

**REGULAR MEETING OF THE BOARD OF
THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT
BETHEL ISLAND, CALIFORNIA
3085 STONE ROAD
BETHEL ISLAND, CALIFORNIA**

DATE: JANUARY 14, 2021

The Bethel Island Municipal Improvement District met in a regular session located at 3085 Stone Road (via Zoom), Bethel Island, CA at 6:30 p.m. Upon roll call, the following were found to be present: Directors: Bruce Smith, Anthony Berzinas, Lisa Kirk and Tom Knorr, Jr.. Attorney Dave Larsen, District Engineer Jeff Twitchell from GEI and District Manager Regina Espinoza were also in attendance. Director Steve Lucas was absent.

BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST

Director Berzinas and President Smith stated they would recuse themselves if there was a vote on the Taylor Road Drainage Project. Directors Kirk and Knorr, Jr. had no conflicts.

CONSENT CALENDAR

A motion was made by Director Berzinas and seconded by Director Kirk to approve the minutes of the Regular Meeting of December 10, 2020.

Director Kirk and a member of the public asked for the chat messages to be attached to the minutes.

District Clerk Bixby stated she would attach the chat messages to the December 10, 2020 Minutes and the current meeting minutes.

As amended, a motion was made by Director Kirk and seconded by Director Berzinas to attach the chat messages to the minutes. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

ELECTION OF OFFICERS

Director Berzinas suggested that the officers remain the same during COVID-19 until the Board can meet in person.

A motion was made by Director Berzinas and seconded by Director Kirk to keep the same officers until the Board can meet in person. Note: Bruce Smith as President, Tony Berzinas as Vice President,

Lisa Kirk as Board Secretary, Steve Lucas as Treasurer and Project Application Signer. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

ANNOUNCEMENTS

President Smith stated "hang in there everybody, it's a bumpy road" and he has every confidence that we will get through this, but a lot depends on us to be able to do the things that we need to do to address the COVID issue and stay together as a community.

PUBLIC COMMENT

As per the discussion earlier the public comment chat will be attached to the minutes.

District Clerk Bixby read a public comment.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza gave an update on the Taylor Road issues. At the last meeting staff had still not received the final permit from the County for the Taylor Road Culvert Project. District Manager Espinoza stated that she had spoken to Mark Fortner and he does have the permit and he will have a report for the next meeting. Another update was the culvert on Piper Road was compromised and collapsed so CoCoCo Public Works came out and repaired the culvert.

Director Kirk asked about the Stone Road drainage. There are still drainage issues down at the end of Stone Road. Even though it might be a property owner issue, she felt that it needs more investigation. Stone Road had originally drained into a 360-acre lot, where Delta Coves is now. There is still standing water and hoses that are going over the road and the issue is still not solved.

Director Berzinas stated that it will be part of the Northwest Levee and Stone Road Seepage Project.

There was a brief discussion and there was an agreement that those issues will need to be addressed.

Director Berzinas asked if there was any preliminary data from Stone Road that could be used for the next project that could be brought to the Board.

District Clerk Bixby read public comments.

Mr. Mark Whitlock stated the seepage has gotten worse over the years. At high tide there is water coming up in the cracks on the road. Even in the summer there is water on his property.

District Clerk Bixby read a public comment concerning the final plans for the Taylor Road Drainage Project.

Director Berzinas stated the final plans will have the elevations.

UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

SHEETPILE PROJECT – FIVE YEAR PLAN

No update.

NEW BUSINESS

DISCUSSION OF PUBLIC COMMENT REQUIREMENTS AND CONDITIONS OF APPROVAL OF DELTA COVES RESOLUTIONS

Director Berzinas asked if it was appropriate to swear in testimony when the Board holds a variance hearing.

Attorney Dave Larsen stated that you can swear in witnesses. The other question was, did we require a condition for Delta Coves to not be a gated community. A copy of the signed Resolution No. 18-01-18A was included in the packet.

Director Berzinas stated it was in connection with us granting them the right to gate over there to create the Island Camp. He recalled that it was talked about to not set a precedent to create a gated community; but the Board had allowed the variance to create the Island Camp. They could gate off the Island Camp, but they couldn't gate off the community.

Director Berzinas stated the reason why he wanted to discuss swearing in testimony, is so that the party could not later change the conditions of the variance.

Director Berzinas stated there may be a gift of public funds with our relationship with Delta Coves. The whole relationship was for Delta Coves to be part of the Bethel Island community and not an isolated community.

President Smith asked the rest of the Boardmembers for their opinion.

Director Kirk stated they have already gone to Zoning and the County has already allowed them to be gate the development. She doesn't want to see to separate communities, but she thinks that BIMID just need to

ensure that BIMID has access. She doesn't want to go to war with Delta Coves. When you work with developers, things can change. She would like a final copy of the CC&R's, so that the Board, BIMID Attorney and staff can evaluate them. She also asked if the HOA has taken over and is there a President, Secretary, Treasurer, etc.

Ms. Mary Alexander from Delta Coves stated the CC&R's will be completed soon. She has been incorporating all the changes that BIMID wants in the CC&R's. The developer is currently the HOA. The streets need to be made into a parcel in order to privatize the streets. The engineers need to develop the parcel in order for it to be filed with the County. The vote will then be going to the residents for final approval. The County has not accepted the roads and they are not going to accept them and pay for them. Ms Alexander stated the best option is to get the Delta Coves residents to pay for the maintenance of their roads.

President Smith asked why the County does not want to maintain the roads.

Ms. Mary Alexander stated it is a typical County approach to have on a plat that they neither accept or reject the roads.

After a brief discussion, Ms. Alexander stated in order for the project to continue without the County acceptance of the roads. there is no other choice for the residents than for the roads to be privatized.

Director Kirk asked if the homeowners have voted to be a gated community.

Ms. Mary Alexander stated they have not. As soon as the BIMID Attorney signs off on the CC&R's, the Association Counsel will have to have a formal election of the homeowners.

Director Berzinas stated he would like the Board to approve the CC&R's and would like the Board to sign off on them first.

Attorney Dave Larsen stated the CC&R's will be brought to the Board for final approval.

There was more discussion about the issues of Delta Coves being a gated community or not.

The public made comments.

President Smith stated this item will need to be continued to the next meeting in February.

After discussion, the Board requested that the next meeting include the documents for the CC&R's, the Staff Report for January 18, 2018 and attached Resolution 18-01-18A, Staff report from GEI Engineer Jeff Twitchell on May 14, 2020. Also include the chat messages from this meeting (to be answered at the next meeting) and an item for discussion of how to handle public comment on Zoom meetings.

CONSENT ITEMS – STAFF REPORTS
Reports were available to the public.

A motion was made by Director Berzinas and seconded by Director Kirk to receive and file the Staff Reports. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

TREASURER REPORT

Balances as of 12/31/20:

Checking Account: \$369,781.29
Park Account: \$4,460.27
House Number Account: \$336.02
Delta Coves First Deposit: \$155,743.48
Delta Coves Contingency Funds: \$1,797,058.13
Delta Coves O & M Funds: \$794,702.33
LFCF Repairs and Improvements: \$138,100.57
LFCF Maintenance: \$70,019.45

Advance Funding from DWR

Money Market is \$1,681,789.12 (NWS Project)

BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Nothing to report.

SHEETPILE PROJECTS/NON-CONFORMING STRUCTURES (AD-HOC)

Nothing to report.

DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

No report.

WEB SITE

Nothing to report

BIMAC/FIRE DISTRICT UPDATE

Nothing to report.

SUGGESTION FOR FUTURE AGENDA

Continuation of discussion "Discussion of Public Comment Requirements and Conditions of Approval of Delta Coves Resolutions" item.

CORRESPONDENCE

None was discussed.

A motion was made by Director Berzinas and seconded by Director Kirk to adjourn the meeting. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

The meeting adjourned at 8:42pm.

Submitted by Denece Bixby, District Clerk

BIMID Regular Board Meeting 1-14-21 Public Comment

18:42:08 From Jody : I did not weither.

18:43:52 From Jody : Can you amed the minutes for the last meeting?

18:44:48 From Jody : Cool

18:46:52 From Jody : This zoom has not been easy for us your constituent.

18:52:01 From Jody : Do we have a final grade of the elevation of the pipe at the inlet and up stream to drain the ditch so the ditch will drain?

18:56:49 From Jody : My girlfriend use to live on Stone Rd and she had pumps going until she moved away from that property. She said the seepage started when Delta Coves changed that area.

18:57:32 From Jody : Toe ditch on Stone should be subventionable is that correct?

19:06:07 From Jody : Again, Bimid has promised to fix this for 15 years.

19:07:02 From Jody : Do we have a final grade of the elevation of the pipe at the inlet and up stream to drain the ditch so the ditch will drain?

19:07:28 From Jody : Re Taylor Rd

19:08:07 From Jody : When the plans atre approved will you be signing off on it?

19:08:45 From Jody : You are not giving public comment enough time to type.

19:09:49 From Jody : When the plans atre approved will you be signing off on it?

You are not giving public comment enough time to type.

19:13:19 From Jody : When was the date of that meeting Tony that that happened at? What is the date of the bimid meeting?

19:19:10 From Jody : Gifting of funds as Tony said is something to consider.

19:29:52 From Jody : With your theory that DC can be gated because it is private property then the homeowners on Bethel Island may want to do gated roads and do the same thru litigation.

19:35:16 From J.R. : Bimac sold you out, not bimid

19:35:44 From J.R. : If BIMID is such an integral part of the community, where are all the home owners?

19:36:30 From Jody : I was at that meeting and I was shocked how fast that motion to approve the gained road to DC happened without a beat.

19:36:56 From J.R. : Thanks for clarifying that Lisa

19:38:22 From J.R. : Gated communities give a false sense of security

19:40:28 From J.R. : Its easy to follow a car through the gate

19:40:57 From J.R. : A false perception

19:41:22 From J.R. : AMEN

19:42:43 From J.R. : thats one gate

19:44:29 From J.R. : then let them put up gates around there individual properties like residents on stone road.

19:45:16 From Jody : With your theory that DC can be gated because it is private property then the homeowners on Bethel Island may want to do gated roads and do the same thru litigation.

19:45:22 From J.R. : most of the thieves come by bicycle walking and by boat

19:45:53 From Jody : By boat at night without lights

19:46:39 From J.R. : LIER

19:47:48 From Jody : If DC can change their minds about what "they" want maybe we can change our minds about having DC disrupting our lives.

19:50:54 From J.R. : Thieves are pedestrians

19:56:17 From J.R. : I dont really care about the gates. putting gates in for security is a red herring. its to make it us and them. they could at least be honest

19:57:02 From J.R. : who is the letter signed from?

19:57:43 From J.R. : Good question

19:58:51 From J.R. : it doesnt sound like we have much recourse against that

19:58:55 From J.R. : exactly

20:01:04 From J.R. : whats to keep them from monopolising the bimid board and change all these conditions?

20:01:42 From J.R. : whats to keep them from monopolising the bimid board and change all these conditions?

20:01:57 From Jody : The traffic that Delta Coves on Bethel Island road has increased significantly. People are driving at a high rate of speed so that you are not able to turn left onto Bethel Island Rd from Taylor due to the high speed from the bridge and the people trying to get off the Island. A light should be put in as we have had deaths at Taylor and BI Rd.

20:05:37 From Jody : Who was the Engineer?
20:06:02 From J.R. : what is the date of that quote?
20:06:15 From Jody : Public comment?? or who made that comment????
20:07:52 From J.R. : whats to keep them from monopolizing the bimid board and changing these agreements in the future?
20:08:59 From J.R. : county ordinance
20:09:46 From Jody : Going to court is VERY expensive.
20:11:03 From J.R. : amen Jack
20:15:04 From J.R. : the community wasnt asked
20:15:20 From Jody : That's all of us.
20:15:29 From J.R. : did any hhome owners get a letter asking?
20:17:25 From J.R. : What property does Mark own on the island?
20:17:48 From J.R. : bimac sold the home owners out on this
20:17:54 From J.R. : EVERYONE complained about the fish plant
20:18:22 From Jody : Everyone at that fish meeting complained, Mark you are not telling the truth.
20:20:36 From J.R. : lots of comments
20:20:39 From J.R. : read them?
20:20:44 From Jody : Tons please read above.
20:21:16 From Jody : Denece can read them.
20:21:23 From J.R. : sorry denice
20:22:29 From Jody : You had Jack on the phone!
20:22:42 From J.R. : i dont have a microphone, this is very hard
20:23:34 From Jody : Are the public comments will be part of the minutes????? Our words should be heard.
20:24:02 From J.R. : sometimes what yall are saying makes me comment
20:24:59 From J.R. : it takes so long to type them we get skipped
20:25:15 From Jody : Typing these words take too long and you guys move on.
20:25:29 From J.R. : its hard
20:25:49 From J.R. : it would take to long to retype it
20:26:00 From J.R. : no
20:26:15 From Jody : I do not have time to re write my 3 minutes. You can re read my list. I do not have voice.
20:26:21 From J.R. : sorry, just put it in the minutes?
20:26:24 From J.R. : yes
20:26:38 From J.R. : by the time we get done typing you move on
20:27:03 From Jody : When I have been on other zoom, there is one person who reads all the comments to the board. I have not seen this way EVER!
20:28:08 From Jody : Had to type out in advance because you guys bring up items now and how do we type before we know what you are going to say??????
20:28:15 From J.R. : so why can Jack comment at anytime? no offense jack
20:28:36 From Owen P : Chat is not public comment
20:28:55 From J.R. : yes
20:29:00 From J.R. : yes
20:29:16 From J.R. : I need a large screen
20:29:26 From Jody : So now Owen is telling me my comment is not comment????? OMG!
20:30:49 From Jody : Please put all these chat or what ever you want to call them into the minutes.
20:32:29 From Jody : Including Jack's comment.
20:34:27 From Jody : Will the meeting be adjourned since the public can not comment????????
20:35:11 From Jody : Lisa, I already typed it all above. I do not have this on a word doc. Please read the caht.