

RECLAMATION DISTRICT NO. 2119

3121 West March Lane, Ste. 100

P.O. Box 20

Stockton, California 95201

(209) 948-8200

FAX (209) 948-8910

Trustees

Eugene Muzio

Nelson E. Bahler

Alvin Cortopassi

Secretary and Attorney

Andy Pinasco

Engineer

Christopher H. Neudeck

**NOTICE & AGENDA OF MEETING
OF THE BOARD OF TRUSTEES
OF RECLAMATION DISTRICT NO. 2119**

DATE: Monday, October 17, 2022

TIME: 9:00 a.m.

Call to Order

Roll Call

Agenda Items

1. 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 as it is taken up.
2. Consider for approval minutes of Board's meeting dated August 30, 2022.
3. Financial Report.
 - a. Review, discuss, and accept financial report.
 - b. Accept Audit Report for Fiscal Year ending June 30, 2022
 - c. Approve Auditor's Engagement Letter for Fiscal Year ending June 30, 2023
4. Consideration and approval of Resolution 2022-04 certifying 2022-2023 assessments to be collected.
5. Engineer's Report. Request for directions and approvals.
 - a. Review the District's Final Subventions Claim for Fiscal Year 2021/2022

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 Andy Pinasco at 209/948-8200 during regular business hours, at least twenty-four hours prior to the time of the meeting.

Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the office of the District Secretary at Neumiller & Beardslee, 3121 West March Lane, Suite 100, Stockton, California during normal business hours.

- b. Lower San Joaquin River Project – Discuss status of landowner/District to remove vegetation
- 6. Encroachment Permit. Discussion and Possible Action to Approve Encroachment Permit for Central Valley Flood Protection Board regarding the Ten Mile Levee Project.
- 7. Discussion and Direction Regarding Lower San Joaquin River Project.
- 8. Cal Mutuals. Discussion and Possible Action to Fill Out and Submit Ballot for 2022 Annual Meeting of the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority.
- 9. Delta Levees Investment Priorities. Discussion and direction regarding public comment on proposed rulemaking change to Sections 5001 and 5012 of Title 23 of the California Code of Regulations.
- 10. District Calendar. Discussion and direction.
- 11. Correspondence.
 - a. 2022 California Preseason Flood Coordination Meetings
- 12. Payment of Bills.
- 13. Adjournment.

**AGENDA PACKET
RECLAMATION DISTRICT 2119
OCTOBER 17, 2022**

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

ITEM 2

**Minutes of Meeting of
Reclamation District 2119
Held on August 30, 2022**

The meeting of the Board of Trustees of Reclamation District 2119 was held at 4:30 p.m. on August 30, 2022, at the District's Office located at 3121 West March Lane, Suite 100, Stockton, CA.

Call to Order: The meeting was called to order at 4:36 p.m.

Roll Call: All Trustees were present. Also present was Andy Pinasco, District Secretary and Counsel, Chris Neudeck, District Engineer, and Robert Solari, a landowner via teleconference.

Item No. 1: Public Comment. None.

Item No. 2: Approval of Minutes. Mr. Pinasco reviewed the minutes of the meeting of May 12, 2022 with the Trustees. The minutes of the May 12, 2022 meeting were approved unanimously by the Trustees present on a motion by Trustee Bahler, seconded by President Muzio.

Item No. 3.a: Mr. Pinasco provided a written and oral report of the District's finances through August 2022. The financial report was accepted by unanimous vote of the Trustees present on a motion by Trustee Bahler, seconded by President Muzio.

Item No. 4: Engineer's Report. Mr. Neudeck provided a written and oral report to the Trustees. Mr. Neudeck reported on the Lower San Joaquin River Project progress.

Item No. 5: Mr. Neudeck provided a detailed oral report regarding the alternate alignments for the San Joaquin River Project. The current alignment, which sites the project levee on the District's east levee along 14-Mile Slough, has been rejected by the District. A project levee on the District's east levee would result in additional operation and maintenance responsibilities, which at this time, is unclear as to who would perform such responsibilities. Trustee Bahler questioned whether there were any benefits to having a project levee as the District's east levee. Mr. Neudeck responded that the flood protection contemplated by the Project is not to protect the District's lands from flood, but rather the City to the east. Mr. Neudeck also reiterated that in addition to the project levee, there would be a gate structure placed at the District's north levee spanning 14 Mile Slough and connecting to Shima Tract (RD 2115).

Mr. Neudeck then explained the alternate alignment, which would site the project levee on the western levee of RD 1608 along 14 Mile Slough, not only removes the project levee from the District's system, but also relocates the gate structure to south of the marina, spanning 14 Mile Slough connecting Sargent Barnhart Tract (RD 2074) to Shima Tract (RD 1608).

The Trustees confirmed their opposition to the current alignment siting the project levee on the District's eastern levee, and supported the proposed realignment siting the project levee on the western levee of RD 1608.

Item No. 6: Mr. Pinasco and Mr. Neudeck provided an oral report to the Trustees regarding the current audit being conducted by the State Department of Finance. It was noted that this audit is time consuming and District staff is working within its constraints to respond to the State's requests for information within the budgetary allowances. The Trustees were informed that this audit is applicable to the previous 10 years of grant funding provided to the District in the form of subventions and special project funds. .

Item No. 7: Calendar. Mr. Pinasco reviewed the upcoming calendar events with the Trustees and the purpose of the calendar for District business.

Item No. 8: Correspondence. There was no correspondence received.

Item No. 9: Approval of Bills. Mr. Pinasco reported on the outstanding bills that had been received and the need for ratification of the bills paid during the last few months. The Trustees present unanimously approved payment of and ratification of the attached bills on a motion by President Muzio, seconded by Trustee Cortopassi.

Item No. 10: Adjournment. The meeting was adjourned at 5:46 p.m.

Respectfully submitted,

Andy Pinasco, District Secretary

ITEM 3.a

RECLAMATION DISTRICT NO. 2119
 OCTOBER 2022 FINANCIAL REPORT
 25% FISCAL YEAR 2022-2023

		BUDGET FY 2022-2023	Expended PTD	Expended YTD	% YTD
<u>EXPENSES</u>					
<u>General</u>					
G1	County Assessment Administration	\$500.00	\$ -	\$0.00	0%
G2	Miscellaneous Supplies	500.00	-	\$0.00	0%
G3	General Engineering	35,000.00	\$ 5,660.93	\$9,503.43	27%
G4	Legal and Accounting	20,000.00	\$ 8,534.24	\$10,564.24	53%
G5	Insurance	17,500.00	\$ -	\$0.00	0%
G6	Emergency Equipment & Supplies	0.00	\$ -	\$0.00	0%
		\$73,500.00	\$14,195.17	\$20,067.67	27%
<u>Levee Work</u>					
L1	Vegetation Control and Management	\$20,000.00	\$ 4,759.63	\$5,760.79	29%
L2	Rodent Control	\$1,000.00	\$ -	\$800.00	80%
L3	Construct All-Weather Road Surfacing	\$15,000.00	\$ -	\$1,820.02	0%
L4	Waterside Erosion Repair	\$25,000.00	\$ -	\$0.00	0%
L5	Back Slope Fill Flattening	\$40,000.00	\$ -	\$0.00	0%
L6	General Levee Maintenance	\$25,000.00	\$ -	\$2,134.54	9%
L7	DWR 5 Year Plan	\$0.00	\$ -	\$0.00	0%
Subtotal		\$126,000.00	\$4,759.63	\$10,515.35	8%
<u>Drainage</u>					
D1	Electricity	\$120,000.00	\$ 26,513.53	\$43,694.30	36%
D2	Plant O&M	\$12,500.00	\$ -	\$0.00	0%
Subtotal		\$132,500.00	\$ 26,513.53	\$43,694.30	33%
<u>Checking Account Funding</u>		0.00	\$ 40,000.00	\$80,000.00	
TOTAL EXPENSES		\$332,000.00	\$ 85,468.33	\$154,277.32	46%

<u>INCOME</u>					
		BUDGET FY 2022-2023	Income PTD	Income YTD	% YTD
<u>INCOME</u>					
	INTEREST	2,500.00	\$0.00	\$1,076.00	43%
	ASSESSMENT	\$250,291.63	\$0.00	\$7,535.70	3%
	LEVEE SUBVENTION REIMBURSEMENT	\$100,000.00	\$0.00	\$0.00	0%
	DWR 5 Year Plan Reimbursement	\$0.00	\$0.00	\$4,929.08	0%
TOTAL INCOME		\$352,791.63	\$0.00	\$13,540.78	4%
NET INCOME/(LOSS)		\$20,791.63	\$0.00	(\$140,736.54)	-677%

Fund Balance			
	Fund Balance as of July 1, 2022	\$	779,121.15
	Bank of Stockton Balance	\$	20,786.30
	Revenues (YTD)	\$	13,540.78
	Expenses (YTD)		\$154,277.32
	Total Cash as of August 2022	\$	655,008.91

ITEM 3.b

RECLAMATION DISTRICT NO. 2119

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. 2119, 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 2, 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. 2119
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) Adjustments or disclosures have been made for all events including instances of noncompliance, subsequent to the date of the financial statements that would require adjustment to or disclosure in the financial statements.
- 8) The effects of uncorrected misstatements are immaterial, both individually and in the aggregate, to the financial statements as a whole for each opinion unit.
- 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. 2119
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. 2119
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. 2119

FINANCIAL REPORT

JUNE 30, 2022

DRAFT

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INDEPENDENT AUDITORS' REPORT

To the Board of Trustees
Reclamation District No. 2119

We have audited the accompanying cash basis financial statements of the governmental activities and the major funds of Reclamation District No. 2095 (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. 2119, as of June 30, 2022 and the respective changes in cash basis financial position for the year then ended in accordance with 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. 2119, 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.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the cash basis of accounting described in Note 1, 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' Responsibility 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, Lantberger & Adamson

Stockton, California
August 30, 2022

RECLAMATION DISTRICT NO. 2119
Statement of Net Position - Cash Basis
June 30, 2022

	Governmental Activities
ASSETS	
Cash and cash equivalents	
Cash in county treasury (Note 4)	\$ 789,287
Cash in bank - checking (Note 4)	39,051
Total assets	\$ 828,338
NET POSITION	
Restricted for projects	\$ 10,166
Unrestricted	818,172
Total net position	\$ 828,338

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

RECLAMATION DISTRICT NO. 2119

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			
General and administrative	\$ (51,385)	\$ -	\$ (51,385)
Maintenance and operations	(198,469)	-	(198,469)
Net program (disbursements)	<u>\$ (249,854)</u>	<u>\$ -</u>	<u>\$ (249,854)</u>
General receipts:			
Landowner collections			\$ 243,192
Interest income			2,070
State subvention			268,738
Total general receipts			<u>\$ 514,000</u>
Change in net position			\$ 264,146
Net position - beginning of year			<u>564,192</u>
Net position - end of year			<u><u>\$ 828,338</u></u>

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

RECLAMATION DISTRICT NO. 2119
Balance Sheet - Governmental Fund - Cash Basis
June 30, 2022

	General Fund	Special Revenue	Total
ASSETS			
Cash and cash equivalents			
Cash in county treasury (Note 4)	\$ 779,121	\$ 10,166	\$ 789,287
Cash in bank - checking (Note 4)	39,051	-	39,051
Total assets	\$ 818,172	\$ 10,166	\$ 828,338
FUND BALANCE			
Restricted	\$ -	\$ 10,166	\$ 10,166
Unassigned	818,172	-	818,172
Total fund balance	\$ 818,172	\$ 10,166	\$ 828,338

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

RECLAMATION DISTRICT NO. 2119
Statement of Cash Receipts, Disbursements and Changes in Fund Balance - Governmental Fund -
Cash Basis
For the Year Ending June 30, 2022

	General Fund	Special Revenue	Total
RECEIPTS			
Landowner collections	\$ 243,192	\$ -	\$ 243,192
State subventions	268,738	-	268,738
Interest	2,042	28	2,070
Total receipts	<u>\$ 513,972</u>	<u>\$ 28</u>	<u>\$ 514,000</u>
DISBURSEMENTS			
General and administrative:			
Accounting	\$ 1,232	\$ -	\$ 1,232
Audit fees	5,000	-	5,000
Dues and subscriptions	345	-	345
Insurance	17,232	-	17,232
Legal and professional fees	14,114	-	14,114
Payroll expense	12,744	-	12,744
Payroll taxes	718	-	718
Total general and administrative	<u>\$ 51,385</u>	<u>\$ -</u>	<u>\$ 51,385</u>
Maintenance and operations:			
Engineering	\$ 27,826	\$ -	\$ 27,826
Levee maintenance	71,732	-	71,732
Utilities	85,819	-	85,819
Vegetation control	13,092	-	13,092
Total maintenance and operations	<u>\$ 198,469</u>	<u>\$ -</u>	<u>\$ 198,469</u>
Total disbursements	<u>\$ 249,854</u>	<u>\$ -</u>	<u>\$ 249,854</u>
Net change in fund balance	264,118	28	264,146
Cash basis fund balance - beginning	<u>554,054</u>	<u>10,138</u>	<u>564,192</u>
Cash basis fund balance - ending	<u>\$ 818,172</u>	<u>\$ 10,166</u>	<u>\$ 828,338</u>

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

RECLAMATION DISTRICT NO. 2119

NOTES TO FINANCIAL STATEMENTS JUNE 30, 2022

NOTE 1. SIGNIFICANT ACCOUNTING POLICIES

Nature of business

Reclamation District No. 2119 is a governmental entity organized by the landowners of Wright-Elmwood Tract located in San Joaquin County, California, and governed by an elected Board of Trustees. Expenses incurred by the District are, at times, partially subsidized by various federal, state, and local assistance or reimbursement programs.

Pursuant to Government Code Section 1780 vacancies on the Board of Trustees can be filled through appointment by the remaining Trustees or the County Board of Supervisors. In election years, a Notice Calling for Nomination Petitions is published. If no more than one petition per open position is received, the County Board of Supervisors will appoint the nominated party or parties. If no nominations are received, the County Board of Supervisors will usually appoint a qualified person recommended by the Board of Trustees.

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. 2119

NOTES TO FINANCIAL STATEMENTS

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. Landowner 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. 2119

NOTES TO FINANCIAL STATEMENTS

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.

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.

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.

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.

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 landowners in the District. The Board is elected by all of the landowners within the district represented by the Board.

Income Tax Status

Reclamation District No. 2119 is a governmental entity and not subject to federal and state income taxes.

RECLAMATION DISTRICT NO. 2119

NOTES TO FINANCIAL STATEMENTS

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 30, 2022, the date the financial statements were available to be issued.

NOTE 3. LANDOWNER COLLECTIONS

The District's primary source of operating revenue is the annual benefit assessment, which is collected from the District's property owners.

NOTE 4. 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>\$ 39,051</u>	<u>\$ 49,386</u>	
Investment in External Investment Pool			
San Joaquin County Treasurer	<u>\$ 789,287</u>		<u>\$ 789,287</u>

Total bank deposits of \$49,386 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. 2119

NOTES TO FINANCIAL STATEMENTS

NOTE 5. LISTING OF BOARD OF TRUSTEE MEMBERS AND OFFICERS

<u>Board Members</u>	<u>Term Expires</u>	<u>Title</u>
Eugene Muzio	December 2025	Trustee
Alvin Cortopassi	December 2023	Trustee
Nelson Bahler	December 2023	Trustee

NOTE 6. INSURANCE

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

<u>Coverage</u>	<u>Limits of Liability</u>
Bodily injury and property damage	\$1,000,000/\$3,000,000
Personal injury and advertising injury	\$1,000,000/\$3,000,000
Professional liability	\$1,000,000/\$3,000,000
Medical expense	\$10,000/\$3,000,000
Employee theft	\$250,000
Excess	\$4,000,000
Workers' compensation	Statutory

NOTE 7. RELATED PARTIES

The Board of Trustees is made up of landowners and the legal representatives of landowners. The trustees are subject to periodic election by the landowners. Some trustees perform services for the District such as those of superintendent and are compensated for their service. For cost savings, the District at times procures goods and services from landowners. Major work is performed by outside contractors or District forces. The District also hires landowner or trustee employees and employees of other entities part time to work for the District. Total payments made directly to landowners, for goods and services and reimbursed expenses, are as follows:

Eugene Muzio	<u>\$ 15,930</u>
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RECLAMATION DISTRICT NO. 2119

NOTES TO FINANCIAL STATEMENTS

NOTE 8. 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 4

**RECLAMATION DISTRICT NO. 2119
RESOLUTION 2022-04**

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

WHEREAS, Reclamation District No. 2119 provides a benefit and service to the land located within the District by the repair, upgrading, maintenance and operation of the reclamation works of the District in that such works serve to prevent the flooding of the land within the District; and

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

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

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

WHEREAS, the District has complied with the procedures of California Constitution Articles XIIC and XIID, and has received a majority vote authorizing the collection of a maximum amount of assessments for each fiscal year commencing fiscal year 2009-2010.

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, by the Board of Trustees of Reclamation District 2119 that:

1. The foregoing recitals are true and correct and this Board so finds and declares.
2. It is the determination of the Board that the benefits and services provided by the District apply to each lot within the District as set forth in the Engineer's Report, dated October 1, 2009, previously approved by this Board, except as specific adjustments have been approved by this Board after hearing.
3. Such assessments shall be collected in two equal installments as follows:
 - a. Installment No. 1 - \$[AMOUNT] per \$100.00 of Assessment Valuation as shown in the Reclamation District No. 2119 Wright Elmwood Tract Assessment Engineer's Report dated October 1, 2009.

Due: December 10, 2022
Delinquent: February 21, 2023

b. Installment No. 2 - \$[AMOUNT] per \$100.00 of Assessment Valuation as shown in the Reclamation District No. 2119 Wright Elmwood Tract Assessment Engineer's Report dated October 1, 2009.

Due: December 10, 2022

Delinquent: April 11, 2023

4. In the case of all parcels within the District which are owned in common by more than one owner, and which do not have a separate legal entity holding the title thereto, the assessments otherwise applicable thereto shall be paid equally by the common owners.
5. The revenue so collected which is necessary for the provisions of said benefits and services, is supplemental to the revenues received by the District from the County of San Joaquin in accordance with the statutes enacted under Article XIII A of the California Constitution and is not in lieu thereof.
6. The President and Secretary of the District are hereby authorized and directed to execute such documents as are necessary to carry out this Resolution.
7. The Engineer and Attorney for the District are hereby authorized and directed to assist the Auditor of San Joaquin County in compliance with this Resolution, and to bill separately those parcels assessed.
8. Any installment payment which shall remain unpaid after the delinquency date will be delinquent. A ten percent (10%) penalty will be added to each delinquent assessment and interest at the rate of one and one-half percent (1-1/2%) per month. Penalty and interest will be collected for the use of the District.
9. The Secretary of the District is hereby authorized and directed to certify a copy of this Resolution to the Auditor of San Joaquin County.

PASSED AND ADOPTED by the Board of Trustees of Reclamation District No. 2119 at a meeting thereof held on this 17th day of October, 2022, by the following vote, TO WIT:

AYES:

NOES:

ABSTENTION:

ABSENT:

RECLAMATION DISTRICT NO. 2119
A Political Subdivision of the
State of California

By: _____
EUGENE MUZIO, PRESIDENT

ATTEST:

ANDY PINASCO, SECRETARY

CERTIFICATION

I, ANDY PINASCO, Secretary of Reclamation District No. 2119, do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District No. 2119 duly passed and adopted at a meeting of the Board of Trustees thereof held on the 17th day of October, 2022.

Dated: _____, 2022

ANDY PINASCO, SECRETARY
Reclamation District No. 2119

ITEM 5

**RECLAMATION DISTRICT NO. 2119
WRIGHT-ELMWOOD TRACT
BOARD OF TRUSTEES MEETING
MONDAY, OCTOBER 17, 2022
9:00 A.M.
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	\$ 46,302.31
LESS DISTRICT SHARE (1,000/MILE @ 7.1 miles)	\$ 7,100.00
TOTAL ELIGIBLE	\$ 39,302.31
MAX REIMBURSEMENT = 75% OF ELIGIBLE	\$ 29,401.73

II. LOWER SAN JOAQUIN RIVER FEASIBILITY STUDY (LSJRFS)

A. Discuss status of landowner/District to remove vegetation

ITEM 6

RECLAMATION DISTRICT NO. 2119 ENCROACHMENT PERMIT
Lower San Joaquin River Levee Improvement Project – Levee Reach TS30L Vegetation Clearing

This Encroachment Permit (“Permit”) is issued by RECLAMATION DISTRICT 2119 – WRIGHT ELMWOOD TRACT (“RD 2119”) to CENTRAL VALLEY FLOOD PROTECTION BOARD (“Permittee”). The real property affected by this Permit is a portion of RD 2119 facilities, at Ten Mile Slough Levee, in San Joaquin County, State of California, as referenced in the Base Map attached hereto as Exhibit “A”.

RECITALS

WHEREAS Permittee desires to encroach upon a portion of the levee maintained by RD 2119 for the purpose of vegetation removal at Levee Reach TS30L pursuant to the design and specifications set forth in the plans prepared on behalf of Permittee, and attached hereto as Exhibit “B” and made part of this Agreement (“Project” or “works”); and

WHEREAS, said improvement shall comport with the specifications and requirements set forth in Section 5 of this Permit; and

WHEREAS, RD 2119, pursuant to its jurisdiction over levee maintenance, repair, and flood control matters conferred by California Water Code section 50900 *et seq.*, has adopted Levee Encroachment Standards; and

WHEREAS, RD 2119 has determined that Permittee’s desired levee encroachment, as specified in Exhibit “A,” is in conformance with RD 2119’s Levee Encroachment Standards; and

WHEREAS, RD 2119 desires to grant this Permit upon the terms and conditions herein specified and by acceptance of this Permit, Permittee agrees to observe and perform.

AGREEMENT

NOW, THEREFORE, Permittee and RD 2119 agree as follows:

1. Permit Description.

- A. RD 2119 does hereby grant to Permittee permission to encroach upon that portion of RD 2119 levee, referred to as Ten Mile Slough Levee, in San Joaquin County, State of California for the sole purpose of for the purpose of vegetation removal at Levee Reach TS30L. Reference Base Map and Project drawings attached hereto as Exhibit “A” and Exhibit “B”.
- B. Permittee shall obtain the necessary easements and rights of way from the landowners upon whose land the work and improvements will be located. Fee title to the real property at the above locations is not vested in RD 2119 but is vested in other parties.

2. Permit Terms and Conditions.

- A. Permittee shall cause works to that portion of RD 2119 levee, referred to as Ten Mile Slough Levee, in San Joaquin County, State of California to be performed only in accordance with the terms and conditions required in this Permit and with plans and specifications approved by RD 2119's District Engineer.
- B. Permittee shall retain at Permittee's sole cost and expense a supervisor capable of providing oversight of all work in the waterway or on or near RD 2119's levee and any and all water seepage, soil stability problems and changes in levee crown elevation shall be immediately reported to RD 2119's District Engineer. The supervisor with control over the work shall be onsite continuously during the course of the operations permitted herein.
- C. RD 2119's District Engineer shall have the right to inspect the construction related to the works and repairs performed by the Permittee at any time, and, in the event RD 2119's District Engineer deems the safety of RD 2119's levee is being jeopardized, he may order all or any portion of the work stopped, in which case Permittee agrees to immediately comply with the order. Any such order to stop work shall be in writing and shall be given to the Permittee's on-site representative and to its contractor, if a contractor is used. If a written order to shut down any portion of the construction is issued by the District Engineer, then a meeting will be held on-site within twenty-four (24) hours to agree on the conditions under which construction can be restarted. If a disagreement arises between RD 2119 and Permittee at such meeting, then a third-party engineer, designated by RD 2119 and Permittee by mutual consent prior to the commencement of construction activities related to repair performed by Permittee will be called in within twenty-four (24) hours of the conclusion of the meeting to arbitrate the dispute, and will render a decision which shall be binding on the parties within forty-eight (48) hours after conducting the arbitration. All costs of the work by the third-party engineer shall be born entirely by Permittee.
- D. Permittee shall notify RD 2119's District Engineer, Christopher H. Neudeck, via email at cneudeck@ksninc.com, at least twenty-four (24) hours prior to the commencement of the operations permitted herein, and when there is no activity for a period of five (5) working days, said notice shall once again be given at least twenty-four (24) hours prior to resumption of such operations.
- E. Permittee's operations permitted herein shall not interfere with access along the levee crown road when Permittee's crews are not on site.
- F. All covenants of Permittee herein shall also be deemed conditions of this Permit.
- G. The terms and conditions herein shall bind the heirs, successors and assigns, executors, administrators and transferees of Permittee. Permittee agrees as a condition of any transfer to obtain from the transferee its written agreement to comply with the terms of this Permit. Permittee shall notify RD 2119 of the name and address of any transferee and provide to RD 2119 a copy of said transferee's agreement within ten (10) days of the transfer.

- H. If requested by RD 2119, Permittee agrees to execute any and all additional documents reasonably necessary to secure the recordation of this Permit or a memorandum thereof in the County of San Joaquin, State of California.
- I. Permittee shall, upon completion of the Project, properly restore the Levee to the condition prior to the Project including, but not limited to, riprap and Levee crown surfacing to preconstruction dimensions and conditions, including elevation, in a manner satisfactory to the RD 2119 District Engineer.
- J. Permittee shall, within thirty (30) days of completion of the improvements, supply RD 2119 with “as-built” drawings of the completed project that deviates from the original design.

3. Permit Termination.

- A. This Permit shall be subject to termination by the Board of Trustees of RD 2119 upon failure of Permittee to adhere to the terms and conditions provided herein.
- B. Upon the termination of this Permit, RD 2119’s remedies against Permittee set forth herein including, but not limited to, Permittee’s obligations (1) to fully indemnify, defend and save harmless RD 2119; (2) to assume the risk of damages to its facilities and operations permitted herein from flooding; (3) to repair damage caused by its facilities or operations permitted herein, reasonable wear and tear excepted; (4) to remove its facilities permitted herein; and (5) to reimburse RD 2119 for various costs; shall survive the termination of this Permit.

4. Notice.

- A. Unless changed by written notice to the parties at the addresses herein provided, the mailing address for all notices required herein shall be:

Brian Ferrero
C/O Central Valley Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821
Telephone (916) 574-0609

Reclamation District No. 2119 – Wright Elmwood Tract
P.O. Box 20
Stockton, CA 95201
Telephone (209) 948-8200

5. Special Conditions.

- A. [Trustees to Consider at October 17, 2022, Meeting]

6. Indemnification and Insurance.

- A. Permittee agrees to fully indemnify, defend and hold harmless RD 2119, including its governing board, trustees, officers, consultants, agents, employees and contractors (herein collectively referred to as “RD 2119 Indemnitees”) against any and all loss, damage, liability, claim, demand, litigation, expense, including reasonable attorney’s fees, resulting from any actual or threatened injury or harm to any person or property or to the environment arising out of Permittee’s facilities and operations permitted herein regardless of the active or passive negligence of RD 2119 excepting only such injury or harm caused by the sole negligence or willful misconduct of RD 2119.
- B. Permittee shall secure the naming of “RD 2119, its board of trustees and officers thereof” as additional insureds as to claims arising out of Permittee’s facilities and operations permitted herein on the liability policies and to the limits as required by Permittee of its contractors during the period of the contractors’ work permitted herein. Additionally, Permittee shall at all times during the time this Permit remains in effect maintain comprehensive general liability insurance including coverage for all damages arising out of Permittee’s facilities and operations permitted herein with limits of a minimum of \$2,000,000.00 per occurrence to insure Permittee’s obligations for personal, property and environmental injury or harm as provided herein. All liability insurance shall be provided by California admitted carriers with an A- or better rating. Certificates of said insurance shall be provided to RD 2119 prior to commencement of the operations authorized herein. Said certificates shall provide for thirty (30) days prior notice to RD 2119 of termination of the insurance.

Permittee shall have the right to self-insure with respect to any of the insurance requirements required under this Agreement. Permittee shall submit a letter of self-insurance signed by a duly authorized representative evidencing that Permittee’s self-insurance program is in full force and effect and in compliance with and subject to all the terms, agreements, covenants, conditions and provisions of this Agreement.

- 7. Flood Risk Acknowledgment. Permittee acknowledges that the premises could be flooded from many causes, including without limitation, the following:
 - A. Levee overtopping and levee failure due to natural causes such as winds, tides, barometric pressure changes, rainfall, rainfall runoff, earthquakes, levee settlement and rodents.
 - B. Levee overtopping and levee failure due to man-related causes including but not limited to the negligence of the landowner, any Reclamation District, or any other governmental agency, which may include inadequate or improper levee maintenance, flood fighting and/or patrol, dredging, water releases, obstructing water flows and water diversions.
 - C. Failure of the drainage system due to natural or man-related causes, including negligence of an owner, any Reclamation District, and any governmental agency.
 - D. Failures to construct, repair, maintain or operate levees, drainage or irrigation facilities or other facilities whether due to limited funding or otherwise.
 - E. Permittee hereby expressly assumes the risk of direct and indirect loss and damage to Permittee and its contractors, employees and agents arising out of the above and hereby

waives the right, including the right on the part of any insurer through subrogation, to make any claim pertaining to the same as against RD 2119 and the landowners within RD 2119. Permittee agrees to hold RD 2119 and the landowners within RD 2119 free and harmless from and indemnify them for inverse condemnation of and for damages to property belonging to Permittee, or to Permittee's contractors, employees or agents, used in connection with Permittee's operations permitted herein that results from or is caused by flooding due to the causes set forth above including, without limitation, damage to equipment, improvements, site preparation, pipelines, valves and appurtenances. The parties intend that this indemnity shall extend as broadly as legally permitted and shall apply regardless of whether the loss results from the active or passive negligence of RD 2119 excepting only such loss caused by the willful misconduct of RD 2119.

8. Permittee Duty to Repair. Permittee does hereby agree that at all times during and after the completion of the work that Permittee shall, upon written demand by RD 2119, perform at Permittee's own cost and expense, and within the time limits set by RD 2119 to the extent those time limits are feasible, all reasonable rehabilitation, maintenance, or repair work ordered to be performed by RD 2119 which arises as a result of Permittee's work, reasonable wear and tear excepted.
9. RD 2119 Right to Remove Works and Appurtenances.
 - A. Permittee does hereby agree that this Permit is subject to the paramount rights of RD 2119 for reclamation and flood control purposes and the rights of RD 2119 to control, maintain, repair, construct, supervise, inspect, relocate, operate, and reconstruct its levees and reclamation works. If and in the event that in the sole discretion of the Board of Trustees of RD 2119 an emergency exists or may arise which requires that work be performed on the levee, banks, slopes or other RD 2119 facilities in the immediate area of Permittee's works permitted herein, or in the immediate area of Permittee or its contractors, employees or agents' temporary works or appurtenances thereto used in connection with the operations permitted herein, then and in that event Permittee hereby gives to RD 2119, its agents, employees or contractors, the right and permission to remove any and all of said works and appurtenances reasonably necessary to the performance of such work, provided that RD 2119 first provides Permittee with facsimile or telephone notice at the numbers set forth above. Having given notice by one of the two methods, RD 2119 may then proceed. RD 2119 will, however, if time permits, and in the sole discretion of the Board of Trustees of RD 2119, request that Permittee, rather than RD 2119, conduct said removal.
 - B. In the event RD 2119 conducts said removal, Permittee hereby agrees to hold RD 2119, including its governing board, trustees, officers, consultants, agents, employees and contractors, herein collectively referred to as RD 2119, harmless from any and all injury or harm to said works and appurtenances resulting from said removal regardless of the active or passive negligence of RD 2119 excepting only such injury or harm caused by the willful misconduct of RD 2119. Permittee shall within thirty (30) days from the date of written demand by RD 2119 reimburse RD 2119 for (1) all costs and expenses incurred by RD 2119 in said removal of said works and appurtenances, including reasonable attorney's fees and interest; and for (2) all costs and expenses incurred by RD 2119 in performing any

portion of said emergency work which is reasonably necessary and caused by the presence of said works and appurtenances.

10. Time is of the Essence. Time is of the essence of this Permit.

11. Miscellaneous.

A. The undersigned represent that they are authorized to enter into this permit agreement on behalf of the party for which they sign. Each party represents that it has legal authority to enter into this permit agreement and to perform all obligations under this permit agreement.

12. Entire Agreement. This Permit is intended to reflect the entire understanding between the parties, and no alteration or modification shall be valid unless made in writing and signed by the parties. The parties agree to cooperate with each other and coordinate their respective activities in a good faith effort to accomplish the objectives recited above.

13. Governing Law. All matters arising out of or relating to this Agreement shall be governed by and construed in accordance with the internal laws of the State of California without giving effect to any choice or conflict of law provision or rule. The parties agree that this Permit is made in and shall be performed in San Joaquin County, California.

14. The prevailing party shall be entitled to reasonable attorney's fees and costs in any action, arbitration, or enforcement proceeding brought to enforce the terms of this Permit.

Attachments:

- RD 2119 Base Map
- [ATTACHMENTS]

(SIGNATURES ON FOLLOWING PAGE)

ACCEPTANCE BY PERMITTEE

PERMITTEE HEREBY ACCEPTS THE ABOVE PERMIT AND AGREES TO COMPLY WITH ALL OF THE REQUIREMENTS THEREOF. THIS PERMIT DOES NOT RELIEVE THE PERMITTEE FROM OBTAINING ANY AND ALL OTHER APPROPRIATE PERMITS REQUIRED BY OTHER PUBLIC AGENCIES.

Dated: _____, 2022.

CENTRAL VALLEY FLOOD PROTECTION BOARD

By: _____

Printed name: _____

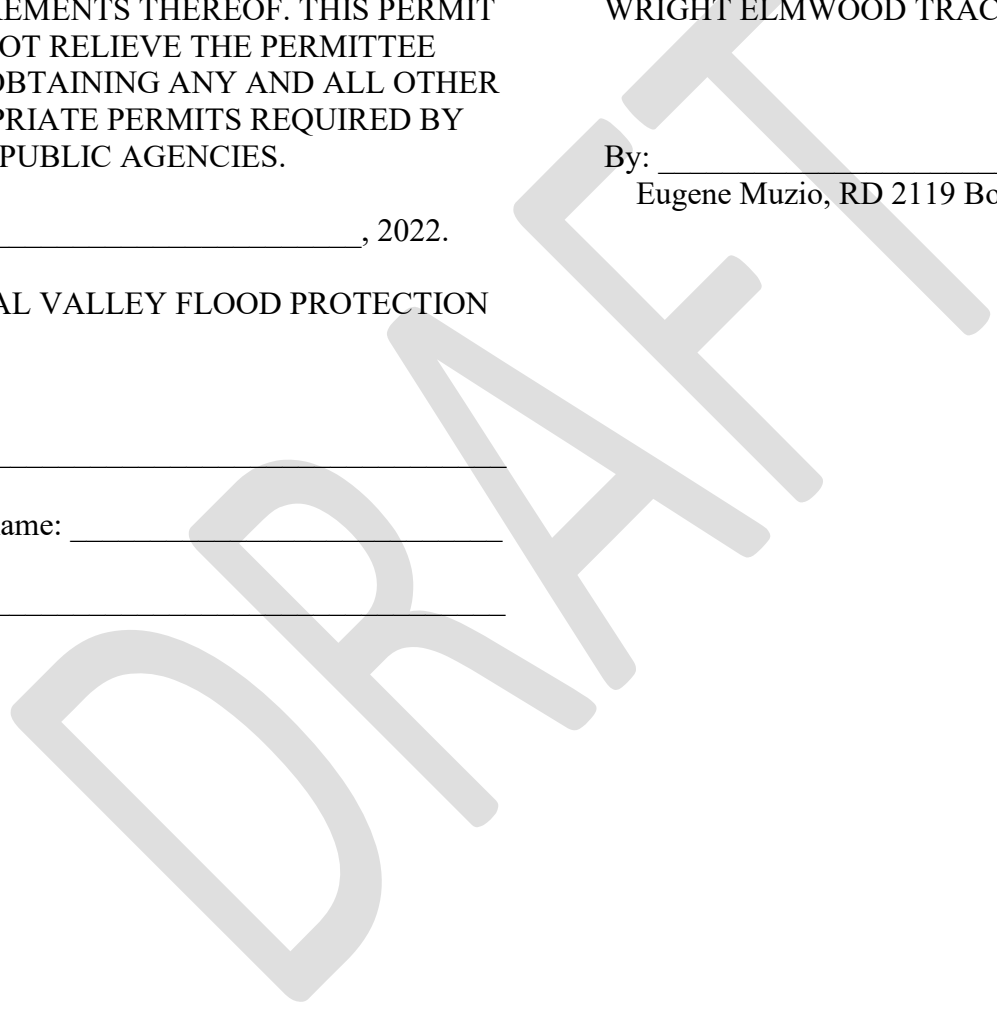
Title: _____

APPROVED BY RD 2119

Dated: _____, 2022.

RECLAMATION DISTRICT NO. 2119 – WRIGHT ELMWOOD TRACT

By: _____
Eugene Muzio, RD 2119 Board President



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or

STATE OF CALIFORNIA)
)
COUNTY OF SAN JOAQUIN)

On _____, before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or

STATE OF CALIFORNIA)
)
COUNTY OF SAN JOAQUIN)

On _____, before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

EXHIBIT "A"

RD 2119 BASE MAP

EXHIBIT "B"

PROJECT PLANS AND SPECIFICATIONS

ITEM 8

RD 2119
73656-42638



**NOTICE OF ANNUAL MEETING
To be held Monday and Tuesday - October 24-25, 2022**

To the Members of California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority (CalMutuals JPRIMA):

NOTICE IS HEREBY GIVEN that the Annual Meeting of the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority will be held in person at The Citizen Hotel, 926 J St, Sacramento, CA 95814 on Tuesday, October 25, 2022, 8:00 AM-9:00 AM.

The purpose of the Annual Meeting is to consider and act upon the election of the Board of Directors and other items as may properly come before the Authority's membership.

There will be one Director position up for election as of the date of this Notice. Lynda Noriega, President of California Domestic Water Company, has been nominated for that position and no other nominations have been received to date.

The Authority's ballot for the annual meeting is submitted herewith.

The meeting will be part of a larger two-day conference that will include the California Association of Mutual Water Companies Annual Meeting and presentations, panels, and workshops focused on needs and concerns of small water systems. The conference is scheduled to begin on Monday, October 24, 2022 at 12:00 PM and to continue through Tuesday, October 25, 2022 at 2:00 PM.

By order of the Board of Directors

Susan E. Allen
Chief Executive Officer

IMPORTANT

YOU ARE URGED TO COMPLETE, SIGN AND PROMPTLY RETURN YOUR BALLOT SO THAT YOUR VOTE WILL BE COUNTED AND SO THAT THE PRESENCE OF A QUORUM MAY BE ASSURED. A POSTAGE-PAID RETURN ENVELOPE IS ENCLOSED FOR YOUR CONVENIENCE IN RETURNING YOUR BALLOT. BALLOTS MAY ALSO BE RETURNED BY FAX AT 714-398-8819 OR EMAIL AT SUSAN@CALMUTUALS.ORG



**BALLOT FOR THE 2022 ANNUAL MEETING OF THE
CALIFORNIA ASSOCIATION OF MUTUAL WATER COMPANIES
JOINT POWERS RISK AND INSURANCE MANAGEMENT AUTHORITY**

OCTOBER 24-25, 2022

_____ [insert name
of member company or district] hereby submits its written ballot for the 2022 Annual Meeting of
the California Association of Mutual Water Companies, Joint Power Risk and Insurance
Management Authority marked as follows:

For Director, for a one-year term:

Lynda Noriega California Domestic Water Company	For <input type="checkbox"/>	Against <input type="checkbox"/>	Quorum Only <input type="checkbox"/>
--	------------------------------	----------------------------------	--------------------------------------

Dated: _____, 2022

Name of Member Company or District : _____

By _____
[Signature]

[Printed Name]

Its: _____
[Authorized Officer – Position Title]



Board of Directors Candidate Biography



Lynda Noriega

Lynda Noriega is President of California Domestic Water Company, a wholesale mutual water company based in Whittier, California—a title she's held for almost 5 years.

She began her career in 2001 with Valley County Water District (VCWD), a retail-based special district in Baldwin Park, California serving as Operations Assistant, Water Quality Specialist, Finance & Administrative Manager, and Interim General Manager prior to becoming General Manager in February 2011.

Lynda served as General Manager of VCWD until her hire as the Vice President/General Manager with CalDomestic on March 14, 2016.

She serves as Chair of the Board of Directors for the Main San Gabriel Basin Watermaster, as a member of the Board of Directors for the San Gabriel Valley Water Association, and as a member of the Board of Directors San Gabriel Basin Water Quality Authority.

She obtained her Bachelor of Arts degree in Business Administration with an emphasis in Accounting Theory from California State University, Fullerton in 2007.

ITEM 9

**State of California
Delta Stewardship Council**

**California Code of Regulations, Title 23. Water Division 6. Delta
Stewardship Council**

**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**

Proposed Amendment to Existing Regulation

**(September 23, 2022, Notice of Extension of Written Comment Period and
Continued Hearing for OAL File No. Z2022-0816-07)**

Amend California Code of Regulations, Title 23, section 5001 and section 5012 as follows:

[Note: Set forth below are proposed amendments to Title 23 of the California Code of Regulations. Amendments to existing sections proposed and subject to comment in this rulemaking are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions, compared to the preexisting regulatory language. All other portions remain unchanged and are indicated by the symbol “* * * *” for reference.]

§ 5001. Definitions. As used in this division, the terms listed below shall have the meanings noted:

* * * *

(v) “High Priority islands or tracts” means the tracts of land listed under “High Priority” in the Table (Delta Levees Investment Strategy Priorities) of Section 5012 of this title and depicted in Appendix P to the Delta Plan.

(w) “Levee improvement” means any activity that is not levee operation and maintenance, and that is intended to reduce the probability of flooding or the addition of a feature that did not previously exist. Examples of levee improvements include changing levee geometry to reach a higher level of protection, increasing the height of a levee, providing riprap where none previously existed, and other similar activities.

(x) “Levee operation and maintenance” means any activity to retain or maintain the intended functions of flood control facilities and of existing encroachments or needed to keep the system functioning properly. Examples of maintenance activities include

mowing, tree and brush trimming and removal, revetment restoration, rodent control, spraying, painting, coating, patching, burning, and other similar activities but does not include any significant excavation or any excavation during flood season.

(~~vz~~) "Nonnative invasive species," for purposes of section 5009, means species that establish and reproduce rapidly outside of their native range and may threaten the diversity or abundance of native species through competition for resources, predation, parasitism, hybridization with native populations, introduction of pathogens, or physical or chemical alteration of the invaded habitat.

(~~waa~~) "Nonproject levee" means a local levee owned or maintained by a local agency or private owner that is not a project facility under the State Water Resources Law of 1945, Chapter 1 (commencing with Water Code section 12570) and Chapter 2 (commencing with section 12639 of Part 6 of the Water Code).

(bb) "Other Priority islands or tracts" means the tracts of land listed under "Other Priority" in the Table (Delta Levees Investment Strategy Priorities) of Section 5012 of this title and depicted in Appendix P to the Delta Plan.

(~~xcc~~) "Project levee" means a federal flood control levee that is a project facility under the State Water Resources Law of 1945, Chapter 1 (commencing with Water Code section 12570) and Chapter 2 (commencing with section 12639 of Part 6 of the Water Code).

(~~ydd~~) "Proposed action" means a plan, program, or project that meets the covered action screening criteria listed in section 5001(j)(1)(A) through (D). Proposed action is also a "covered action," and therefore subject to compliance with the regulatory policies contained in Articles 2 and 3-if the proposed action meets the covered action screening criterion listed in section 5001(j)(1)(E).

(~~zee~~) "Protection" or "protecting," for purposes of section 5001(h)(2), means preventing harm to the ecosystem, which could include preventing the conversion of existing habitat, the degradation of water quality, irretrievable conversion of lands suitable for restoration, or the spread of invasive nonnative species.

(~~aaff~~) "Regulated stream" means those streams identified in Table 8.1 of California Code of Regulations, Title 23, section 112, under the jurisdiction of the Board.

(~~bbgg~~) "Restoration" or "restoring," for purposes of section 5001(h)(2), has the same meaning as in Water Code section 85066. Restoration actions may include restoring interconnected habitats within the Delta and its watershed, restoring more natural Delta flows, or improving ecosystem water quality.

(~~eehh~~) "Setback levee" means a new levee constructed behind an existing levee which allows for removal of a portion of the existing levee and creation of additional floodplain connected to the stream. In the Delta, a "setback levee" may not necessarily result in removal of the existing levee.

(~~edji~~) "Significant impact" for the purpose of determining whether a project meets the definition of a "covered action" under section 5001(j)(1)(D) means a substantial positive or negative impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce

risks to people, property, and State interests in the Delta, that is directly or indirectly caused by a project on its own or when the project's incremental effect is considered together with the impacts of other closely related past, present, or reasonably foreseeable future projects. The following categories of projects will not have a significant impact for this purpose:

(1) "Ministerial" projects exempted from CEQA, pursuant to Public Resources Code section 21080(b)(1);

(2) "Emergency" projects exempted from CEQA, pursuant to Public Resources Code section 21080(b)(2) through (4);

(3) Temporary water transfers of up to one year in duration.

(4) Other projects exempted from CEQA, unless there are unusual circumstances indicating a reasonable possibility that the project will have a significant impact under Water Code section 85057.5(a)(4), as further defined by this section. Examples of unusual circumstances could arise in connection with, among other things:

(A) Local government general plan amendments for the purpose of achieving consistency with the Delta Protection Commission's Land Use and Resource Management Plan; and

(B) Small-scale habitat restoration projects, as referred to in CEQA Guidelines, section 15333 of Title 14 of the California Code of Regulations, proposed in important restoration areas, but which are inconsistent with the Delta Plan's policy related to appropriate habitat restoration for a given land elevation (section 5006 of this Chapter).

(j) "Very-High Priority islands or tracts" means the tracts of land identified under "Very-High Priority" in the Table (Delta Levees Investment Strategy Priorities) of Section 5012 of this title and depicted in Appendix P to the Delta Plan.

(k) "Urban area" means a developed area in which there are 10,000 residents or more.

(l) "Urbanizing area" means a developed area or an area outside of a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.

(m) "Urban water management plan" means a plan prepared, adopted, and updated by an urban water supplier pursuant to the Urban Water Management Planning Act, Water Code section 10610 et seq.

(n) "Urban water supplier" refers to both "urban retail water suppliers" and "urban wholesale water suppliers":

(1) "Urban retail water supplier" means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.

(2) "Urban wholesale water supplier" means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of potable water annually at wholesale for municipal purposes.

(ii) "Water supplier" refers to both "urban water suppliers" and "agricultural water suppliers," but for purposes of section 5003, does not include agricultural water suppliers during the time that they may be exempted by section 10853 of the Water Code from the requirements of Parts 2.55 and 2.8 of Division 6 of the Water Code.11

Note: Authority cited: Sections 85210(i), 85210(h), and 85306, Water Code.
Reference: Sections 85057.5, 85059, 85058, 85066, 85020, 85054, 85052, 85302(g), 85308, 85300, 10608.12 and 10853, Water Code.

§ 5012. Prioritization of State Investments in Delta Levees and Risk Reduction.

~~(a) Prior to the completion and adoption of the updated priorities developed pursuant to Water Code section 85306, the interim priorities listed below shall, where applicable and to the extent permitted by law, guide discretionary State investments in Delta flood risk management. Key priorities for interim funding include emergency preparedness, response, and recovery as described in paragraph (1), as well as Delta levees funding as described in paragraph (2).~~

~~(1) Delta Emergency Preparedness, Response, and Recovery: Develop and implement appropriate emergency preparedness, response, and recovery strategies, including those developed by the Delta Multi-Hazard Task Force pursuant to Water Code section 12004.5.~~

~~(2) Delta Levees Funding: The priorities shown in the following table are meant to guide budget and funding allocation strategies for levee improvements. The goals for funding priorities are all important, and it is expected that, over time, the California Department of Water Resources must balance achievement of those goals. Except on islands planned for ecosystem restoration, improvement of nonproject Delta levees to the Hazard Mitigation Plan (HMP) standard may be funded without justification of the benefits. Improvements to a standard above HMP, such as that set by the U.S. Army Corps of Engineers under Public Law 84-99, may be funded as befits the benefits to be provided, consistent with the California Department of Water Resources' current practices and any future adopted investment strategy.~~

**Priorities for State Investment in Delta Integrated Flood Management
Categories of Benefit Analysis**

Goals	Localized Flood Protection	Levee Network	Ecosystem Conservation
1	Protect existing urban and adjacent urbanizing areas by providing 200-year flood protection.	Protect water quality and water supply conveyance in the Delta, especially levees that protect freshwater aqueducts and the primary channels that carry fresh water through the Delta.	Protect existing and provide for a net increase in channel-margin habitat.
2	Protect small communities and critical infrastructure of statewide importance (located outside of urban areas).	Protect flood water conveyance in and through the Delta to a level consistent with the State Plan of Flood Control for project levees.	Protect existing and provide for net enhancement of floodplain habitat.
3	Protect agriculture and local working landscapes.	Protect cultural, historic, aesthetic, and recreational resources (Delta as	Protect existing and provide for net enhancements of wetlands.

(a) Fund levee operation and maintenance. For the purposes of Water Code Section 85306, State investments in levee operation and maintenance of Delta project levees and nonproject levees shall be prioritized as follows:

(1) For project levees, funding should be prioritized to ensure levees are operated and maintained in accordance with Code of Federal Regulations, Title 33, Part 208.10, applicable federal Operation and Maintenance manuals, active in federal Public Law 84-99 Rehabilitation Program, and consistent with Central Valley Flood Protection Board Resolution No. 2018-06 for Acceptable Operation and Maintenance of the State Plan of Flood Control.

(2) For nonproject levees, funding should be prioritized to ensure levees are operated and maintained to protect the Delta’s physical characteristics.

(b) Delta levees investment strategy. The priorities listed in the Table 1 below and depicted in Delta Plan Appendix P dated August 2021, which is incorporated herein by this reference as if fully set forth, shall guide State discretionary investments in the improvement of Delta levees. The California Department of Water Resources’ funding decisions are subject to its consideration of the benefits, costs, engineering considerations, and other factors. As the California Department of Water Resources selects levee improvement projects for funding through its levee funding programs, it should fund projects at the Very-High priority islands or tracts, before funding projects at High Priority or Other Priority islands or tracts. If available funds are sufficient to fully fund levee improvement projects at the Very-High Priority islands or tracts, then funds for levee improvement projects on High Priority islands or tracts should be funded and after those projects have been fully funded, then levee improvement projects at Other Priority islands or tracts may be funded.

Table 1: Delta Levees Investment Strategy Priorities

<p>Very High Priority</p>	<p><u>Bacon Island, Bethel Island, Bishop/DLIS-14 (North Stockton), Brannan-Andrus, Byron Tract, DLIS-19 (Grizzly Slough Area), DLIS-28, DLIS-33, DLIS-63 (Grizzly Island Area), Drexler Tract, Dutch Slough*, Hasting Tract, Hotchkiss Tract, Jersey Island, Jones Tract (Upper and Lower), Maintenance Area 9 North, Maintenance Area 9 South, McCormack-Williamson Tract*, McDonald Island, McMullin Ranch, Middle and Upper Roberts Island, New Hope Tract, North Stockton, Paradise Junction, Reclamation District 17, Ryer Island, Sherman Island, Staten Island, Terminous Tract, Twitchell Island, Upper Andrus Island, Victoria Island, Webb Tract.</u></p>
<p>High Priority</p>	<p><u>Bouldin Island, Brack Tract, Bradford Island, Cache Haas Area, Central Stockton*, Clifton Court Forebay, DLIS-01 (Pittsburg Area), DLIS-07 (Knightsen Area), DLIS-08 (Discovery Bay Area), DLIS-20 (Yolo Bypass), DLIS-22 (Rio Vista), DLIS-26 (Morrow Island), DLIS-29, DLIS-30, DLIS-31 (Garabaldi Unit), DLIS-32, DLIS-39, DLIS-41 (Joice Island Area), DLIS-44 (Hill Slough Unit), DLIS-55, DLIS-59, Egbert Tract, Fabian Tract, Glanville, Grand Island, Holland Tract, Honker Bay, Kasson District, Libby McNeil, Little Egbert Tract, Lower Roberts Island, Mandeville Island, Mossdale Island, Netherlands, Palm-Orwood, Paradise Cut, Pearson District, Pescadero District*, Rindge Tract, River Junction, Shima Tract, Stewart Tract*, Sunrise Club, Tyler Island, Union Island East, Veale Tract, Walnut Grove, Woodward Island, Yolano.</u></p>
<p>Other Priority</p>	<p><u>Atlas Tract, Bixler Tract, Canal Ranch Tract, Chipps Island, Coney Island, Dead Horse Island, DLIS-06 (Oakley Area), DLIS-10, DLIS-15, DLIS-17, DLIS-18, DLIS-25, DLIS-27, DLIS-34, DLIS-35, DLIS-36, DLIS-37 (Chadbourne Area), DLIS-40, DLIS-43 (Potrero Hills Area), DLIS-46, DLIS-47, DLIS-48, DLIS-49, DLIS-50, DLIS-51, DLIS-52, DLIS-53, DLIS-54, DLIS-56, DLIS-57, DLIS-62, Drexler Pocket, Ehrhardt Club, Empire Tract, Fay Island, Glide District, Holt Station, Honker Lake Tract, King Island, Lisbon District, Medford Island, Mein's Landing, Merritt Island, Peters Pocket, Pico- Naglee, Prospect Island, Quimby Island, Randall Island, Rio Blanco Tract, Rough And Ready Island, Shin Kee Tract, Stark Tract, Sutter Island, Venice Island, Walthall, West Sacramento, Wetherbee Lake, Winter Island, Wright-Elmwood Tract.</u></p>

(c) Annual Report.

(1) The California Department of Water Resources shall submit a written annual report to the Council, as well as present the report to the Council, on State funds distributed or provided by the California Department of Water Resources for levee operation, maintenance, repair, rehabilitation, replacement and improvement projects within the legal Delta. At least 45 days prior to the oral presentation before the Council, the

California Department of Water Resources shall submit the written annual report to the Council and make the report publicly available.

(2) The report shall include:

(A) A description of State funds provided for each levee operation, maintenance, repair, rehabilitation, replacement, and improvement program funded during the reporting year;

(B) A list of each levee improvement project proposal submitted to the California Department of Water Resources for funding, regardless of whether the California Department of Water Resources awarded funding to the project;

(C) A list of the improvement projects awarded funding, the funding level awarded, the local cost share, and the applicable priority of the island or tract from Table 1 in paragraph (b)(1) where the levee improvement project is located;

(D) A description, for each awarded project, of changes (when completed) to levee geometry, the specific locations of those changes, and expected changes in the level of flood protection provided or standard achieved;

(E) If the California Department of Water Resources awards funds for any levee improvement project that is inconsistent with the priorities identified in paragraph (b)(1), the annual report shall identify for each project: how the funding is inconsistent with the priorities, describe why variation from the priorities is necessary, and explain how the funding nevertheless protects lives, property, or other State interests, such as infrastructure, agriculture, water supply reliability, Delta ecosystem, or Delta communities;

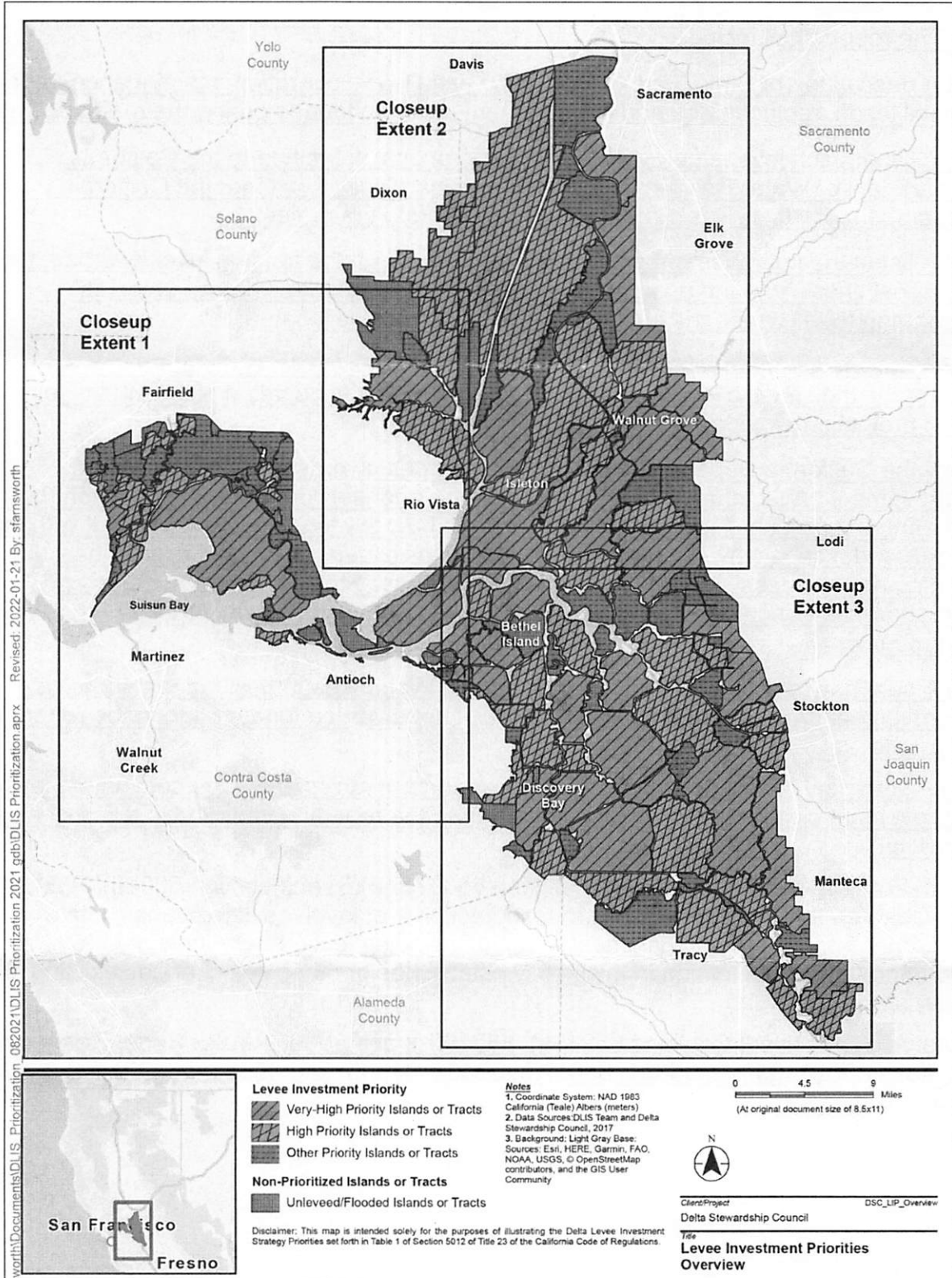
(F) A summary of The California Department of Water Resources' rationale for levee improvement project proposals submitted, but not awarded funding during the reporting year; and

(G) A summary of all previous California Department of Water Resources funded levee improvement project activities completed during the reporting year and location of those activities.

(b)(d) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that involves discretionary State investments in Delta flood risk management, including levee operations, maintenance, and improvements. Nothing in this policy establishes or otherwise changes existing levee standards.

Note: Authority cited: Sections 85210(i), 85210(h), and 85306, Water Code. Reference: Sections 85020, 85022, 85054, 85057.5, 85300, 85305, and 85306, 85307, and 85309, Water Code.

Appendix P



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**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 Extension of Written Comment Period and Rescheduled
Hearing for OAL File No. Z-2022-0816-07**

NOTICE IS HEREBY GIVEN that the Delta Stewardship Council (Council) has inadvertently filed and posted online an incorrect version of the proposed regulations text for the Office of Administrative Law (OAL) file number Z-2022-0816-07, and, is hereby extending the written comment period and rescheduling the public hearing date, as specified below. The correct version of the proposed regulatory language is available on the Delta Stewardship Council's website at <https://deltacouncil.ca.gov/delta-plan/regulations>.

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

- Additional Time Extended to the Written Comment Period: The written comment period for this proposed action is hereby extended to 11:59 p.m. on Wednesday, November 16, 2022. Interested members of the public may provide comments by mail or by electronic submittal. The extended public comment period for this regulatory action is in addition to the previously noticed written comment period. *Please note that any comments received during the originally noticed comment start date of August 26, 2022, through the date of publication of this Notice in the Register do not need to be re-submitted to the Council.* 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 **Wednesday, November 16, 2022.** **The Council will consider only comments received by the Council by that time.** Electronic submittals of comments are preferred, and must be submitted to the following address to be considered:

amend.rrp1@deltacouncil.ca.gov

- Public Hearing. ****The previously noticed October 27, 2022 public hearing is rescheduled to Thursday, November 17, 2022.**** The Council will conduct a public hearing at the time and location set forth below to consider public input, comments, objections, and recommendations to this proposed action. Interested members of the public may present statements, arguments, and comments, verbally or in writing, with respect to the proposed action at the hearing prior to the closing of the hearing. This hearing will be held in accordance with the requirements set forth in Government Code section 11346.8. A remote virtual option to attend the meeting will also be provided.

Date: November 17, 2022

Time: This item will be considered at a regularly scheduled public meeting of the Council, which is anticipated to commence at **9:00 a.m.** This item may be heard at any time during the regularly scheduled meeting. The public hearing item will remain open as long as attendees are presenting testimony and will conclude after all testimony is given. Please consult the agenda, which will be available at <http://deltacouncil.ca.gov> at least ten (10) days before November 17, 2022, to determine the time at which this item will be heard and to obtain information regarding the remote virtual participation option.

Location: California Natural Resources Building, 2nd Floor Room 221, 715 P Street, Sacramento, CA 95814. The hearing room is wheelchair accessible.

If you have any questions, please contact:

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

Authority and Reference

Water Code sections 85210(i), 85210(h), and 85306 provide the Council authority for the proposed amendments to California Code of Regulations, Title 23, sections 5001 ("Section 5001") and 5012 ("Section 5012"). Water Code section 85210(i) authorizes the Council to adopt regulations or guidelines as needed to carry out its powers and duties; Water Code section 85210(h) grants the Council the authority "to request reports from state, federal, and local governmental agencies on issues related to the implementation of the Delta Plan"; and Water Code section 85306 authorizes the Council, in consultation with the Central Valley Flood Protection Board (CVFPB), to recommend priorities for state investments in levee operation, maintenance, and improvements in the Delta. This action is proposed to implement, interpret, and make specific one or more of the following: sections 85020, 85022, 85054, 85057.5, 85225, 85300, 85305, 85306, 85307, and 85309 of the Water Code.

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.

Internet Access

Copies of this Notice, the original Notice of Proposed Action published on August 26, 2022 in the Notice Register, the Initial Statement of Reasons, the corrected text of the proposed regulations in underline and strikeout, and all materials published or distributed by the Council regarding this proposed action are available at <https://deltacouncil.ca.gov/dlis/>.

ITEM 10

RD 2119: MASTER CALENDAR

JANUARY

FEBRUARY

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

MARCH

APRIL

- April 1: Form 700s due
- Delta Levee Maintenance Subventions Resolution
- Annual CEQA Resolution
- Adopt Budget
- Consider Draft Audit and Representation Letter
- Regular Meeting at 8:00 a.m. on the 3rd Monday of Month

MAY

JUNE

- Approve Audit Contract for expiring fiscal year

JULY

AUGUST

- 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).
- Establish Assessment Amount
- Regular Meeting at 8:00 a.m. on 3rd Monday of Month

NOVEMBER

- Election: to be held first Tuesday after first Monday of each odd-numbered year.

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
Eugene Muzio	First Friday 12/2021	First Friday of 12/2025
Alvin Cortopassi	First Friday 12/2019	First Friday of 12/2023
Nelson Bahler	First Friday 12/2019	First Friday of 12/2023

No Assessment

Reclamation District Meetings

- **Third Monday of each April and October, at 8:00 A.M.**
at the offices of:
Neumiller & Beardslee
3121 West March Lane, Suite 100
Stockton, California 95219

ITEM 11

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 Gatos (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 12

RECLAMATION DISTRICT 2119
 Bills Submitted on 10/17/22 for Approval of Payment

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	DATE PAID	RATIFICATION
Neumiller & Beardslee	9/19/2022	332054	\$2,984.24	\$2,984.24	2281			
Kjeldsen, Sinnock & Neudeck	11/19/2021	31639	\$265.00					
	9/16/2022	33562	\$2,111.93					
	9/16/2022	33563	\$1,898.75					
	9/16/2022	33563	\$1,385.25	\$5,660.93	2282			
Schwartz Giannini Lantsberger & Adamson	8/31/2022	60808	\$5,500.00	\$5,500.00	2283			
R-First Bookkeeping	9/1/2022	2919	\$50.00	\$50.00	2284			
Wilbur-Ellis	9/28/2022	15368588	\$4,185.91					
	9/28/2022	15368666	\$573.72	\$4,759.63	2285			
Reclamation District 2119 (Transfer to Checking Account)	10/17/2022		\$40,000.00	\$40,000.00	2286			
Pacific Gas & Electric (3327132065-8)	8/24/2022	NS Ladds	\$5,335.53	\$5,335.53		2662		X
Pacific Gas & Electric (6618798521-4)	8/24/2022	1W 5th St.	\$8,085.26	\$8,085.26		2663		X
Pacific Gas & Electric (6535465193-0)	9/20/2022	Brookside	\$3,859.91	\$3,859.91		2664		X
Pacific Gas & Electric (3327132065-8)	9/23/2022	NS Ladds	\$4,953.77	\$4,953.77		2665		X
Pacific Gas & Electric (6618798521-4)	9/23/2022	1W 5th St.	\$4,279.06	\$4,279.06		2666		X
				Checking Total	\$26,513.53			
				Warrant Total	\$58,954.80			
NOTES:				Total Bills to be Paid	\$85,468.33			
Bank Account Balance as of 9/29/22	9/29/2022	\$29,334.86						
County Fund Balance as of 9/30/2022		\$702,260.91						
Less Submitted Bills/Warrants for Payment:		\$58,954.80						
Total:		\$643,306.11						