

MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES OF
DELTA FARMS RECLAMATION DISTRICT NO. 2028
HELD ON WEDNESDAY, AUGUST 21, 2024

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 715, Stockton, California on Wednesday, August 21, 2024, at 12:30 P.M.

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

PRESENT

RANDALL NEUDECK
RUSSELL RYAN
DAVID BRADSHAW

ABSENT

NONE

There was also present Pamela A. Forbus, the Attorney for the Reclamation District; Nate Hershey, of the firm MBK Engineers, the District's Engineer; Andrew Petrini, the District's Superintendent; Jack Cronin and Malinda Stalvey, with MWD; and Angela Carter, the District's bookkeeper.

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

The Chair asked for Public Comment. There being no one present wishing to address the Board of Trustees, the Public Comment session was closed.

The Minutes of the meeting of the Board of Trustees held on June 26, 2024, 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 June 26, 2024, be and the same are hereby approved.

ROLL CALL:

Ayes: Trustees Neudeck, Ryan and Bradshaw
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 June 26, 2024, and presented to the Trustees at this August 21, 2024, 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 Neudeck, Ryan and Bradshaw
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 \$26,099.62 and holds \$600,000.00 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-15-1.1 held the sum of \$42,051.29 and the Bank of Stockton special project BN-19-1.0 held the sum of \$6,231,871.79.

The Trustees were presented with a draft 2024-2025 Budget. Following a discussion, this matter was tabled for approval of the final 2024-25 Budget at the next meeting in order to incorporate the comments presented at this meeting.

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 2023-24: The District submitted an application in the Program in the amount of \$541,000. A total of \$14 million has been approved by the Central Valley Flood Protection Board for FY 2023-24.
 - B. Fiscal year 2024-25: The District submitted an application for participation in the Program for FY 2024-25 in the amount of \$541,000. DWR will be requesting authorization for a total of \$14 million for the Program.
 - C. Future Subvention Funding: DWR has indicated that funding has not been secured yet for fiscal years 2025-26 and beyond. Delta advocates, including the CA Central Valley Flood Control Association and others, are considering ways to increase awareness and gain support for securing funding for this highly successful and vital program. The Engineer has prepared a draft funding request letter for the RD to consider and possibly submit to state legislators.
2. Annual Maintenance: The Engineer provided the Trustees with a list of the current maintenance items that the District is tracking.
3. Emergency Response Grant (Round 3): San Joaquin County sent a memo to reclamation districts regarding grant funds that are available to update the District's emergency operations plan and flood contingency map. Up to \$15,000 per district is available. Our recommendation is to participate in the process and use this funding to update documents. The Trustees directed the District to submit a letter of intent to participate in this Emergency Response Grant (Round 3).
4. FEMA: The District claim is currently under review at FEMA. MBK will continue to check in with FEMA personnel regarding status updates. The total claim amount is \$52,398.36.
5. 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 has completed fill placement along the north levee (BN-19-1-SP), except for the crown fill in the county road area. Salvaged AB has been placed on the north levee crown west of the Mandeville Bridge. Work along the county road is scheduled to begin next month. Coordination with San Joaquin County and Mandeville Island regarding county road impacts is ongoing. PG&E has completed most of the utility pole replacements and should be done by the end of the month.

CDFW has lifted all environmental restrictions relating to nesting birds. All work is scheduled to be complete by the end of the year.

6. SB 88: All Phase 4 meters have been installed and certified by MBK Engineers. Data is currently being collected at 37 sites across all four islands. MBK will continue to monitor all sites monthly during the winter season and weekly during the irrigation season via Wildeye's website. All Wildeye units are currently working with the exception of Bouldin Island Siphon No. 30, which was damaged by driftwood (equipment will be reinstalled when Phase 5 installations occur at nearby siphons). All meters are currently working, with the exception of (1) Bouldin Island Siphon No. 2, (2) Bouldin Island Siphon No. 2, and (3) Bacon Island No. 25.

All Phase 5 flow meters were delivered and inventoried on Bacon Island. MWD has posted a bid package and will be requesting bids until September 19 for the installation of the Phase 5 meters. The Phase 5 telemetry equipment has been purchased, and will be delivered at the time of installation, following flow meter installations at each site.

On August 15, MBK conducted a site visit to test and verify the accuracy of three meters across Bouldin and Bacon Islands which were due for recalibration. Bouldin Island Siphon Nos. 24 and 26 and Bacon Island Siphon No. 25 were all tested. Bouldin Island Siphon No. 24 did not present any issues and is pending final analysis of the measurement data prior to being recertified. Bouldin Island Siphon No. 26 and Bacon Island Siphon No. 25 both appeared to not be functioning and require further investigation; the meters were installed as a part of Phase 3 in 2020 and Phase 1 in 2017, respectively. Both meters are remnants of MWDs testing of different types of meters, with Bouldin Island Siphon No. 26 being an external ultrasonic meter and Bacon Island Siphon No. 25 being a saddle magnetic meter. It is recommended that both of these meters be replaced with eh surplus meters purchased during the Phase 5 installation. In this case, a 14-inch conversion kit will need to be purchased for Bouldin No. 26.

MBK attended the Delta Drought Response Pilot Program (DDRPP) Forum on June 20. At this forum the results of the 2023 DDRPP were presented and discussed. The Delta Conservancy has published the final report for the 2023 DDRPP on their website in July 2024. MBK will be reviewing the 2023 DDRPP report for any information pertinent to the MWD properties.

The District Superintendent reported to the Trustees that the District pump and station has reached a point that immediate replacement is necessary.

The Chairman advised the Trustees that an emergency situation exists with respect to the District that warrants immediate action by the District. As a result of the status of the pump and station, the situation and imminent threat to the ability to pump the discharge water off the District and must be addressed immediately. Following a discussion of this matter, the Trustees considered

the necessity of finding that an emergency situation exists. Upon motion duly made and seconded, it was:

RESOLUTION DECLARING A STATE OF EMERGENCY

WHEREAS, the pump and pump station are in a state of disrepair and are in need of immediate replacement and/or repair; and

WHEREAS, these conditions create an immediate risk to public facilities, and are a crippling activity that could severely impair public health and safety, consistent with the emergency declaration requirements of the Government Code and the Public Contracting Code; and

WHEREAS, after consultation with the District staff and engineers the District finds and declares on **August 21, 2024** that an emergency situation exists, and immediate action is required to respond to this condition.

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

1. As of **August 21, 2024** an emergency situation exists within the District, due to the pump and pump station being in a state of disrepair and are in immediate need of replacement and/or repair. The public interest and necessity demand the immediate expenditure of public money to safeguard life, health, and property to respond to this emergency.
2. The District Trustees, Officers and Engineer, or any of them, are authorized to take immediate action to repair or replace public facilities, to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. The District engineer shall take these actions in consultation with District Trustees.
3. Pursuant to Public Contracting Code 20926, the District shall expend any sum reasonably required to respond to this emergency. District personnel will, if practicable, informally solicit bids or requests for proposals to seek to obtain the best terms possible, including the lowest price term, given the urgent circumstances of the emergency, and, promptly after the emergency ends, shall document the circumstances of the emergency and the bid or proposal accepted.

ROLL CALL:

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

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

The Trustees were advised that as a result of these emergency conditions, it was in the best interests of the district to acquire the needed materials and equipment for protecting the District's facilities without further delay. Following a discussion of this matter, upon motion duly made and seconded, it was:

RESOLUTION FINDING NEED TO
TAKE IMMEDIATE ACTION AND
AUTHORIZING CHAIRMAN TO
ACT ON BEHALF OF DISTRICT

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

1. That the Board of Trustees has heretofore found that an emergency condition exists as a result of District pump and pump station being in a state of disrepair.
2. That as a result of the emergency condition it is not in the best interests of the District to delay the securing of materials and equipment needed to meet the emergency conditions while the District seeks competitive solicitation of bids.
3. That the Chairman, Trustees, and/or District Engineer, be and any of them hereby are authorized and directed to acquire such materials and equipment and to otherwise enter into contracts necessary and appropriate to meet the emergency needs of the District, without observing the need to seek formal competitive solicitation of bids, for as long as the emergency conditions exist.

ROLL CALL:

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

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

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 August 21, 2024,
are hereby approved.

Trustees of Delta Farms
Reclamation District No. 2028

**RECLAMATION DISTRICT 2028
WARRANT LIST**

From: 06/22/2024 through 08/16/2024

Date	Num	Payee	Account	Payment
06/17/2024	5485	VOID		-
06/17/2024	5486	VOID		-
06/27/2024	5488	PG&E	50212 Utilities	23,090.07
06/27/2024	5489	MBK Engineers	55140 Engineering Serv	840.50
07/10/2024	5490	Russell E. Ryan	50403 Office Supplies	2,841.43
07/10/2024	5491	Delta Pump Inc.	50180 Pump Maintenance	544.94
07/10/2024	5492	Pacific Storage Comapny	50411 Storage	90.00
07/10/2024	5493	Precissi Ag Services	50160 Legal/Administration	165.00
07/12/2024	5494	MBK Engineers	57195 BN-19-1 Engineering	44,485.90
07/12/2024	5495	Teichert Construction	57196 BN-19-1 Construction	23,750.00
			24190 Retention Payable	(1,187.50)
07/16/2024	5496	CAI -Sierra Pipe	50220 Pipes & Crossing	4,771.22
07/16/2024	5497	Pamela A. Forbus, Attorney at Law	50160 Legal/Administration	7,823.50
07/16/2024	5498	Mid Valley Agricultural Services, Inc.	53330 Vegetation Control	6,015.33
			50330 Vegetation Control	3,788.70
08/01/2024	5500	MBK Engineers	57125 BN-15-1 Engineering	1,700.75
08/01/2024	5501	MBK Engineers	57195 BN-19-1 Engineering	28,491.06
08/01/2024	5502	Teichert Construction	57196 BN-19-1 Construction	151,341.25
			24190 Retention Payable	(7,567.06)
08/01/2024	5504	Ising's Culligan/San Joaquin	50181 Water Supply	1,307.00
08/01/2024	5505	MBK Engineers	55140 Engineering Serv	1,737.00
08/01/2024	5506	PG&E	50212 Utilities	36,151.20
08/01/2024	5507	Delta Pump Inc.	50180 Pump Maintenance	2,352.91
			50110 Fuel & Oil	272.50
08/15/2024	5508	A Specialized Printing Service	50403 Office Supplies	360.28
08/15/2024	5509	Reclamation District No. 2028 Payroll Acc	15100 Bank of Stockton Payroll	20,000.00
08/15/2024	5510	AVIDWATER	50181 Water Supply	1,200.00
Total				\$ 354,365.98
<u>Account Balance as of 08/16/2024</u>				
General Fund				\$ 26,099.62
Bank of Stockton Payroll				\$ 34,379.66
Outstanding Registered Warrants				\$ 600,000.00
06/27/2024		RW#5487		50,000.00
08/01/2024		RW#5499		50,000.00
08/02/2024		RW#5503		50,000.00
BN-15-1 Bank of Stockton Acct				42,051.29
08/01/2024	1077	PB #70 90% of 97%		1,484.75
BN-19-1 Bank of Stockton Acct				\$ 6,231,871.79
07/12/2024	128	PB#27 90% of 95%		58,341.70
08/01/2024	129	PB#28 90% of 95%		153,756.62