

MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES OF
DELTA FARMS RECLAMATION DISTRICT NO. 2028
HELD ON WEDNESDAY, MAY 6, 2020

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, as well as various teleconference locations in accordance with Paragraph 11, Executive Order N-25-20, Executive Department, State of California, on Wednesday, May 6, 2020, at 10:30 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; Nate Hershey, of the firm MBK Engineers, the District's Engineer; and Ralph Heringer.

The Minutes of the meeting of the Board of Trustees held on March 18, 2020, 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 18, 2020 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 18, 2020 and presented to the Trustees at this May 6, 2020 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.

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 \$64,114.73 and held \$875,000.00 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 the sum of \$2,186,445.54.

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 Dave Robertson, the District's Superintendent, and Ralph Heringer did a drive around the district and suggest that the Trustees consider removing some eucalyptus trees. Dino and Sons is still working on the pipe.

The Engineer presented the Trustees with a written report, which included the following:

1. The Engineer reported on the District's participation in the Delta Levee Subventions Program, as follows:
 - A. Fiscal year 2018-19: The District submitted an application in the Program in the amount of \$500,000. DWR has indicated that \$12 million has been approved for program funding for FY 2018-19, consistent with recent years. The District's final claim has been submitted in the amount of \$276,982.97. DWR and CDFW have performed their annual inspections and the claim is currently being processed.

- B. Fiscal year 2019-20: The District submitted an application in the Program in the amount of \$615,000. DWR has lowered the Program funding amount to \$10 million for FY 2019-20.
 - C. Fiscal year 2020-21: Applications for participation in the Program were due April 1. The District submitted an application in the amount of \$615,000. DWR has indicated the \$12 million is being committed to the Program for FY 2020-21.
2. Special Projects: The enhancement component of the Old River multi-benefit levee rehabilitation project is in progress. Maintenance activities will be on-going to promote plant health and longevity.

The District received a fully executed funding agreement for the design portion of the Directed Action project to rehabilitate the north and south levees. The District has requested an advance of funds from DWR. The design component of this project can begin at the Trustees discretion.

3. Annual Maintenance: The Engineer advised the Trustees of the current maintenance items that the District is currently tracking. The Engineer recommends reviewing the waterside slope conditions via drone and performing any routine maintenance required prior to the flood season. Following a discussion, the Trustees directed the Engineer to proceed with obtaining the drone footage of the waterside levee slopes.
4. Five Year Plan: Work on the Five-Year Plan is currently in progress. The Engineer will be distributing a draft for review and comment by the end of the month. The Plan must be completed by the end of 2020.
5. SB 88: Work under Phase 2 of the measurement experiment (work plan for 2019 through Feb 2020) has been completed. All the data collected during this period has been reviewed and analyzed. MBK has prepared a draft report to update last year's experiment summary report. This draft was provided to MWD for final review and will be finalized as soon as comments are received. Work under Phase 3 of the measurement experiment (February 2020 through February 2021) is underway, as outlined in the approved Request for Additional Time.
- Phase 3 efforts primarily involve installing 8 additional flange magnetic meters on the water side of the highest use siphons, with at least one flow meter on each island. MBK conducted site visits to each of the proposed sites during April to check installation locations and pipe conditions. All proposed sites will include telemetry equipment, with the intent to post data to the Reclamation District websites for each island. MBK has obtained quotes for equipment and installation costs, which will be provided to MWD for review soon.

The Delta Measurement Experiment Consortium has not yet scheduled its next meeting and MBK has not received any updates on the status of the Open ET beta testing.

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. 2020-003 Confirming Diagram and Assessment, and Ordering Levy of the Levee and Flood Control Assessment for Fiscal Year 2019-20.

The Trustees next discussed the need to levy an operation and maintenance assessment for the District for meeting the District's expenses during the year 2020. Following a discussion of this matter, it was suggested that the District should levy an assessment in the amount of consistent with the 2019-20 Engineers Report completed by SCI Consulting. Thereupon, upon motion duly made and seconded, it was:

RESOLUTION FIXING OPERATION AND
MAINTENANCE ASSESSMENT – 3RD CALL
FOR 2020 AND PROVIDING
FOR THE COLLECTION THEREOF

WHEREAS, the Board of Trustees of Delta Farms Reclamation District No. 2028 has elected for the year 2020 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, at a meeting of this Board of Trustees held on September 10, 2019, the Board of Trustees did levy and call an assessment in the total amount of \$469,637.00; and,

WHEREAS, a public hearing was held before the Board of Trustees on May 6, 2020, at which time no person appeared to speak in favor of or in opposition to the Proposition 218 election for the increase of amount assessed by this reclamation district, and the levy and call of an additional assessment during the year 2020; and,

WHEREAS, this Board of Trustees estimates that the additional amount of revenue needed during the year 2020 for such purposes is \$186,940.00, this amount will be known as Assessment No. 2020- 3rd Call; and,

WHEREAS, the maximum amount this District can levy during the calendar year 2020 is \$935,246.17; and,

WHEREAS, the levy of this assessment complies with all of the 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 \$935,246.17 is hereby fixed as the estimate of the funds needed during the year 2020 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 \$935,246.17 this Board of Trustees does hereby elect for the year 2020 to fix and collect the operation and maintenance assessment pursuant to Section 50904 of the Water Code.
3. That for the purposes described in this Resolution, the assessment is hereby fixed for the year 2020 at the assessment rate of up to \$143.52 per acre, or fraction of an acre, of vacant/open space land; \$166.91 per acre, or fraction of an acre, of agricultural land; and \$275.26 per acre, or fraction of an acre, of commercial land; and \$1,046.32 per single family home on less than 1.5 acres as specified in the Engineer's Report for 2019-2020.
4. 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.
5. That each and every assessment shown on that certain assessment list of this Reclamation District, being known as designated as "Assessment Roll No. 2020-3rd Call, Delta Farms

Reclamation District No. 2028", in the amount of \$186,940.00 is hereby ordered paid in one installment, being called in May 2020.

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 May 6, 2020,
are hereby approved.

Trustees of Delta Farms
Reclamation District No. 2028

RECLAMATION DISTRICT 2028 WARRANT LIST

From: 3/17/2020 through 05/01/2020

Date	Num	Payee	Account	Payment
3/19/2020	4906	MBK Engineers	57118 BN-18-1 5yr Plan	1,081.00
3/19/2020	4907	Al Warren Hoslett	55140 Engineering Services	2,241.98
3/20/2020	4908	D & L Farms, Inc	50160 Legal/Administration	4,686.47
			50180 Pump Maintenance	9,098.21
			50190 Canal Maintenance	188.32
			50422 Superintendent	188.32
3/26/2020	4911	MBK Engineers	55330 Vegetation Control	2,526.95
3/26/2020	4912	Teichert Construction	57125 BN-15-1 Engineering	9,355.63
3/31/2020	4913	W.C. Maloney, Inc.	57126 BN-15-1 Construction	858,215.95
3/31/2020	4914	PG&E	50185 Other Maintenance	21,900.00
3/31/2020	4916	Dino & Son Ditching	50212 Utilities	14,509.23
4/7/2020	4917	Dohrmann Insurance Agency	55280 Repair Levee Eros	3,277.75
4/7/2020	4918	Pacific Storage Comapny	50150 Insurance	9,718.00
4/9/2020	4919	Delta Water Users Association	50411 Storage	90.00
4/9/2020	4920	Dino & Son Ditching	21000 Accounts Payable	560.00
4/22/2020	4921	Bovee Environmental Management, Inc.	21000 Accounts Payable	24,651.57
4/22/2020	4922	W.C. Maloney, Inc.	50185 Other Maintenance	600.00
4/22/2020	4923	MBK Engineers	50185 Other Maintenance	13,400.00
			55140 Engineering Routine	2,861.75
			57185 BN-18-1 5yr Plan	5,003.00
4/29/2020	4924	PG&E	50212 Utilities	6,690.99
Account Balances				
		General Fund Account Balance		\$ 64,114.73
		Bank of Stockton Payroll Acct Balance		\$ 14,922.50
		Outstanding Registered Warrant Acct Balance		\$ 875,000.00
3/9/2020		RW#4902		\$ 50,000.00
3/19/2020		RW#4905		\$ 75,000.00
3/20/2020		RW #4909, #4910		\$ 100,000.00
3/31/2020		RW#4915		\$ 50,000.00
		BN-15-1 Bank of Stockton Acct Balance		\$ 2,186,445.54
03/09/2020		PB#35		\$ 396,699.39
03/26/2020		PB#36		\$ 796,822.75

RESOLUTION NO. 2020-3

**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 2019-20**

WHEREAS, on March 18, 2020, 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. 2020-3 on March 18, 2020, a "Resolution Initiating Proceedings, Providing Intention to Levy Assessments for Fiscal Year 2018-19, 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 March 18, 2020, 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 2019-20 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 2019-20; (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 May 6, 2020, in order to be valid and counted, and that all assessment ballots received would be tabulated after the conclusion of the public hearing on May 6, 2020, 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>\$935,246.17</u>
Total Number of "Yes" Votes Processed	1
Total Assessment Amount of "Yes" Ballots	<u>\$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 May 6, 2020. 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 2019-20 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 2019-20 shall be levied at the rate of up to one hundred forty-three dollars and fifty-two cents (\$143.52) per acre of vacant/open space land, one hundred sixty-six dollars and ninety-one cents (\$166.91) per acre of agricultural land, and two hundred seventy-five dollars and twenty-six cents (\$275.26) per acre of commercial land, and one thousand and forty-six dollars and thirty-two cents (\$1,046.32) per single family home on less than 1.5 acres as specified in the Engineer's Report for fiscal year 2019-20 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. 2020-3 was approved and adopted by the Board of Trustees of the Reclamation District No. 2028 at a regular meeting of said Board held on May 6, 2020, by the following voice vote:

AYES: Trustees Forkel, Neudeck and Ryan

NAYES: None

ABSENT: None

ABSTAIN: None

ATTEST:

David A. Forkel
Chairman, Reclamation District No. 2028

Pamela A. Forbus
Secretary, Reclamation District No. 2028