

RESOLUTION NO. 2024-09-30A

**A RESOLUTION OF THE BOARD OF TRUSTEES
OF RECLAMATION DISTRICT NO. 2029
INITIATING PROCEEDINGS,
PROVIDING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2024-25,
PRELIMINARILY APPROVING THE ENGINEER'S REPORT,
AND PROVIDING FOR NOTICE OF HEARING
AND THE MAILING OF ASSESSMENT BALLOTS
FOR THE RECLAMATION DISTRICT NO. 2029 LEVEE AND DRAINAGE FACILITIES
IMPROVEMENT ASSESSMENT**

WHEREAS, The Reclamation District No. 2029 ("District") desires to initiate the proceedings for the formation of a levee and drainage facilities maintenance and repair assessment district pursuant to the provisions of the Government Code section 53750, 54710 et seq. and Article XIID of the California Constitution; and to continue to maintain and repair levee and drainage facilities to protect all the properties within the boundaries of the District; and

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIIC and XIID to the California Constitution; and

WHEREAS, Articles XIIC and XIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined); and

WHEREAS, an Engineer's Report (the "Report") has been prepared by SCI Consulting Group (the "Engineer of Work") and submitted to the District Board of Trustees (the "Board"), in which a new assessment is proposed to fund the cost of maintaining and repairing levee and drainage facilities within the District boundaries. This proposed assessment shall be described as the "Levee and Drainage Facilities Improvement Assessment" (hereinafter the "Assessment District").

NOW, THEREFORE, BE IT RESOLVED, BY THE DISTRICT BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 2029 AS FOLLOWS:

1. **Reference to Initiation.** SCI Consulting Group, the Engineer of Work, has prepared an Engineer's Report in accordance with Article XIID of the California Constitution and Government Code section 53750, 54710 et seq. (the "Report"). The Report has been made, filed with the Secretary of the Board and duly considered by the Board and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.
2. **Description of the Services.** Within the Assessment District, the proposed Services will include the preservation of long-term viability, inspection,

maintenance, repair and installation of levees and internal drainage system; the maintenance and operations of the pumping station; control of vegetation and rodents; and other flood control and internal drainage services as referenced in the Engineer's Report identified below. "Installation" means the construction or installation of improvements, including, but not limited to, land preparation, such as grading, leveling, cutting and filling. "Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvements, including repair, removal, or replacement of all or part of any improvement.

3. **Reference to Engineer's Report.** Reference is hereby made to the Report for a full and detailed description of the Services, the boundaries of the Assessment District and the proposed assessments upon assessable lots and parcels of land within the Assessment District.
4. **Report of the Engineer of Work.** The Report, which is available for public review upon request is hereby incorporated by reference. This Engineer's Report includes:
 - A. A description of the Services to be funded with assessment proceeds;
 - B. An estimate of the annual cost of such Services;
 - C. A description of the assessable parcels of land within the District and proposed to be subject to the new assessment;
 - D. A description of the proportionate special and general benefits conferred on property by the proposed assessment;
 - E. A description of the boundaries of the proposed Assessment District, and
 - F. A specification of the amount to be assessed upon various types of assessable land to fund the cost of the Services.
5. **Description of Assessment District.** The Assessment District consists of the lots and parcels shown on the boundary map of the Assessment District on file with the Secretary of the Board, and reference is hereby made to such map for further particulars.
6. **Proposed Assessment 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.

7. **Public Hearing.** The public hearing on the proposed assessment shall be held before the Board of Trustees of the Reclamation District No. 2029 at Clear Suites conference room located at 400 E. Kettleman Lane, Lodi, CA 95240, at the hour of 8:30 am on Tuesday, December 3, 2024, and for the purpose of this Board's determination of whether the public interest, convenience and necessity require the Services and this Board's final action upon the Report and the assessments therein.
8. **Notice and Ballot.** The Board's Secretary is hereby authorized and directed to cause Notice of the hearing ordered under Section 7 hereof to be given in accordance with law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited in the mail. The envelope or cover of the mailing shall include the name of the District. The mailed Notice shall be given by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of San Joaquin, or in the case of any public entity, the representative of such public entity at the address thereof known to the Secretary. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the Assessment District for fiscal year 2024-25, the assessment proposed for the owner's particular parcel(s) and the duration thereof and the reason for the assessment. Each Notice shall also contain the proposed assessment and the basis upon which the amount of the assessment was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, the date, time, and location of the public hearing and a statement that the existence of a majority protest will result in the assessment not being imposed. The Notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.
9. **Additional Information.** To get additional information about the proposed assessments, the Assessment District or the proposed Services contact: Alan Richard Coon, District Counsel, Reclamation District 2029 at 400 E. Kettleman Lane, Suite 20-K, Lodi, CA 94240 (209) 601-9624.
10. **Annual Assessments.** The assessment is made upon the parcels or lots of land within the Assessment District in proportion to the special benefits to be received by the parcels or lots of land as outlined in the Engineer's Report. The Assessment District's assessment rate is not subject to an annual Consumer Price Index (CPI) adjustment.
11. **Existing Assessment Roll.** If the assessment is approved by property owners, and the Board assesses properties based upon this new assessment, then the existing assessment roll will not be implemented.

The foregoing Resolution No. _____ was approved and adopted by the Board of Trustees of the Reclamation District No. 2029 at a regular meeting of said Board held on September 30, 2024, by the following voice vote:

AYES _____

NAYES _____

ABSENT _____

ABSTAIN _____

James Harvey
District Manager & Trustee, Reclamation District No. 2029

ATTEST:

Alan Richard Coon
District Secretary & Counsel, Reclamation District No. 2029