

MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES OF
DELTA FARMS RECLAMATION DISTRICT NO. 2028
HELD ON WEDNESDAY, SEPTEMBER 20, 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, September 20, 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, Attorney for the Reclamation District; Andrew Petrini, the District's Superintendent; and Jack Cronin, with Metropolitan Water District. Nate Hershey and Brian Janowaik, of the firm MBK Engineers, the District's Engineer, 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 meeting of the Board of Trustees held on August 16, 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 August 16, 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 August 16, 2023, and presented to the Trustees at this September 20, 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 \$15,266.28 and held \$400,000.00 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 \$310,397.29 and the Bank of Stockton special project BN-19-1.0 held the sum of \$4,163,282.19.

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 2023-24 was presented to the Trustees at this Board meeting. Upon motion duly made and seconded, it was:

RESOLUTION APPROVING
BUDGET FOR YEAR FISCAL YEAR 2023-2024

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 2023-24 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 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.
 - B. Fiscal year 2023-24: The District submitted an application in the Program in the amount of \$541,000. \$13 million was recently approved by the Central Valley Flood Protection Board for the Program for FY 2023-24.
 - C. Future Subventions Funding: DWR has indicated that funding has not been secured for FY 2024-25 and beyond. Delta advocates, including the CCVFCA and others, are considering ways to increase awareness and gain support for this highly successful and vital program. There is an effort in progress to urge legislators to fund the program for future years.
2. Annual Maintenance: The Engineer attached the current maintenance items that that the district is tracking.

3. FEMA: MBK continues to coordinate with FEMA and is in the process of compiling documentation supporting the claim. Once all documentation has been provided, FEMA will submit the project to their management for review.
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.
Teichert Construction is currently excavating fill from the south borrow site and placing it along the south toe berm. The AT&T lines along the south levee have been removed by an AT&T subcontractor, allowing Teichert to access the entirety of the south levee toe berm. Once the south fill is complete, the contractor will return to the north levee and place the remaining fill in the consolidation area (NW portion of the toe berm), utilizing the material that was stockpiled next to the north borrow site.
Once all material for year one has been placed, the site will be winterized by placing sterile barley along the newly placed fill for erosion protection. Teichert is aiming to complete all year one construction by the end of October.
5. SB 88: MWD is in the process of finalizing the purchase of the equipment as soon as possible for the Phase 5 (remaining 51 sites). MBK contacted Wildeye regarding a reduced annual subscription fee due to the number of units, to which Wildeye was agreeable. MBK will continue to coordinate with Wildeye on this. The Phase 5 flow meters will be installed over the next two years due to the number of sites and levee projects that will continue through 2024. MBK created an installation schedule that should not interfere with the levee projects. In addition, MBK will supervise the levee work at sites with existing measurement equipment to ensure no damage occurs to these devices.
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. As such, a new extension for time will need to be submitted prior to the 2023 annual reports in the beginning of December 2023. The previous 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 two years. The Delta-wide ACP by the Delta Measurement Experiment Consortium to utilize Open ET for measuring and reporting diversions will be used for the 2023 annual reports, due February 1, 2024. Place of use polygons for each island have been completed and will be used with Open ET to report on diversions, when the metered data is not available. MBK and MWD continue to participate in the Consortium. The next meeting is Thursday, September 21.

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 2024 for such purposes is approximately \$778,581. Following a consideration of this matter, upon motion duly made, seconded and unanimously carried, it was:

RESOLUTION FIXING OPERATION AND
MAINTENANCE ASSESSMENT FOR
2024 AND PROVIDING
FOR THE COLLECTION THEREOF

WHEREAS, the Board of Trustees of Delta Farms Reclamation District No. 2028 has elected for the year 2024 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 2024 for such purposes is \$778,581; and,

WHEREAS, a public hearing was held before the Board of Trustees on September 20, 2023, 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 \$778,581 is hereby fixed as the estimate of the funds needed during the year 2024 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 \$778,581 this Board of Trustees does hereby elect for the year 2024 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 \$778,581.00, 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 \$778,581.00 be, and the same is hereby fixed and designated as the amount to be called in one installment.
5. That each and every assessment shown on that certain assessment list of this Reclamation District, being known and designated as "Assessment Roll No. 2024, Delta Farms Reclamation District No. 2028", is here by ordered paid in two installments, the first installment in the amount of \$778,581.00 within sixty (60) days of the date of said "Assessment Roll No. 2024, Delta Farms Reclamation District No. 2028", is filed in the office of the County Treasurer of San Joaquin County, namely December 1, 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.

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 September 20, 2023,
are hereby approved.

Trustees of Delta Farms
Reclamation District No. 2028

RECLAMATION DISTRICT 2028
WARRANT LIST

From: 08/12/2023 through 09/15/2023

Date	Num	Payee	Account	Payment
08/16/2023	5336	D & L Farms, Inc	50425 Emergency Standby Equip.	31,120.00
08/16/2023	5337	Mid Valley Agricultural Services, Inc.	-SPLIT-	10,030.08
08/16/2023	5338	Croce, Sanguinetti & Vander Veen CPA	50100 Accounting/Auditing Fees	240.00
08/21/2023	5339	MBK Engineers	57195 BN-19-1 Engineering	40,035.84
08/21/2023	5340	Teichert Construction	57196 BN-15-1 Construction	91,404.25
08/21/2023	5341	MBK Engineers	57125 BN-15-1 Engineering	5,199.23
08/21/2023	5342	River Partners	57127 BN-15-1 Planting	7,387.16
08/30/2023	5346	MBK Engineers	57195 BN-19-1 Engineering	90,298.14
08/30/2023	5347	PG&E	50212 Utilities	21,110.49
08/30/2023	5348	MBK Engineers	55140 Engineering Serv	413.25
08/30/2023	5349	Teichert Construction	57196 BN-15-1 Construction	839,420.47
09/06/2023	5350	5G Land Management	55330 Vegetation Control	10,520.00
09/06/2023	5351	Reclamation District No. 2028 Payroll Acc	15100 Bank of Stockton Payroll	25,000.00
09/07/2023	5353	Calif. Central Valley Flood Control Assn.	50121 Dues	2,232.00
09/07/2023	5354	Stagi Enterprises, LLC	50330 Vegetation Control	5,765.00
09/13/2023	5355	Brink Electric	50185 Other Maintenance	5,000.00
			Total	\$ 1,185,175.91
<u>Account Balance as of 09/15/2023</u>				
General Fund				\$ 15,266.28
Bank of Stockton Payroll				\$ 49,314.99
Outstanding Registered Warrants				\$ 400,000.00
08/09/2023		RW#5334,5335		\$ 50,000.00
08/30/2023		RW#5343,5344,5345		\$ 125,000.00
09/06/2023		RW#5352		\$ 50,000.00
BN-15-1 Bank of Stockton Acct				\$ 310,397.29
08/21/2023	1066	PB #60 90% of 97%		11,327.34
BN-19-1 Bank of Stockton Acct				\$ 4,163,282.19
08/21/2023	119	PB#18 90% of 95%		116,494.47
08/30/2023	120	PB#19 90% of 95%		832,683.34