

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF  
DELTA FARMS RECLAMATION DISTRICT NO. 2028  
HELD ON WEDNESDAY, APRIL 19, 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, April 19, 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; Andrew Petrini, the District's Assistant Superintendent; and John Bliss, Triston Foley and Emanuel Peterson, with SCI Consulting.

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 March 15, 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 meeting of the Board of Trustees of Delta Farms Reclamation District No. 2028 held on March 15, 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 March 15, 2023, and presented to the Trustees at this April 19, 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 \$26,187.26 and held \$175,000.00 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 \$345,563.24 and the Bank of Stockton special project BN-19-1.1 held the sum of \$5,152,549.45.

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.
  - C. Fiscal year 2023-24: The District submitted an application in the Program in the amount of \$541,000.
- 2. Annual Maintenance: The Engineer attached the current maintenance items that that the district is tracking. The Engineer has recently completed an updated survey of the levee system. Areas have been identified that have appeared to have settled, suggesting maintenance should be considered after the flood season.
  - 3. FEMA: A request for Public Assistance has been submitted for damages sustained during the January 2023 emergency. MBK had a preliminary Exploratory Call with FEMA on March 30, 2023 to discuss the damages listed in the claim. A recovery Scoping Meeting (RSM) has been scheduled with FEMA and CalOES at MBK's office on April 20. Prior to the meeting, MBK will complete a Damage Inventory (DI) and compile documentation supporting the claim. At the RSM, the DI will be discussed and determine the next steps in the recovery process.
  - 4. 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 contract for the north and south levee rehabilitation project (BN-19-1-SP) was awarded to Teichert Construction on February 3, 2023. The contract documents are fully executed and pre-project coordination with the contractor is underway. Construction is scheduled to begin no earlier than May 1, 2023.  
A concept proposal was submitted to DWR for the Projects Solicitation Package (PSP) for multi-benefit projects. DWR acknowledged receipt and is currently evaluating the proposals.
  - 5. Five Year Plan: Work on the Five-Year Plan is complete. The Engineer has addressed DWR's comments and have submitted the final version of the Plan. The Final Document has been uploaded to the RD's website.
  - 6. SB 88: MBK has obtained quotes for the equipment required at the 51 remaining metering sites. These flow meters will be installed over the next two years due to the number of sites and levee projects that begin in 2023. Prior to installation of flow meters, MBK has identified 12 sites that need to be tested for asbestos or tar coating by Bovee Environmental Management. One of these sites, siphon 12 on Webb Tract, could not be accessed due to high tide. However, upon further review, MBK and Bovee concluded that the potentially hazardous materials would not be disturbed during the installation process. Of the remaining 11 sites, 3 on Bacon and

1 on Bouldin Island tested positive for hazardous materials. These 4 sites will be abated by W.C. Maloney prior to any flow meter installation.

MWD and the RDs are in compliance for calendar year 2023 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 Chairman, Dave Forkel, announced that this was the time and place for the Public Meeting of the Landowners, called in accordance with the requirements of Proposition 218. Mr. Forkel advised those present that the Trustees had concluded that it was necessary for the District to increase its annual assessment and that the Trustees had asked that the landowners consider approving that request.

The Board of Trustees and District Engineer reviewed the work the District has completed in maintaining the integrity of the District's levees and its best estimate of upcoming work that still needs to be done.

The Chairman thereupon declared the Public Hearing open and asked if there was anyone who wished to speak in favor of or in opposition to the District's proposed increase in the annual assessment. There being no persons present to address the Board, the Chairman closed the Public Hearing.

Following the Public Hearing, the Chairman opened the ballots received and tallied up the votes. The Chairman advised those present that the Prop 218 election passed in favor of an increase in the District's annual assessment. Following a discussion of this matter and upon motion duly made and seconded, the Trustees unanimously passed and adopted Resolution No. 2023-003 Confirming Diagram and Assessment, and Ordering Levy of the Levee and Flood Control Assessment for Fiscal Year 2023-24.

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, Secretary  
Delta Farms Reclamation District No. 2028

Minutes of the Meeting  
held on April 19, 2023,  
are hereby approved.

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Trustees of Delta Farms  
Reclamation District No. 2028

RECLAMATION DISTRICT 2028  
WARRANT LIST

From: 03/11/2023 through 04/14/2023

Date	Num	Payee	Account	Payment
03/16/2023	5289	MBK Engineers	55140 Engineering Serv	5,169.74
			50140 Engineering-Rountine	88.50
			57195 BN-19-1 Engineering	254.00
03/16/2023	5290	Petrini Land Company, LLC	50211 Security Services	1,030.36
03/16/2023	5291	Hoslett & Forbus, Attorneys at Law	50160 Legal/Administration	9,270.48
03/16/2023	5292	Delta Pump Inc.	50180 Pump Maintenance	143.34
03/16/2023	5293	Reclamation District No. 2028 Payroll Acc	15100 Bank of Stockton Payroll	25,000.00
03/29/2023	5296	PG&E	50212 Utilities	28,391.28
03/29/2023	5297	MBK Engineers	55140 Engineering Serv	10,413.03
			50140 Engineering-Rountine	132.75
			<b>Total</b>	<b>\$ 79,893.48</b>
<b><u>Account Balance as of 04/14/2023</u></b>				
		<b>General Fund</b>		<b>\$ 26,187.26</b>
		<b>Bank of Stockton Payroll</b>		<b>\$ 46,213.41</b>
		<b>Outstanding Registered Warrants</b>		<b>\$ 175,000.00</b>
03/16/2023		RW#5287, 5288		<b>\$ 50,000.00</b>
03/30/2023		RW#5294, 5295		<b>\$ 50,000.00</b>
		<b>BN-15-1 Bank of Stockton Acct</b>		<b>\$ 345,563.24</b>
		<b>BN-19-1 Bank of Stockton Acct</b>		<b>\$ 5,152,549.45</b>

RESOLUTION NO. 2023-003

**A RESOLUTION OF THE BOARD OF TRUSTEES  
OF RECLAMATION DISTRICT NO. 2028  
CONFIRMING DIAGRAM AND ASSESSMENT, AND ORDERING  
LEVY OF THE LEVEE AND FLOOD CONTROL FACILITIES IMPROVEMENT  
ASSESSMENT DISTRICT  
FOR FISCAL YEAR 2023-24**

**WHEREAS**, on March 15, 2023, the District Board of Trustees ("Board") ordered the initiation of proceedings for the formation of a levee and flood control assessment district pursuant to Government Code Section 53750, 54710 et seq., and Article XIID of the California Constitution to be known as the Levee and Flood Control Improvement Assessment District, for the purpose of financing the cost of installation, maintenance and servicing as detailed in the Engineer's Report prepared by the Assessment Engineer, SCI Consulting Group; and

**WHEREAS**, the Board has adopted a resolution approving and filing an Engineer's Report which includes: (1) a description of the Improvements to be funded with assessment proceeds; (2) an estimate of the annual cost of the Improvements described in the Engineer's Report; (3) a description of the assessable parcels of land within the District and proposed to be subject to the new assessment; (4) a description of the proportionate special and general benefits conferred on property by the proposed assessment; (5) a diagram and boundary map for the Assessment District, and (6) a specification of the amount to be assessed upon various types of assessable land within the Assessment to fund the cost of the Improvements. The Engineer's Report is incorporated herein by this reference; and

**WHEREAS**, the Board adopted Resolution No. 2023-001 on March 15, 2023, a "Resolution Initiating Proceedings, Providing Intention to Levy Assessments for Fiscal Year 2023-24, Preliminarily Approving the Engineer's Report, and Providing Notice of Public Hearing, and the Mailing of Assessment Ballots for the Reclamation District No. 2028 Levee and Flood Control Facilities Improvement Assessment." The annual assessment rates for various types of real property within the proposed assessment, the total number of parcels to be assessed, and the total amount of annual assessment revenue are contained within the Engineer's Report; and

**WHEREAS**, the Board has provided a 45-day written mailed notice to each record owner of assessable parcels of real property located within the Assessment boundaries for the proposed Levee and Flood Control Facilities Improvement Assessment District, as set forth on the Assessment Diagram and Boundary Map, of a public hearing which was held at a regular meeting of the Board on April 19, 2023, at 10:30 am at the Reclamation District No. 2028's offices, located at 343 E. Main Street, Suite 815, Stockton CA, on the issue of whether the Levee and Flood Control Facilities Improvement Assessment should be formed and assessments levied and collected as proposed in the Engineer's Report for fiscal year 2023-24 and subsequent years; and

**WHEREAS**, the form of written mailed public notice of the public meeting contained the following information: (a) the total amount of assessments proposed to be levied within the District for fiscal year 2023-24; (b) the assessment chargeable to each owner's parcel; (c) the duration of the proposed assessment; (d) the reason for the assessment; (e) the basis upon which the amount of the proposed assessment was calculated; (f) the date, time and place of the public hearing as specified in this resolution; and (g) a summary of the voting procedures

and the effect of a majority protest. The form of the written mailed public notice also included an assessment ballot by which each property owner could express their support or opposition to the proposed assessment. The ballot indicated that it must be returned before the conclusion of the public hearing on April 19, 2023, in order to be valid and counted, and that all assessment ballots received would be tabulated after the conclusion of the public hearing on April 19, 2023, by the District Secretary; and

**WHEREAS**, pursuant to the provisions of California Constitution Article XIII-D, an opportunity for protest has been afforded, and the assessment ballots mailed to owners of assessable real property within the proposed boundaries of the Reclamation District No. 2028, Levee and Flood Control Facilities Improvement Assessment, have been received and tabulated, with assessment ballots weighted according to the proportional financial obligation of each affected parcel.

**WHEREAS**, during the public hearing written protests and verbal protests were received, which the Board noted and has considered along with the other information received during the public hearing.

**NOW, THEREFORE, BE IT RESOLVED, BY THE DISTRICT BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 2028 AS FOLLOWS:**

1. That the above recitals are all true and correct; and
2. The canvass of the assessment ballots submitted by the property owners is complete and certified by the Tabulator, and the votes cast are as follows:

Total Number of Valid Ballots Received	1
Total Assessment Amount of Valid Ballots	<u>\$4,935,246.17</u>
Total Number of "Yes" Votes Processed	1
Total Assessment Amount of "Yes" Ballots	<u>\$4,935,246.17</u>
Total Percentage of "Yes" Votes Processed	<u>100 %</u>
Total Number of "No" Votes Processed	0
Total Assessment Amount of "No" Ballots	<u>\$0</u>
Total Percentage of "No" Votes Processed	<u>0 %</u>
Total Number of "Invalid" Votes Processed	0
Total Assessment Amount of "Invalid" Votes	<u>\$0</u>

3. 1 assessment ballots were returned and received prior to the close of the public hearing on April 19, 2023. This represents a 100 % ballot return rate on the ballots mailed. Of the assessment ballots returned, 0 assessment ballots were declared invalid in that they were either not marked with a



"Yes" or "No", were marked with both a "Yes" and a "No", were not signed, or the property ownership and barcode information was illegible; and

4. As determined by ballots cast, as weighted according to the amount of assessment for each parcel, 100 % of the property owners cast ballots in support of the Levee and Flood Control Improvement Assessment District. Since a majority protest, as defined by Article XIID of the California Constitution, did not exist, this District Board of Trustees thereby acquired jurisdiction to order the levy of assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof; and
5. The Final Engineer's Report for the Levee and Flood Control Improvement Assessment District, together with the diagram of the Assessment District contained therein, and the proposed assessment roll for fiscal year 2023-24 are hereby confirmed and approved; and
6. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing, the District Board of Trustees expressly finds and determines that: (a) each of the several assessed lots and parcels of land within the District will be specially benefited by the Improvements (as described in the Engineer's Report) in at least the amount of the Assessment apportioned against such lots and parcels of land, respectively; and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, said finding and determination as to special benefit to property within the District from the Improvements to be financed with assessment proceeds; and
7. Levee and Flood Control Improvement Assessment District is hereby formed, and assessments consistent with the Engineer's Report are hereby levied, pursuant to the Government Code Section 53750, 54710 et seq., and Article XIID of the California Constitution; and
8. Assessments for Fiscal year 2023-24 shall be levied at the rate of up to seven hundred fifty-seven dollars and thirty-four cents (\$757.34) per acre of vacant/open space land, eight hundred eighty dollars and seventy-five cents (\$880.75) per acre of agricultural land, and one thousand four hundred fifty-two dollars and fifty-three cents (\$1,452.53) per acre of commercial land, and five thousand five hundred and twenty-one dollars and thirty cents (\$5,521.30) per single family home on less than 1.5 acres as specified in the Engineer's Report for fiscal year 2023-24 with estimated total annual assessment revenues as set forth in the Engineer's Report; and
9. The Levee and Flood Control Improvement Assessment District Improvements to be financed with assessment proceeds described in the Engineer's Report are hereby ordered; and
10. The authorized maximum assessment to be levied in future fiscal years shall be adjusted based on the San Francisco, Oakland, Hayward area Consumer Price Index, but not exceeding three percent (3%) per year where any unused CPI may be cumulatively reserved for future years when the CPI is less than 3%; and
11. The Levee and Flood Control Improvement Assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of

the District Board of Trustees by a determination from the Assessment Engineer that the Assessment should be revised to be consistent with the method of assessment established in the Engineer's Report. Any such corrections, cancellations or refunds shall be limited to the current fiscal year.

The foregoing Resolution No. 2023-003 was approved and adopted by the Board of Trustees of the Reclamation District No. 2028 at a regular meeting of said Board held on April 19, 2023, by the following voice vote:

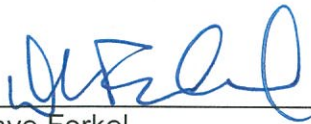
AYES 3 Forkel, Neudeck, Ryan

NAYES 0

ABSENT 0

ABSTAIN 0

ATTEST:



Dave Forkel  
Chairman, Reclamation District No. 2028



Pam Forbus  
Secretary, Reclamation District No. 2028