

**RECLAMATION DISTRICT NO. 828
AGENDA FOR SPECIAL MEETING OF
BOARD OF TRUSTEES
8:30 A.M. OCTOBER 20, 2022**

**Teleconference Location
2409 West Harding Way
Stockton, CA 95203**

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 July 21, 2022, meeting.
4. Trustee Vacancy. Discussion and Possible Action to Consider Method of Filling Vacancy.
5. Financial Report.
 - a. Review and accept 2020-2021 Audit and authorize Secretary to sign representation letter and take all other necessary action regarding the audit.
6. Engineers' Report; discussion, possible action, and request for direction.
 - a. Subvention's Fund Claim.
7. Discussion and Possible Action to approve award of contract for tree removal.
8. Correspondence and meeting attendance reports.
 - a. 2022 Preseason Flood Coordination Meeting – October 25
9. District Staff Reports.
 - a. Delta Levee Investment Priorities. Discussion and direction regarding public comment on proposed rulemaking changed to Sections 5001 and 5012 of Title 23 of the California Code of Regulations.
10. Trustee Reports. Discussion and Direction on the following topics:
 - a. Boats moored on Smith Canal Levee
 - b. Parking on top of Smith Canal Levee
 - c. Docks attached to Smith Canal Levee that are in disrepair
11. District Calendar
12. Approval of bills to be paid.
13. 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, Stockton, California during normal business hours.

**AGENDA PACKET
RECLAMATION DISTRICT 828
OCTOBER 20, 2022**

<u>ITEM</u>	<u>COMMENTARY</u>
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- | | |
|-----|---|
| 1. | Self-explanatory. |
| 2. | Self-explanatory. |
| 3. | Please see attached. |
| 4. | Self-explanatory. |
| 5. | Please see attached.
a. Please see attached. |
| 6. | Please see attached. |
| 7. | Self-explanatory. |
| 8. | Please see attached. |
| 9. | Please see attached. |
| 10. | Self-explanatory. |
| 11. | Please see attached. |
| 12. | Please see attached. |
| 13. | Self-explanatory |

ITEM 3

**Minutes of Meeting of
Reclamation District 828
Held on July 21, 2022**

The meeting of the Board of Trustees of Reclamation District 828 was held at 3121 West March Lane, Suite 100, and called to order at 8:30 a.m. on July 21, 2022.

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

Item No. 2: Public Comment. No public comment presented.

Item No. 3: Approval of Minutes. Mr. Pinasco reviewed the draft minutes of the July 21, 2022, meeting with the Trustees. The minutes of the July 21, 2022, meeting were approved by the Trustees a motion by Trustee Marsh, seconded by President Mendelson. Trustee Provost abstained.

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 Provost, seconded by President Mendelson.

Item No. 5: Audit. Mr. Pinasco provided an oral report on the proposal provided by Schwartz, Giannini, and Lantsberger, which was approved prior to the meeting. The approval of the audit proposal was approved unanimously by the Trustees present on a motion by Trustee Provost, seconded by President Mendelson.

Item No. 6: Engineers' Report; request for direction. Mr. Pinasco summarized Mr. Neudeck's written and oral report to the Trustees. He reported on the levee subventions program and conditions of the District's levee.

Mr. Pinasco then responded to Trustee inquiry regarding levee signs and reporting trespassing, illegal dumping, and camping on the levees.

Item No. 7: Assessment. Adopt Resolution 2022-01 Certifying Assessments to be Collected and Establishing a Procedure for Collection. Mr. Pinasco reported on the District's assessment and the purpose of the resolution. Resolution 2022-01 was adopted unanimously by the Trustees present on a motion by President Mendelson, seconded by Trustee Provost.

Item No. 8: CEQA Exemption. Adopt Resolution 2022-02 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance for Fiscal Year 2022-2023. Mr. Pinasco reported on the purpose of the resolution and the exemption. Resolution 2022-02

was adopted unanimously by the Trustees present on a motion by President Mendelson, seconded by Trustee Provost.

Item No. 9: Subventions Agreement. Adopt Resolution 2022-03 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2022-2023. Mr. Pinasco reported on the purpose of the resolution and the exemption. Resolution 2022-03 was adopted unanimously by the Trustees present on a motion by Trustee Provost, seconded by President Mendelson.

Item No. 10: Smith Canal Water Quality. Trustee Provost provided an oral report on her efforts to contact the agencies with authority to address water quality. Trustee Provost indicated that she had contacted State Boating and Waterways officials, City Public Works officials, and County Public Health officials. Trustee Provost encouraged the Trustees and members of the public to contact these officials to report on water quality in the Smith Canal. The Trustees all acknowledged that the District has no jurisdictional authority to take any actions to address water quality. Regardless of authority, the Trustees all encouraged members of the public to continue to contact the agencies responsible for water quality in the Smith Canal.

Item 11: Correspondence and meeting attendance reports. Staff provided no report on any correspondence.

Item No. 12: Calendar. Mr. Pinasco reviewed the upcoming calendar events with the Trustees.

Item No. 13: 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 Marsh.

Item No. 13: Adjournment. The meeting was unanimously adjourned at 9:09 a.m.

Respectfully submitted,

Andy Pinasco, District Secretary

RECLAMATION DISTRICT 828
Bills to Be Paid - July 21, 2022

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	WARRANT #
Kjeldsen, Sinnock & Neudeck, Inc.	5/10/2022	32774	\$759.60			
	5/10/2022	32775	\$237.50			
	6/10/2022	32974	\$132.50			
	6/10/2022	32975	\$515.00			
	6/10/2022	32976	\$176.25			
				\$1,820.85		1435
Neumiller & Beardslee	5/12/2022	326531	\$1,722.28			
	6/9/2022	328356	\$152.68			
	7/7/2022	329642	\$407.75			
				\$2,282.71		1436
Custom Spraying, Inc.	3/15/2022	475852	\$2,500.00			
				\$2,500.00		1437
BPM	6/1/2022	21957	\$773.42			
				\$773.42		1438
State Compensation Insurance Fund	7/5/2022	1000937086	\$447.60			
				\$447.60	X	Check #1007
Deby Provost - 7/21/2022 Regular Board Meeting	Trustee Stipend		\$100.00	\$100.00		1439
Paul Marsh - 7/21/22 Regular Board Meeting	Trustee Stipend		\$100.00	\$100.00		1440
Bill Mendelson - 7/21/2022 Regular Board Meeting	Trustee Stipend		\$100.00	\$100.00		1441
WARRANT TOTAL				\$8,124.58		

RD 828 BILLS TO BE PAID
April 29, 2022

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	WARRANT #
Kjeldsen, Sinnock & Neudeck, Inc.	1/14/2022	31951	\$143.75			
	1/14/2022	31952	\$226.25			
	2/10/2022	32117	\$913.75			
	2/10/2022	32118	\$360.00			
	2/10/2022	32119	\$132.50			
	2/10/2022	32120	\$61.75			
	2/10/2022	32121	\$160.00			
	3/11/2022	32333	\$520.00			
	3/11/2022	32334	\$90.00			
	3/11/2022	32335	\$271.25			
	4/8/2022	32570	\$547.50			
	4/8/2022	32571	\$23.75			
	4/8/2022	32572	\$2,520.00			
	4/8/2022	32573	\$102.50			
				\$6,073.00		1427
Neumiller & Beardslee	2/7/2022	324345	\$2,591.69			
	3/8/2022	324930	\$420.65			
	4/7/2022	325878	\$345.00			
				\$3,357.34		1428
Calif Assoc of Mutual Water Companies	1/27/2022	2090	\$100.00			
				\$100.00		1429
Schwartz Giannini Lantsberger & Adamson <i>(1099 Prep & Transmittal)</i>	1/31/2022	59217	\$125.00			
				\$125.00		1430
Dohrmann Insurance Company <i>(Package-Renewal Policy)</i>	4/8/2022	30321	\$4,648.00			
<i>(Umbrella-Renewal Policy)</i>	4/8/2022	30322	\$929.00			
				\$5,577.00		1431
State Compensation Insurance Fund <i>(Premium Charge 3/19/2022-6/19/2022)</i>	3/19/2022	1000296577	\$463.50			
				\$463.50	X	Check #1006
Deby Provost - 4/29/2022 Regular Board Meeting	Trustee Stipend		\$50.00	\$50.00		1432
Paul Marsh - 4/29/2022 Regular Board Meeting	Trustee Stipend		\$50.00	\$50.00		1433
Bill Mendelson - 4/29/2022 Regular Board Meeting	Trustee Stipend		\$50.00	\$50.00		1434
WARRANT TOTAL				\$15,845.84		

ITEM 5

RECLAMATION DISTRICT NO. 828
OCTOBER 2022
FINANCIAL REPORT
25% FISCAL YEAR 2022-2023

		BUDGET FY 2022-2023	Expended PTD	Expended YTD	% YTD
<u>EXPENSES</u>					
GENERAL FUND					
Administrative					
G1	Annual Audit	\$4,000.00	\$4,300.00	\$4,300.00	108%
G2	Public Communication and Noticing	200.00	\$0.00	\$0.00	0%
G3	Election Expense	0.00	\$0.00	\$0.00	0%
G4	Trustee Fees	1,200.00	\$200.00	\$500.00	42%
G5	County Assessment Administration	1,000.00	\$0.00	\$0.00	0%
	SUBTOTAL	\$6,400.00	\$4,500.00	\$4,800.00	75%
Consultants					
G14	Engineering				
G14A	General Engineering	\$7,500.00	\$0.00	\$892.10	12%
G14C	Levee Subventions	\$7,500.00	\$4,926.54	\$5,679.04	0%
G14D	Levee Maintenance (Engineering)	\$7,500.00	\$0.00	\$0.00	0.0%
G14E	Five Year Plan		\$480.00	\$480.00	
G15	General Legal	10,000.00	\$2,968.15	\$5,250.86	53%
	SUBTOTAL	\$32,500.00	\$8,374.69	\$12,302.00	38%
Other					
G18	Insurance	\$6,500.00	\$0.00	\$447.60	7%
	SUBTOTAL	\$6,500.00	\$0.00	\$447.60	7%
	TOTAL GENERAL FUND	\$45,400.00	\$12,874.69	\$17,549.60	39%
RECURRING EXPENSES					
R1	Levee				
R1A	General Maintenance	\$10,000.00	\$3,874.78	\$4,051.03	41%
R1B	Riprap and Levee Repair	25,000.00	\$0.00	\$773.42	3%
R1C	Weed Control	25,000.00	\$1,823.75	\$4,323.75	17%
R1D	Animal Damage Control	0.00	\$0.00	\$0.00	0%
	SUBTOTAL	\$60,000.00	\$5,698.53	\$9,148.20	15%
	TOTAL RECURRING EXPENSES	\$60,000.00	\$5,698.53	\$9,148.20	15%
	TOTAL EXPENSES	\$105,400.00	\$18,573.22	\$26,697.80	25%

		BUDGET FY 2020-2021	Income PTD	Income YTD	% YTD
<u>INCOME</u>					
	Assessment - Existing	\$48,641.60	\$0.00	(\$10.64)	0%
	Interest	1,500.00	\$0.00	\$685.00	46%
	Five Year Plan		\$0.00	\$3,187.58	
	Subvention Reimbursement	\$40,000.00	\$0.00	\$0.00	0%
	TOTAL, GROSS INCOME	\$90,141.60	\$0.00	\$3,861.94	4%
	NET INCOME (LOSS)	(\$15,258.40)	(\$18,573.22)	(\$22,835.86)	

Fund Balance

Fund Balance as of July 1, 2021	\$	512,011.60
Temporary Employee Fund	\$	17,073.06
Revenues (YTD)	\$	3,861.94
Expenses (YTD)	\$	26,697.80
Total Cash as of October 2022	\$	502,086.80

ITEM 5.a

RECLAMATION DISTRICT NO. 828

Schwartz, Giannini, Lantsberger & Adamson
3461 Brookside Road Suite E
Stockton, California 95219

This representation letter is provided in connection with your audit of the financial statements of Reclamation District No. 828, which comprise the financial position of the governmental activities, and each major fund as of June 30, 2022, and the respective changes in financial position for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions as to whether the financial statements are presented fairly, in all material respects, in conformity with the cash basis of accounting which is a Special Purpose Framework (SPF).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, as of the date of signing this letter, the following representations made to you during your audit.

Financial Statements

- 1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated May 26, 2022, including our responsibility for the preparation and fair presentation of the financial statements in accordance with the cash basis of accounting and for preparation of the supplementary information in accordance with the applicable criteria.
- 2) The financial statements referred to above are fairly presented in conformity with the cash basis of accounting and include all properly classified funds and other financial information of the primary government required by the cash basis of accounting to be included in the financial reporting entity.
- 3) We acknowledge our responsibility 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.
- 4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- 5) Significant assumptions we used in making accounting estimates are reasonable.

Reclamation District No. 828
Management Representation Letter

- 6) Related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed.
- 7) All events subsequent to the date of the financial statements and for which cash basis financial statements requires adjustment or disclosure have been adjusted or disclosed. No events, including instances of noncompliance, have occurred subsequent to the balance sheet date and through the date of this letter that would require adjustment to or disclosure in the aforementioned financials.
- 8) We are in agreement with the adjusting journal entries you have proposed, and they have been posted to the District's accounts.
- 9) The effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed in accordance with the cash basis of accounting.
- 10) Guarantees, whether written or oral, under which the District is contingently liable, if any, have been properly recorded or disclosed.

Information Provided

- 11) We have provided you with:
 - a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters.
 - b) Additional information that you have requested from us for the purpose of the audit.
 - c) Unrestricted access to persons within the District from whom you determined it necessary to obtain audit evidence.
 - d) Minutes of the meetings of the District or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 12) All material transactions have been recorded in the accounting records and are reflected in the financial statements.
- 13) We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
- 14) We have no knowledge of any fraud or suspected fraud that affects the District and involves:
 - a) Management,
 - b) Employees who have significant roles in internal control, or
 - c) Others where the fraud could have a material effect on the financial statements.
- 15) We have no knowledge of any allegations of fraud or suspected fraud affecting the District's financial statements communicated by employees, former employees, regulators, or others.

Reclamation District No. 828
Management Representation Letter

- 16) We have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements.
- 17) We are not aware of any pending or threatened litigation, claims, or assessments and unasserted claims or assessments that are required to be accrued or disclosed in the financial statements, and we have not consulted a lawyer concerning litigation, claims, or assessments.
- 18) We have disclosed to you the identity of the District's related parties and all the related party relationships and transactions of which we are aware.

Government—specific

- 19) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- 20) We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- 21) The District has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or equity.
- 22) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts; and we have identified and disclosed to you all laws, regulations and provisions of contracts and grant agreements that we believe have a direct and material effect on the determination of financial statement amounts or other financial data significant to the audit objectives, including legal and contractual provisions for reporting specific activities in separate funds.
- 23) There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.
- 24) As part of your audit, you assisted with preparation of the financial statements and related notes. We have designated an individual with suitable skill, knowledge, or experience to oversee your services and have assumed all management responsibilities. We have reviewed, approved, and accepted responsibility for those financial statements and related notes.
- 25) The District has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- 26) The District has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
- 27) We have followed all applicable laws and regulations in adopting, approving, and amending budgets.

Reclamation District No. 828
Management Representation Letter

- 28) The financial statements properly classify all funds and activities.
- 29) All funds that meet the quantitative criteria in GASBS Nos. 34 and 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.
- 30) Components of net position and components of fund balance are properly classified and, if applicable, approved.
- 31) Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
- 32) Revenues are appropriately classified in the statement of activities within program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.
- 33) Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.
- 34) Deposits and investment securities and derivative instruments are properly classified as to risk and are properly disclosed.
- 35) We have appropriately disclosed the District's policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position is available and have determined that net position is properly recognized under the policy.

Signed: _____ Signed: _____

Title: _____ Title: _____

Date: _____ Date: _____

RECLAMATION DISTRICT NO. 828

FINANCIAL REPORT

JUNE 30, 2022

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INDEPENDENT AUDITORS' REPORT



To the Board of Trustees
Reclamation District No. 828

Opinion

We have audited the accompanying cash basis financial statements of the governmental activities and the major funds of Reclamation District No. 828 (the District) as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund of Reclamation District No. 828, as of June 30, 2022 and the respective changes in cash basis financial position for the year then ended in accordance with the cash basis of accounting described in Note 1.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Reclamation District No. 828, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Emphasis of Matter – 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 this matter.

Responsibilities of Management 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, and for 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.

Philip Lantsberger, CPA
Robert Gross, CPA
Nikolas A. Torres, CPA

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Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free of material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgement made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgement and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures including examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit 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 District's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgement, there are conditions or events, considered in the aggregate, that raise substantial doubt about the District's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

The District has omitted Management's Discussion and Analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Schwartz, Giannini, Santberger & Adamson

Stockton, California
August 31, 2022

RECLAMATION DISTRICT NO. 828
Statement of Net Position - Cash Basis
June 30, 2022

	Governmental Activities
ASSETS	
Cash and cash equivalents	
Cash in county treasury (Note 3)	\$ 514,519
Cash in bank - checking (Note 3)	<u>17,073</u>
Total assets	<u><u>\$ 531,592</u></u>
NET POSITION	
Restricted for projects	\$ 2,507
Unrestricted	<u>529,085</u>
Total net position	<u><u>\$ 531,592</u></u>

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

RECLAMATION DISTRICT NO. 828

Statement of Activities - Cash Basis

For the year ended June 30, 2022

	<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	\$ (105,498)	\$ 8,048	\$ (97,450)
Net program (disbursements) receipts	<u>\$ (105,498)</u>	<u>\$ 8,048</u>	<u>\$ (97,450)</u>
General receipts:			
Landowner assessments			\$ 52,145
Other income			50
Interest income			1,777
Total general receipts			<u>\$ 53,972</u>
Change in net position			\$ (43,478)
Net position - beginning of year			<u>575,070</u>
Net position - end of year			<u><u>\$ 531,592</u></u>

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

RECLAMATION DISTRICT NO. 828
Balance Sheet - Governmental Fund - Cash Basis
June 30, 2022

	General Fund	Special Revenue	Total
ASSETS			
Cash and cash equivalents			
Cash in county treasury (Note 3)	\$ 512,012	\$ 2,507	\$ 514,519
Cash in bank - checking (Note 3)	17,073	-	17,073
Total assets	\$ 529,085	\$ 2,507	\$ 531,592
FUND BALANCE			
Restricted	\$ -	\$ 2,507	\$ 2,507
Unassigned	529,085	-	529,085
Total fund balance	\$ 529,085	\$ 2,507	\$ 531,592

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

RECLAMATION DISTRICT NO. 828

**Statement of Cash Receipts, Disbursements and Changes in Fund Balance - Governmental Fund
Cash Basis
For the Year Ended June 30, 2022**

	<u>General Fund</u>	<u>Special Revenue</u>	<u>Total</u>
RECEIPTS			
Landowner assessments	\$ 52,145	\$ -	\$ 52,145
State assistance - subventions	8,048	-	8,048
Other income	50	-	50
Interest income	1,769	8	1,777
Total receipts	<u>\$ 62,012</u>	<u>\$ 8</u>	<u>\$ 62,020</u>
DISBURSEMENTS			
Engineering	\$ 24,440	\$ -	\$ 24,440
Insurance	6,968	-	6,968
Legal and accounting	24,055	-	24,055
Levee repairs and maintenance	34,786	-	34,786
Miscellaneous	535	-	535
Payroll	11,864	-	11,864
Payroll Fees	2,250	-	2,250
Trustee fee	600	-	600
Total disbursements	<u>\$ 105,498</u>	<u>\$ -</u>	<u>\$ 105,498</u>
Excess (deficiency) of receipts over disbursements	<u>\$ (43,486)</u>	<u>\$ 8</u>	<u>\$ (43,478)</u>
Net increase (decrease) in fund balance	<u>\$ (43,486)</u>	<u>\$ 8</u>	<u>\$ (43,478)</u>
Cash basis fund balance - beginning	<u>572,571</u>	<u>2,499</u>	<u>575,070</u>
Cash basis fund balance - ending	<u><u>\$ 529,085</u></u>	<u><u>\$ 2,507</u></u>	<u><u>\$ 531,592</u></u>

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

RECLAMATION DISTRICT NO. 828
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2022

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.

Fund financial statements

The fund financial statements (i.e., the Governmental Fund Balance Sheet - Cash Basis and the Statement of Cash Receipts, Disbursements, and Changes in Governmental Fund Balance - Cash Basis) provide information about the District's funds. The District has one type of fund (governmental), which is comprised of two major funds as follows:

RECLAMATION DISTRICT NO. 828
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2022

NOTE 1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

General fund – This fund is established to account for resources devoted to financing the general services that the District performs. Property assessments 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 District for which a separate fund has not been established.

Special revenue fund – This fund is established to account for the proceeds of specific revenue sources other than special assessments or expendable trusts. Generally, resources accounted for in this fund originate from state and federal programs and developer fees.

The District has adopted GASB Statement No. 54 (GASB 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 GASB 54 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 nonspendable, restricted, committed, assigned, or unassigned.

Nonspendable – Amounts that cannot be spent because they are either not spendable in form or are legally or contractually required to be maintained intact.

Restricted – Amounts constrained regarding use from restrictions externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or by restrictions imposed by law through constitutional provisions or enabling legislation.

Committed – Amounts constrained regarding use for specific purposes pursuant to requirements imposed by formal action of the District's highest level of decision making authority.

Assigned – Amounts constrained by the District's intent to be used for specific purposes, but are neither restricted nor committed. The authority for assigning fund balance is expressed by the Board of Trustees, District manager or their designee.

Unassigned – Amounts that have not been restricted, committed, or assigned to specific purposes within the general fund. The general fund is the only fund that reports a positive unassigned fund balance amount. Other governmental funds besides the general fund can only report a negative unassigned fund balance amount.

RECLAMATION DISTRICT NO. 828
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2022

NOTE 1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

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

Interfund Transfers

Interfund transfers represent the flow of assets from one fund to another where repayment is not expected. Such transfers are reported as transfers in and out.

Measurement focus, basis of accounting, and financial statement presentation

The District accounts for governmental funds using the cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. This method recognizes revenues when received and expenditures when paid.

Demand Warrants

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

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.

Use of estimates

The preparation of financial statements in conformity with the other comprehensive basis of accounting (OCBOA) 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.

RECLAMATION DISTRICT NO. 828
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2022

NOTE 2. DATE OF MANAGEMENT’S REVIEW

In preparing the financial statements, the District has evaluated events and transactions for potential recognition or disclosure through August 31, 2022, the date the financial statements were available to be issued.

NOTE 3. CASH AND INVESTMENTS

Cash and investments of the District as of June 30, 2022 consist of the following:

	<u>Carrying amount</u>	<u>Bank balance</u>	<u>Fair value</u>
Deposits			
Insured (FDIC)	<u>\$ 17,073</u>	<u>\$ 17,073</u>	
Investment in External Investment Pool			
San Joaquin County Treasurer	<u>\$ 514,519</u>		<u>\$ 514,519</u>

Total bank deposits of \$17,073 of the District were fully insured with FDIC insurance. 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/departments/ttc/treasury>). The Pool has established a treasury oversight committee to monitor and review the management of public funds maintained in the Pool.

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 is considered an involuntary participant in the pool as the State of California statutes require certain special districts to maintain their cash surplus with the County Treasurer. The investment pool is not registered with the Securities and Exchange Commission as an investment company.

The District does not maintain a formal investment policy.

**RECLAMATION DISTRICT NO. 828
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2022**

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 2025
Debbie Provost	Trustee	December 2023
Paul Marsh	Trustee	December 2023

Secretary: Andy Pinasco

NOTE 5. INSURANCE

The District is covered by the following types of insurance as of June 30, 2022:

<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

NOTE 6. CONTINGENCY

On March 11, 2020, the World Health Organization ("WHO") recognized COVID-19 as a global pandemic, prompting many national, regional, and local governments to implement preventative or protective measures, such as travel and business restrictions, temporary closures, and wide-sweeping quarantines and stay-at-home orders. The COVID-19 pandemic has impacted the District's operations and the operations of the District's customers, suppliers and vendors as a result of quarantines, closures, and travel and logistics restrictions. The District has followed protocols and guidelines issued by federal and state government including expenditures to combat the spread of COVID-19 and implement protocols to prevent the spread. The extent to which the COVID-19 pandemic impacts the District's business in the future, and the results of operations and financial condition will depend on future developments, which are highly uncertain and cannot be predicted, including, but not limited to the continued duration, spread, severity, and impact of the COVID-19 pandemic and the effects of the COVID-19 pandemic on the District's customers, suppliers and vendors including supply chain disruption that has been experienced since the outbreak of the pandemic. Even after the COVID-19 pandemic has subsided, the District may continue to experience adverse impacts to its business as a result of the negative impact of COVID-19 on the customers, suppliers and vendors of the District.

ITEM 6

RECLAMATION DISTRICT NO. 828
WEBER TRACT
BOARD OF TRUSTEES MEETING
THURSDAY, OCTOBER 20, 2022
8:30 AM
ENGINEER'S REPORT

I. AB 360 DELTA LEVEE SUBVENTIONS PROGRAM

- a. Review the District's Final Claim for Fiscal Year 2021/22.

TOTAL FINAL CLAIM	\$ 64,406.75
LESS DISTRICT SHARE (2,500/MILE @ 1.7 miles)	\$ 4,250.00
TOTAL ELIGIBLE	\$ 60,156.75
MAX REIMBURSEMENT = 75% OF ELIGIBLE	\$ 45117.56

- b. Review proposals to remove two fallen trees along Smith Canal. One tree is located across from the Buddhist Temple and the other is @ 2938 Shmizu Rd. Seek authorization of the Board of Trustees to award the contract for removal to the lowest respnsive responsible bidder.

EXHIBIT A: Proposals from Robert Burns and ASTA Construction.

EXHIBIT B: Photo Summary from KSN Inc..daily field report

EXHIBIT A



ROBT. BURNS
 General Engineering Contractor, Inc.

ROBERT BURNS CONSTRUCTION, INC.
 2501 N. WIGWAM DRIVE
 STOCKTON, CA 95205
 PHONE (209) 943-6969
 FAX (209) 943-1718
 LICENSE NO. 466981

September 30, 2022

KSN ENGINEERING
WORK LOCATION: JAPANESE BUDDHIST TEMPLE AND SMITH CANAL. TREE REMOVAL IN TWO
LOCATIONS. 1ST LOCATION 2938 SHIMIZU ROAD AND THE 2ND LOCATION SHIMIZU ROAD AND
THE BUDDHIST TEMPLE
ATTN: RICK TOY - INSPECTOR

SCOPE OF WORK

1. MOBILIZATION
2. LOCATION BUDDHIST TEMPLE AND THE SMITH CANAL
3. REMOVE TREE THAT'S IN THE SMITH CANAL AND HALUING AWAY TREE BUT LEAVING THE STUMP BECAUSE ITS IN THE WATER
4. 2ND LOCATION 2938 SHIMIZU ROAD AND THE SMITH CANAL
5. REMOVE TREE AND STUMP THEN HAUL TREE AND STUMP FROM JOB SITE LOCATION
6. BACKFILL AND COMPACT HOLE LEFT BY REMOVING TREE STUMP WITH FILL DIRT
7. TRAFFIC CONTROL PLANS FOR BOTH LOCATIONS

WE PROPOSE TO DO THE ABOVE MENTIONED SCOPE OF WORK FOR THE SUM OF

\$8,541.00

EXCLUSIONS

1. NO FENCE WORK
2. NO ASPHALT WORK
3. NO PERMITS OR FEE'S
4. NO OVERTIME RATES FIGURED
5. NO WEEKEND WORK FIGURED

MARK BURNS
 VICE PRESIDENT

OWNER REPRESENTATIVE
 TITLE:

Richard E. Toy

From: Scott Schmitt <scott@astaconstruction.com>
Sent: Tuesday, October 4, 2022 7:05 PM
To: Richard E. Toy
Subject: Re: Photos of the two trees at Weber Tract

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rick,
Sorry I did not get a chance to type up a formal quote today and will be down in Merced tomorrow for a job walk. However, our price of \$22,513 would include: mobilization (in & out), removal of both trees, removal of one stump, backfill the one stump w/ levee fill and furnish traffic control while we're working. We can complete in 2 days working days and exclude any permits. If necessary, I can get you a formal quote Thursday morning? Again sorry about the delay and have a great evening!

Thx,
Scott

Sent from my iPhone

On Oct 4, 2022, at 8:57 AM, Richard E. Toy <rtoy@ksninc.com> wrote:

Scott,

There are two trees leaning on the water side levee slope towards Smith Canal on Shimizu Drive. They are not in the water. One tree in front of the Buddhist Church at 2820 Shimizu Drive on the levee slope is almost touching the water. The other tree was vandalized and has some chain saw cuts on it and is leaning towards the water – this one is located at 2930 Shimizu Drive.

The one at 2930 Shimizu Drive will need the root ball removed and then backfilled with levee type material. The root ball for the tree at 2820 Shimizu Drive is probably situated in or near the water – cut the tree and remove it – do not work in the water.

You will need to haul away the trees and have traffic control during the operations.

Please submit a bid price for the work. Thanks.

See attached photos.

-Rick

<KSNIImage_a3afe5ac-15e6-4d8d-a624-76f7c4c84037.png> Richard E. Toy
Project Manager/Senior Inspector

711 N. Pershing Avenue Stockton CA 95203
p 209 946-0268 f 209 649-0296 m 209 747-1536
rtoy@ksninc.com www.ksninc.com

<SocialLink Facebook 32x32 7ec02e29-719c-4766-8390-a03ff1bb7f6b.png>

EXHIBIT B



09.28.2022 15:34



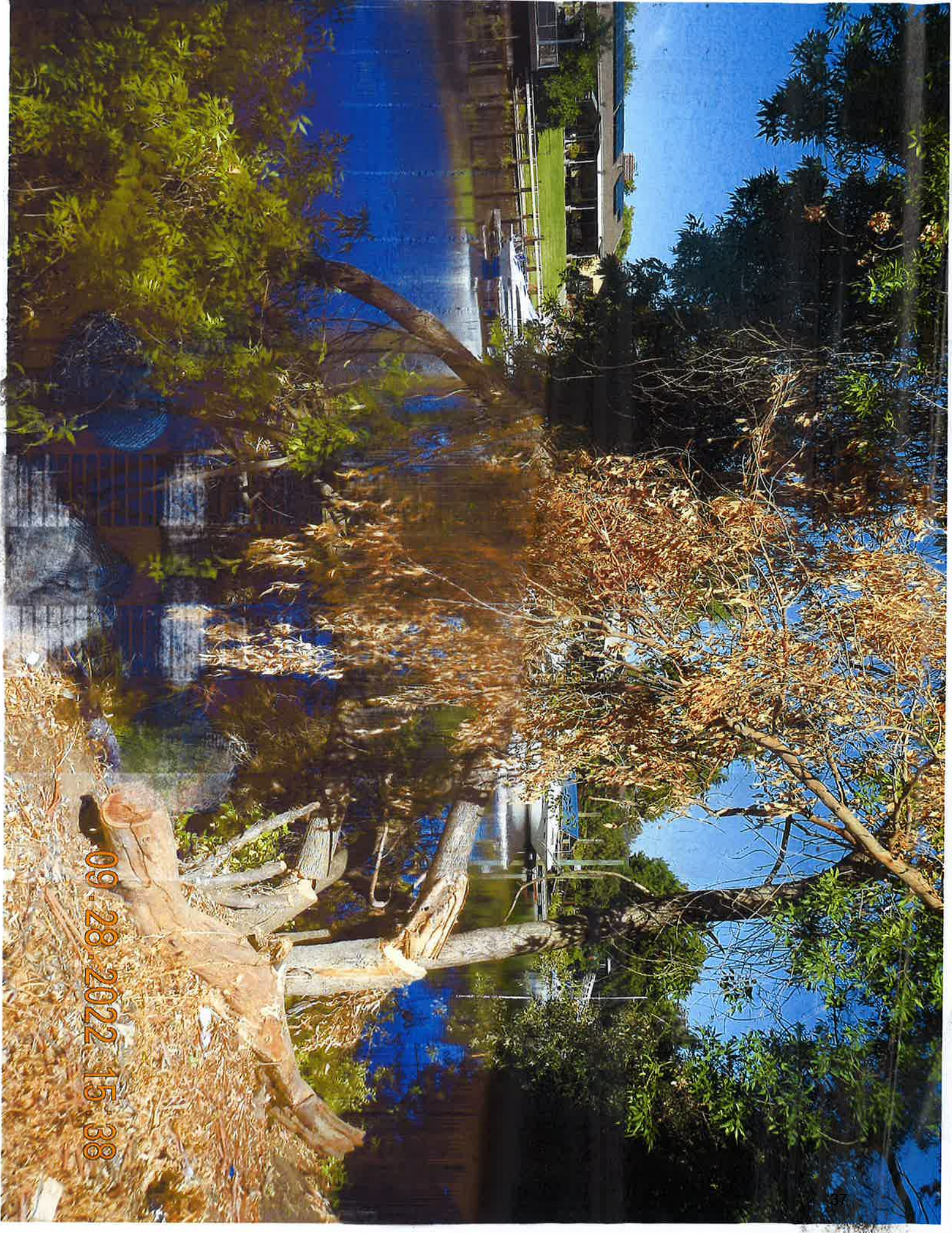
09.28.2022 15:34



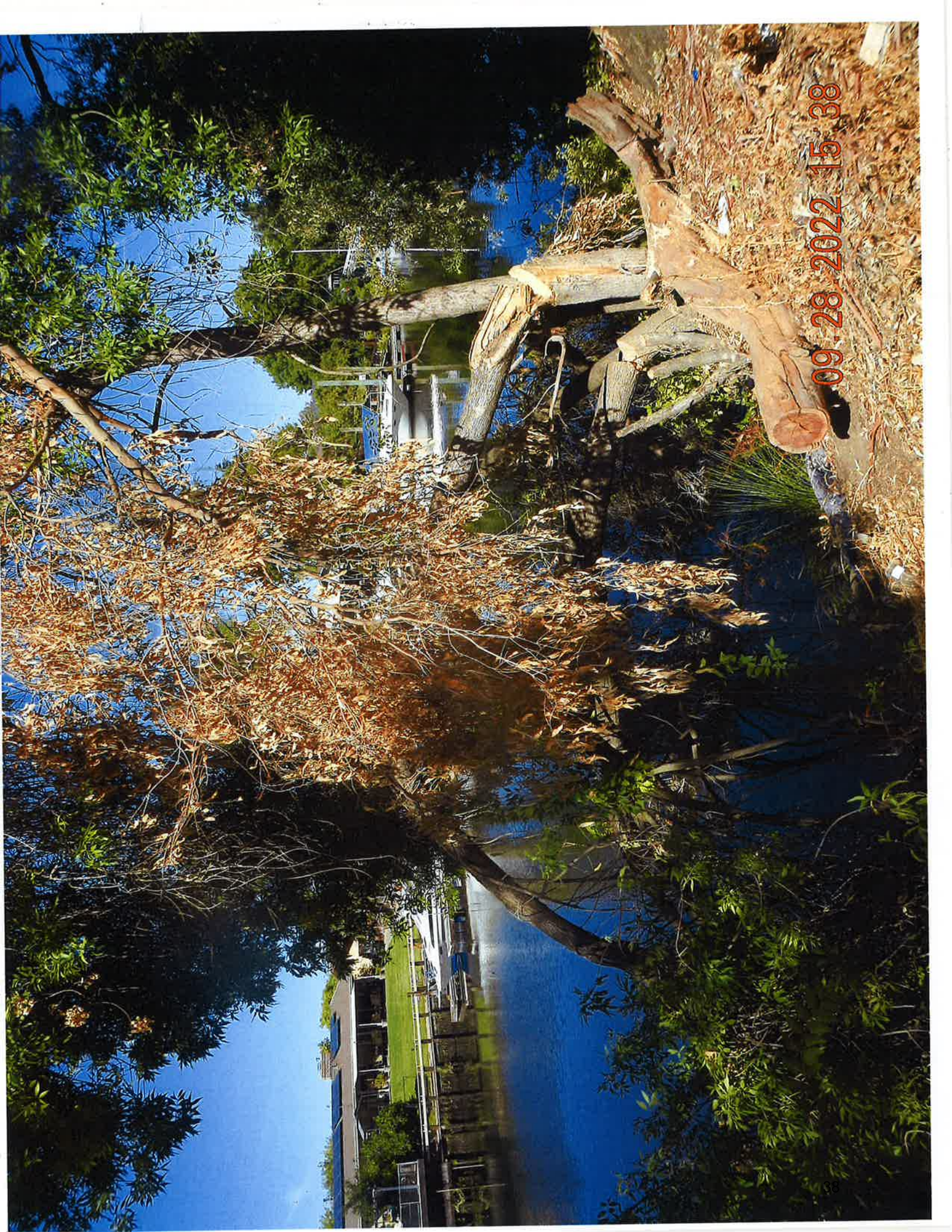
09.28.2022 15:35



09.28.2022 15:37



09.28.2022 15:38



09.28.2022 15:38

ITEM 8

DEPARTMENT OF WATER RESOURCES

DIVISION OF FLOOD MANAGEMENT
P.O. BOX 219000
SACRAMENTO, CA 95821-9000
(916) 574-2605



August 4, 2022

SUBJECT: 2022 PRESEASON FLOOD COORDINATION MEETINGS

The Department of Water Resources (DWR) invites you to attend one of this year's Preseason Flood Coordination Meetings. These meetings are directed to water managers, emergency responders, and managers that deal with flood emergency preparedness and response.

You are receiving this letter because you either attended one of last year's Preseason Flood Coordination Meetings, or are included on the DWR Directory of Flood Officials contact list.

DWR, along with our local, State, and federal partners will provide information on current and future weather, local flood concerns and ER support, flood fight resources, and other related topics to better prepare our organizations for the upcoming flood season. A flyer is enclosed with the locations and times of the meetings being held this fall.

We encourage you to attend and participate in this multi-agency flood emergency preparedness effort.

If you have any questions or need further information, please contact Wendy Francis at (916) 820-7592 or wendy.francis@water.ca.gov. You may also call the Flood Operations Center at (916) 574-2619.

We look forward to working with you on flood emergency preparedness and response.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Ablang".

Lance Ablang, Manager
State-Federal Flood Operations Center
Department of Water Resources

Enclosure

Division of Flood Management

2022 California Preseason Flood Coordination Meetings



Department of Water Resources



Agenda Topics

- Winter Weather Outlook
- DWR Flood Operations Updates
- Regional Updates
- Multi-Agency Coordination
- Flood Fighting Methods and Materials
- Post Fire/Debris Flow

You are invited to join flood emergency response partners to discuss flood preparedness in your region. Hosted by County Offices of Emergency Services in partnership with the DWR's State-Federal Flood Operations Center, these in-person meetings provide regional and local updates on annual flood preparedness activities.

HUMBOLDT

Tuesday, September 27
 9:00 am – 11:30 am
 Fortuna Volunteer Fire Dept.
 Classroom
 320 Fortuna Blvd.
 Fortuna

SHASTA

Wednesday, September 28
 9:00 am – 11:30 am
 City of Redding
 Community Room
 777 Cypress Avenue
 Redding

YOLO

Tuesday, October 4
 9:00 am – 11:30 am
 City Hall Galleria
 1110 W. Capitol Avenue
 West Sacramento

MARIN *(Virtual option available)*

Thursday, October 20
 9:00 am – 11:30 am
 Marin County Sheriff's Office
 1600 N. Los Gamos (Lobby A)
 San Rafael

SAN JOAQUIN

Tuesday, October 25
 9:00 am – 11:30 am
 San Joaquin County OES
 2101 E. Earhart Avenue
 Stockton

SANTA CRUZ

Wednesday, October 26
 9:00 am – 11:30 am
 Santa Cruz County EOC
 5200 Soquel Avenue
 Santa Cruz

Continued on next page

Division of Flood Management

2022 California Preseason Flood Coordination Meetings



Department of Water Resources



Preseason meetings include scheduled presentations from these agencies:

National Weather Service

County Offices of Emergency Services

California Governor's Office of Emergency Services (Cal OES)

Department of Water Resources

California Conservation Corps

CAL FIRE

U.S. Army Corps of Engineers

RIVERSIDE

Wednesday, November 2
9:00 am – 11:30 am
450 East Alessandro Blvd.
(Gate B, press button)
Riverside

VENTURA

Thursday, November 3
1:00 pm – 3:30 pm
Ventura Co. Watershed Dist.
800 S. Victoria Avenue
Ventura

SUTTER

Wednesday, November 9
1:00 pm – 3:30 pm
Sutter Co. Agricultural Dept.
142 Garden Highway
Yuba City

MERCED

Tuesday, November 15
9:00 am – 11:30 am
Merced County EOC
3500 Apron Avenue
Atwater

LAKE

Thursday, November 17
1:00 pm – 3:30 pm
Lake County OES
1375 Hoyt Avenue
Lakeport

FRESNO

Wednesday, November 30
9:00 am – 11:30 am
Fresno County EOC
333 W. Pontiac Way, Bldg. 6
Clovis

Who should attend these meetings?

- Managers and key emergency responders from California public agencies with primary responsibility for flood emergency response and coordination
- Counties, cities, flood control districts, reclamation districts, local maintaining agencies, and tribal agencies

For questions please contact Wendy Francis at (916) 574-2619, or wendy.francis@water.ca.gov.

ITEM 9

**California Code of Regulations, Title 23. Waters
Division 6. Delta Stewardship Council
Chapter 2. Consistency with Regulatory Policies Contained in the
Delta Plan
Article 1. Definitions, Section 5001. Definitions
and
Article 3. Consistency with the Regulatory Policies Contained in
the Delta Plan, Section 5012. Prioritization of State Investments in
Delta Levees and Risk Reduction**

Notice of Proposed Rulemaking

NOTICE IS HEREBY GIVEN that the Delta Stewardship Council (Council) proposes to amend California Code of Regulations, Title 23, Section 5012, *Prioritization of State Investments in Delta Levees and Risk Reduction*, to incorporate the Delta Levees Investment Strategy (DLIS). The Council also proposes to amend California Code of Regulations, Title 23, Section 5001 to add definitions for terms used in Delta Plan Policy RR P1.

The Council will conduct a public hearing at the time and place noted below to hear comments, objections, and recommendations. At a separate meeting on a future date, the Council may consider approving for adoption the proposed amendments.

Opportunity for Public Comment

- **Written Comment Period.** Interested members of the public may provide comments by mail or by electronic submittal. **The public comment period for this regulatory action will begin on Friday, August 26, 2022, and close at 11:59 p.m. on Thursday, October 13, 2022. The Council will consider only comments received by the Council by that time.** Any interested person, or her or his authorized representative, may submit written comments relevant to the proposed regulatory action.
- Submit written comments to:

Erin Mullin
Delta Stewardship Council
715 P Street, Suite 15-300
Sacramento, CA 95814
(916) 902-6482
- **Electronic Submittal of Comments.** Any interested person, or her or his authorized representative, may submit comments by electronic submittal at or before 11:59 p.m. on **Thursday, October 13, 2022. The Council will consider only comments received by the Council by that time.** Electronic submittals of comments are

more of the following: sections 85020, 85022, 85054, 85057.5, 85225, 85300, 85305, 85306, 85307, and 85309 of the Water Code.

Informative Digest

Plain English Requirements

The Council prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements set forth in Government Code Sections 11342.580 and 11346.2(a)(1). The Council considers the proposed regulations non-technical and drafted to be easily understood by those parties that will use them.

Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking

This proposed rulemaking action implements, interprets, and makes specific certain provisions of the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act) (Wat. Code, § 85000 *et seq.*). The Delta Reform Act requires the Council to adopt and implement a legally enforceable long-term management plan for the Sacramento-San Joaquin Delta (Delta) to further the “coequal goals” for the Delta of “providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem” to “be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.” (Wat. Code, §§ 85001(c) and 85300(a); the coequal goals are set forth in Wat. Code, § 85054.) The Delta Plan also furthers the State of California (State) policies specified in Water Code sections 85020 through 85023 of the Delta Reform Act, which include: providing for the sustainable management of the Delta ecosystem, a more reliable water supply for California, and protecting and enhancing the quality of water supply from the Delta, as well as reducing risks to people, property, and State interests through appropriate land use and flood protection. State interests in the Delta include the economic and social well-being of Californians, environmental protection, use and conservation of resources, public access and recreation, habitat restoration and enhancement, water quality, and flood protection.¹

Pursuant to the Delta Reform Act, in 2013 the Council adopted the Delta Plan as a comprehensive, long-term management plan for the Delta. The Delta Plan provides guidance and recommendations to state and local agencies on actions they may take to further the coequal goals for the Delta and implement the subgoals and strategies for the Delta set forth in the Delta Reform Act. (Wat. Code, §§ 85059 and 85300.) The Delta Plan also includes regulatory policies with which State and local public agencies are required to comply. (Wat. Code, § 85210(i).) The Delta Reform Act grants the Council regulatory and appellate authority over certain actions that take place in whole or in part in the Delta and Suisun Marsh, which are referred to as “covered actions”; State and local agencies are required to demonstrate consistency with applicable regulatory policies (which are incorporated into the Delta Plan) when carrying out, approving, or funding a covered action. (Wat. Code, §§ 85022(a) and 85057.5.)

¹ Delta Stewardship Council (Council). 2013. The Delta Plan: Ensuring a reliable water supply for California, a healthy Delta ecosystem, and a place of enduring value. May 2013.

Policy Statement Overview

The Delta is the largest estuary on the west coast of the Americas and is the hub of the State's major water supply systems. The Delta is home to about 500,000 people and comprises approximately 1,300 square miles of low-lying, flood-prone lands bound by 1,100 miles of levees. Before the Delta was modified by levees and other human structures, the natural flows of the San Joaquin River and Sacramento River overflowed the Delta's low-lying islands and floodplains for long periods each spring. Today, flooding of the Delta's complex labyrinth of islands and waterways is prevented by levees.

The Suisun Marsh, located immediately downstream from the Delta and north of Grizzly Bay, is the largest contiguous brackish wetland on the west coast of North America. The Suisun Marsh is a critical part of the San Francisco Bay-Delta estuary ecosystem encompassing 116,000 acres, including 52,000 acres of managed wetlands, 30,000 acres of bays and sloughs, 27,700 acres of uplands, and 6,300 acres of tidal wetlands. Suisun Marsh includes about 230 miles of levees that reduce flood risk and help manage flows for wetlands; about 80 miles of these levees protect Delta water quality and terrestrial and aquatic habitat of statewide importance.⁴

The Delta and Suisun Marsh levees reduce flood risk to people, property, water supply, the Delta ecosystem, and infrastructure of statewide importance. However, levee failure (such as a levee breach) can cause catastrophic flooding, and can potentially cause injury or loss of life, disrupt water supplies, and possibly damage property, infrastructure, and environmental resources of importance to the entire State. Though levee maintenance and improvements over the past three decades have reduced the frequency of levee failures, the State does not have a comprehensive method to prioritize its investments in operations, maintenance, and improvement projects for levees in the Delta and Suisun Marsh. Without a prioritization methodology, the apportionment of public resources into levees may not occur in a manner that reflects a strategic, long-term approach.⁵

A key objective of the Delta Reform Act is to "reduce risks to people, property, and State interests in the [Sacramento – San Joaquin] Delta by promoting effective emergency preparedness, appropriate land use, and strategic levee investments." (Water Code, § 85305). This must be carried out in a manner that advances the state's coequal goals for the Delta of: "...providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem," achieved in a manner that protects and enhances the "unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place." (Pub. Resources Code, § 85054.)

The Delta Reform Act explicitly sets State policy for the Delta, including a specific policy in Water Code section 85020 for achieving the following objectives inherent in the coequal goals for the management of the Delta:

- (a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.

⁴ Council. 2017. Delta Levees Investment Strategy. Final Report. July 2017. p. 1.

⁵ Council. 2013. The Delta Plan: Ensuring a reliable water supply for California, a healthy Delta ecosystem, and a place of enduring value. May 2013. p. 271.

High Priority islands and tracts with an expected annual fatality (EAF) greater than 0.02 lives per year (at least 90 percent of Delta-wide EAF).

- State water supply reliability benefits (23 Very-High Priority or High Priority water supply islands and tracts with a probability of flooding greater than 0.5 percent per year (1-in-200-year probability)).
- "Delta as a Place" benefits from cultural, recreational, and natural resource, and agricultural qualities that distinguish the Delta; and
- Improved transparency and public awareness of State levee funding decisions, provided by annual reports from the California Department of Water Resources (DWR).

Substantial Differences from Existing, Comparable Federal Regulations or Statutes

There are no federal regulations or statutes that address the specific subject addressed by the proposed regulations.

Consistency with Existing State Laws and Regulations

Pursuant to Government Code section 11346.5(a)(3)(D), the Council evaluated the proposed amendment to determine whether it is inconsistent or incompatible with existing State regulations and concluded that the proposed amendments to Sections 5001 and 5012 are neither inconsistent nor incompatible with existing State regulations.

Documents Incorporated by Reference

A map showing the proposed Delta Levees Investment Strategy (DLIS) priority designation for each island and tract in the Delta and Suisun Marsh, which are set forth in proposed Table 1 of proposed Section 5012, is incorporated by reference into Section 5012 as Appendix P [adopted August 2021] to the Delta Plan. All other regulatory provisions of Section 5001 and Section 5012 are within the body of the proposed regulations.

Mandated by Federal Law or Regulations

The proposed amendments to Section 5001 and Section 5012 are not mandated by federal law or regulations.

Other Statutory Requirements

None.

Local Mandate Determination Regarding the Proposed Regulations

Pursuant to Government Code 11346.5(a)(5), the Council has made the preliminary determination that the proposed amendments to Sections 5001 and 5012 do not impose a mandate on local agencies or school districts and that no reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 is required.

Pursuant to Government Code 11346.5(a)(6), the Council has made a preliminary determination that the proposed amendments to Sections 5001 and Section 5012 could create costs or savings to any State agency. The Council has determined that the proposed amendment would not create costs to or mandates to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary

Costs or Savings in Federal Funding to the State

No additional federal funding is required. There are no costs associated with the proposed amendments because there is no reduction in any funding. No direct or indirect fiscal impacts are anticipated to federally funded State agencies or programs as a result of the proposed amendments because the proposed amendments could affect the timing of levee investment but do not change the overall level of funding. Because there is no change to the overall level of funding, there are no savings in federal funding to the State.

Housing Costs

The Council has made an initial determination that the proposed amendments to Sections 5001 and 5012 would not have a significant effect on housing costs. The proposed amendments could shift the distribution of benefits from levee investment within the Delta, indirectly affecting land values either positively or negatively. Any overall effect on housing costs would be insignificant.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability to Compete

The Council has made an initial determination that the proposed amendments to Sections 5001 and Section 5012 would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

While land is typically an asset and not a separate value-added economic activity, the proposed amendments could result in a net economic cost (higher EAD as a result of reallocation of prospective levee investments) of \$212,700 per year (\$3,900,000 in net present value). Any additional indirect economic effects are likely to be negligible (less than \$232,000 over the analysis period). However, these indirect costs would not eliminate, create, encourage, or restrict expansion of businesses currently doing business within the state and geographic extent of regulations (the Sacramento San-Joaquin Delta and Suisun Marsh). Furthermore, since the proposed amendments would have a negligible effect on businesses, they would not have a significant statewide adverse effect on the ability of those businesses to compete within the State or with businesses in other states.

Statement of the Results of the Economic Impact Assessment

Pursuant to Government Code 11346.3(b), the Council has prepared an economic impact analysis, which is set forth in the Economic and Fiscal Impact Analysis (EFIA), Attachment 1 to the Form 399, of the proposed amendments. Based on the analysis and supporting information provided in the EFIA, the Council makes the following initial determinations:

- Creation or elimination of jobs within California: The proposed amendment would have a minimal effect on the creation or elimination of jobs within California. The proposed regulations may result in a reduction of 2.1 jobs over the analysis period, due to a reduction in real estate commissions. However, the direct economic cost of the proposed amendments to businesses, jobs, and individuals is negligible because while they could change the timing of State investment in Delta levees, they would not change the overall level of investment.

indirectly through changes in landowner expenditures or real estate sales commission, but this effect is negligible. Since the effect on general businesses is negligible, it follows that small businesses (using the consolidated definition of small business set forth in Cal. Gov. Code Section 11346.3(b)(4)(B)) would not be disproportionately affected or overly burdened by the proposed amendments.

Consideration of Alternatives

The Council must determine that no reasonable alternative considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Council has prepared an Initial Statement of Reasons that contains an analysis of alternatives considered and rejected due to reasons as described. Interested persons may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Persons

Inquiries concerning the proposed administrative action may be directed to:

Erin Mullin
Delta Stewardship Council
715 P Street, Suite 15-300
Sacramento, CA 95814
(916) 902-6482
amend.rrp1@deltacouncil.ca.gov

The backup contact person to whom inquiries concerning the proposed administrative action may be directed to is:

Eva Bush
Delta Stewardship Council
715 P Street, Suite 15-300
Sacramento, CA 95814
(916) 284-1619

amend.rrp1@deltacouncil.ca.gov

All comments must be submitted as set forth in the "Opportunity for Public Comment" section, above.

Availability Statements

The Council will have the entire rulemaking file, including the express terms of the proposed regulations, the Initial Statement of Reasons, and all information that provides the basis for the proposed action, available for inspection and copying throughout the rulemaking process.

- DLIS Risk Analysis Methodology Report. Council, Revised June 2017.
- DLIS: Sea Level Rise Methodology. Council, 2015.
- Delta Reclamation District Financing and Budgets. Council, 2015.
- Delta Risk Management Strategy, Phase 1. Risk Report: Section 2. DWR, 2009.
- Discussion Draft of Potential Revisions to Chapter 7 Policies and Recommendations. Council, March 23, 2017. Meeting.
- Draft Report: Earthquakes and High Water as Levee Hazards in the Sacramento-San Joaquin Delta. Delta Independent Science Board (Delta ISB), 2016.
- Economic Sustainability Plan for the Sacramento-San Joaquin Delta. Delta Protection Commission, 2012.
- Final: Levee Related Habitat Review Issue Paper. Council, 2015.
- Impacts for Planning and Analysis Model. <http://www.implan.com/>. 2014 R3 California Counties Database (Delta Counties). MIG Inc. 2014.
- Inspection and Local Maintaining Agency Report of the Central Valley State-Federal Flood Protection System. DWR, 2013.
- Light Detection and Ranging Data. <https://data.cnra.ca.gov/dataset/delta-lidar-2017>. 2019
- Map of the Sacramento-San Joaquin Delta. Council, 2014.
- Map of the Sacramento-San Joaquin Delta and Suisun Marsh prepared by the Flood SAFE Environmental Stewardship and Statewide Resources Office (FESSRO). DWR, 2013.
- Personal communication with Erin Mullin. Senior Engineer. Delta Stewardship Council. January 29, 2019. Updated to 2021 dollars using GDP-IPD. Council. 2019.
- Reclamation District Ability to Pay (ATP) Analysis Technical memorandum. Council, 2017.
- Resolution 2018-1. Certification of the Delta Plan Amendments Program Environmental Impact Report, Adoption of Findings and a Statement of Overriding Considerations, Mitigation Measures, and a Mitigation Monitoring and Reporting Program, and Adoption of the Delta Plan Amendments. Council, April 26, 2018.
- Resolution 2021-02. Approval of the Delta Plan Amendments Program Environmental Impact Report Addendum and Rulemaking Authorization for Delta Plan Policy RR P1. Council, August 26, 2021.
- Review Technical Memoranda from Delta Levee Prioritization Methodology Peer Review Meeting. Council, May 19-20, 2015.
- Revisions to Current DLIS Amendment. Council, March 23, 2017. Meeting.
- Sacramento-San Joaquin Delta Atlas. DWR, 1995.
- Sacramento – San Joaquin Delta Reform Act of 2009
- Staff-Recommended DLIS Prioritization Table and Map; Staff-Recommended Modified Preliminary Draft Regulatory Language for Delta Plan Policy RR P1. Council. 2021.
- State Investments in Delta Levees. Key Issues for Updating Priorities. Council, 2014.
- State Investments in Delta Levees. Key Issues for Updating Priorities. Council, 2015.

ITEM 11

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.

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 12/2021	First Friday of 12/2025
Deby 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 12

RECLAMATION DISTRICT 828
Bills for Approval - October 20, 2022

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	WARRANT #
Kjeldsen, Sinnock & Neudeck, Inc.	7/22/2022	33121	\$287.50			
	7/22/2022	33122	\$480.00			
	7/22/2022	33123	\$3,656.38			
	8/12/2022	33318	\$218.75			
	8/12/2022	33319	\$646.17			
	8/12/2022	33320	\$685.00			
	9/9/2022	33503	\$1,726.62			
	9/9/2022	33504	\$1,040.00			
	10/7/2022	33715	\$257.50			
	10/7/2022	33716	\$65.00			
	10/7/2022	33717	\$323.75			
				\$9,386.67		1442
Neumiller & Beardslee	8/8/2022	330836	\$2,039.00			
	9/19/2022	332051	\$434.58			
	10/17/2022	333246	\$244.57			
				\$2,718.15		1443
BPM	7/29/2022	29372	\$218.40			
				\$218.40		1444
Schwartz Giannini Lantsberger & Adamson	8/31/2022	60809	\$4,300.00			
				\$4,300.00		1445
Custom Spraying, Inc.	10/10/2022	11-2372	\$1,500.00			
				\$1,500.00		1446
Reclamation District 1608 (Share of Storage Unit Fee)	10/13/2022		\$250.00			
				\$250.00		1447
Deby Provost - 10/20/2022 Regular Board Meeting	Trustee Stipend		\$100.00	\$100.00		1448
Paul Marsh - 10/20/22 Regular Board Meeting	Trustee Stipend		\$100.00	\$100.00		1449
WARRANT TOTAL				\$18,573.22		

RECLAMATION DISTRICT 828
Bills to Be Paid - July 21, 2022

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	WARRANT #
Kjeldsen, Sinnock & Neudeck, Inc.	5/10/2022	32774	\$759.60			
	5/10/2022	32775	\$237.50			
	6/10/2022	32974	\$132.50			
	6/10/2022	32975	\$515.00			
	6/10/2022	32976	\$176.25			
				\$1,820.85		1435
Neumiller & Beardslee	5/12/2022	326531	\$1,722.28			
	6/9/2022	328356	\$152.68			
	7/7/2022	329642	\$407.75			
				\$2,282.71		1436
Custom Spraying, Inc.	3/15/2022	475852	\$2,500.00			
				\$2,500.00		1437
BPM	6/1/2022	21957	\$773.42			
				\$773.42		1438
State Compensation Insurance Fund	7/5/2022	1000937086	\$447.60			
				\$447.60	X	Check #1007
Deby Provost - 7/21/2022 Regular Board Meeting	Trustee Stipend		\$100.00	\$100.00		1439
Paul Marsh - 7/21/22 Regular Board Meeting	Trustee Stipend		\$100.00	\$100.00		1440
Bill Mendelson - 7/21/2022 Regular Board Meeting	Trustee Stipend		\$100.00	\$100.00		1441
WARRANT TOTAL				\$8,124.58		