

MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES OF
RECLAMATION DISTRICT NO. 2026 (WEBB TRACT)
HELD ON WEDNESDAY, APRIL 19, 2023

Upon Notice to and consent by the Trustees of Reclamation District No. 2026 (Webb Tract), of the County of Contra Costa, 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 12 Noon.

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; 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 were considered, and upon motion made and seconded, it was:

RESOLUTION APPROVING MINUTES

RESOLVED AND ORDERED by the Board of Trustees of Reclamation District No. 2026 (Webb Tract), as follows:

1. That the Minutes of the meeting of the Board of Trustees of Reclamation District No. 2026 (Webb Tract) 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 Attorney gave to the Trustees 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 Reclamation District No. 2026 (Webb Tract), 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 \$107,734.31 and held \$325,000.00 in registered warrants with the Bank of Stockton. \$7,966.71 was being held at the County Treasurer in the District's Local Agency Investment Fund (LAIF) account.

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 \$665,000. 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 \$212,397.57.
 - B. Fiscal year 2022-23: The District submitted an application in the Program in the amount of \$665,000. \$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 \$665,000.

2. Annual Maintenance: The Engineer provided the Trustees with a list of maintenance items that are currently being tracked. The Engineer 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: 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 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 District Superintendent reported that the District pumps throughout the District are not working well and with the constant power outages. He is currently monitoring a washout.

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 further business to come before the Board, the meeting was adjourned.

PAMELA A. FORBUS, Secretary
Reclamation District No. 2026 (Webb Tract)

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

Trustees of Reclamation
District No. 2026 (Webb Tract)

**RECLAMATION DISTRICT 2026
WARRANT LIST**

From: 03/11/23 through 04/14/23

<u>Date</u>	<u>Num</u>	<u>Payee</u>	<u>Account</u>	<u>Payment</u>
03/20/2023	3658	Rec Dist. No. 2026 Payroll Account	12900 Miscellaneous AR	25,000.00
03/20/2023	3659	Hoslett & Forbus, Attorneys at Law	50160 Legal/Administration	9,117.58
03/20/2023	3660	MBK Engineers	55140 Engineering Services	2,717.19
			50140 Engineering Services	88.50
			57185 WB-18-1 5YP Engineering	163.25
03/20/2023	3661	Petrini Land Company LLC	50211 Security Services	719.04
			55340 Miscellaneous	311.31
03/20/2023	3662	Ising's Culligan	50181 Water Supply	15,991.00
03/20/2023	3663	Delta Pump Inc.	50180 Pump Maintenance	6,712.00
03/20/2023	3664	RAMOS OIL, INC.	50110 Fuel & Oil	6,359.47
04/13/2023	3667	Vaqueros Livestock, LLC	50212 Utilities	348.85
04/13/2023	3668	DMV Renewal	50120 Business Licenses	54.00
04/13/2023	3669	MBK Engineers	55140 Engineering Services	6,930.25
			50140 Engineering Services	132.75
04/13/2023	3670	Delta Ferry Authority	50130 DFA Assessments	9,000.00
04/13/2023	3671	Pacific Storage Company	50411 Storage	122.70
04/13/2023	3672	Martell Water Systems, Inc.	50180 Pump Maintenance	2,508.63
Total				<u>\$ 86,276.52</u>
<u>Account Balances as of 04/14/2023</u>				
General Fund				\$ 107,734.31
Bank of Stockton - Payroll				\$ 52,596.92
LAIF Investment Fund				\$ 7,966.71
Outstanding Registered Warrants				\$ 325,000.00
03/21/2023		RW# 3656, 3657		50,000.00

RESOLUTION NO. 2023-003

**A RESOLUTION OF THE BOARD OF TRUSTEES
OF RECLAMATION DISTRICT NO. 2026
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. 2026 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 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 12:00 noon at the Reclamation District No. 2026'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 March 15, 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 March 15, 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. 2026, 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. 2026 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>\$4,890,302.12</u>
Total Number of "Yes" Votes Processed	1
Total Assessment Amount of "Yes" Ballots	<u>\$4,890,332.12</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 ballot was 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 sixty-four dollars and eighty-three cents (\$764.83) per acre of vacant/open space land, eight hundred eighty-nine dollars and forty-six cents (\$889.46) per acre of agricultural land, and one thousand four hundred sixty-six dollars and ninety cents (\$1,466.90) per acre of commercial land, and five thousand five hundred seventy-five dollars and ninety cents (\$5,575.90) 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. 2026 at a regular meeting of said Board held on April 19, 2023, by the following voice vote:

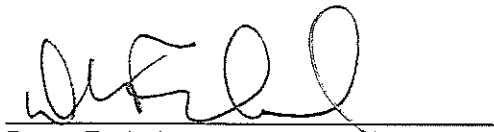
AYES 3 Forkel, Neudeck, Ryan

NAYES 0

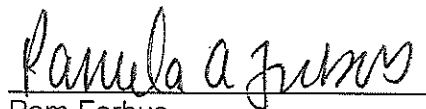
ABSENT 0

ABSTAIN 0

ATTEST:



Dave Forkel
Chairman, Reclamation District No. 2026
2026



Pam Forbus
Secretary, Reclamation District No.