

**RECLAMATION DISTRICT NO. 828
AGENDA FOR
BOARD OF TRUSTEES
8:30 A.M. JANUARY 17, 2019
3121 WEST MARCH LANE, SUITE 100
STOCKTON, CALIFORNIA**

AGENDA

1. Call to Order/Roll Call. **Reminder – the location of this and all future meetings will be a 3121 West March Lane, Suite 100, Stockton, California (see map in agenda packet).**
2. Public comment: Under Government Code section 54954.3, members of the public may address the Board on any issue in the District's jurisdiction. The public may address any item on the agenda at the time it is taken up.
3. Consider for approval minutes of the regular and special meetings of October 18, 2018 and special meeting of October 29, 2018.
4. Financial Report.
 - (a) Review Proposition 218 Procedure.
 - (b) Delegate to President Authority to Approval of Insurance Policy.
5. Engineers' Report; request for direction.
 - (a) Discussion and direction on general maintenance issues.
 - (b) Discussion and direction regarding Caltrans Levee Erosion Repair Beneath Interstate 5 Bridge
 - (c) Vegetation Removal
 - (d) Clean up under Highway 5.
6. Ordinance 2019-01. Waive the second reading of and Adopt Ordinance No. 2019-01 Providing Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act (Section 22000, Et Seq., of the Public Contract Code).
7. Public Hearing: Adopt Resolution 2019-01 Amending District Bylaws.
8. Resolution 2019-02. Adopt Resolution 2019-02 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2018-2019.
9. Correspondence and meeting attendance reports.
10. District Calendar.

This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code §54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Daniel J. Schroeder at 209/948-8200 during regular business hours, at least twenty-four hours prior to the time of the meeting.

Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the office of the District Secretary at Neumiller & Beardlee, 509 W. Weber Avenue, 5th Floor, Stockton, California during normal business hours.

11. Approval of bills to be paid.
12. Adjournment.

This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code §54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Daniel J. Schroeder at 209/948-8200 during regular business hours, at least twenty-four hours prior to the time of the meeting.

Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the office of the District Secretary at Neumiller & Beardlee, 509 W. Weber Avenue, 5th Floor, Stockton, California during normal business hours.

**SPECIAL AGENDA PACKET
RECLAMATION DISTRICT 828
January 17, 2019**

<u>ITEM</u>	<u>COMMENTARY</u>
1.	Please see attached
2.	Self-explanatory.
3.	Please see attached.
4.	Self-explanatory.
5.	Self-explanatory.
6.	Please see attached.
7.	Please see attached.
8.	Please see attached.
9.	Please see attached.
10.	Please see attached.
11.	Self-explanatory.
12.	Self-explanatory.

ITEM 1



Neumiller & Beardlee

ATTORNEYS AND COUNSELORS | EST. 1903

Effective January 14, 2019

NEW LOCATION

3121 W. March Lane, Suite 100 | Stockton, CA 95219

SAME MAILING ADDRESS

P.O. Box 20 | Stockton, CA 95201

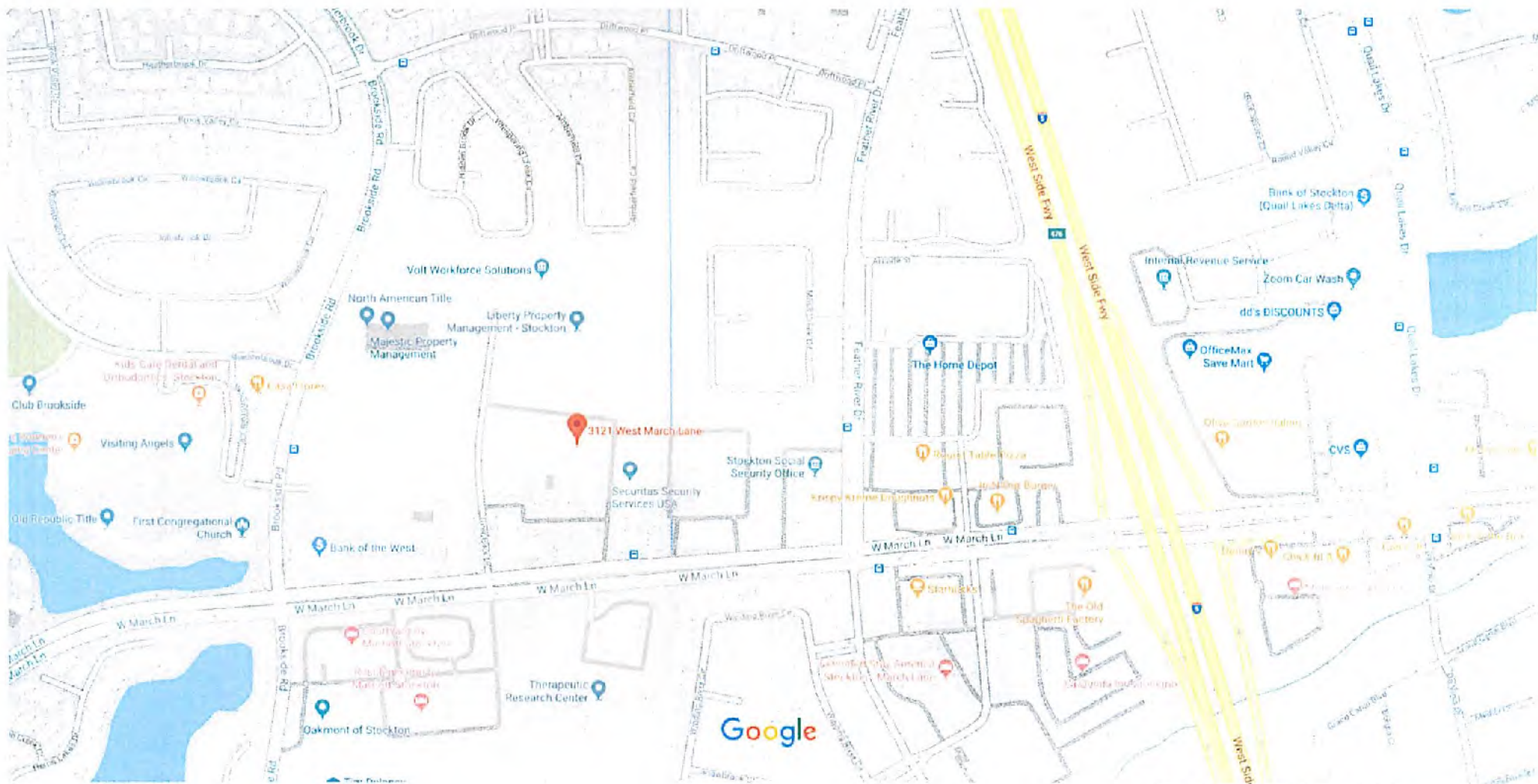
SAME CONTACT INFORMATION

Phone (209) 948-8200

Fax (209) 948-4910

WWW.NEUMILLER.COM

Google Maps 3121 W March Ln



Map data ©2018 Google 200 ft



ITEM 3

**Minutes of Regular Meeting of
Reclamation District 828
Held on October 18, 2018**

The regular meeting of the Board of Trustees of Reclamation District 828 was held at 8:30 a.m. on October 18, 2018 at 509 West Weber Avenue, 5th Floor, Stockton, California 95203.

Item No. 1: Call to Order. The meeting was called to order at 8:31 a.m. Present were President Bill Mendelson, Trustee Deby Provost and Trustee Paul Marsh. President Mendelson left the meeting at 8:56 a.m. Also present was Daniel J. Schroeder, District Secretary and Counsel, Andy Pinasco, and Chris Neudeck, District Engineer. Items 3, 7, 10, and 4(a) were taken out of order and addressed first due to the early departure of the President.

Item No. 2: Public Comment. Mr. Gulli commented on the SJAFCA Smith-Canal project.

Item No. 3: Approval of Minutes. Mr. Schroeder reviewed the July 25, 2018 minutes with the Trustees. The minutes of the July 25, 2018 regular meeting were approved unanimously by the Trustees present on a motion by President Mendelson, seconded by Trustee Marsh.

Item No. 4: Financial Report. Mr. Schroeder reviewed the draft 2017-2018 Audit Report from Schwartz, Giannini, Lantsberger & Adamson. The Board had no comments on the audit and unanimously authorized the President to sign representation letter and take all other necessary action regarding the audit as approved on a motion by President Mendelson, seconded by Trustee Marsh.

Mr. Schroeder then reviewed the written financial report with the Trustees. The item regarding the Proposition 218 process was continued to the January meeting.

Item No. 5: Engineers' Report; request for direction. Mr. Neudeck provided a written and oral report to the Trustees. Mr. Neudeck reviewed the District's Levee Subventions Claim and when it was anticipated that the District would receive the reimbursement funds from the State. The District is anticipating a reimbursement of \$22,110.65.

Mr. Neudeck next reviewed the presence of and abandoned boat located on the embankments of the District's levee and the proposal received from Dave Archer to remove the Board for \$3,750. The Trustees unanimously authorize removal of abandoned boat on District levee on a motion by Trustee Marsh, seconded by President Mendelson.

Mr. Neudeck also reported on the progress of discussions with Caltrans regarding the levee erosion repair beneath the Interstate 5 Bridge. He reported they will be meeting with Caltrans, RD 828, RD 1608 staff regarding having the reclamation districts do the

work with Caltrans reimbursing them for the work. They are planning on installing a durable fence that will prevent trespassers from accessing the area under the overpasses. He also reported on SJAFCA's Smith Canal project.

Item No. 6: Ordinance 18-01. Introduce and Waive the first reading of Ordinance No. 2018-01 Providing Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act (Section 22000, Et Seq., of the Public Contract Code). Mr. Pinasco reviewed the ordinance and procedure with the Trustees. The Ordinance was introduced and the Trustees present unanimously waived the reading of the Ordinance on a motion by President Mendelson, seconded by Trustee Provost.

Item No. 7: Adopt Resolution 2018-07 Changing Location of Regular Meeting. Mr. Schroeder explained that the law firm would be moving to the address identified in the Resolution sometime in January of February of 2019. The Resolution would give the flexibility of holding the regular meetings at the new location. He also reported that once the move is completed, the Board will be presented with a revision of the Bylaws identifying the new location as the principal place of business for the District. Resolution 2018-07 was adopted unanimously by the Trustees present on a motion by President Mendelson, seconded by Trustee Marsh.

Item No. 8: Correspondence. Mr. Schroeder briefly reported on the correspondence attached to the agenda.

Item No. 9: Calendar. Mr. Schroeder reviewed the upcoming calendar events with the Trustees.

Item No. 11: Approval of Bills. Mr. Schroeder reported on the outstanding bills that had been received and the status of the District's accounts. The Trustees unanimously approved payment of the attached bills, with the exception of the bill Custom Spray which the Trustees delegated to the President the authority to authorize payment following a review of over spraying of herbicides on the levee, on a motion by Trustee Provost, seconded by President Mendelson.

Item No. 12: Adjournment. The meeting was unanimously adjourned at 9:10 a.m. by the Trustees present on a motion by Trustee Provost, seconded by Trustee Marsh.

Respectfully submitted,

Daniel J. Schroeder, District Secretary

**RECLAMATION DISTRICT 828
BILLS TO BE PAID
October 2018**

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	WARRANT #
Custom Spraying Inc.	9/25/2018	11-1832	\$6,000.00			
				\$6,000.00		1304
Reclamation District 1608 (1/4 Share of Storage Facility Rental Fee)	9/1/2018	186-18/19	\$200.00			
				\$200.00		1305
Kjeldsen, Sinnock, & Neudeck, Inc.	8/8/2018	23437	\$1,168.75			
	8/8/2018	23438	\$548.75			
	8/8/2018	23439	\$92.50			
	8/8/2018	23440	\$63.75			
	8/8/2018	23441	\$673.32			
	8/13/2018	23661	\$21.25			
	9/13/2018	23662	\$1,601.53			
	9/13/2018	23663	\$1,049.49			
	9/13/2018	23664	\$635.00			
	9/13/2018	23665	\$376.25			
				\$6,230.59		1306
Neumiller & Beardslee	8/29/2018	294070	\$2,785.00			
	9/17/2018	294677	\$747.35			
				\$3,532.35		1307
Trustee Stipend - October 2018 Meeting	Bill Mendelson		\$50.00	\$50.00		
Trustee Stipend - October 2018 Meeting	Paul Marsh		\$50.00	\$50.00		
Trustee Stipend - October 2018 Meeting	Debbie Provost		\$50.00	\$50.00		
TOTAL:				\$16,112.94		

NOTES:

Anticipated Fund Balance as of 9/30/18:	\$509,745.55
Less Submitted Bills for Payment:	\$16,112.94
Total:	\$493,632.61

**RECLAMATION DISTRICT 828
BILLS TO BE PAID
July 2018**

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	WARRANT #
Kjeldsen, Sinnock, & Neudeck, Inc.	5/9/2018	22867	\$863.00			
	5/9/2018	22868	\$489.50			
	5/9/2018	22869	\$135.00			
	5/9/2018	22870	\$54.50			
	6/8/2018	23060	\$300.00			
	6/8/2018	23061	\$789.50			
	6/8/2018	23062	\$1,145.00			
	6/8/2018	23063	\$195.86			
	7/12/2018	23196	\$464.50			
	7/12/2018	23197	\$45.00			
	7/12/2018	23198	\$295.00			
				\$4,776.86		
Neumiller & Beardslee	5/9/2018	292103	\$2,054.71			
	6/26/2018	292668	\$3,082.00			
	7/18/2018	293444	\$928.00			
				\$6,064.71		
Trustee Stipend - July 2018 Meeting	Bill Mendelson		\$50.00	\$50.00		
Trustee Stipend - July 2018 Meeting	Paul Marsh		\$50.00	\$50.00		
Trustee Stipend - July 2018 Meeting	Debbie Provost		\$50.00	\$50.00		
TOTAL:				\$10,991.57		

NOTES:

Anticipated Fund Balance as of 6/30/18:	\$518,070.44
Less Submitted Bills for Payment:	\$10,991.57
Total:	\$507,078.87

**Minutes of Special Meeting of
Reclamation District 828
Held on October 18, 2018**

The special meeting of the Board of Trustees of Reclamation District 828 was held at 9:00 a.m. on October 18, 2018 at 509 West Weber Avenue, 5th Floor, Stockton, California 95203.

Item No. 1: Call to Order. The meeting was called to order at 9:11 a.m. Present were Trustee Deby Provost and Trustee Paul Marsh. President Mendelson was absent. Also present was Daniel J. Schroeder, District Secretary and Counsel, Andy Pinasco, and Chris Neudeck, District Engineer.

Item No. 2: Public Comment. Mr. Gulli commented on the what he believed should be in the Five-Year Plan.

Item No. 3: Five Year Plan Solicitation. Mr. Neudeck provided an overview of the program and how the funding agreement would reimburse the District for its expenses in preparing the plan. The Project Funding Agreement for Preparation of Five-Year Plan, WR-18-1.0-SP was unanimously approved and the President authorized to execute the agreement by the Trustees present on a motion by Trustee Provost, seconded by Trustee Marsh.

Item No. 4: Adjournment. The meeting was unanimously adjourned at 9:24 a.m. by the Trustees present on a motion by Trustee Provost, seconded by Trustee Marsh.

Respectfully submitted,

Daniel J. Schroeder, District Secretary

**Minutes of Special Meeting of
Reclamation District 828
Held on October 29, 2018**

The special meeting of the Board of Trustees of Reclamation District 828 was held at 11:00 a.m. on October 29, 2018 at 509 West Weber Avenue, 5th Floor, Stockton, California 95203.

Call to Order. The meeting was called to order at 11:05 a.m. Present were President William Mendelson, Trustee Deby Provost, and Trustee Paul Marsh. Also present was Andy Pinasco filling in for Daniel J. Schroeder, District Secretary and Counsel.

Item No. 1: Public Comment. There was no public comment.

Item No. 2: Resolution 2018-08 Approving and Authorizing Execution of Project Funding Agreement for Preparation of Five-Year Plan for Weber Tract, Wr-18-1.0-Sp. Mr. Pinasco made a report as to why Resolution 2018-08 was necessary to complete the Board's previous action at its October 18, 2018 Special Meeting authorizing the President to execute the funding agreement for the Five Year Plan. Resolution 2018-08 was unanimously adopted by the Trustees present on a motion by Trustee Provost, seconded by President Mendelson.

Item No. 3: Approve Payment of Bills. Mr. Pinasco reported on the outstanding bills that had been received. Trustee Provost inquired about the status of payment for a previously approved bill and informed staff that she would be meeting with the District's Engineer regarding her questions. The payment of the attached bills was approved unanimously by the Trustees on a motion by a Trustee Provost, seconded by President Mendelson.

Item No. 4: Adjournment. The meeting was unanimously adjourned at 11:13 a.m. by the Trustees present on a motion by Trustee Provost, seconded by Trustee Marsh.

Respectfully submitted,



Daniel J. Schroeder, District Secretary

ITEM 6

**BEFORE THE BOARD OF TRUSTEES OF
RECLAMATION DISTRICT NO. 828**

ORDINANCE NO. 2019-01

**AN ORDINANCE TO PROVIDE INFORMAL BIDDING PROCEDURES UNDER THE
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (Section 22000, et
seq., of the Public Contract Code)**

WHEREAS, Reclamation District 828 ("District") is a reclamation district formed pursuant to Water Code sections 50000 et seq.; and

WHEREAS, the District is required to follow the public bidding procedures of the Public Contract Code (commencing with section 20920) which requires all contracts for any improvement or unit of work, or for materials or supplies, in excess of twenty-five thousand dollars (\$25,000) to be let to the lowest responsive, responsible bidder; and

WHEREAS, under Uniform Public Construction Cost Accounting Act (Public Contract Code sections 22000 et seq.) reclamation districts may adopt an alternative bidding process for public projects that do not exceed \$175,000; and

WHEREAS, the monetary limits of Public Contract Code section 22032 shall be considered and adjusted accordingly every five years; and

WHEREAS, pursuant to sections 22010 and 22030 of the Public Contract Code public agencies that wish to adopt the alternative bidding procedures of the Uniform Public Construction Cost Accounting Act must also adopt the uniform construction cost accounting standards of the Act; and

WHEREAS, Public Contract Code section 22034 provides that local agencies that have adopted the uniform cost accounting procedures shall also adopt an informal bidding ordinance governing the selection of contractors to perform projects let by contract by informal procedures as set forth in Public Contract section 22032;

WHEREAS, this Ordinance was introduced as Ordinance No. 2018-01 and has been renumbered as Ordinance No. 2019-01 since its adoption is taking place in 2019.

NOW THEREFORE, The Board of Trustees of Reclamation District No. 828 ordains as follows:

SECTION 1. Informal Bidding Procedures. Public projects, as defined by the Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

SECTION 2. Contractors List. The District shall comply with the requirements of the Public Contract Code Section 22034.

SECTION 3. Notice Inviting Informal Bids. Where a public project is to be performed which is subject to the provision of this Ordinance, a notice inviting informal bids shall be circulated using one or both of the following alternatives:

1. Notices inviting informal bids may be mailed, faxed, or emailed to all contractors for the category of work to be bid, as shown on the list developed in Section 2.;
2. Notices inviting informal bids may be mailed to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the District soliciting bids, provided however:
 - a. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

SECTION 4. Award of Contracts. The District Board of Trustees, or its designee, is authorized to award informal contracts pursuant to this Ordinance.

SECTION 5. This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) with the names of the Trustees voting for and against the same in the Stockton Record, a newspaper of general circulation published in the County of San Joaquin, State of California.

PASSED AND ADOPTED at a regular meeting of the Board of Trustees of Reclamation District No. 828 of the County of San Joaquin, State of California, on this 17th day of January, 2019, by the following vote of the Board of Directors, TO WIT:

AYES:

NOES:

ABSENT:

ABSTENTION:

RECLAMATION DISTRICT 828
A Political Subdivision of the
State of California

By: _____
PRESIDENT

ATTEST:

SECRETARY

ITEM 7

RECLAMATION DISTRICT 828

**RESOLUTION 2019-01
RESOLUTION AMENDING DISTRICT BYLAWS**

WHEREAS, Reclamation District 828 (“District”) bylaws have be in place for decades without updating or revisions, and

WHEREAS, the District’s Board of Trustees desires to revise and update its bylaws to change the principal place of business for the District and update Trustee information, and

WHEREAS, notice of the proposed amendment was posted in accordance with Water Code Section 50370.4.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Reclamation District 828 hereby adopts the attached Bylaws revised as of January 17, 2019 to replace the existing District Bylaws.

PASSED AND ADOPTED by the Board of Trustees of Reclamation District 828, at a regular meeting thereof, held on January 17, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTION:

RECLAMATION DISTRICT 828
A Political Subdivision of the
State of California

By: _____
PRESIDENT

ATTEST:

SECRETARY

CERTIFICATION

I, _____, Secretary of Reclamation District 828, do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District 828 duly passed and adopted at a meeting of the Board of Trustees thereof held on the 17th day of January, 2019.

Dated: _____, 201_

SECRETARY, Reclamation District 828

**BYLAWS
OF
RECLAMATION DISTRICT NO. 828**

REVISED: January 17, 2019

ARTICLE I

Offices

Section 1.01. The District principal office shall the following address:

RECLAMATION DISTRICT NO. 828
3121 W. March Lane, Suite 100
Post Office Box 20
Stockton, CA 95201-3020

The place of the meeting of the District shall be set forth in Article IV below.

ARTICLE II

Trustees

Section 2.01. As used in these Bylaws, the following terms shall have the following meanings:

- A. "Board" means the Board of Trustees of the District.
- B. "Trustees" means the Board of Trustees of the District.
- C. "District" means Reclamation District No. 828

Section 2.02. The District shall have a Board of Trustees consisting of three (3) members, which shall constitute the governing body of the District, and which shall exercise general supervision and complete control over the construction, maintenance, and operation of the reclamation works, and generally over the affairs of the District.

Section 2.03. Trustees shall be elected for a term of four (4) years and shall serve until their successors are elected and qualified. The terms of the Trustees shall be staggered so that no more than two Trustees shall have terms that expire in any one District election year.

Section 2.04. Elections shall be conducted in accordance with California Water Code, Division 15, parts 3 and 4, as they presently are or may hereafter be amended. Persons elected to the office of Trustee shall take the Oath of Office in accordance with the California Water and Elections Code.

Section 2.05. Vacancies on the Board due to reasons other than expiration of a term of office shall be filled in accordance with the California Government Code § 1780, as it now is or may hereafter be amended.

Section 2.06. The terms of the incumbent members of the Board expire on the following dates:

<u>Name</u>	<u>Term Ends</u>
Bill Mendelson	12/2021
Paul Marsh	12/2019
Debbie Provost	12/2019

Section 2.07. The Trustees shall receive such compensation for services actually and necessarily performed as the Board determines to be just and reasonable, and in accordance with California Water Code § 20200, as it is now, or may hereafter be amended.

ARTICLE III

Officers

Section 3.01. The officers of the District shall be a President of the Board of Trustees and a Secretary.

Section 3.02. At the first meeting after the election of any Trustee, the Board shall name a President and any other officers as it deems necessary. The duties of the President shall be to preside over all regular and special meetings of the Board, and to perform such other duties from time to time as may be required of him or her by the Board. In the absence of the President, the Trustee present with the longest period of service shall preside.

Section 3.03. The Secretary shall be any person, whether a trustee or not, who is appointed by the Board as Secretary. The duties of the Secretary shall be to keep the minutes of all meetings, attest all documents (other than bonds) requiring the signature of the President, keep accounts of all expenditures on behalf of the District, have custody of the District's seal, and perform such duties as may be required by law, these Bylaws, or by the Board.

Section 3.04. No compensation shall be received by the President, other than the compensation provided in accordance with Section 2.07 of these Bylaws. The Secretary shall receive such compensation for services actually and necessarily performed as the Board determines to be just and reasonable, and shall be reimbursed for expenses necessarily incurred in the performance of his or her duties.

Section 3.05. The President and Secretary shall serve at the pleasure of the Board.

ARTICLE IV

Meetings

Section 4.01. The District shall meet on a quarterly basis on the fourth Thursday of the months of July, October, January and April at 8:30 a.m. and may meet as often as the business of the District requires. The meetings shall be held at the District's principal office, or at any other place designated by resolution of the Board.

Section 4.02. No notice need be provided to individuals of regular or special meetings except to persons who shall request such notice. In cases where notice has been requested, the Secretary shall give email or mailed notice in accordance with the Ralph M. Brown Act in Government Code Sections 54950 et. seq. ("Brown Act"). Any such request for notice shall be valid for one (1) year from the date made, and shall provide an address to which notice is to be mailed as well as a deposit of a fee to cover the cost of copying and mailing said notice as calculated by the Secretary. The Board may establish a reasonable annual charge for sending such notice based on the estimated cost of providing such service.

Section 4.03. All meetings of the Board shall be in accordance with the Brown Act.

Section 4.04. A majority of the Board shall constitute a quorum for the transaction of business. Except as otherwise specifically in these Bylaws, every act of decision done or made by a majority of the trustees present at a meeting at which a quorum is present is the act of the Board.

Section 4.05. All meetings of the District shall be open and public, and all persons shall be permitted to attend any meeting of the District, except that executive sessions may be held as provided by law, and the public may be excluded from meetings which are willfully interrupted so as to render the orderly conduct of the meeting impossible, as provided by law.

Section 4.06. Agendas for any meeting shall be posted as required in accordance with the provisions of the Brown Act. As soon after the posting of the agenda and before the meeting, the Secretary shall mail or deliver, or cause the mailing or delivery of, an agenda for the forthcoming meeting to each trustee. Said agenda shall be prepared by the Secretary.

Section 4.07. The Secretary shall keep accurate minutes of all proceedings of the Board. Minutes of each regular, adjourned regular, special or adjourned special meeting shall be considered for approval at the Board meetings.

Section 4.08. The order of business at each meeting of the Board shall be determined by the Secretary.

Section 4.09. The procedure for the conduct of business, unless varied on order of the President, or by majority vote of the Board, may be as follows:

- a) Each agenda item shall be taken up in order by the President.
- b) The President shall call upon such person or persons as may be appropriate to present the matter to the Board.

- c) The public shall then be invited to make public comments. The President may limit the duration of or refuse to permit public comment if such public comment is repetitive, disorderly, or otherwise not in furtherance of a reasonably expeditious review of the matter under discussion.
- d) The matter shall then be discussed by the Trustees and such other persons as may be called upon by the President.
- e) The President shall then invite a motion by any of the trustees on the agenda item, and a vote shall be taken, after such discussion, on any motion made concerning the matter.

Section 4.10. Rosenberg's Rules of Order as they exist at the time of the adoption of these bylaws and are amended or revised thereafter are hereby adopted by the Board in all uses not otherwise provided for in these Bylaws and not otherwise provided for by applicable law.

ARTICLE V

Records

Section 5.01. All records of the District and of the proceedings of the Board shall be kept by the Secretary, at a location designated by the Secretary, except for the originals of resolutions, deeds of grant or easement to or from the District, or of agreements or contracts entered into by the District may be kept by the attorney for the District, provided that copies thereof are placed in the records kept by the Secretary. The records shall be available for inspection in accordance with the provisions of California Government Code, Division 7, Chapter 3.5, as they now are or may hereafter be amended.

ARTICLE VI

Finance

Section 6.01. The Board of Trustees may adopt an annual budget each year to reflect the projected income and expenses of the District.

Section 6.02. The Board of Trustees shall take steps necessary to have the books of the District audited on an annual basis.

Section 6.03. Income to the District shall be deposited with the Treasurer of the County of San Joaquin and shall only be paid out of warrants approved by the Board of Trustees.

ARTICLE VII

Seal

Section 7.01. The District may have a seal which shall contain the name and number of the District, which is: RECLAMATION DISTRICT NO. 828; and the name of SAN JOAQUIN COUNTY, being the County in which the District is situated.

ARTICLE VIII

Amendment of Bylaws

Section 8.01. These bylaws may be amended in the manner they were adopted or as set forth in the provisions of California Water Code, Division 15, Part 2, Chapter 2, as they now are or may hereafter be amended.

ARTICLE IX

Construction of Bylaws

Section 8.01. Unless otherwise stated in these Bylaws or unless the context otherwise requires, the definitions contained in Division 15 of the California Water Code shall govern the construction of these Bylaws. Without limiting the generality of the foregoing, the masculine gender includes the feminine and the neuter, the singular number includes the plural and the plural number includes the singular.

IN WITNESS WHERE OF these Bylaws have been duly adopted this 17th day of January, 2019.

Bill Mendelson
President, Board of Trustees
Reclamation District No. 828

ATTEST:

DANIEL J. SCHROEDER, Secretary
Reclamation District No. 828

**BYLAWS
OF
RECLAMATION DISTRICT NO. 828**

REVISED: July 15, 2016

ARTICLE I

Offices

Section 1.01. The District principal office shall the following address:

RECLAMATION DISTRICT NO. 828
509 W. Weber Ave, 5th Floor
Post Office Box 20
Stockton, CA 95201-3020

The place of the meeting of the District shall be set forth in Article IV below.

ARTICLE II

Trustees

Section 2.01. As used in these Bylaws, the following terms shall have the following meanings:

- A. "Board" means the Board of Trustees of the District.
- B. "Trustees" means the Board of Trustees of the District.
- C. "District" means Reclamation District No. 828

Section 2.02. The District shall have a Board of Trustees consisting of three (3) members, which shall constitute the governing body of the District, and which shall exercise general supervision and complete control over the construction, maintenance, and operation of the reclamation works, and generally over the affairs of the District.

Section 2.0.3. Trustees shall be elected for a term of four (4) years and shall serve until their successors are elected and qualified. The terms of the Trustees shall be staggered so that no more than two Trustees shall have terms that expire in any one District election year.

Section 2.04. Elections shall be conducted in accordance with California Water Code, Division 15, parts 3 and 4, as they presently are or may hereafter be amended. Persons elected to the office of Trustee shall take the Oath of Office in accordance with the California Water and Elections Code.

Section 2.05. Vacancies on the Board due to reasons other than expiration of a term of office shall be filled in accordance with the California Government Code § 1780, as it now is or may hereafter be amended.

Section 2.06. The terms of the incumbent members of the Board expire on the following dates:

<u>Name</u>	<u>Term Ends</u>
Bill Mendelson	12/2017

Robert G. Merdinger

12/2019

Debbie Provost

12/2019

Section 2.07. The Trustees shall receive such compensation for services actually and necessarily performed as the Board determines to be just and reasonable, and in accordance with California Water Code § 20200, as it is now, or may hereafter be amended.

ARTICLE III

Officers

Section 3.01. The officers of the District shall be a President of the Board of Trustees and a Secretary.

Section 3.02. At the first meeting after the election of any Trustee, the Board shall name a President and any other officers as it deems necessary. The duties of the President shall be to preside over all regular and special meetings of the Board, and to perform such other duties from time to time as may be required of him or her by the Board. In the absence of the President, the Trustee present with the longest period of service shall preside.

Section 3.03. The Secretary shall be any person, whether a trustee or not, who is appointed by the Board as Secretary. The duties of the Secretary shall be to keep the minutes of all meetings, attest all documents (other than bonds) requiring the signature of the President, keep accounts of all expenditures on behalf of the District, have custody of the District's seal, and perform such duties as may be required by law, these Bylaws, or by the Board.

Section 3.04. No compensation shall be received by the President, other than the compensation provided in accordance with Section 2.07 of these Bylaws. The Secretary shall receive such compensation for services actually and necessarily performed as the Board determines to be just and reasonable, and shall be reimbursed for expenses necessarily incurred in the performance of his or her duties.

Section 3.05. The President and Secretary shall serve at the pleasure of the Board.

ARTICLE IV

Meetings

Section 4.01. The District shall meet on a quarterly basis on the third Thursday of the months of July, October, January and April at 8:30 a.m. and may meet as often as the business of the District requires. The meetings shall be held at the District's principal office at the offices of Neumiller & Beardslee, 509 W. Weber Avenue, 5th Floor, Stockton, California or at any other place designated by resolution of the Board.

Section 4.02. No notice need be provided to individuals of regular or special meetings except to persons who shall request such notice. In cases where notice has been requested, the Secretary shall give email or mailed notice in accordance with the Ralph M. Brown Act in Government Code Sections 54950 et. seq. ("Brown Act"). Any such request for notice shall be valid for one (1) year from the date made, and shall provide an address to which notice is to be mailed as well as a deposit of a fee to cover the cost of copying and mailing said notice as calculated by the Secretary. The Board may establish a reasonable annual charge for sending such notice based on the estimated cost of providing such service.

Section 4.03. All meetings of the Board shall be in accordance with the Brown Act.

Section 4.04. A majority of the Board shall constitute a quorum for the transaction of business. Except as otherwise specifically in these Bylaws, every act of decision done or made by a majority of the trustees present at a meeting at which a quorum is present is the act of the Board.

Section 4.05. All meetings of the District shall be open and public, and all persons shall be permitted to attend any meeting of the District, except that executive sessions may be held as provided by law, and the public may be excluded from meetings which are willfully interrupted so as to render the orderly conduct of the meeting impossible, as provided by law.

Section 4.06. Agendas for any meeting shall be posted as required in accordance with the provisions of the Brown Act. As soon after the posting of the agenda and before the meeting, the Secretary shall mail or deliver, or cause the mailing or delivery of, an agenda for the forthcoming meeting to each trustee. Said agenda shall be prepared by the Secretary.

Section 4.07. The Secretary shall keep accurate minutes of all proceedings of the Board. Minutes of each regular, adjourned regular, special or adjourned special meeting shall be considered for approval at the Board meetings.

Section 4.08. The order of business at each meeting of the Board shall be determined by the Secretary.

Section 4.09. The procedure for the conduct of business, unless varied on order of the President, or by majority vote of the Board, may be as follows:

- a) Each agenda item shall be taken up in order by the President.
- b) The President shall call upon such person or persons as may be appropriate to present the matter to the Board.
- c) The public shall then be invited to make public comments. The President may limit the duration of or refuse to permit public comment if such public comment is repetitive, disorderly, or otherwise not in furtherance of a reasonably expeditious review of the matter under discussion.
- d) The matter shall then be discussed by the Trustees and such other persons as may be called upon by the President.
- e) The President shall then invite a motion by any of the trustees on the agenda item, and a vote shall be taken, after such discussion, on any motion made concerning the matter.

Section 4.10. Rosenberg's Rules of Order as they exist at the time of the adoption of these bylaws and are amended or revised thereafter are hereby adopted by the Board in all uses not otherwise provided for in these Bylaws and not otherwise provided for by applicable law.

ARTICLE V

Records

Section 5.01. All records of the District and of the proceedings of the Board shall be kept by the Secretary, at a location designated by the Secretary, except for the originals of resolutions, deeds of grant or easement to or from the District, or of agreements or contracts entered into by the District may be kept by the attorney for the District, provided that copies thereof are placed in the records kept by the Secretary. The records shall be available for inspection in accordance with the provisions of California Government Code, Division 7, Chapter 3.5, as they now are or may hereafter be amended.

ARTICLE VI

Finance

Section 6.01. The Board of Trustees may adopt an annual budget each year to reflect the projected income and expenses of the District.

Section 6.02. The Board of Trustees shall take steps necessary to have the books of the District audited on an annual basis.

Section 6.03. Income to the District shall be deposited with the Treasurer of the County of San Joaquin and shall only be paid out of warrants approved by the Board of Trustees.

ARTICLE VII

Seal

Section 7.01. The District may have a seal which shall contain the name and number of the District, which is: RECLAMATION DISTRICT NO. 828; and the name of SAN JOAQUIN COUNTY, being the County in which the District is situated.

ARTICLE VIII

Amendment of Bylaws

Section 8.01. These bylaws may be amended in the manner they were adopted or as set forth in the provisions of California Water Code, Division 15, Part 2, Chapter 2, as they now are or may hereafter be amended.

ARTICLE IX

Construction of Bylaws

Section 8.01. Unless otherwise stated in these Bylaws or unless the context otherwise requires, the definitions contained in Division 15 of the California Water Code shall govern the construction of these Bylaws. Without limiting the generality of the foregoing, the masculine gender includes the feminine and the neuter, the singular number includes the plural and the plural number includes the singular.

IN WITNESS WHERE OF these Bylaws have been duly adopted this 15th day of July, 2016.



Bill Mendelson
President, Board of Trustees
Reclamation District No. 828

ATTEST:



DANIEL J. SCHROEDER, Secretary
Reclamation District No. 828

ITEM 8



BETTY T. YEE
California State Controller

November 1, 2018

District Legal Counsel
Reclamation District No. 828
PO Box 20
Stockton, CA 95201

SUBJECT: Notification Letter-Assembly Bill 2249 (Chaptered 169, Statutes of 2018)

To Whom It May Concern: _____

The California Uniform Construction Cost Accounting Commission (CUCCAC) in agreement with the State Controller's Office (SCO) recommended an increase to the bid limit threshold prescribed in Public Contract Code (PCC) 22032, which was signed into law. Pursuant to PCC 22020, and on behalf of the State Controller Betty T. Yee, the SCO would like to inform on the following changes effective as of **January 1, 2019**:

- a) The change would allow projects costing \$60,000 or less to be performed by employees of a public agency by force account, by negotiated contract, or by purchase order;
- b) The change would allow projects costing up to \$200,000 to be contracted by informal bidding procedures; and projects costing over \$200,000 are subject to the formal bidding process.

The noted increases are pursuant to the provisions and benefits found in the Uniform Public Construction Cost Accounting Act (Act), which provides public agencies economic benefits and greater freedom to expedite public works projects. Agencies which elect to follow the cost accounting procedures set forth by the CUCCAC in its *Cost Accounting Policies and Procedures Manual*, will benefit from these increased limits by expediting delivery of public work projects and reduced bid processing costs. A new resolution adopting the change in legislation is not required if your agency is currently subject to the Act.

We encourage participating agencies to sign up on the SCO website for CUCCAC's email subscription service to receive important information concerning CUCCAC updates and legislative changes via e-mail. For more details or to sign up for the email subscription services, please contact the Local Government Programs Services Division at LocalGovPolicy@sco.ca.gov or visit our website at https://www.sco.ca.gov/ard_cuccac.html.

Sincerely,

A handwritten signature in cursive script that reads "Sandeep Singh".

Sandeep Singh
Manager, Local Government Policy



November 15, 2018

Mr. Dan Schroeder
Neumiller & Beardslee
P.O. Box 20
Stockton, CA 95201-3020

Re: Reclamation District No. 828

Dear Dan:

Enclosed please find 6 copies (5 bound, 1 unbound) of the June 30, 2018 audited financial report for the above named district. We have transmitted one copy of the District's report to the State Controller's Office and one to the San Joaquin County Auditor-Controller's office.

We have also electronically transmitted the Special Districts Financial Transactions and Compensation Report to the State Controller's office.

Please contact me if any questions arise during the Board's review of these financial statements. Thank you for your cooperation throughout this audit.

Sincerely,

Rob Gross, CPA
Schwartz, Giannini, Lantsberger and Adamson
Accountancy Corporation

Gary F. Giannini, CPA
Philip Lantsberger, CPA
Robert Gross, CPA
Timothy J. Schwartz, CPA,
Retired
William H. Adamson,
Retired

Enclosures

4578 Feather River Drive
Suite D
Stockton, California 95219
Ph: 209.474.1084

RECLAMATION DISTRICT NO. 828

FINANCIAL REPORT

JUNE 30, 2018

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INDEPENDENT AUDITORS' REPORT

To the Board of Trustees
Reclamation District No. 828

We have audited the accompanying financial statements of the governmental activities, the major fund, and the aggregate remaining fund information of Reclamation District No. 828 (the District) as of and for the year ended June 30, 2018, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the cash basis of accounting described in Note 1; this includes determining that the cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Gary F. Giannini, CPA
Philip Lantsberger, CPA
Robert Gross, CPA

Timothy J. Schwartz, CPA,
Retired
William H. Adamson,
Retired

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

4578 Feather River Drive
Suite D
Stockton, California 95219
Ph: 209.474.1084
Fx: 209.474.0301

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position - cash basis of the governmental activities and the major fund of the District as of June 30, 2018, and the respective changes in financial position - cash basis, thereof for the year then ended in accordance with the basis of accounting described in Note 1.

Basis of Accounting

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to that matter.

Other Matters

The District has not presented Management's Discussion and Analysis, which accounting principles generally accepted in the United States of America have determined is necessary to supplement, although not required to be part of, the basic financial statements.

Schwartz, Giannini, Santberger & Adamson

Stockton, California
October 18, 2018

RECLAMATION DISTRICT NO. 828
Statement of Net Position - Cash Basis
June 30, 2018

	<u>Governmental Activities</u>
ASSETS	
Cash and cash equivalents	<u>\$ 518,070</u>
Total assets	<u><u>\$ 518,070</u></u>
NET POSITION	
Unrestricted	<u>\$ 518,070</u>
Total net position	<u><u>\$ 518,070</u></u>

The accompanying notes are an integral part of these financial statements.

RECLAMATION DISTRICT NO. 828

Statement Of Activities - Cash Basis

For the year ending June 30, 2018

	<u>Cash</u> <u>Disbursements</u>	<u>Operating</u> <u>Receipts, Grants,</u> <u>and</u> <u>Contributions</u>	<u>Net (Disbursements)</u> <u>Receipts and</u> <u>Changes in</u> <u>Net Position</u>
Governmental activities			
Operations	\$ (95,174)	\$ 71,073	\$ (24,101)
Net program (disbursements) receipts	<u>\$ (95,174)</u>	<u>\$ 71,073</u>	<u>\$ (24,101)</u>
General receipts:			
Landowner assessments			\$ 51,717
Interest income			6,044
Total general receipts			<u>\$ 57,761</u>
Increase in net position			\$ 33,660
Net position - beginning of year			<u>484,410</u>
Net position - end of year			<u><u>\$ 518,070</u></u>

The accompanying notes are an integral part of these financial statements.

RECLAMATION DISTRICT NO. 828
Balance Sheet - Governmental Fund - Cash Basis
June 30, 2018

	<u>General Fund</u>
ASSETS	
Cash and cash equivalents	<u>\$ 518,070</u>
Total assets	<u><u>\$ 518,070</u></u>
FUND BALANCE	
Unassigned	<u>\$ 518,070</u>
Total fund balance	<u><u>\$ 518,070</u></u>

The accompanying notes are an integral part of these financial statements.

RECLAMATION DISTRICT NO. 828
Statement of Cash Receipts, Disbursements and Changes in Cash Basis Fund Balance -
Governmental Fund
For the Year Ending June 30, 2018

	General Fund
RECEIPTS	
Landowner assessments	\$ 51,717
State assistance	69,226
Other income	1,847
Interest income	6,044
Total receipts	\$ 128,834
 DISBURSEMENTS	
Engineering	\$ 42,917
Insurance	6,660
Legal and accounting	25,006
Levee repairs and maintenance	16,750
Miscellaneous	3,291
Trustee fee	550
Total disbursements	\$ 95,174
Net change in fund balance	\$ 33,660
Fund balance - beginning	484,410
Fund balance - ending	\$ 518,070

The accompanying notes are an integral part of these financial statements.

RECLAMATION DISTRICT NO. 828

NOTES TO FINANCIAL STATEMENTS

June 30, 2018

NOTE 1. SIGNIFICANT ACCOUNTING POLICIES

Nature of business

Reclamation District No. 828 is a political subdivision of the State of California organized March 4, 1912 by the landowners of Weber Tract for the purpose of maintenance, protection and repair of the reclamation works on Weber Tract. The District operates under Section 50000 "Reclamation Districts" of the California State Water Code.

The District lies within the City of Stockton, bounded on the north by Smith Canal, on the west and south by the Stockton Channel, and on the east by Pershing Avenue. The total area of the District is approximately 695 acres.

The District is primarily supported by assessments of its landowners as projected, calculated, and levied by its Board of Trustees. Expenses incurred by the District are, at times, partially reimbursed by various federal, state, and local assistance or reimbursement programs.

The District management considered all potential component units for inclusion in the reporting entity by applying the criteria set forth in accounting principles generally accepted in the United States of America. The District concluded that there are no potential component units which should be included in the reporting entity.

Government-wide financial statements

The government-wide financial statements (i.e., the statement of net position - cash basis and the statement of activities - cash basis) report information on all of the cash receipts and disbursements activity of the primary government.

The statement of activities demonstrates the degree to which cash disbursements of a given function or segment are offset by program cash receipts. Cash disbursements are those that are clearly identifiable with a specific function or segment. Program cash receipts include 1) charges paid by the recipients of goods or services offered by the programs and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other receipts not classified as program receipts are presented as general receipts.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, then unrestricted resources as they are needed.

Budgetary accounting

The District does not utilize formal budgetary procedures and is not required to adopt such procedures by law. Accordingly, budgetary comparison information is not required or presented.

RECLAMATION DISTRICT NO. 828

NOTES TO FINANCIAL STATEMENTS

NOTE 1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

Fund financial statements

The fund financial statements provide information about the District's funds. The District has one type of fund (governmental), which is comprised of one major fund as follows.

General fund – This fund is established to account for resources devoted to financing the general services that the District performs. State assistance and other sources of revenue used to finance the fundamental operations of the District are included in this fund. This fund is charged with all costs of operating the government for which a separate fund has not been established.

The District has adopted GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This Statement establishes criteria for classifying governmental fund balances into specifically defined classifications. Classifications are hierarchical and are based primarily on the extent to which the District is bound to honor constraints on the specific purposes for which amounts in the funds may be spent. Application of the Statement requires the District to classify and report amounts in the appropriate fund balance classifications. The District's accounting and finance policies are used to interpret the nature and/or requirements of the funds and their corresponding assignment of restricted, committed, assigned, or unassigned.

The District reports the following classifications:

Restricted Fund Balance – Restricted fund balances are restricted when constraints placed on the use of resources are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional provisions or enabling legislation.

Assigned Fund Balance – Assigned fund balances are amounts that are constrained by the District's intent to be used for specific purposes, but are neither restricted nor committed. Intent is expressed by the Board of Trustees. Assigned fund balance includes all amounts in the general fund that are intended to be used for a specific purpose.

Unassigned Fund Balance – Unassigned fund balance is the residual classification for the General Fund. This classification represents the General Fund balance that has not been assigned to other funds, and that has not been restricted, committed, or assigned to specific purposes within the General Fund.

Measurement focus, basis of accounting, and financial statement presentation

The District accounts for governmental funds using the cash receipts and disbursements basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this method, revenues are recognized when received and expenditures are recorded when paid.

RECLAMATION DISTRICT NO. 828

NOTES TO FINANCIAL STATEMENTS

NOTE 1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

Demand Warrants

The District is authorized under the California State Water Code to issue demand warrants.

Use of estimates

The preparation of financial statements in conformity with the cash receipts and disbursements basis of accounting used by the District requires management to make estimates and assumptions that affect certain reported amounts and disclosures; accordingly, actual results could differ from those estimates.

Related party information

The Board of Trustees is made up of District landowners or their representatives. The Board is either elected by the landowners within the District or appointed by the San Joaquin County Board of Supervisors.

Income Tax Status

Reclamation District No. 828 is a governmental entity and not subject to federal and state income taxes.

NOTE 2. DATE OF MANAGEMENT'S REVIEW

In preparing the financial statements, the Organization has evaluated events and transactions for potential recognition or disclosure through October 18, 2018, the date the financial statements were available to be issued.

NOTE 3. CASH AND INVESTMENTS

Investments of the District as of June 30, 2018 consist of the following:

	<u>Carrying amount</u>	<u>Fair value</u>
Investment in external investment pool		
San Joaquin County Treasurer	<u>\$ 518,070</u>	<u>\$ 518,070</u>

Cash on deposit with the San Joaquin County Treasurer is invested in a pooled fund maintained by the Treasurer. These funds are pooled with other County deposits for investment purposes by the County Treasurer in accordance with the investment policy of the County Treasurer (see County Treasurer's investment policy at <http://www.sjgov.org/treasurer/treasury.htm>). The Pool has established a treasury oversight committee to monitor and review the management of public funds maintained in the Pool.

RECLAMATION DISTRICT NO. 828

NOTES TO FINANCIAL STATEMENTS

NOTE 3. CASH AND INVESTMENTS (Continued)

Participants' equity in the investment pool is determined by the dollar amount of the participant deposits, adjusted for withdrawals and distributed investment income. Investment income is prorated to individual funds based on their average daily cash balances. The value of the District's shares in the Pool, which may be withdrawn, is determined on an amortized cost basis, which is different than the fair value of the District's position in the Pool. The District's investment in the Pool is unrated, stated at amortized cost which approximates fair value, available upon demand and considered cash equivalents.

The District does not maintain a formal investment policy.

NOTE 4. GOVERNING BOARD

The powers of the District are exercised by the Board of Trustees which consists of the following members:

	<u>TITLE</u>	<u>TERM EXPIRATION</u>
William Mendelson	President	December 2021
Deby Provost	Trustee	December 2019
Paul Marsh	Trustee	December 2019

Secretary: Dan Schroeder

NOTE 5. INSURANCE

The District is covered by the following types of insurance as of June 30, 2018:

<u>Coverage</u>	<u>Limits of Liability</u>
Property	\$ 1,000,000/10,000,000
Commercial crime	100,000
General liability	1,000,000/10,000,000
Public officials and management liability	1,000,000/10,000,000
Commercial excess	1,000,000



December 7, 2018

Dear Member:

As part of JPRIMA's recent strategic planning process, a variety of issues were raised regarding JPRIMA's future. As a result of those discussions, a series of very exciting initiatives are on the horizon that will provide added benefits to the members and fulfill JPRIMA's statutory goal in providing not only best of class insurance, but also operational assistance, to its members.

One item that was extensively discussed was the need to maintain JPRIMA's focus, heading into the future, on assisting mutual water companies and small water systems throughout the state. The Board of Directors has concluded it is important for JPRIMA to continue to have majority representation on the Board from mutual water companies, to ensure that focus remains. As such, the Board of Directors has preliminarily approved the attached Resolution to amend the JPRIMA Bylaws to require that a majority of the Board must consist of directors who are directors, managers or other employees of a mutual water company member, and to further provide that requirement may only be changed by a later Bylaw amendment approved by at least eighty percent (80%) of the Board.

JPRIMA's Bylaws authorizes the Board of Director to amend the Bylaws, but the members must be given at least 30 days' prior written notice of any amendment. This e-mail constitutes that written notice. Please feel free to provide us with any comments you have concerning the attached amendment. The JPRIMA Board will be considering this amendment at its January 15, 2019 meeting.

Thank you very much,

Jim Byerrum

Jim Byerrum, President
California Association of Mutual Water Companies
Joint Powers Risk and Insurance Management Authority

RESOLUTION NO. __-2019-1

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CALIFORNIA ASSOCIATION OF MUTUAL WATER COMPANIES
JOINT POWERS RISK AND INSURANCE MANAGEMENT AUTHORITY
AMENDING ARTICLE III, SECTION 3.1 OF AUTHORITY'S BYLAWS

WHEREAS, Article IX of the Bylaws of the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority ("Authority") provides that the Authority's Board of Directors, upon a two-thirds vote, may amend the Authority's Bylaws after having given the Authority's members at least thirty (30) days' prior written notice of the proposed amendment; and

WHEREAS, the Authority's Board of Directors desires to amend Article III, Section 3.1 of the Authority's Bylaws, as provided below; and

WHEREAS, the Authority's Board of Directors has provided the Authority's membership with at least thirty (30) days' prior written notice of this proposed amendment,

NOW, THEREFORE BE IT RESOLVED that Article III, Section 3.1 of the Authority's Bylaws is amended to read as follows, with the newly added provision underlined:

SECTION 3.1. Governing Body: Qualifications. The governing body of the Authority shall be the Board of Directors, which may be referred to herein as the "Board." A person must be a director, manager or other employee of a Member in order to be eligible to serve on the Board. At all times, the majority of the Board must consist of directors who are directors, managers or other employees of a Member that is a mutual water company (that is a Regular Member of the California Association of Mutual Water Companies), and this requirement may only be changed by an amendment hereof approved by at least eighty percent (80%) of the Board.

ADOPTED, SIGNED and APPROVED, at a Regular Meeting of the Board of Directors of the Authority this ___th day of _____, 2019.

CALIFORNIA ASSOCIATION OF MUTUAL WATER
COMPANIES JOINT POWERS RISK AND
INSURANCE MANAGEMENT AUTHORITY

Jim Byerrum, Chair

ATTEST:

Ken Bradbury, Secretary

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I. KEN BRADBURY, Secretary of the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority ("Authority") do hereby certify that the foregoing Resolution No. __-2019-1 was duly adopted by the Board of Directors of said Authority at a Regular Meeting thereof held on _____, 2019, and that it was so adopted by the following vote:

AYES: Directors: Armstrong, Bradbury, Byerrum, McCoy, Michalko, Nunneley, Tchong, Yamashita-Lopez

NOES: Directors: None

ABSENT: Directors:

ABSTAIN: Directors: None

Ken Bradbury, Secretary of the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) ss.


I, KEN BRADBURY, Secretary of the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority (“Authority”) do hereby certify that the above and foregoing is a true and correct copy of Resolution No. ___-2019-1 of said Board, and that the same has not been amended or repealed.

Dated: _____, 20__

Ken Bradbury, Secretary

NOTICE OF PUBLIC HEARING

At 8:30 a.m., on January 17, 2019, a public hearing will be held at 3121 West March Lane, Suite 100, Stockton, California, for the purpose of consideration of amending the Bylaws for Reclamation District No. 828. A copy of the proposed Bylaws may be obtained at the Law Offices of Neumiller & Beardslee, 509 West Weber Avenue, 5th Floor, Stockton, California before January 12, 2019, or 3121 West March Lane, Suite 100, Stockton, California after January 13, 2019, during normal business hours or on the District's website located at www.rd828.com.



DANIEL J. SCHROEDER
Secretary
Reclamation District No. 828

ITEM 9

**RECLAMATION DISTRICT 828
RESOLUTION 2019-02**

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF
DELTA LEVEE MAINTENANCE SUBVENTIONS PROGRAM WORK AGREEMENT
FISCAL YEAR 2018-2019**

WHEREAS, the Board of Trustees ("Board") of Reclamation District 828 ("District"), has reviewed, and desires to enter into, that certain Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2018-2019 ("Agreement"), between the District and the Reclamation Board of the State of California ("Reclamation Board");

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Agreement is approved, and the President of the Board is authorized and directed to execute the Agreement, and cause it to be presented to the Reclamation Board with a certified copy of this Resolution.

PASSED AND ADOPTED by the Board of Trustees of Reclamation District 828, at a regular meeting thereof, held on January 17, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

RECLAMATION DISTRICT 828
A Political Subdivision of the
State of California

By: _____
PRESIDENT

ATTEST:

SECRETARY

CERTIFICATION

I, _____, Secretary of Reclamation District 828, do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District 828 duly passed and adopted at a meeting of the Board of Trustees thereof held on the 17th day of January, 2019.

Dated: _____, 2019

SECRETARY, Reclamation District 828

DEPARTMENT OF WATER RESOURCES

DIVISION OF FLOOD MANAGEMENT
P.O. BOX 219000
SACRAMENTO, CA 95821-9000

**SEP 27 2018**

To: Participating Delta Levee Maintaining Agencies Distribution List (Attached)

Subject: Delta Levee Maintenance Subventions Program Work Agreements for Fiscal Year 2018-2019

This letter confirms that on May 18, 2018, the Central Valley Flood Protection Board (Board) approved your district's application for the work proposed under the Delta Levees Maintenance Subventions Program (Subventions Program) for Fiscal Year 2018-2019. The attached Table 2 shows the maximum reimbursement amounts for all applicants totaling \$12.0 million from Proposition 1.

Enclosed are four copies of the Work Agreement for your review and signature. Please provide a certified copy of a resolution signed by your district's board authorizing the Local Agency to enter into an agreement with the Board, and designating a representative to execute and sign the Work Agreement. Please sign and return the four copies of the Work Agreement, along with a certified copy of a resolution by June 30, 2019, to the following address:

Ms. Andrea L. Lobato, P.E., Manager
Delta Levees Program
Department of Water Resources
Post Office Box 219000
Sacramento, CA 95821-9000

The Department of Water Resources (DWR) will strive to process and execute the Work Agreements in a timely manner. However, the availability of the State's cash flow through bond sales may delay the final execution. Upon execution of the Work Agreement by the Board, we will provide a fully executed copy to you.

Effective July 1, 2018, recent changes to California Water Code Section 12986 may affect your reimbursement.

California Water Code Section 12986 states: No costs incurred shall be reimbursed if the entire cost incurred per mile of project or nonproject levee is either:

- A. Two thousand five hundred dollars (\$2,500) or less for a project or nonproject levee in an urban area.
- B. One thousand dollars (\$1,000) or less for a project or nonproject levee in a rural area.

According to California Water Code Section 12986, Urban area is defined as an area in which 10 percent or more of the land area within the project area is used for residential use. Reclamation Districts that are considered urban under this definition will receive a separate letter notifying them that they will be responsible for the first \$2,500 per levee mile.

All Work Agreements will be subject to the provisions contained in the Delta Levee Maintenance Subventions Program 2016 Guidelines (Guidelines), adopted by the Central Valley Flood Protection Board on August 26, 2016. The Guidelines set forth the requirements for State financial assistance to local agencies and guide the administration of the Subventions Program. The Guidelines are available at the following DWR website:

<https://water.ca.gov/Work-With-Us/Grants-And-Loans/Delta-Levees-Maintenance-Subventions>

No payments can be made under the Subventions Program until the Fiscal Year 2018-2019 Work Agreement is fully executed. A joint inspection by DWR, the California Department of Fish and Wildlife (CDFW), and the Local Agency must also be completed prior to any payment. The objectives of this joint inspection are as follows:

1. To determine that Local Agency expenditures have resulted in a no net long-term loss of fish and wildlife habitat associated with levee improvement work;
2. The work has been consistent with a net long-term habitat improvement program; and
3. The work has a net benefit for aquatic species in the Delta.

Early consultations with CDFW on proposed projects with potential impacts on habitat will expedite the payment approval process. You may contact DWR and/or CDFW staff for any concerns related to environmental compliance issues at the following:

Ms. Jennifer Hogan, Chief
Delta Ecosystem Enhancement
Department of Water Resources
Telephone: (916) 651-7005

Mr. Jim Starr, Environment Program Manager
Delta Levees Habitat Improvement Program
California Department of Fish and Wildlife
Telephone: (209) 234-3441

Each levee maintaining agency must comply with California Labor Code requirements and may be required to have a Labor Compliance Program in place in order to participate in the Subventions Program and receive funding assistance from the State. For additional information, you may refer to the Department of Industrial Relations website (<http://www.dir.ca.gov/lcp.asp>).

Each Local Agency must comply with the requirements of the Delta Stewardship Council (DSC) regarding Covered Actions. If the Local Agency determines any activities are a Covered Action under California Water Code Section 85057.5, the activities are required to be consistent with the regulatory policies of the Delta Plan. The Local Agency must certify consistency with the Delta Plan by submitting a Certification of Consistency to the DSC prior to performing covered activities. Information regarding Covered Actions and Certification of Consistency may be found on the DSC's website at the following locations:

1. Covered Actions: <http://deltacouncil.ca.gov/covered-actions>
2. Certification of Consistency:
http://coveredactions.deltacouncil.ca.gov/certification_process.aspx

When a Local Agency requests a change of address, the request must be submitted in writing to the Delta Levees Program. The change of address request must be on Agency letterhead and signed by an authorized representative of the Local Agency.

Delta Levee Maintenance Subventions Program Work Agreements for
Fiscal Year 2018-2019
Page 3

As a reminder, final claims for the FY 2017-18 Subventions Program are due on November 1, 2018. Please read the 2016 Guidelines carefully for comprehensive information regarding the Subventions Program.

Please direct any questions regarding the Subventions Program, including general information, program deadlines, and required documentation, to myself or Sandra Maxwell of my staff at (916) 480-5378.

Sincerely,



Ms. Andrea L. Lobato, P.E., Manager
Delta Levees Program

Enclosures

cc: Mr. Jim Starr, California Department of Fish and Wildlife
Ms. Jennifer Hogan, Department of Water Resources
District Engineers

**Table 2
2018-19 DELTA LEVEE MAINTENANCE SUBVENTIONS PROGRAM
FUNDING ALLOCATION PLAN**

RD NO	Name	Application Amount	Levee Length	Deductible \$1,000 Per Mile	Eligible Costs	Maximum Reimbursement 75 % of (4)	Estimated Available Reimbursement	Advance 75 % of (6)
		\$ (1)	Miles (2)	\$ (3)	\$ (4)	\$ (5)	\$ (6)	\$ (7)
2126	Atlas Tract	134,000	2.3	(2,300)	131,700	98,775	34,847	26,136
2028	Bacon Island	500,000	14.4	(14,400)	485,600	364,200	206,858	155,144
BIMID	Bethel Island MID	415,000	11.5	(11,500)	403,500	302,625	174,926	131,194
2042	Bishop Tract	697,500	7.8	(7,800)	689,700	517,275	113,913	85,435
404	Boggs Tract	105,500	0.7	(700)	104,800	78,600	12,323	9,243
756	Bouldin Island	845,000	18.0	(18,000)	827,000	620,250	258,158	193,618
2033	Brack Tract	818,000	10.8	(10,800)	807,200	605,400	154,176	115,632
2059	Bradford Island	865,500	7.4	(7,400)	858,100	643,575	124,788	93,591
BALMD	Brannan-Andrus LMD	1,386,000	29.4	(29,400)	1,356,600	1,017,450	474,203	355,652
800	Byron Tract	3,358,500	9.7	(9,700)	3,348,800	2,511,600	140,988	105,741
2098	Cache-Haas Slough	561,000	11.0	(11,000)	550,000	412,500	158,131	118,598
CLD	Collinsville Levee District	121,980	3.7	(3,700)	118,280	88,710	52,725	39,544
2117	Coney Island	341,000	5.4	(5,400)	335,600	251,700	80,403	60,302
2111	Deadhorse Island	367,000	2.6	(2,600)	364,400	273,300	38,431	28,823
2137	Dutch Slough	500,000	3.8	(3,800)	496,200	372,150	56,636	42,477
536	Egbert Tract	212,000	10.6	(10,600)	201,400	151,050	116,826	87,620
2029	Empire Tract	361,000	10.5	(10,500)	350,500	262,875	149,901	112,426
773	Fabian Tract	445,000	18.8	(18,800)	426,200	319,650	270,663	202,997
2113	Fay Island	314,500	1.6	(1,600)	312,900	234,675	31,088	23,317
3	Grand Island	1,320,000	28.8	(28,800)	1,291,200	968,400	413,163	309,872
1002	Glanville Tract	192,000	7.4	(7,400)	184,600	138,450	108,213	81,160
2060	Hasting Tract	620,000	16.0	(16,000)	604,000	453,000	233,525	175,144
2025	Holland Tract	645,000	11.0	(11,000)	634,000	475,500	158,408	118,806
799	Hotchkiss Tract	460,000	8.9	(8,900)	451,100	338,325	126,825	95,120
830	Jersey Island	1,828,000	15.5	(15,500)	1,812,500	1,359,375	249,054	186,790
2038	Jones Island, Lower	349,000	9.0	(9,000)	340,000	255,000	146,207	109,655
2039	Jones Island, Upper	888,000	9.3	(9,300)	878,700	659,025	154,626	115,970
2044	King Island	377,000	9.1	(9,100)	367,900	275,925	134,095	100,571
1808	Lincoln Village West	808,000	3.6	(3,600)	804,400	603,300	54,753	41,065
307	Lisbon	275,250	6.6	(6,600)	268,650	201,488	107,863	80,897
2027	Mandeville Island	3,125,000	14.3	(14,300)	3,110,700	2,333,025	261,790	196,342
2110	McCormack-Wm. Tract	606,000	8.8	(8,800)	597,200	447,900	130,925	98,194
2030	McDonald Island.	4,045,000	13.7	(13,700)	4,031,300	3,023,475	409,329	306,997
2041	Medford Island	537,000	5.9	(5,900)	531,100	398,325	84,351	63,264
150	Merritt Island	450,000	18.1	(18,100)	431,900	323,925	258,478	193,858
999	Netherlands	645,000	32.4	(32,400)	612,600	459,450	406,476	304,857
348	New Hope Tract	535,000	17.4	(17,400)	517,600	388,200	250,713	188,035
2024	Orwood/Palm Tract	1,374,000	13.9	(13,900)	1,360,100	1,020,075	229,845	172,384
551	Pearson District	615,000	14.1	(14,100)	600,900	450,675	201,201	150,901
2058	Pescadero District	130,000	2.5	(2,500)	127,500	95,625	37,006	27,754
1007	Pico Naglee	70,000	8.3	(8,300)	61,700	46,275	37,168	27,877
1667	Prospect Island	220,000	6.8	(6,800)	213,200	159,900	96,900	72,676
2090	Quimby Island	170,000	7.0	(7,000)	163,000	122,250	99,750	74,813
2037	Rindge Tract	446,500	15.8	(15,800)	430,700	323,025	225,564	169,173
684	Roberts Island, Lower	651,000	16.0	(16,000)	635,000	476,250	257,836	193,377
524	Roberts Island, Middle	250,000	9.7	(9,700)	240,300	180,225	145,132	108,849
544	Roberts Island, Upper	715,000	15.0	(15,000)	700,000	525,000	230,326	172,744
403	Rough & Ready Island	217,500	6.8	(6,800)	210,700	158,025	100,353	75,265
501	Ryer Island	431,000	20.6	(20,600)	410,400	307,800	205,760	154,320
2074	Sargent-Barnhart	6,701,555	3.5	(3,500)	6,698,055	5,023,541	146,567	109,925
341	Sherman Island	760,000	19.5	(19,500)	740,500	555,375	280,638	210,478
2115	Shima tract	243,500	6.6	(6,600)	236,900	177,675	98,608	73,956
1614	Smith Tract	272,500	2.8	(2,800)	269,700	202,275	44,735	33,552
2089	Stark Tract	327,000	3.5	(3,500)	323,500	242,625	51,256	38,442
38	Staten Island	600,000	24.6	(24,600)	575,400	431,550	351,931	263,948
349	Sutter Island	262,000	12.5	(12,500)	249,500	187,125	166,006	124,504
548	Terminus Tract	460,000	16.1	(16,100)	443,900	332,925	243,514	182,636
1601	Twitchell Island	1,613,500	11.9	(11,900)	1,601,600	1,201,200	179,935	134,951
563	Tyler Island	1,830,000	22.9	(22,900)	1,807,100	1,355,325	409,204	306,903
1	Union Island, East	820,000	14.0	(14,000)	806,000	604,500	254,753	191,065
2	Union Island, West	580,000	16.2	(16,200)	563,800	422,850	240,519	180,389
556	Upper Andrus Island	177,000	11.2	(11,200)	165,800	124,350	121,981	91,486
1607	Van Sickie Island	578,000	3.7	(3,700)	574,300	430,725	59,632	44,724
2065	Veale Tract	380,000	5.1	(5,100)	374,900	281,175	72,951	54,713
2023	Venice Island	809,000	12.3	(12,300)	796,700	597,525	189,088	141,816
2040	Victoria Island	576,000	15.1	(15,100)	560,900	420,675	217,938	163,454
554	Walnut Grove	70,000	3.4	(3,400)	66,600	49,950	38,700	29,025
2026	Webb tract	400,000	12.9	(12,900)	387,100	290,325	185,483	139,112
828	Weber Tract	129,500	1.7	(1,700)	127,800	95,850	27,955	20,966
2072	Woodward Island	708,000	8.8	(8,800)	699,200	524,400	146,120	109,590
2119	Wright-Elmwood Tract	368,500	7.1	(7,100)	361,400	271,050	142,615	106,961
2068	Yolano	513,000	8.7	(8,700)	504,300	378,225	124,251	93,188
	Total 72 Districts	54,522,785	796.4	(796,400)	53,726,385	40,294,789	12,000,000	9,000,000

Distribution List

<p>Mr. Page Baldwin, Jr. Reclamation District No. 536 Post Office Box 785 Rio Vista, California 94571</p>	<p>Mr. Cliff Feldheim Reclamation District No. 1667 Post Office Box 2382 Stockton, California 95201</p>	<p>Ms. Lauren J. Keen Reclamation District No. 348 1048 West Robinhood Drive, Unit 7364 Stockton, California 95267</p>
<p>Mr. Anthony Berzinas Bethel Island Municipal Improvement District Post Office Box 244, 3085 Stone Road Bethel Island, California 94511</p>	<p>Mr. David A. Forkel Reclamation District No. 2026 c/o Al Warren Hoslett Law Office 343 East Main Street Suite 815 Stockton, California 95202</p>	<p>Ms. Jean Knight Reclamation District No. 2126 Post Office Box 4776 Stockton, California 95204</p>
<p>Ms. Stacy Boyd Reclamation District No. 501 3554 State Highway 84 Walnut Grove, California 95690</p>	<p>Mr. Jonathan Frame Reclamation District No. 999 38563 Netherlands Road Clarksburg, California 95612</p>	<p>Ms. Jean Knight Reclamation District No. 1608 Post Office Box 4857 Stockton, California 95204</p>
<p>Ms. Linda Carter Reclamation District No. 1601 2360 West Twitchell Island Road Rio Vista, California 94571</p>	<p>Mr. Thomas M. Hardesty Reclamation District Nos. 2068 and 2098 7178 Yolano Road Dixon, California 95620</p>	<p>Mr. Henry N. Kuechler, IV Reclamation District No. 2060 1143 Crane Street, Suite 200 Menlo Park, California 94025</p>
<p>Mr. Jeff Conway Reclamation District No. 800 Post Office Box 262 Byron, California 94514</p>	<p>Mr. George V. Hartmann Reclamation District Nos. 2030 and 2074 3425 Brookside Road, Suite A Stockton, California 95219</p>	<p>Ms. Allison Cherry Lafferty Reclamation District No. 524 7540 Shoreline Drive Stockton, California 95219</p>
<p>Mr. Alan Coon Reclamation District Nos. 2029 and 2044 421 South El Dorado Street, Suite E Stockton, California 95203</p>	<p>Ms. Ginger L. Hirohata Reclamation District No. 2033 165 West Cleveland Street Stockton, California 95204</p>	<p>Mr. Chris Lanzafame Reclamation District No. 1607 Post Office Box 350 Pittsburg, California 94565</p>
<p>Ms. Edda Davis-Jenkerson Reclamation District No. 2110 Post Office Box 408 Walnut Grove, California 95690</p>	<p>Ms. Dina Holder Reclamation District No. 799 Post Office Box 353 Bethel Island, California 94511</p>	<p>Mr. Denis Lewallen Reclamation District No. 563 Post Office Box 470 Walnut Grove, California 95690</p>
<p>Ms. Diane Dias Reclamation District No. 403 Post Office Box 20 Stockton, California 95201</p>	<p>Mr. Al Warren Hoslett Reclamation District Nos. 1, 2, 544, 756, 2025, 2028, 2042, 2089, and 2137 343 East Main Street, Suite 815 Stockton, California 95202</p>	<p>Ms. Judi Booe Collinsville Levee District c/o 2550 Hilborn Road #215 Fairfield, California 94534</p>
<p>Mr. Peter G. Dwyer, Jr. Reclamation District No. 307 Post Office Box 518 Clarksburg, California 95612</p>	<p>Mr. Bruce Pisoni Reclamation District No. 3 Post Office Box 1011 Walnut Grove, California 95690</p>	<p>Ms. Diane Lopez Reclamation District No. 2058 3650 West Canal Boulevard Tracy, California 95304</p>
<p>Mr. John B. Meek Reclamation District No. 2023 1440 Arundel Court Lodi, California 95242</p>	<p>Mr. Bruce Pisoni Reclamation District No. 554 Post Office Box 984 Walnut Grove, California 95690</p>	<p>Mr. Carel (Trooper) Van Loben Sels Reclamation District No. 551 Post Office Box 523 Courtland, California 95615</p>
<p>Mr. Robert Mehlhaff Reclamation District No. 1007 Post Office Box 1129 Tracy, California 95378</p>	<p>Ms. Sherri Schmitt Reclamation District No. 150 37783 County Road 144 Clarksburg, California 95612</p>	<p>Mr. Craig Watanabe Reclamation District No. 2027 Post Office Box 248 Holt, California 95234</p>
<p>Mr. Juan Mercado, Jr. Reclamation District No. 341 Post Office Box 140 Isleton, California 95641</p>	<p>Mr. Dan Schroeder Reclamation District Nos. 773, 828, and 2115 Post Office Box 20 Stockton, California 95201</p>	<p>Ms. Lori Steward Reclamation District No. 556 Post Office Box 984 Walnut Grove, California 95690</p>
<p>Mr. Jake Messerli Reclamation District No. 2090 1346 Blue Oaks Boulevard Roseville, California 95678</p>	<p>Mr. Dante John Nomellini Reclamation District Nos. 684, 2024, 2038, 2039, 2040, 2072, 2117, and 2119 Post Office Box 1461 Stockton, California 95201</p>	<p>Mr. Dawit Zeleke Reclamation District No. 38 Post Office Box 408 Walnut Grove, California 95690</p>
<p>Mr. Dante John Nomellini, Jr. Reclamation District Nos. 404, 548, 2037, 2041, 2065, and 2113 Post Office Box 1461 Stockton, California 95201</p>	<p>Ms. Rhonda Olmo Reclamation District No. 1614 Post Office Box 4807 Stockton, California 95204</p>	<p>Mr. Frederick C. Wheeler Reclamation District No. 349 Post Office Box 368 Courtland, California 95615</p>

Distribution List

<p>Mr. Dennis Nunn Reclamation District No. 830 Post Office Box 1105 Oakley, California 94561</p>	<p>Mr. Bruce Pisoni Brannan Andrus Levee Maintenance District Post Office Box 338 Walnut Grove, California 95690</p>	<p>Mr. Daniel Wilson Reclamation District No. 2111 Post Office Box 248 Walnut Grove, California 95690</p>
<p>Ms. Julie Hansen Reclamation District No. 1002 Post Office Box 527 Walnut Grove, California 95690</p>	<p>Ms. Angelia Tant Reclamation District No. 2059 Post Office Box 1059 Oakley, California 94561</p>	

**Delta Levee Maintenance Subventions Program
WORK AGREEMENT
Fiscal Year 2018-2019**

This Agreement is entered into as of the _____ day of _____, by and between **The Central Valley Flood Protection Board** of the State of California, hereinafter referred to as the "Board" and **Reclamation District No. 828**, a political subdivision of the State of California, hereinafter referred to as "Local Agency."

WHEREAS, Part 9, commencing with Section 12980 of Division 6 of the California Water Code establishes a program for State financial assistance to local agencies responsible for maintenance of nonproject and certain project levees in the Sacramento-San Joaquin Delta; and

WHEREAS, The Central Valley Flood Protection Board approved the Delta Levee Maintenance Subventions Program 2016 Guidelines, dated August 26, 2016; and

WHEREAS, Part 9 requires local agencies to enter into an agreement with the Board to perform maintenance and improvement work as approved by the Board in accordance with administrative provisions and criteria adopted by the Board; and

WHEREAS, the Local Agency has submitted and the Board has approved levee maintenance and improvement plans in accordance with those provisions and criteria; and

WHEREAS, on November 24, 1997, as required by California Water Code Sections 12307 and 78543, the Board, the Department of Water Resources, hereinafter referred to as "DWR" or "Department," the Department of Fish and Game, now known as the California Department of Fish and Wildlife (CDFW), and The Resources Agency executed Amendment No. 1 to the Memorandum of Understanding, requiring projects or plans to be consistent with a net long-term habitat improvement program in the delta; and

WHEREAS, in November, 1999, CDFW issued the "Fish and Wildlife Enhancement Guidance Document" to ensure net long-term habitat improvement; and

WHEREAS California Water Code Section 12987 provides that CDFW ensures expenditures must be consistent with a net long-term habitat improvement program and have a net benefit for aquatic species in the Delta; and

WHEREAS, the Local Agency, DWR, and CDFW agree that the Local Agency has completed or is in the process of completing all of the requirements of California Water Code Sections 12987 and 79050 in its previous agreements with the Board.

NOW, THEREFORE, IT IS HEREBY AGREED THAT:

1. This Agreement covers the performance, inspection, reimbursement, and cost sharing of maintenance and improvement work performed on nonproject and eligible project levees by the Local Agency from July 1, 2018 to June 30, 2019.
2. The Local Agency shall accomplish the annual routine maintenance and rehabilitation work specified in the application prior to June 30, 2019. Local Agency shall be responsible for providing a registered engineer for appropriate direction and supervision of work described in the Local Agency's application to ensure that the work complies with accepted engineering and construction practices. Increased oversight by the Local Agency's engineer is expected with regard to any levee rehabilitation work.
3. No employee, officer, employer, or agent of the Local Agency shall participate in the selection, award, or administration of a contract for which reimbursement will be sought if a conflict of interest, real or apparent, would be involved. The Local Agency shall comply with all applicable laws on conflict of interest including, but not limited to, Public Contract Code (PCC) sections 10335.5 et seq., PCC sections 10365.5 et seq., PCC sections 10410 et seq., and Government Code sections 1090 et seq. and 81000 et seq.
4. The Local Agency shall be responsible for environmental compliance that may be necessary for the maintenance and improvement work covered by this Agreement including, but not limited to, compliance with the California Environmental Quality Act, the California Endangered Species Act, and obtaining a Streambed Alteration Agreement (Fish and Game Code Section 1600 et seq.) The Local Agency agrees to comply with all applicable State, federal, and local laws including, but not limited to, any environmental protection and habitat improvement required pursuant to California Water Code Section 12987. Prior to any payments to the Local Agency, pursuant to this Agreement, the Local Agency shall submit to DWR and CDFW, an acceptable habitat improvement program component which includes any mitigation and enhancement required by CDFW, which is consistent with a net long-term habitat improvement program. If a net long-term habitat improvement component is not agreed upon by the parties hereto and CDFW, then all payments made pursuant to this Agreement shall be subject to reimbursement by the Local Agency.
5. Work that is subject to the California Environmental Quality Act (CEQA) shall not proceed under this Agreement until documents that satisfy the CEQA process are received by DWR and DWR has completed its CEQA compliance review. Work that is subject to a CEQA document shall not proceed until and unless concurred with by DWR. Such concurrence is fully discretionary and shall constitute a condition precedent to any such work for which it is required. Once CEQA documentation has been completed, DWR will consider the environmental documents and decide whether to continue to fund the project or to require changes, alterations or other mitigation.

6. When reference is made herein to criteria or administrative procedures adopted by the Board, it is intended to include all addenda and supplements to said criteria or procedures.

7. Upon completion of the work agreed to be funded, the Local Agency shall submit a final claims completion report and notify DWR and CDFW for a joint inspection of the work. The Local Agency shall cooperate in the conduct of all inspections, including inspections by DWR, pursuant to California Water Code Section 12989, to monitor and ascertain compliance with and progress toward meeting the standards in the State's Flood Hazard Mitigation Plan for the Sacramento-San Joaquin Delta (DWR Office of Emergency Services, dated September 15, 1983), as updated or amended. To be eligible for reimbursement, the work shall be completed in the fiscal year for which application was made and approved.

8. In accordance with California Water Code § 9140, if Local Agency is responsible for the operation and maintenance of a project levee, or if Local Agency operates and maintains a nonproject levee that also benefits land within the boundaries of the area benefited by the project levee, Local Agency shall prepare and submit to DWR, on or before September 30th of each year, a report of information for inclusion in periodic flood management reports prepared by DWR relating to the project levee. The information shall include all of the following:

- a. Information known to the Local Agency that is relevant to the condition of the project levee.
- b. Information identifying known conditions that might impair or compromise the level of flood protection provided by the project levee.
- c. A summary of the maintenance performed by the Local Agency during the previous fiscal year.
- d. A statement of work and estimated cost for operation and maintenance of the project levee for the current fiscal year, as approved by the Local Agency.
- e. Any other readily available information contained in the records of the Local Agency relevant to the condition or performance of the project levee, as determined by the Board or DWR.

9. In accordance with California Water Code § 9650, if Local Agency receives funding from the State to upgrade a project levee that protects an area in which more than 1,000 people reside, the Local Agency responsible for the project levee and any city or county, including charter cities or counties, protected by the project levee shall enter into an agreement to adopt a safety plan within two years. The safety plan shall be integrated into any other Local Agency emergency plan and shall be coordinated with the state emergency plan. The local entity responsible for the operation and maintenance of the project levee shall submit a copy of the safety plan to DWR and the Central Valley Flood Protection Board. No advances or reimbursements shall be made by the State for a levee covered by this paragraph until it receives the Agreement from all necessary entities. The safety plan shall include all of the following elements:

- a. A flood preparedness plan that includes storage of materials that can be used to reinforce or protect a levee when a risk of failure exists.
- b. A levee patrol plan for high water situations.
- c. A flood-fight plan for the period before the state or federal agencies assume control over the flood fight.
- d. An evacuation plan that includes a system for adequately warning the general public in the event of a levee failure, and a plan for the evacuation of every affected school, residential care facility for the elderly, and long-term health care facility.
- e. A floodwater removal plan.
- f. A requirement, to the extent reasonable, that either of the following applies to a new building in which the inhabitants are expected to be the essential service providers:
 - 1.) The building is located outside an area that may be flooded.
 - 2.) The building is designed to be operable shortly after the floodwater is removed.

10. The Local Agency, its Engineer, contractors, subcontractors, and their respective agents and employees required for performing any work shall act in an independent capacity and not as officers, employees, or agents of the State. The Local Agency is solely responsible for planning, design, construction, maintenance, and operation of its levees. Any inspection, review or approval by the State is solely for the purpose of proper administration of State funding and shall not be deemed to relieve or restrict the Local Agency's responsibility for the safety and integrity of its levees. The Local Agency shall cooperate in the conduct of any State review or inspection.

11. The Local Agency shall be responsible for compliance with competitive bidding, prevailing wage provisions, contract administration laws, and all applicable labor laws including, but not limited to, Public Contract Code Section 20920, et seq., California Water Code Section 50907; and Labor Code Section 1720 et seq. and 1770 et seq. Prior to awarding a contract for a public works project funded in whole or in part under Proposition 50, Proposition 84, or any other source of funding so requiring, the Local Agency shall adopt and enforce a labor compliance program pursuant to Labor Code Section 1771.5. The Local Agency must comply with California Labor Code Section 1773.3 (Duty to notify the California Department of Industrial Relations (DIR) when awarding a contract for a public works project. Construction work performed by Local Agency forces may be exempt from competitive bidding and shall be reimbursed pursuant to the equipment rates established by Caltrans (annual labor surcharge and equipment rental rates) and the Delta Levees Subventions Program. These equipment rental rates are available on the internet at <http://www.dot.ca.gov/hq/construc/>.

12. The Local Agency shall maintain records and books relating to the costs and quantities of labor and materials used, purchased, or contracted for in the performance of its levee maintenance and improvement work. The Local Agency shall maintain all receipts, accountings, books, invoices and records, pertaining to its levee work for a period of 10 years after the work has been performed or the expenses incurred. The

Board and DWR shall have full and free access at all reasonable times to these books and records with the right at any time during office hours to make copies thereof. The Board, DWR, and the California State Controller's Office shall have the right to conduct audits, from time to time, of the Local Agency's expenditures for levee maintenance and improvement, the purpose of such audits being to assure that subvention funds are being properly used, that payments are not being made under other assistance programs for the same work, and that the Local Agency is seeking the most reasonable terms in its use of State funds. The Local Agency shall cooperate fully in any such audit.

13. The Local Agency shall be eligible for reimbursement for work satisfactorily completed in accordance with the following:

- a. Rural Levees – an area that is not urban.
 - 1.) No costs shall be reimbursed until the local agency has spent an average of \$1,000 per levee mile for all of its rural nonproject and eligible project levees;
 - 2.) The local agency shall be reimbursed up to 75 percent of eligible costs incurred in excess of \$1,000 per levee mile for all of its nonproject and eligible project levees.
- b. Urban Levees – an area in which 10 percent or more of the land area within the project area is used for residential use.
 - 1.) No costs shall be reimbursed until the local agency has spent an average of \$2,500 per levee mile for all of its nonproject and eligible project levees;
 - 2.) The local agency shall be reimbursed up to 75 percent of eligible costs incurred in excess of \$2,500 per levee mile for all of its nonproject and eligible project levees.
- c. If, in any year, the total eligible costs incurred exceed the State funds available, the Board shall apportion the funds among those levees or levee segments identified by DWR as being most critical and beneficial, considering the needs of flood control, water quality, recreation, navigation, habitat improvements, and fish and wildlife.
- d. The Local Agency acknowledges that pursuant to California Water Code Section 12986, DWR shall require the Local Agency to provide information to DWR that may include, but not be limited to, a detailed engineer's report prepared pursuant to subdivision (b) of Section 4 of Article XIID of the California Constitution, audited financial statement, or an assessment commissioner's report.
- e. The Local Agency acknowledges that the information or study shall be the basis for DWR's determination of the maximum allowable reimbursement. The Local Agency agrees to return to DWR any reimbursements paid to

the Local Agency that are in excess of the maximum allowable reimbursement, based on an updated study of the agency's ability to pay.

f. Local Agency shall apply for federal disaster assistance whenever eligible.

14. State expenditures under this Agreement shall not exceed **\$95,850** subject to the availability of funds. The Local Agency estimated reimbursement approved by the Board on May 18, 2018 is **\$27,955**. The maximum approved advance amount, limited to 75% of the approved estimated reimbursement is **\$20,966**. The Board may increase the estimated reimbursement and advance amounts if information that warrants an increase becomes available.

15. Advanced payments or progress payments may only be made to Local Agency after DWR and CDFW determine the following approval requirements have been met by the Local Agency:

- An AB 360 program *Advance Payment Information Form* is approved in writing by CDFW and DWR.
- A joint CDFW and DWR inspection is completed, as needed, and CDFW has evaluated the extent of the potential impacts associated with the funded project activity.
- Documentation is submitted to DWR confirming that eligible deductible expenditures exceed the \$1,000 per levee mile criteria.
- A schedule and appropriate bidding and contract documentation are submitted to DWR for projects requesting advanced funding.

16. To comply with the net long-term habitat improvement program and to have a net benefit to aquatic species as required by California Water Code Sections 12987 and 79050, in the event levee maintenance or improvement activities result in the loss of fish or wildlife habitat, the District agrees to fully mitigate this loss at a time, site and manner subject to CDFW approval.

17. Each Local Agency must comply with the requirements of the Delta Stewardship Council (DSC) regarding Covered Actions. If the Local Agency determines any activities are a Covered Action under Water Code Section 85057.5, the activities are required to be consistent with the regulatory policies of the Delta Plan. The Local Agency must certify consistency with the Delta Plan by submitting a Certification of Consistency to the DSC prior to performing covered activities. Information regarding Covered Actions and Certification of Consistency may be found on the DSC's website at the following locations:

1. Covered Actions: [http://deltacouncil.ca.gov/covered actions](http://deltacouncil.ca.gov/covered%20actions)
2. Certification of Consistency:

http://coveredactions.deltacouncil.ca.gov/certification_process.aspx

18. If DWR finds that work under this Agreement has not been satisfactorily performed, or where advances exceed actual reimbursable costs, the Local Agency shall promptly remit to DWR all amounts advanced in excess of reimbursable costs (California Water Code Section 12987). In the event that Local Agency has an outstanding obligation with DWR pursuant to this paragraph, DWR may seek such reimbursement from the Local Agency by any appropriate means including but not limited to, collecting any amount owing to the Local Agency from DWR or the Board under the Delta Flood Protection Program.
19. The Local Agency shall indemnify and hold and save the State of California, the Board, DWR, and all other agencies or departments of the State and their employees, free from any and all liability for any claims and damages (including inverse condemnation) that may arise out of this Agreement, including but not limited to, those arising from the planning, design, construction, maintenance and operation of levee rehabilitation measures for this Project and any breach of the terms of this Agreement. Local Agency shall require its contractors to name the State, its officers, agents and employees as additional insured's on their liability insurance for activities undertaken pursuant to this Agreement. Local Agency shall also require its contractors to have applicable performance and payment bonding in place before commencing work. The Local Agency's indemnity and related obligations under this Agreement also extend to any similar Department indemnity and related obligations with the U.S. Army Corps of Engineers for emergency assistance, response and rehabilitation of Local Agency's facilities and the Local Agency hereby expressly assumes those obligations.
20. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach, and no excuse of any condition or covenant shall be held to be an excuse of any other condition or covenant, or the same condition or covenant at a subsequent time.
21. This Agreement may be amended in writing by the mutual consent of the parties hereto.
22. The AB 360 Program Funding Claim Information Form with information detailing areas of work on the levees shall be submitted prior to any consideration for reimbursement.
23. All final claims associated with this Agreement shall be submitted by November 1, 2019. DWR requires that all habitat and mitigation requirements under this Agreement shall be completed to the satisfaction of CDFW no later than three years from the date of this Agreement absent a waiver of this requirement by DWR in writing. In the absence of this waiver, failure to complete habitat and mitigation requirements within the three year period will result in forfeiture of reimbursement under this Agreement and future agreements within the Delta Levees Program, until mitigation and

habitat requirements are complete. It is the responsibility of the Local Agency to request this waiver of DWR.

**THE CENTRAL VALLEY
FLOOD PROTECTION BOARD
State of California**

By: _____
Executive Officer

Date: _____

**THE DEPARTMENT OF
WATER RESOURCES
State of California**

By: _____

Date: _____

**APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:**

By: _____
Assistant Chief Counsel

Date: _____

RECLAMATION DISTRICT NO. 828

By: _____

Print Name: _____

Print Title: _____

Date: _____

By: _____

Print Name: _____

Print Title: _____

Date: _____

ITEM 10

RD 828: MASTER CALENDAR

JANUARY

- Board Meeting – 3rd Thursday at 8:30 a.m.
- Adopt Subventions Agreement Resolution
- Election of Officers (After an election)
- Obtain Insurance Proposal. Insurance year is April to March

FEBRUARY

- Send out Form 700s, remind Trustees of April 1 filing date
- Update Document Retention Policy

MARCH

APRIL

- April 1: Form 700s due
- Board Meeting – 3rd Thursday at 8:30 a.m.
- Renew District Insurance

MAY

JUNE

JULY

- Board Meeting – 3rd Thursday at 8:30 a.m.
- Approve Audit Contract for expiring fiscal year
- Adopted Annual Budget
- Adopt Resolution for setting Assessments and submit to County Assessor's Office
- Adopt Notice of Exemptions Resolution

AUGUST

- August 1: Deadline to certify assessments for tax-roll and deliver to County (duration of current assessment: Indefinite).
- August 1: Insurance renewal
- Send handbills for collection of assessments for public entity-owned properties
- In election years, opening of period for secretary to receive petitions for nomination of Trustees (75 days from date of election.) (*Cal. Wat. Code §50731.5*)

SEPTEMBER

- In election years, last legal deadline to post notice that petitions for nomination of Trustees may be received (7 days prior to close of closure.) (*Cal. Wat. Code §50731.5*).

- In election years, closing of acceptance of petitions for nomination of Trustees (54 days from date of election.) (*Cal. Wat. Code §50731.5*).

OCTOBER

- Publish Notice of Election, odd numbered years (once per week, 4 times, commencing at least 1 month prior to election).
- Board Meeting – 3rd Thursday at 8:30 a.m.

NOVEMBER

- Election.

DECEMBER

- New Trustee(s) take office, outgoing Trustee(s) term(s) end on first Friday of each odd-numbered year.

Term of Current Board Members:

Name	Term Commenced	Term Ends
Bill Mendelson	First Friday 12/2017	First Friday of 12/2021
Debbie Provost	First Friday 12/2015	First Friday of 12/2019
Paul Marsh	Appointed 8/13/2017	First Friday of 12/2019

No Expiration on Assessment

Refund of Smith Canal Closure Election Contribution – when there is adequate surplus funding available, the disbursement of which will not generate Project delays.