

RESOLUTION NO. 2024-09-30C

A RESOLUTION OF THE BOARD OF DIRECTORS OF RECLAMATION DISTRICT NO. 2029 CONFIRMING DIAGRAM AND ASSESSMENT, AND ORDERING LEVY OF THE LEVEE AND DRAINAGE FACILITIES IMPROVEMENT ASSESSMENT DISTRICT FOR FISCAL YEAR 2024-25

WHEREAS, the Board of Directors of Reclamation District No. 2029 (“Board”) on September 30, 2024, ordered the initiation of the proceedings for the formation of an assessment pursuant to the provisions of California Code Section 53750, 54710 et seq. and Article XIII-D of the California Constitution, to be known as the Levee and Drainage Facilities Improvement Assessment District (“Assessment”), for the purpose of continuing to maintain and repair levee, flood control and internal drainage facilities to protect all the properties within the boundaries of the District (the “Improvements”) as specified in the Engineer’s Report prepared by the Assessment Engineer, SCI Consulting Group; and

WHEREAS, the Board has adopted a resolution approving and filing an Engineer’s Report which includes: (1) a description of the levee and drainage facility Improvements and Repairs to be funded with assessment proceeds; (2) an estimate of the annual cost of improvements, services and repairs described in the Engineer’s Report; (3) a description of the assessable parcels of land within the proposed Improvement District and proposed to be subject to the new assessment; (4) a description of the proportionate special and general benefits conferred on property by the proposed assessment; (5) a diagram and boundary map for the Assessment, and (6) a specification of the amount to be assessed upon various types of assessable land within the Assessment to fund the cost of the Improvements. The Engineer’s Report is incorporated herein by this reference; and

WHEREAS, the Board adopted Resolution No. XX on September 30, 2024, a “Resolution Initiating Proceedings, Providing Intention to Levy Assessments for Fiscal Year 2024-25, Preliminarily Approving the Engineer’s Report, and Providing Notice of Public Hearing, and the Mailing of Assessment Ballots for the Reclamation District No. 2029 Levee and Drainage Facilities Improvement Assessment.” The annual assessment rates for various types of real property within the proposed assessment, the total number of parcels to be assessed, and the total amount of annual assessment revenue are contained within the Engineer’s Report; and

WHEREAS, the Board has provided a 45-day written mailed notice to each record owner of assessable parcels of real property located within the Assessment boundaries for the proposed Levee and Drainage Facilities Improvement Assessment District, as set forth on the Assessment Diagram and Boundary Map, of a public hearing which was held at a regular meeting of the Board on Tuesday, December 3, 2024 at 8:30am at Clear Suites in the large conference room located at 400 E. Kettleman Lane, Lodi, CA 95240

on the issue of whether the Levee and Drainage Facilities Improvement Assessment should be formed and assessments levied and collected as proposed in the Engineer's Report for fiscal year 2024-25 and subsequent years; and

WHEREAS, the form of written mailed public notice of the public meeting contained the following information: (a) the total amount of assessments proposed to be levied within the Assessment for fiscal year 2024-25; (b) the assessment chargeable to each owner's parcel; (c) the duration of the proposed assessment; (d) the reason for the assessment; (e) the basis upon which the amount of the proposed assessment was calculated; (f) the date, time and place of the public hearing as specified in this resolution; and (g) a summary of the voting procedures and the effect of a majority protest. The form of the written mailed public notice also included an Assessment ballot by which each property owner could express their support or opposition to the proposed assessment. The ballot indicated that it must be returned before the conclusion of the public hearing on December 03, 2024, in order to be valid and counted, and that all assessment ballots received would be tabulated after the conclusion of the public input portion of the public hearing on December 03, 2024, by the Assessment Engineer; and

WHEREAS, pursuant to the provisions of California Constitution Article XIII-D, an opportunity for protest has been afforded, and the assessment ballots mailed to owners of assessable real property within the proposed boundaries of the Reclamation District No. 2029, Levee and Drainage Facilities Improvement Assessment, have been received and tabulated, with assessment ballots weighted according to the proportional financial obligation of each affected parcel.

WHEREAS, during the public hearing written protests and verbal protests were received, which the Board noted and has considered along with the other information received during the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Reclamation District No. 2029 finds, determines and orders that:

Section 1: The above recitals are true and correct.

Section 2: The canvass of the assessment ballots submitted by property owners is complete and certified by SCI Consulting Group, the Tabulator, and the votes cast are as follows:

Total Number of Valid Ballots Processed: _____
Total Assessment Amount of Valid Ballots: \$ _____

Total Number of "Yes" Votes Processed: _____
Total Assessment Amount of "Yes" Votes Processed: \$ _____
Percentage of "Yes" Votes, unweighted: _____ %
Total Percentage of "Yes" Ballots, Weighted by Assessment: _____ %

Total Number of "No" Votes Processed: _____

Total Assessment Amount of “No” Votes Processed: \$ _____
Percentage of “No” Votes, unweighted _____ %
Total Percentage of “No” Ballots, Weighted by Assessment: _____ %

Total Number of “Invalid” Ballots Processed: _____
Total Assessment Amount of “Invalid” Ballots Processed: \$ _____

Section 3: _____ assessment ballots were returned and received prior to the close of the public input portion of the public hearing on December 3, 2024. This represents a _____ % ballot return rate on the _____ ballots mailed. Of the assessment ballots returned, _____ assessment ballots were declared invalid, in that they were either not marked with a “Yes” or “No”, were marked with both a “Yes” and a “No”, were not signed, or the property ownership and barcode information was illegible.

Section 4: As determined by ballots cast, on an unweighted basis, _____ % of the property owners cast ballots in support of the measure. As determined by ballots cast, as weighted according to the amount of assessment for each parcel, _____ % of the property owners cast ballots in support of the Levee and Drainage Facilities Improvement Measure. Since a majority protest, as defined by Article XIID of the California Constitution, did not exist, this Board thereby acquired jurisdiction to order the levy of assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

BE IT FURTHER RESOLVED that the Board of Directors of the Reclamation District No. 2029 hereby orders as follows:

1. The Final Engineer’s Report for the Levee and Drainage Facilities Improvement Assessment, together with the diagram and boundary map of the Assessment contained therein, and the proposed assessment roll for fiscal year 2024-25 are hereby confirmed and approved; and
2. That based on the oral and documentary evidence, including the Engineer’s Report, offered and received at the public hearing, the Board expressly finds and determines that: (a) each of the several assessed lots and parcels of land within the Assessment will be specially benefited by the Improvements (as described in the Engineer’s Report) in at least the amount of the Assessment apportioned against such lots and parcels of land, respectively; and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, said finding and determination as to special benefit to property with the Assessment from the Improvements to be financed with assessment proceeds; and
3. That the Levee and Drainage Facilities Improvement Assessment District is hereby formed, and assessments consistent with the Engineer’s Report are hereby levied, pursuant to the provisions of California Government Code Section 53750, 54710 et seq. and Article XIII-D of the California Constitution; and

That assessments for fiscal year 2024-25 shall be levied at the rate. It is the intention of this Board to levy and collect assessments within the Assessment District. The estimated fiscal year 2024-25 cost of providing the Services to be funded by this proposed assessment is \$208,370.45. This cost results in a proposed assessment rate of NINE HUNDRED AND TWENTY-THREE DOLLARS AND FOURTY CENTS (\$923.40) per commercial acre; FIFTY-NINE DOLLARS AND FIFTY NINE CENTS (\$59.59) per agricultural acre; non-assessable parcels will not be charged for fiscal year 2024-25.

4. That levee and drainage facility Improvements to be financed with assessment proceeds described in the Engineer's Report are hereby ordered; and
5. The monies representing assessments collected shall be deposited in a separate fund established under the distinctive designation of the Levee and Drainage Facilities Improvement Assessment District. Funds collected from the Levee and Drainage Facilities Improvement Assessment District shall be expended only for the special benefit of parcels within the Levee and Drainage Facilities Improvement Assessment District. In addition, the portion of the assessment funds collected for the critical repairs will be placed in an account separate from that of the maintenance and operation funds; and
6. The Levee and Drainage Facilities Improvement Assessment District, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the Board of Directors of the Reclamation District No. 2029 by a determination from the Assessment Engineer that the Assessment should be revised to be consistent with the method of assessment established in the Engineer's Report. Any such corrections, cancellations or refunds shall be limited to the current fiscal year; and
7. The previously existing assessment roll will no longer be implemented.

APPROVED AND ADOPTED by the Board of Directors of the Reclamation District No. 2029 at a regular meeting thereof held on the 3rd day of December by the following votes:

AYES _____

NAYES _____

ABSENT _____

ABSTAIN _____

John Herrick
Manager, Reclamation District No. 2029

ATTEST:

Alan Richard Coon
District Counsel, Reclamation District No. 2029