

MINUTES OF THE MEETING
OF THE BOARD OF TRUSTEES OF
RECLAMATION DISTRICT NO. 2026 (WEBB TRACT)
HELD ON WEDNESDAY, MAY 6, 2020

Upon Notice to and consent by the Trustees of Reclamation District No. 2026 (Webb Tract), 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 12:00 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; and Ralph Heringer, the District's Superintendent.

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 18, 2020, 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 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 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 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.

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 \$116,582.85 and \$501,774.24 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, 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 \$400,000. DWR has indicated that \$12 million has been approved for program funding for FY 2018-19, consistent with recent years. District's final claim has been submitted in the amount of \$209,466.23 DWR and CDFW have performed their annual inspection and the claim is currently being processed.
 - B. Fiscal year 2019-20: The District submitted an application in the Program in the amount of \$500,000. DWR has lowered the Program funding amount to \$10 million for FY 2019-20.

- C. Fiscal year 2020-21: The District submitted an application in the Program in the amount of \$2,395,000. DWR has indicated that \$12 million is being committed to the Program for FY 2020-21.
2. 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.
 3. Five Year Plan: Work on the Five-Year Plan is currently in progress. The Engineer will be distributing a draft for review and comments in the coming months. The Plan must be completed by the end of 2020.
 4. 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 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 May 6, 2020,
are hereby approved.

Trustees of Reclamation
District No. 2026 (Webb Tract)

RECLAMATION DISTRICT 2026 WARRANT LIST

From: 3/17/20 through 5/01/2020

| Date | Num | Payee | Account | Payment |
|----------------------------|------|---------------------------|----------------------------|---------------|
| 3/5/2020 | 3315 | RAMOS OIL, INC. | 50110 Fuel & Oil | 6,185.59 |
| 3/5/2020 | 3316 | Wilbur-Ellis | 55330 Vegetation Control | 7,887.11 |
| 3/9/2020 | 3317 | AI Warren Hoslett | 50160 Legal/Administration | 1,523.33 |
| 3/9/2020 | 3318 | Antioch Automotive | 50180 Pump Maintenance | 322.08 |
| 3/9/2020 | 3319 | Bouldin Farming Co. | 50402 Mileage | 150.80 |
| | | | 50190 Canal Maintenance | 1,340.00 |
| | | | 55402 Mileage | 324.80 |
| | | | 55180 Levee Patrol | 3,177.90 |
| | | | 55330 Vegetation Control | 4,293.28 |
| 3/9/2020 | 3320 | Delta Pump | 50180 Pump Maintenance | 469.45 |
| 3/18/2020 | 3321 | PG&E | 50212 Utilities | 14,087.93 |
| 3/18/2020 | 3322 | MBK Engineers | 57185 WB-18-1 5yr Plan | 2,056.00 |
| | | | 55140 Engineering Services | 1,418.70 |
| 3/18/2020 | 3323 | RAMOS OIL, INC. | 50110 Fuel & Oil | 6,105.70 |
| 3/18/2020 | 3324 | AI Warren Hoslett | 50160 Legal/Administration | 4,871.32 |
| 4/1/2020 | 3325 | RAMOS OIL, INC. | 50110 Fuel & Oil | 3,967.70 |
| 4/1/2020 | 3326 | Delta Ferry Authority | 50130 DFA Assessments | 9,000.00 |
| 4/7/2020 | 3327 | RAMOS OIL, INC. | 50110 Fuel & Oil | 641.54 |
| 4/7/2020 | 3328 | Pacific Storage Company | 50411 Storage | 90.00 |
| 4/7/2020 | 3329 | Dohrmann Insurance Agency | 50150 Insurance (Gen) | 10,287.00 |
| 4/7/2020 | 3330 | Antioch Automotive | 50110 Fuel & Oil | 65.48 |
| 4/16/2020 | 3331 | Bouldin Farming Co. | 50402 Mileage | 2,752.10 |
| | | | 50190 Canal Maintenance | 31,104.80 |
| <u>Account Balances</u> | | | | \$ |
| General Fund | | | | \$ 116,582.85 |
| Bank of Stockton - Payroll | | | | \$ |
| | | | | \$ 12,527.23 |
| LAIF Investment Fund | | | | \$ |
| | | | | \$ 501,774.24 |

RESOLUTION NO. 2020-3

**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 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 2019-20, 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 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 May 6, 2020, 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 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. 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>\$890,302.12</u> |
| Total Number of "Yes" Votes Processed | 1 |
| Total Assessment Amount of "Yes" Ballots | <u>\$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 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 thirty-nine dollars and twenty-four cents (\$139.24) per acre of vacant/open space land, one hundred sixty-one dollars and ninety-three cents (\$161.93) per acre of agricultural land, and two hundred sixty-seven dollars and five cents (\$267.05) per acre of commercial land, and one thousand hundred fifteen dollars and eleven cents (\$1,015.11) 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. 2026 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. 2026

Pamela A. Forbus
Secretary, Reclamation District No. 2026