

Alan Richard Coon
Secretary

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RECLAMATION DISTRICT NO. 2029

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MINUTES

On November 14, 2024, the Board of Trustees ("Board") of Reclamation District No. 2029 ("District") was called to order at 8:30 a.m. at 400 E. Kettleman Lane, Suite 20-K Clearsuites (Clearsuites' satellite conference room located on the north side of Kettleman Station Complex) being the Law Offices of Alan Richard Coon ("Business Address") to conduct the District's Annual Meeting moved from the date of Second Tuesday of October because of lack of quorum. The District advised of the Board's reservation to conduct a Special Presentation at a time convenient to presenter; intent to advance part of the Secretary's Report (#4: Assessment) on the Agenda before the Special Presentation; and reserving option to advance Engineer's Report to accommodate engineer's schedule.

Present: Trustees Chris Podesto, Mike Quartaroli and James Harvey (also Manager). Also present were Secretary and General Counsel Alan Coon; Michael Moncrief, engineer with MBK Engineers; Brad Conklin with Renewable Technologies; and landowners, Wes Day and Joe Baglietto.

Public Comment: There was no public comment on general matters and no public comment on planned annual assessment.

Special Presentation: Renewable Technologies presented an update on the difficulties with the San Joaquin County building permit application which might be resolved with the construction of a "building" estimated size at 166 feet by 120 feet. Secretary Coon advised the Board that the landowner, Skip Foppiano, was made aware of the proposed building and had no immediate objections but he had yet to see and approve final plans. Mr. Foppiano would require he be given the ability to store equipment, etc., under the building during Lease period. The Secretary advised the Board that the parties would need to negotiate the change in the Lease terms, especially depending upon ultimate financing arrangements. Brad Conklin advised that although the proposed construction timetable remains uncertain the Board was advised that the solar project would need to be completed by June of 2026. The Board discussed the increase in cost as the estimated cost of the Pole Barn and steel pole racking is an additional \$297,000 (from Sikima Construction). This would be in addition to the \$142,000 estimated charge by PG&E because of the relocation unless the relocation objection is resolved. In short, it is hoped to preserve the NEM 2 project classification. Landowners and Board members then discussed levee wind/dust issues as well as security concerns. Secretary Coon also advised of the Direct Pay funding option and the delay/difficulties with this new federal grant funding program (Infrastructure Act) versus the financing of the alternative proposal and construction by a potential new lender secured by Mr. Conklin, being Green Bridge, alternate financier. Mr. Conklin advised of the use of "Robot Clean" and will include

Attachment E

the maintenance in the price for at least 10 years. In addition, there was much discussion about the yet unknown PG&E cost and the usual inordinate delay caused by PG&E. The Board reconfirmed earlier direction and discretion given to Alan Coon, acting as Secretary and General Counsel to explore alternatives and report back to the Board.

1. Manager's Report: Manager Harvey informed the Board and Landowners that all four pumps (3@ 100 hp & 1 @ 65 hp) were tested with these results: #1, 100 hp is "good"; #2 65 hp is "terrible" and may cost \$30,000 to rebuild; #3, 100 hp is almost as "good" as #1 pump; and #4 is "poor", also costing around \$30,000 to rebuild. Manager said he was advised it would also take at least 30 days before parts would arrive and this price did include expense of pulling and returning pumps that are repaired. Discussion was then had by the board and the landowners present (Day & Baglietto) authorizing the District's repair although suggesting research cost of replacing with already rebuilt pumps depending upon price. Finally, Manager noted the test on the pump on the south side (levee road location) came back as "good".

3. Secretary's Report [out of order]. Secretary provided financial reports and status of warrants following transfer of warrant business from F&M Bank to procured Bank of Stockton, including detailed discussion regarding the projected interest savings from new lender for warrants. The Board reviewed the current monthly bills and expenses, and Secretary noted recent decrease in the PG&E bills. The Board discussed the matter together with landowners and agreed that the annual increase in the regular assessments should remain as planned. There was then significant discussion with Landowners Wes Day and Joe Baglietto regarding the Special Assessment that was passed. Secretary and Board answered those questions. Secretary advised those present of the status of the Campagna appeal which will be discussed in Closed Session. There was then a discussion regarding the proposed loan agreement with Bank of Stockton to finance the Special Assessment with everyone remaining in support of the payment options including 10 year financing. Secretary also advised of the Action item, infra, to finally "go digital" and copy all District files but saving originals of certain records including water right matters, maps, current audit matters and those records required or necessary for any local, state, and federal agencies (4 years plus).

2. Engineer's Report. Michael Moncrief, of MBK Engineers (MBK), submitted an Engineer's Report which is attached and incorporated herein by reference.

In addition to the Reported items MBK advised that the District had completed 2 large Subvention funded levee projects totaling 3000 linear feet of "critical" sites. Now, the District can prioritize the next "critical" sites and then "serious" sites as listed in the two previous Site Data sheets (see Engineer's Report). Engineer will work with Manager to prioritize and schedule next project(s).

Engineer reported with input from Manager of the preparation for the upcoming flood season. It was noted of the diligence needed for the upcoming "King Tides" with a reminder of the recent Victoria Island disaster (levee breach) and their planned long-term repair.

Finally, Engineer Moncrief discussed the interaction with the Subventions Program funding and the planned "turnaround" after the proposed gate location should the County approve the partial abandonment of Empire Tract Road.

4. Action Item(s): The Board discussed each of the Action items, electing to delete Action Item G (Audit) as previously approved at prior Board meeting. Then the Trustees, upon a joint motion by Trustee Quataroli, seconded by Trustee Harvey, unanimously passed Action

Item #s A-F, H and I (i) as follows:

- A. Approved Minutes of Meeting held on September 30, 2024;
- B. Approved and ratified payment of current invoices;
- C. Approved and ratified the creation of new District email account and authorized Secretary to contract for the copying and/or granting authority for the destruction of aged District folders/files;
- D. Approved Levy of the District's Operation and Maintenance Assessment No. 18 and Resolution thereon (see attached CPI Worksheet) providing direction and authority to Secretary for all actions consistent with this Resolution; and
- E. Approved and directed Secretary to negotiate agreements related to the "Direct Pay Program".

5. Information Items:

6. Closed Session: The Board returned at 12:15 pm from the Closed Session announcing the Appeal to the Court of Appeals was unsuccessful but they had authorized Appellate Counsel to provide costs and expense for potential appeal to the California Supreme Court. The Board also announced unanimous action taken at previous and current closed session not previously announced, specifically the negotiation of the loan with Bank of Stockton for the Special Assessment. The Board further ratified action by Secretary Coon and directed and authorized Secretary Coon to execute the loan agreement and any and all announced that the a

7. Adjournment: The Board unanimously adjourned at 12:18 pm.

Approval Date: March __, 2025

Alan Richard Coon, Secretary
Reclamation District #2029