

MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES OF
DELTA FARMS RECLAMATION DISTRICT NO. 2028
HELD ON WEDNESDAY, JANUARY 18, 2023

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, January 18, 2023, at 11:00 A.M.

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

PRESENT

ABSENT

DAVID A. FORKEL
RANDALL NEUDECK
RUSSELL RYAN

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; Jack Cronin with MWD; and Andrew Petrini, the District's Superintendent. Angela Carter, the District's bookkeeper, joined the call via video conference.

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

The Minutes of the meetings of the Board of Trustees held on November 16, 2022 and January 6, 2023, 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 meetings of the Board of Trustees of Delta Farms Reclamation District No. 2028 held on November 16, 2022 and January 6, 2023, 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 November 16, 2022, and presented to the Trustees at this January 18, 2023, 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 \$8,373.21 and held \$650,000.00 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-15-1.3 held the sum of \$364,535.96 and the Bank of Stockton special project BN-19-1.1 held the sum of \$5,179,218.70.

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. A final claim was submitted in the amount of \$275,410.71.
 - 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.
Bids were opened for the north and south levee rehabilitation project (BN-19-1-SP) on January 13, 2023. The District Engineers are evaluating the bids and will report the results to the District.
4. Five Year Plan: Work on the Five-Year Plan is in progress. DWR has extended the expiration date of the funding agreements to March 31, 2023. The District is working to address DWR's comments and finalize the Plan.
5. SB 88: Work under Phase 4 of the measurement experiment is complete. All Phase 4 meters have been installed and have been certified by MBK Engineers. Data is now being collected at 38 sites across all four islands. Of all 25 meters installed, only one (Holland Tract Siphon No. 1) was unable to be properly programmed and connected to the Wildeye telemetry system MBK is still investigating this issue with the flow meter manufacturer (McCrometer).
Flow meters for the remaining siphons will be installed over the next two years. MBK is obtaining quotes for the equipment required at the approximately 50 remaining sites. In addition, MBK is identifying 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 District superintendent reported that with the continued high tides, he is continuing with the extra levee patrols during the last legs of these storms. He will report in if the extra patrols find any problems or concerns along the district levee systems. He further reported that he would like to place cameras at various locations around the district. He will work with District personnel to determine the number and placement location of the new cameras.

The Trustees next considered the many years of service that Ralph Heringer 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, RALPH HERINGER 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, RALPH HERINGER 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 RALPH HERINGER 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 RALPH HERINGER.

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 RALPH HERINGER 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 Chairman advised the Trustees that since the last meeting of the Board of Trustees on January 6, 2023, the emergency conditions have continued to exist. The District has continued to experience high water along its levees. The District has conducted emergency safety inspections of the District levees. As a result of these conditions, the Chairman recommended that the District continue with its acquisition of equipment and supplies on an emergency basis, without using competitive solicitation of bids. Following a discussion of this matter, upon motion duly made and seconded, it was:

RESOLUTION APPROVING CONTINUED
PROCUREMENT UNDER EMERGENCY CONDITIONS

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

1. That an emergency condition continues to exist in connection with the maintenance and repair of the District's levees.
2. That the District should continue to acquire and use the equipment and materials needed to maintain the integrity of the District's levees without using competitive solicitation of bids.

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 Annual Water Right License Reporting, the Chairman advised those present that the District's annual reporting will comply with all state requirements and will be submitting the data prior to the due date.

The Trustees next discussed the District's intent to participate in the Delta Levee Subventions Program for the Fiscal Year 2023-2024 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 2023-2024
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 2023-2024.

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 2023-2024, 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. That, all repair of wave wash and erosion protection, all levee crown restoration which is not in excess of the 100 year flood elevation plus (2) feet and all levee section restoration including adding material to back slopes, construction of toe berms and construction of seepage berms, drains and other measures to control seepage exit gradients to less than 0.5 and including the work described in the Fiscal Year 2023-2024 Delta Levee Subventions Program Applications consists of routine maintenance to existing levee improvements and falls within the categorical exemptions to the California Environmental Quality Act pursuant to Section 15301 (Class I) of the Guidelines for the California Environmental Quality Act, California Administrative Code of Regulations, Title 14, Chapter 3, Article 19.
2. That the District finds that the proposed work will not have a material adverse effect upon the environment.
3. That said work does not constitute an exception to the exemptions of the California Environmental Quality Act.
4. That the District Secretary and Engineer, or either of them, hereby are directed to prepare and file with the County Clerk of San Joaquin County for posting, a "Notice of Exemption" pursuant to California Administrative Code, Title 14, Chapter 3, Section 15062 and 15261.

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 2023-2024 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 2023-2024; 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 2023-2024.
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 18, 2023,
are hereby approved.

Trustees of Delta Farms
Reclamation District No. 2028

RECLAMATION DISTRICT 2028
WARRANT LIST

From: 11/15/2022 through 01/13/2023

Date	Num	Payee	Account	Payment
11/22/2022	5246	Reclamation District No. 2028 Payroll Acc	15100 Bank of Stockton Payroll	25,000.00
11/22/2022	5247	MBK Engineers	57125 BN-15-1 Engineering	2,834.38
11/22/2022	5248	MBK Engineers	57195 BN-19-1 Engineering	20,650.75
11/22/2022	5249	Hoslett & Forbus. Attorneys at Law	50160 Legal/Administration	10,395.22
11/22/2022	5250	MBK Engineers	55140 Engineering Serv	7,345.26
11/29/2022	5251	PG&E	50212 Utilities	12,004.83
11/30/2022	5254	Delta Pump Inc.	50180 Pump Maintenance	45,283.66
12/16/2022	5255	Mid Valley Agricultural Services, Inc.	55330 Vegetation Control	19,281.82
12/16/2022	5256	MBK Engineers	55140 Engineering Serv	885.05
			50140 Engineering-Routine	55.00
			57185 BN-18-1 5YP Engineering	4,638.25
12/16/2022	5257	Delta Pump Inc.	50180 Pump Maintenance	136.25
01/06/2023	5258	PG&E	50212 Utilities	14,636.27
01/06/2023	5259	San Joaquin County Mosquito and Vector	50408 Taxes and Fees	234.32
01/12/2023	5261	CA Dept of Tax and Fee Administration	50213 Water Rights Fee	3,410.52
01/12/2023	5262	MBK Engineers	55140 Engineering Serv	2,901.38
			50140 Engineering-Routine	77.50
			57185 BN-18-1 5YP Engineering	1,725.00
01/12/2023	5263	Delta Pump Inc.	50180 Pump Maintenance	136.25
01/12/2023	5264	Pacific Storage Comapny	50411 Storage	135.80
Total				\$ 171,767.51
<u>Account Balance as of 01/13/2023</u>				
General Fund				\$ 8,373.21
Bank of Stockton Payroll				\$ 19,893.40
Outstanding Registered Warrants				\$ 650,000.00
11/22/2022		RW #5243, #5244, #5245		75,000.00
11/29/2022		RW #5252, #5253		50,000.00
01/06/2023		RW #5260		25,000.00
11/22/2022	1061	BN-15-1 Bank of Stockton Acct PB#55		\$ 364,535.96 2,474.41
11/22/2022	114	BN-19-1 Bank of Stockton Acct PB#13		\$ 5,179,218.70 17,656.39