

**RECLAMATION DISTRICT NO. 828
AGENDA FOR
BOARD OF TRUSTEES
8:30 A.M. JULY 15, 2021**

**3121 WEST MARCH LANE, SUITE 100
STOCKTON, CALIFORNIA**

AGENDA

1. Call to Order/Roll Call.
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 District's April 15, 2021, and June 17, 2021, meetings.
4. Financial Report.
5. Engineers' Report; possible action and request for direction.
6. Assessment. Adopt Resolution 2021-01 Certifying Assessments to be Collected and Establishing a Procedure for Collection.
7. CEQA Exemption. Adopt Resolution 2021-02 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance for Fiscal Year 2021-2022.
8. Subventions Agreement. Adopt Resolution 2021-03 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2021-2022
9. Correspondence and meeting attendance reports.
10. District Calendar
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 & Beardslee, 3121 West March Lane, Suite 100, Stockton, California during normal business hours.

AGENDA PACKET
RECLAMATION DISTRICT 828
July 15, 2021

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

ITEM 3

**Minutes of Meeting of
Reclamation District 828
Held on April 15, 2021**

The meeting of the Board of Trustees of Reclamation District 828 was held via teleconference and called to order at 8:30 a.m. on April 15, 2021.

Item No. 1: Call to Order. The meeting was called to order at 8:30 a.m. Present via teleconference were President Bill Mendelson, Trustee Deby Provost, and Trustee Paul Marsh. Also present was Andy Pinasco, filling in for Daniel J. Schroeder, District Secretary, Chris Neudeck, District Engineer, and members of the public, Ms. Tracy Glaves, Mr. Chris Elias, SJAFCA, and Dominick Gulli.

Item No. 2: Public Comment. Ms. Glaves commented on trees and limbs in the Smith Canal west of the pedestrian bridge, indicating that deferred tree maintenance is a concern. Mr. Gulli commented on SJAFCA's Smith Canal Gate Project and the closure of the Louis Park boat ramp. Mr. Elias reported that SJAFCA's Smith Canal Project will begin the planned construction on the Louis Park side of the channel in May 2021 and that SJAFCA would be notifying residents regarding the Louis Park boat ramp closure and provide parking guidance for the construction period.

Item No. 3: Approval of Minutes. Mr. Pinasco reviewed the draft minutes of the January 21, 2021, meeting with the Trustees. The minutes of the January 21, 2021, meeting were approved unanimously by the Trustees present on a motion by Trustee Provost, seconded by President Mendelson.

Item No. 4: Financial Report. Mr. Pinasco reviewed the written financial report provided to the Trustees at the meeting. The financial report was accepted unanimously by the Trustees present on a motion by Trustee Marsh, seconded by President Mendelson.

(a) Adopt 2021-2022 Budget. Mr. Pinasco provided an oral report of the procedure staff used to create the proposed draft 2021-2022 budget. Mr. Pinasco then answered the Trustees questions regarding the amount of levee maintenance work and terms of the Delta Grant. The 2021-2022 budget was approved unanimously by the Trustees present on a motion by Trustee Marsh, seconded by Trustee Provost.

Item No. 5: Engineers' Report; request for direction. Mr. Neudeck provided a written and oral report to the Trustees. He reported on the levee subventions program and conditions of the District's levee. Mr. Neudeck then reported on the District's plans to complete the levee repairs at the Buena Vista pumping station within the current fiscal year. Mr. Neudeck indicated that the District's temporary employee program has not been established due to ongoing delays due to IRS. Mr. Pinasco responded that the holdup is due to delays from the IRS in assigning the District an Employer Identification Number, which is required to open bank accounts and employ personnel. Staff will follow up with the IRS on the status of the District's request.

Mr. Neudeck then reported on CalTrans efforts to commence levee repairs west of Interstate 5. The Trustees took no action on this item and asked that Mr. Neudeck continue to monitor CalTrans' efforts.

Item No. 6: Correspondence and meeting attendance reports. Staff provided no report on any correspondence. Trustee Provost provided a report on the April 14, 2021 Delta Conveyance Report meeting she attended on the District's behalf.

Item No. 7: Calendar. Mr. Pinasco reviewed the upcoming calendar events with the Trustees.

Item No. 8: Approval of Bills. Mr. Pinasco 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 on a motion by President Mendelson, seconded by Trustee Provost.

Item No. 9: Adjournment. The meeting was unanimously adjourned at 9:30 a.m.

Respectfully submitted,

Daniel J. Schroeder, District Secretary

**Minutes of Meeting of
Reclamation District 828
Held on June 17, 2021**

The meeting of the Board of Trustees of Reclamation District 828 was held at 8:30 a.m. on June 21, 2021 via teleconference.

Item No. 1: Call to Order. The meeting was called to order at 8:30 a.m. Present were President Bill Mendelson, and Trustee Paul Marsh. Trustee Provost was absent. Also present was Assistant Counsel, Andy Pinasco.

Item No. 2: Approve and Authorize District Official to Execute City of Stockton Temporary Right of Entry for Buena Vista Levee Slope Project. Mr. Pinasco provided an oral report explaining the City's request for the District to execute the Temporary Right of Entry ("TROE"). Mr. Pinasco then discussed the terms of the TROE with the Trustees and answered questions regarding the TROE's term and District obligations. The Trustees present unanimously approved the terms of the TROE and authorized Trustee President Mendelson to execute the TROE on the District's behalf on a motion by President Mendelson, Seconded by Trustee Marsh.

Item No. 3: Adjournment. The meeting was unanimously adjourned unanimous vote of the Trustees present on a motion by President Mendelson, seconded by Trustee Marsh at 8:33 a.m.

Respectfully submitted,

Daniel J. Schroeder, District Secretary

ITEM 5

**RECLAMATION DISTRICT NO. 828
WEBER TRACT
BOARD OF TRUSTEES MEETING
THURSDAY, JULY 15, 2021
8:30 AM
ENGINEER'S REPORT**

I. AB 360 LEVEE SUBVENTIONS PROGRAM

- a. Review status of repairing the levee waterside slope at the Buena Vista Pump station with District forces at a not to exceed amount of \$45,000.

Dino & Son started the levee slope improvements on July 2. The project is going slowly as delivery of levee seal and riprap has been very slow. Plus, there is no room on the levee for more than a load of material. To date, the following has been completed at the project:

- Clearing of tree stumps and a large section of a fallen palm tree.
- Removal of debris and garbage from the levee slope and crown areas,
- Trimming of trees to allow access with construction equipment.
- Removal of the dilapidated fencing on the levee slope.
- Prep of the water side levee slope and the placement of levee seal on the upper slope areas.
- Placement of one load of 18-inch minus riprap – the slope will require approximately 100 tons of riprap when it is completed.

After the riprap placement is completed, the new fencing down the water side levee slope will need to be installed. Estimated project completion by the end week – July 16.

EXHIBIT A: Photos of construction activity from KSN Inc.'s Daily Field Reports (DFR's)

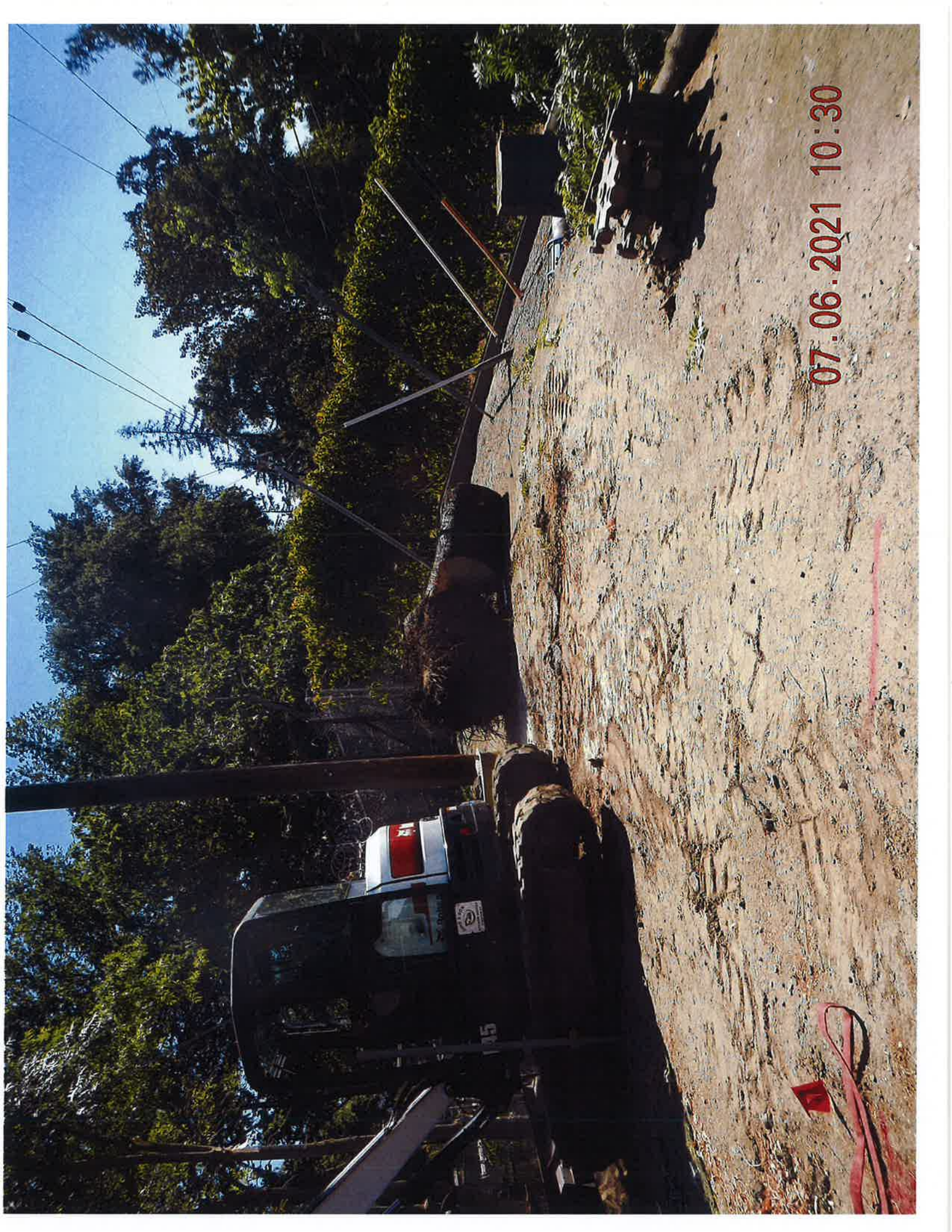
- b. The remaining \$15,000 left in the District's levee budget will be used for vegetation management.



07.06.2021 10:31



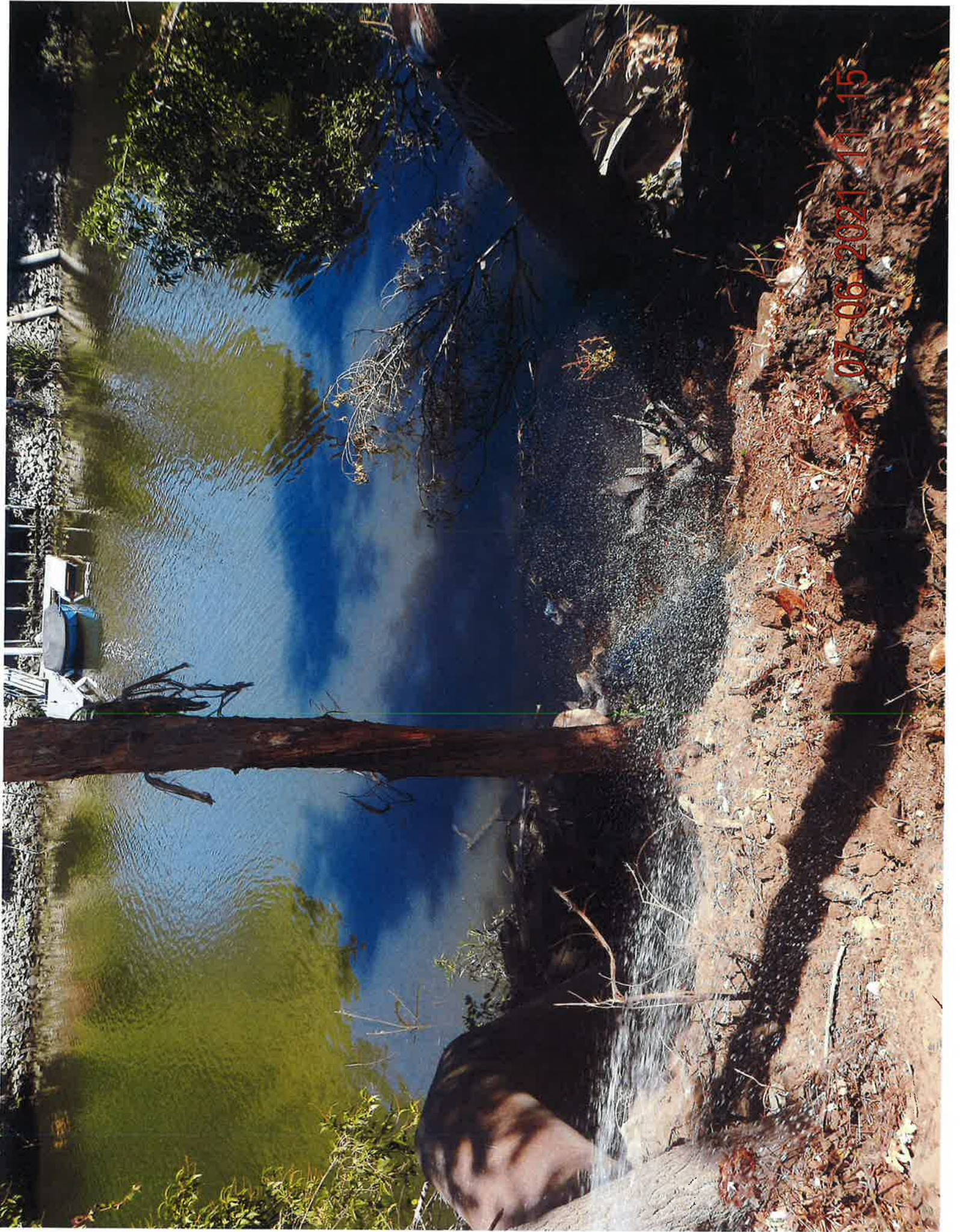
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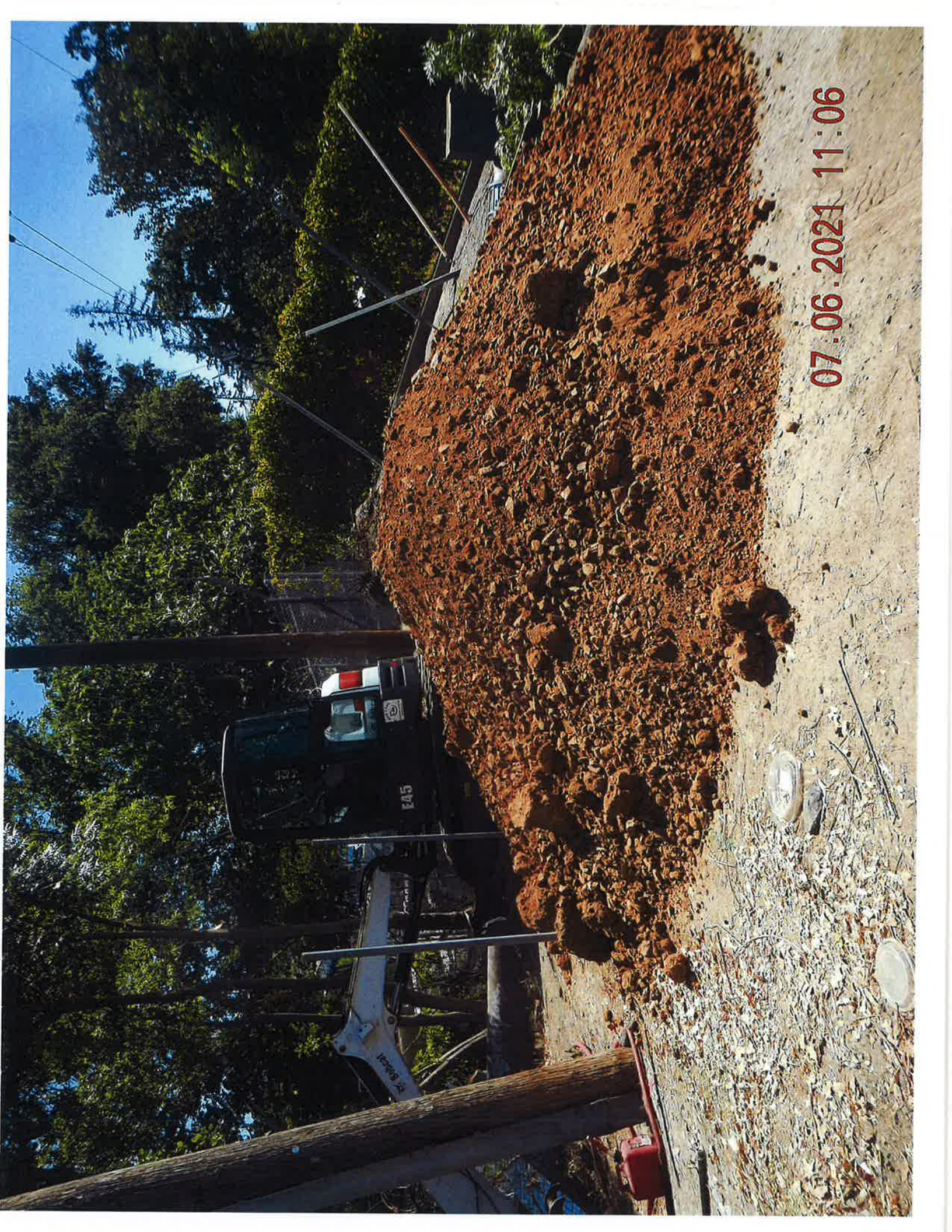
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07.06.2021 11:09



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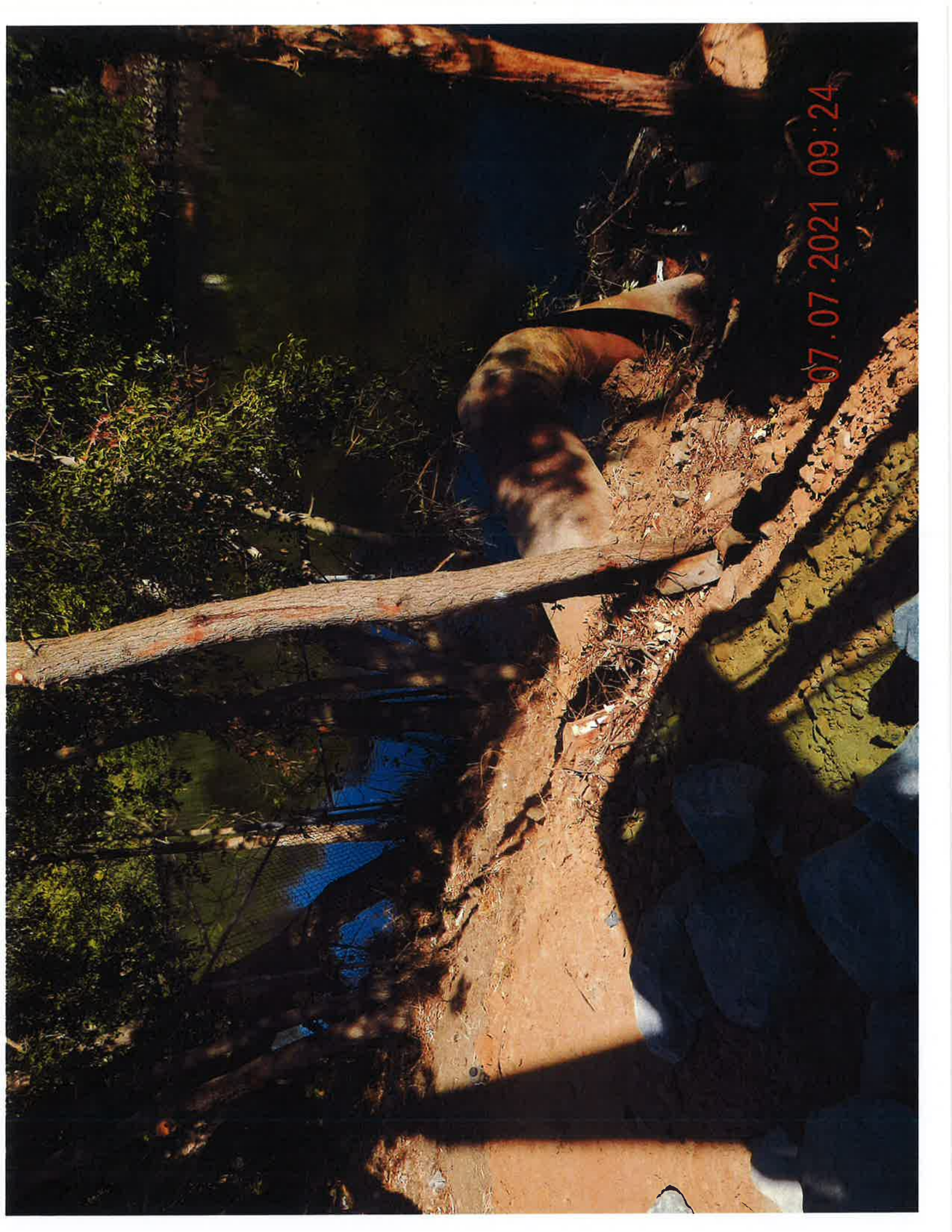


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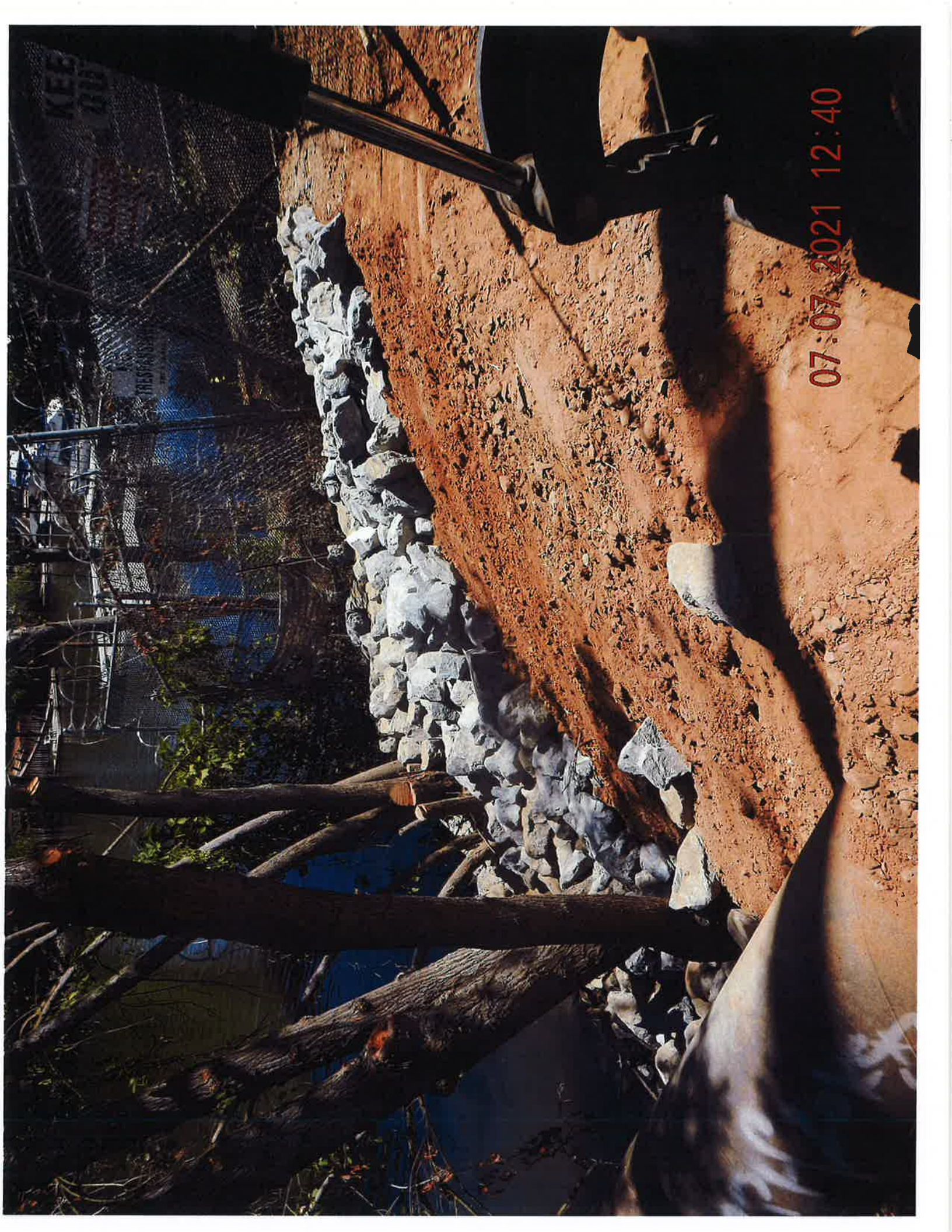
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07.07.2021 09:24





07:07:2021 14:10



07:07 2021 12:40

ITEM 6

**RECLAMATION DISTRICT NO. 828
RESOLUTION 2021-01**

**RESOLUTION CERTIFYING ASSESSMENTS TO BE COLLECTED
AND ESTABLISHING A PROCEDURE FOR COLLECTION**

WHEREAS, Reclamation District No. 828 provides a benefit and service to the land located within the District by the repair, upgrading, maintenance and operation of the reclamation works of the District in that such works serve to prevent the flooding of the land within the District; and

WHEREAS, the revenues received by the District from the County of San Joaquin in accordance with the statutes enacted under Article XIII A of the California Constitution are insufficient to provide the benefits and services which the District is obligated by the California Water Code to provide, and specifically are insufficient to insure proper maintenance of the reclamation works and to provide for emergencies; and

WHEREAS, the District is empowered by sections 51200 et seq. and section 50904 of the California Water Code to fix and collect assessments for the provision of such benefits and services to supplement the revenues received from the County of San Joaquin, and to provide for the collection of such assessments by the San Joaquin County Auditor, and to provide for penalties and procedures in the event of delinquency of payment of such assessments; and

WHEREAS, this Resolution is in compliance with the California Water Code; and

WHEREAS, the District has complied with the procedures of California Constitution Articles XIIC and XIID; and

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, by the Board of Trustees of Reclamation District 828 that:

1. The foregoing recitals are true and correct and this Board so finds and declares.
2. It is the determination of the Board that the benefits and services provided by the District apply to each lot within the District except as specific adjustments have been approved by this Board after hearing.
3. The assessments for the fiscal year 2021-2022 are established in the amount of \$0.054 for each \$100.00 of assessed valuation on the Operation and Maintenance Assessment Roll for this District as adopted by the Board of Supervisors of San Joaquin County on July 30, 1991.
3. The San Joaquin County Auditor is requested to collect such assessments, as set forth on Exhibit "A" attached hereto.

4. Such assessments shall appear as a separate item on the San Joaquin County Property Tax Bill for fiscal year 2021-2022 and shall be collected at the same time and in the same manner as the San Joaquin County Ad Valorem Property Taxes, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided by law for such County taxes.

5. In the case of all parcels within the District which are owned in common by more than one owner, and which do not have a separate legal entity holding the title thereto, the assessments otherwise applicable thereto shall be paid equally by the common owners.

6. In the case of all Planned Unit Residential Development areas (exclusive of independent recreation facilities, independent common green parcels, and entrance features which shall be billed to the applicable owner's association), assessments established by this Resolution shall be apportioned equally to each residential unit in such areas.

7. The revenue so collected which is necessary for the provisions of said benefits and services, is supplemental to the revenues received by the District from the County of San Joaquin in accordance with the statutes enacted under Article XIII A of the California Constitution and is not in lieu thereof.

8. The President and Secretary of the District are hereby authorized and directed to execute such documents as are necessary to carry out this Resolution.

9. The Engineer and Attorney for the District are hereby authorized and directed to assist the Auditor of San Joaquin County in preparing the rolls to comply with this Resolution, and to bill separately those parcels assessed which do not appear on the rolls.

10. The Secretary of the District is hereby authorized and directed to certify a copy of this Resolution to the Auditor of San Joaquin County.

PASSED AND ADOPTED by the Board of Trustees of Reclamation District No. 828 at a meeting thereof held on this 15th day of July 2021, by the following vote, TO WIT:

AYES:

NOES:

ABSTENTION:

ABSENT:

RECLAMATION DISTRICT NO. 828
A Political Subdivision of the
State of California

By: _____
BILL MENDELSON, President,
Board of Trustees

ATTEST:

DANIEL J. SCHROEDER, Secretary

CERTIFICATION

I, DANIEL J. SCHROEDER, Secretary of Reclamation District No. 828, do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District No. 828 duly passed and adopted at a regular meeting of the Board of Trustees thereof held on the 15th day of July, 2021.

Dated: _____, 2021.

DANIEL J. SCHROEDER, SECRETARY
Reclamation District No. 828

ITEM 7

RECLAMATION DISTRICT 828

RESOLUTION 2021-02

RESOLUTION AUTHORIZING AND DIRECTING FILING OF NOTICE OF EXEMPTION FOR ROUTINE MAINTENANCE, FOR FISCAL YEAR 2021-2022

WHEREAS, the Board of Trustees (“Board”) of Reclamation District 828 (“District”), in conjunction with, but not limited to, that certain Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2021-2022 (“Agreement”), between the District and the Central Valley Flood Protection Board of the State of California (“Protection Board”) has determined that the work described therein consists of routine maintenance to existing levee improvements;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. All repair of wave wash and erosion protection, all levee crown restoration which is not in excess of the 100 year flood elevation plus (2) two feet and all levee section restoration including adding material to back slopes, construction of toe berms and construction of seepage berms, drains and other measures to control seepage exit gradients to less than 0.5 and including the work described in the Fiscal Years 2021-2022 Delta Levee Subventions Program Applications consists of routine maintenance to existing levee improvements and falls within the categorical exemptions to the California Environmental Quality Act pursuant to Section 15301 (Class I) of the Guidelines for the California Environmental Quality Act, California Administrative Code of Regulations, Title 14, Chapter 3, Article 19.
2. The District finds the proposed work will not have a material adverse effect upon the environment.
3. That said work does not constitute an exception to the exemptions of the California Environmental Quality Act.
4. That the District Engineer is hereby directed to prepare and file with the County Clerk of San Joaquin County for posting, a “Notice of Exemption” pursuant to California Administrative Code, Title 14, Chapter 3, Section 15062.

PASSED AND ADOPTED by the Board of Trustees of Reclamation District 828, at a meeting thereof, held on July 15, 2021, 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 15th day of July, 2021.

Dated: _____, 2021

SECRETARY, Reclamation District 828

ITEM 8

**RECLAMATION DISTRICT 828
RESOLUTION 2021-03**

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF
DELTA LEVEE MAINTENANCE SUBVENTIONS PROGRAM WORK AGREEMENT
FISCAL YEAR 2021-2022**

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 2021-2022 ("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 July 15, 2021, 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 15th day of July, 2021.

Dated: _____, 2021

SECRETARY, Reclamation District 828

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 to be Approved. 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 12/2019	First Friday of 12/2023
Paul Marsh	First Friday 12/2019	First Friday of 12/2023

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.

ITEM 11

RD 828 BILLS TO BE PAID
July 15, 2021

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	WARRANT #
State Compensation Insurance Fund	6/10/2021	Premium	\$463.50			
		Surcharge	\$73.41			
				\$536.91	X	1396
Dohrmann Insurance Agency (Package Renewal)	5/4/2021	22019	\$4,305.00			
(Umbrella Renewal)	5/4/2021	22020	\$655.00	\$4,960.00	X	1397
Kjedlsen, Sinnock & Neudeck, Inc.	5/14/2021	30287	\$675.00			
	5/14/2021	30288	\$382.50			
	5/14/2021	30289	\$230.00			
	6/11/2021	30507	\$541.25			
	6/11/2021	30508	\$1,228.00			
				\$3,056.75		1398
Neumiller & Beardslee	5/18/2021	317125	\$2,394.31			
	6/10/2021	317757	\$1,066.00			
				\$3,460.31		1399
BPM	4/30/2021	36260472	\$230.10			
				\$230.10		1400
Trustee Stipend - 07/15/2021 Regular Board Meeting	Deby Provost		\$50.00	\$50.00		1401
Trustee Stipend - 07/15/2021 Regular Board Meeting	Bill Mendelson		\$50.00	\$50.00		1402
Trustee Stipend - 07/15/2021 Regular Board Meeting	Paul Marsh		\$50.00	\$50.00		1403

TOTAL: \$12,394.07

NOTES:

Fund Balance as of June 30, 2021	\$542,570.88
Less Submitted Bills for Payment:	\$12,394.07
Total:	\$530,176.81

RD 828 BILLS TO BE PAID
April 15, 2021

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	WARRANT #
California Association of Mutual Water Companies	1/25/2021	1479	\$100.00			
				\$100.00		1388
Schwartz Gianni & Adamson	1/31/2021	56837	\$3,300.00			
				\$3,300.00		1389
Kjedlsen, Sinnock & Neudeck, Inc.	2/8/2021	29594	\$277.50			
	2/8/2021	29595	\$483.75			
	2/8/2021	29596	\$48.75			
	2/8/2021	29597	\$202.50			
	3/5/2021	29818	\$45.00			
	3/5/2021	29819	\$821.25			
	3/5/2021	29820	\$536.25			
	3/5/2021	29821	\$1,748.75			
	4/14/2021	30064	\$273.75			
	4/14/2021	30065	\$592.50			
	4/14/2021	30066	\$22.50			
				\$5,052.50		1390
Neumiller & Beardslee	2/17/2021	315062	\$1,082.20			
	3/16/2021	315737	\$256.64			
	4/14/2021	316335	\$1,176.41			
				\$2,515.25		1391
Trustee Stipend - 04/15/2021 Regular Board Meeting	Deby Provost		\$50.00			
D Provost Attendance at 4/14/21 DWR Delta Conv. Proj.	Beby Provost		\$50.00	\$100.00		1392
Trustee Stipend - 04/15/2021 Regular Board Meeting	Bill Mendelson		\$50.00	\$50.00		1393
Trustee Stipend - 04/15/2021 Regular Board Meeting	Paul Marsh		\$50.00	\$50.00		1394

TOTAL: \$11,167.75

NOTES:

Fund Balance as of February 28, 2021	\$523,816.71
Less Submitted Bills for Payment:	\$11,167.75
Less Ratified Payments	-\$30,000.00
Total:	\$542,648.96