \$250,000 SP) + \$250,000 SP
43100	Miscellaneous Income	\$ -	\$ -	\$ -	
43106	Temp Entry Permit	\$ -	\$ -	\$ -	
49200	Interest Income	\$ -	\$ 628.00	\$ -	
49215	BN-15 Interest Income	\$ -	\$ -	\$ -	
45013	Subventions FY 18-19 (DWR 75%)	\$ -	\$ -	\$ -	75% of FY 21-22 actuals, less \$1,000 per mile
45014	Subventions FY 19-20 (DWR 75%)	\$ 170,000	\$ 154,663.00	\$ -	
45015	Subventions FY 20-21 (DWR 75%)	\$ 231,471	\$ 214,668.00	\$ -	
45016	Subventions FY 21-22 (DWR 75%)	\$ -	\$ -	\$ 223,294	
47515	Sp Proj BN-15-1 (DWR 97%)	\$ 375,000	\$ 73,126.09	\$ 107,880	Actual expenses, less 10% retention, 97% cost share
47516	Sp Proj BN-15-1 (CCWD 3%)	\$ -	\$ -	\$ -	
47518	Sp Proj BN-18-1 SYP	\$ -	\$ 2,391.50	\$ -	Actual expenses, less 10% retention, 95% cost share
47519	Sp Proj BN-19-1	\$ 1,275,000	\$ 310,231.95	\$ 4,250,000	
47001	Emergency Response Plan (DWR 100%)	\$ -	\$ -	\$ -	
47815	CAL OES (FEMA)	\$ -	\$ -	\$ -	
41190	SJC Grant Phase 2	\$ -	\$ 12,226.83	\$ -	
TOTAL INCOME		\$ 2,799,708	\$ 1,516,173.37	\$ 5,344,359	
GL CODE	EXPENSES				
50000	G&A				
50100	Accounting	\$ 5,520	\$ 205.00	\$ 6,000	Increased 10% from FY 20-21 budget
50102	Bank Service Charges	\$ -	\$ 521.00	\$ 600	
50121	Dues	\$ 2,604	\$ 2,204.00	\$ 2,604	
50130	Other Assessments	\$ -	\$ -	\$ -	
50140	Engineering - G&A	\$ 1,008	\$ 642.50	\$ 1,008	
50150	Insurance	\$ 11,676	\$ 12,523.00	\$ 13,152	Increased 5% from FY 21-22 actuals
50160	Legal/Administration	\$ 30,732	\$ 32,962.77	\$ 30,732	
50161	Legal - Outside Counsel	\$ -	\$ -	\$ -	
50170	Levee Maintenance - Non-Subventions	\$ 5,004	\$ -	\$ 5,004	
50180	Pump Maintenance	\$ 30,000	\$ 55,889.46	\$ 30,000	
50185	Other Maintenance	\$ 60,000	\$ 54,485.32	\$ -	
50190	Canal Maintenance	\$ 20,004	\$ 22,552.48	\$ 20,004	
50211	Security Services	\$ -	\$ -	\$ -	
50212	Utilities - PG&E	\$ 150,000	\$ 149,404.27	\$ 150,000	
50213	Water Right Fees	\$ 3,036	\$ 3,205.11	\$ 3,216	Increased to FY 21-22 actuals
50220	Pipes & Crossings G&A	\$ 60,000	\$ 187,977.80	\$ 60,000	
50330	Vegetation Control - Non Sub	\$ 5,004	\$ 6,000.00	\$ 5,004	
50400	Miscellaneous	\$ 1,008	\$ 400.00	\$ 1,008	
50402	Mileage	\$ 1,008	\$ 2,002.00	\$ 1,008	
50403	Office Supplies	\$ 600	\$ 552.05	\$ 600	
50404	Permits - EPA	\$ -	\$ -	\$ -	
50406	Publications	\$ 204	\$ 234.79	\$ 204	
50408	Taxes and Fees	\$ 600	\$ 203.93	\$ 600	
50410	Parts and Supplies	\$ -	\$ -	\$ -	
50411	Storage	\$ 360	\$ 360.00	\$ 360	
50414	Assessment Formation	\$ -	\$ -	\$ -	
50418	Weed Control	\$ -	\$ -	\$ -	
50419	Other Assessments - CDWA	\$ 1,860	\$ 1,866.04	\$ 1,860	
50422	Superintendent	\$ -	\$ -	\$ -	
50425	Emergency Standby Equipment	\$ 54,000	\$ 11,476.80	\$ 24,000	
50500	Payroll Account - G&A				
50501	Payroll	\$ 5,004	\$ 4,919.51	\$ 5,004	
50502	Payroll Services	\$ -	\$ -	\$ -	
50503	Payroll Taxes	\$ 600	\$ 516.37	\$ 600	
50504	Worker's Comp	\$ 300	\$ 206.51	\$ 300	
55000	Subventions				
55110	Toe Ditch Cleaning	\$ 30,000	\$ 19,570.40	\$ 30,000	
55130	Encroachments	\$ 30,000	\$ -	\$ -	
55140	Engineering - Routine	\$ 60,000	\$ 38,031.45	\$ 39,996	
55160	Emergency Flood Fight	\$ -	\$ -	\$ -	
55161	High Water Patrol	\$ -	\$ -	\$ -	
55180	Levee Patrol	\$ 12,000	\$ 17,510.08	\$ 18,000	
55190	Levee Maintenance - Routine	\$ 50,004	\$ 3,779.00	\$ 24,000	
55220	Pipe & Drain Crossings - Subventions	\$ 10,008	\$ 5,199.59	\$ 6,000	
55230	Professional Fees	\$ -	\$ -	\$ -	
55270	Road Repair	\$ 30,000	\$ 22,549.77	\$ 30,000	
55280	Repair Levee Erosion	\$ 30,000	\$ -	\$ 30,000	
55320	Pest Control	\$ 5,004	\$ -	\$ 5,004	
55330	Vegetation Control	\$ 42,000	\$ 91,040.37	\$ 42,000	
55340	Miscellaneous - Subventions	\$ 2,400	\$ -	\$ 2,400	
55402	Mileage - Subventions	\$ 3,600	\$ 3,863.03	\$ 3,600	
55403	Office Supplies	\$ -	\$ -	\$ -	

RECLAMATION DISTRICT BUDGET					
RD 2028 (Bacon Island)					
GL CODE	INCOME	PRIOR BUDGET FY 21-22	YEAR-TO-DATE 6/30/2022	APPROVED BUDGET FY 22-23	Comments
55410	Parts, Tools & Supplies	\$ -	\$ -	\$ -	
55417	Habitat Mitigation	\$ -	\$ -	\$ -	
55422	Labor Compliance	\$ -	\$ -	\$ -	
55500	Payroll Account - Subventions				
55501	Payroll	\$ 69,996	\$ 97,186.36	\$ 96,000	
55502	Payroll Services	\$ -	\$ -	\$ -	
55503	Payroll Taxes	\$ 7,500	\$ 9,050.86	\$ 9,000	
55504	Worker's Comp	\$ 3,600	\$ 4,244.30	\$ 4,200	
57000	Special Projects				
57001	Flood Emergency Response	\$ -	\$ -	\$ -	
57121	Sp Proj BN-12-1	\$ -	\$ -	\$ -	
57125	Sp Proj BN-15-1 Engineering	\$ 100,000	\$ 42,586.62	\$ 24,000	
57126	Sp Proj BN-15-1 Construction	\$ -	\$ 4,116.03	\$ -	
57127	Sp Proj BN-15-1 Planting	\$ 100,000	\$ 58,745.24	\$ 100,000	Annual maintenance and additional work
57185	Sp Proj BN-18-1 5YP	\$ -	\$ 922.75	\$ -	
57195	Sp Proj BN-19-1 SP Engineering	\$ 500,000	\$ 362,844.37	\$ 500,000	Assume 50% of funding expended
57196	Sp Proj BN-19-1 SP Construction	\$ 1,000,000	\$ -	\$ 4,500,000	Assume 50% of funding expended
59000	Other Expenses				
	Retired Warrants		\$ -		
59001	Interest Paid on Registered Warrants	\$ 110,122	\$ 21,475.17	\$ 16,875	Assumes warrants held 24 months
59002	County Fees	\$ -	\$ -	\$ -	
	Capital Asset Reserve Fund	\$ -	\$ -	\$ -	
TOTAL EXPENSES		\$ 2,646,366	\$ 1,354,026.10	\$ 5,843,943	
NET INCOME & EXPENSES		\$ 153,342	\$ 162,147.27	\$ (499,584)	

Account Balance as of end of FY

General Fund Account 472500	\$ 23,555	\$ 307.38	\$ 2,310	
Debt Service Fund 51661	\$ -	\$ 1,586.32	\$ -	Accrued county interest to be transferred to 472500
Payroll Account	\$ 17,573	\$ 22,164.66	\$ 22,165	
Beginning Reg'd Warrants	\$ 400,000	\$ 400,000.00	\$ 225,000	
Ending Reg'd Warrants	\$ 250,000	\$ 225,000.00	\$ 725,000	
Special Project Account BN-15-1	\$ 500,000	\$ 416,110.34	\$ 416,110	
Special Project Account BN-19-1	\$ 500,000	\$ 592,388.38	\$ 592,388	

Notes:

- 1 Subventions assumes levee maintenance YTD - \$1000/mi * 75%
- 2 Budget includes BN-15 and BN-19 Special Projects funded as indicated below
BN-19-1-SP 95/5% project \$10,526,316
BN-15-1-SP 97/3% project \$14,510,918
- 3 Budget includes emergency standby equipment
- 4 Maximum allowable assessment for FY22/23 is \$1,006,666.