

RECLAMATION DISTRICT NO. 2074

a political subdivision of the State of California

3425 Brookside Road, Suite A
Stockton, California 95219
Telephone (209).956.9940

Nelson Bahler
Dennis Shore
Robert Ripken

District Trustees

George V. Hartmann
District Counsel

Carolyn E. Hartmann
District Secretary

August 25, 2022

Hon. Xapuri B. Villapudua, Presiding Judge
San Joaquin County Superior Court
180 East Weber Avenue Room 1306J
Stockton, CA 95202

RE: Response to the San Joaquin County Civil Grand Jury Report titled "2020-2021 San Joaquin Grand Jury – Independent Special Districts Transparency “Not Found” – Case #0220 and Response to Follow-Up Report in Case 0220.

Dear Judge Villapudua:

Reclamation District No. 2074, Brookside, has reviewed the report entitled, “San Joaquin County Civil Grand Jury Report titled "2020-2021 San Joaquin Grand Jury – Independent Special Districts Transparency “Not Found” – Case #0220, and the findings, suggestions and requirements set forth therein that are applicable to RD 2074 (the “District”), and has reviewed the Follow-Up Report in Case 0220.

The District is aware of SB 929 and its requirements, and has, in past years since enactment of SB 929 adopted annual hardship exemptions pursuant to SB 929 due to a lack of staff, and did so for the 2021-22 fiscal year commencing 7/1/21. The District has no clerical employees. All clerical and compliance activities are performed by the District Secretary, District Counsel and District Engineer as well as the District’s accounting firm and the contracted auditing firm that completes the required annual audit.

Given the Grand Jury’s focus on transparency, and in the spirit of SB929, the District has retained the services of an independent consultant to create and maintain a website for the District containing the information required by SB929 except for an enterprise systems catalog, which the District does not have and has no need to create or maintain. The District did publish its website a number of months ago, but did not release same to the public pending various refinements and additions of relevant materials. The original private link to the website (RD2074.com) was furnished to the secretary for the Grand Jury on June 30, 2022, and the website was released to the public following the approval of all changes and enhancements by the Trustees of RD 2074 at their regularly scheduled meeting in July, and notice of such public release was communicated to the secretary for the Grand Jury on July 26, 2022.

With regard to the findings and suggestions of the Report and subsequent Follow-Up Report applicable to the District, the District responds as follows:

“Finding F1.1 - No website found, negatively impacting public transparency, and is not compliant with SB929.”

Response: The District has published a public website (RD 2074.com) providing full transparency to the public. On August 17, 2021, the District adopted a resolution availing the District of the Exemption to SB 929, but nevertheless agreed to retain a consultant to develop a website to be online by the end of 2022. The text of the resolution is:

9. Report of District Counsel

District Counsel discussed SB 929 and a hardship exemption to deal with the Grand Jury Report which was discussed. On motion by Trustee Delaney, seconded by Trustee Ripken, the Trustees adopted a hardship exemption under SB 929 due to the lack of staff of the District, but District Counsel was directed to retain a consultant to develop a website, and keep same updated, which is to be online by 2022, all Trustees voted in favor.” A copy of the signed minutes of said meeting is attached hereto as an exhibit.

Finding F1.2 The District’s Website is Not Compliant with SB929 and not all elements of SB 929 are present, negatively impacting public transparency.

Response: The District has in fact published and is maintaining a website which, in the opinion of the District, is fully compliant with, and meets all applicable requirements of SB 929 while also providing information beneficial to the public which is not required by SB 929.

Finding R1.1 – By March 31, 2022, comply with SB 929 and provide proof of exemption where relevant.

Response: The District duly adopted an exemption under SB 929 due to lack of staff to build and maintain a website as referenced above in the District’s response to Finding F1.2. Such exemption was valid through June 30, 2022. The public release of the District’s website was completed during July, 2022.

The Trustees of RD 2074 have considered all of the Findings and Recommendations of the Grand Jury as set forth herein, and, pursuant to Penal Code Section 933(c), the Trustees have approved this response for submission to the Presiding Judge of the Superior Court and the Grand Jury.

Sincerely,



George V. Hartmann
District Counsel & Assistant
Secretary

**GENERAL MEETING OF THE BOARD OF TRUSTEES
RECLAMATION DISTRICT NO. 2074**

August 17, 2021

Pursuant to written notice, a regularly scheduled meeting of the Board of Trustees of Reclamation District No. 2074 was held on Tuesday, August 17, 2021, at 8:30 a.m. at 3425 Brookside Road, Suite A, Stockton, California.

1. Call to Order

The meeting was called to order at 8:50 a.m. There were present at the meeting Trustees Nelson Bahler (via telephone), Robert Ripken and Tim Delaney. Also present were District Counsel George V. Hartmann, District Engineer Tony Lopes (via telephone) and Rhett Kilgore from Siegfried Engineering, Mark Croce and Dillon Graber.

The meeting was held pursuant to the interim Brown Act relaxation procedures, which allow for telephonic participation. District Counsel, two of the Trustees, along with other attendees were present in person – Trustees Bahler was present by phone, as was Tony Lopes from Siegfried Engineering, Inc.

2. Public Comment

There was a discussion with Dillon Graber who is the common interest manager for the Master Association, and the operations and mission of the Reclamation District was discussed, along with various personnel being introduced.

3. Approval of Minutes

The minutes of the July 20, 2021, General Meeting were previously distributed to the Trustees for their review prior to the meeting, and said minutes were approved on motion by Trustee Delaney and seconded by Trustee Ripken, with all Trustees voting in favor.

4. Communication From Members of the Public

The District Engineer reported that Chem Weed noted a dangerous tree limb overhanging the pedestrian path, which will be removed on August 18, 2021.

5. Review of Financial Statement and Audit Fee Quotes

Mr. Croce presented the July financials and reviewed same. The Trustees received them prior to the meeting for review. In July the financial activity was “standard” and a subvention payment was received in the sum of \$149,253, which is approximately 75% of the amount claimed. Following Mr.

Croce's presentation there was a motion to approve the financial statements filing, on motion by Trustee Delaney, seconded by Trustee Ripken, with all Trustees voting in favor.

The Trustees then reviewed engagement agreements with Mr. Croce's firm and Schwartz, Giannini, Lantsberger and Adamson, and on motion by Trustee Delaney, seconded by Trustee Ripken, all Trustees voted in favor to approve both agreements and to authorize District Counsel to sign same on behalf of the District.

6. Checks and Warrants

The Secretary presented the following warrants from the General Fund:

#4898 to Hartmann Law Firm for \$11,415.40
#4899 to Siegfried Engineering, Inc. for \$24,552.21
#4900 to ChemWeed LLC for \$1,950.00
#4901 to C + R Fence Contractors Inc. for \$621.00
#4902 to CSV for \$3,753.75
#4903 to Downey Brand for \$553.00
#4904 to RD 2074 for \$402.00

And the following warrants from Special Fund #83:

None

And the following checks:

#2300 to Nelson Bahler for \$134.00
#2301 to Robert Ripken for \$134.00
#2302 to Tim Delaney for \$134.00

The Trustees then took up the subject of the District's warrants and checks with some questions about charges from Siegfried Engineering, which were primarily for maintenance and development projects on the Capital Expenditures list, along with routine maintenance. Upon motion by Trustee Delaney, seconded by Trustee Ripken, all of said warrants and checks were approved for payment, with all Trustees voting in favor.

7. Engineer's Report

OES training was discussed and Rhett Kilgore stated he would advise the date of the next executive training session for the Trustees and District Counsel.

The revised Hammerhead Security Contract was then reviewed and discussed, an on motion by Trustee Delaney, seconded by Trustee Ripken, all Trustees voted in favor of entering into the contract with Hammerhead and authorized District Counsel to sign on behalf of the District.

The District Engineer stated that the levees are in good condition and that a report had been received regarding a small fire at North Buckley Cove in a trash bin. The fire department was called and responded to put out the fire.

Updated emergency cards were distributed to those present.

Rodent Control – Rhett Kilgore stated that he had no luck finding a rodent control person and suggested going to public bid with RFP and discussing with Sarah Thomesberry whether she would be willing to provide the services since she is now licensed.

Trustee Bahler left the meeting at 9:50 a.m.

The Levee Maintenance Project bid was then reviewed, with ASTA being the low bidder at \$228,113.00. The next bidder was Sutton at \$250,950.00. Since both are responsible bidders, the Trustees discussed accepting ASTA's bid as the low bid, and the same was approved on motion by Trustee Delaney, seconded by Trustee Ripken, with all Trustees voting in favor.

The Siegfried contract for the next year was then reviewed and on motion by Trustee Delaney, seconded by Trustee Ripken, the same was approved for signature, with all Trustees voting in favor.

8. State Lands Lease/State Land Agreement.

Tabled.

9. Report of District Counsel

District Counsel discussed SB 929 and a hardship exemption to deal with the Grand Jury Report which was discussed. On motion by Trustee Delaney, seconded by Trustee Ripken, the Trustees adopted a hardship exemption under SB 929 due to the lack of staff of the District, but District Counsel was directed to retain a consultant to develop a website, and keep same updated, which is to be online by 2022, all Trustees voted in favor.

10. Elections

District Counsel presented the nominating petition for the expiring trustee term of Trustee Ripken and the same was completed in order to nominate Trustee Ripken for re-appointment as a Trustee. On motion by Trustee Delaney, and seconded by Trustee Ripken, the re-appointment of Trustee Ripken for another term was approved.

11. Capital Expenditure Projects

Previously covered under Engineer's Report.

12. Ten Mile Levee Issues

District Counsel discussed the progress of SJAFCFA and the Army Corps with the project.

District Counsel then discussed lake levels given the drought and suggested that there was no immediate need to maintain a flood reservation space, and that in his opinion it would be wise to raise the lake levels substantially in the event of curtailment of riparian rights, which may not be likely, but could happen.

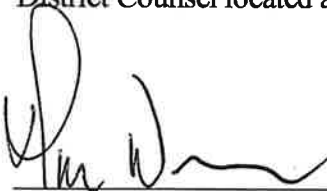
District Counsel then gave his work report out of order, and primarily discussed the emergency drought regulations recently issued by the State and his participation in workshops and other meetings, which fortunately have resulted in the Delta being currently exempt for riparian diversions.

13. New/Old Business

None.

14. Adjournment

The meeting was then adjourned. The next regular District meeting was scheduled after the meeting adjourned and will occur on Tuesday, September 21, 2021, at 8:30 a.m. at the offices of District Counsel located at 3425 Brookside Road, Suite A, Stockton, California.



NELSON BAHLER, President



GEORGE HARTMANN, Assistant Secretary