

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

DATE: JUNE 8, 2023

The Bethel Island Municipal Improvement District met in regular session located at 3085 Stone Road, Bethel Island, CA at 6:30 p.m. Upon roll call, the following were found to be present: Directors: Anthony Berzinas, Tom Knorr, Jr., and Lisa Kirk. Attorney Dave Larsen and District Manager Regina Espinoza were also in attendance. Directors Bruce Smith and Vignesh Rama were absent.

BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST

Director Berzinas stated he would recuse himself if there was a vote on the Taylor Road Drainage Project under Item 6A. Directors Knorr, Jr. and Kirk had no conflicts.

Director Kirk asked if the project could be identified by the name of the project because it looks like Director Berzinas has a conflict of anything on Taylor Road.

District Manager Espinoza stated it could be listed on the agenda under 6A as "i. Taylor Road subsection a. with the project name.

There was a consensus of the Board to make the above named addition on agendas going forward.

CONSENT CALENDAR

Due to the discussion of the February 9, 2023, April 13, 2023, and May 16, 2023 minutes, these minutes will be brought back to the July 13, 2023 Regular Meeting for further discussion and consideration.

A motion was made by Director Knorr, Jr. and seconded by Director Kirk to approve the minutes of the Special Meeting of May 17, 2023. The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.

A motion was made by Director Knorr, Jr. and seconded by Director Kirk to adopt Resolution No. 23-06-08B "Making Findings and Decision Regarding Variance Request for 2056 Taylor Road

and Approving a Variance to Replace a Retaining Wall within the Levee Setback". The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.

SEPARATE CONSIDERATION OF ANY MATTER(S) REMOVED FROM THE
CONSENT CALENDAR

APPROVAL OF MINUTES OF THE REGULAR MEETING OF FEBRUARY 9, 2023
Director Berzinas asked what the February 9, 2023 recording stated regarding the formation of a committee. He wanted it to be read aloud.

District Clerk Bixby read the amended portion of the minutes on page seven under BIMAC/Fire District Update. "Director Kirk stated she knew that but where are the evacuation locations."

District Manager Espinoza stated there could be a meeting set up to sit down and discuss the options. The participants would include: District Manager Espinoza, Director Kirk, Director Rama, Mr. Owen Poole, and Ms. Monica Wolf. The discussion would include location for evacuation and a plan and what that would look like. The Delta Coves evacuation location would not be located on the County plan. Staff can create a plan with the evacuation routes that could be added to the BIMID plan.

Director Berzinas stated when the BIMID plan is updated, a copy should be given to the Sheriff's Office and Fire Department.

It was asked that an item be put on the next agenda to discuss island evacuation safety.

Director Berzinas asked that Item F "Discussion of Emergency Evacuation and Access at Delta Coves" be a subcategory under Unfinished Business, Item D "Emergency Planning Review".

District Clerk Bixby stated it will be added onto the next agenda."

Director Kirk stated she objected to amending minutes that have already been approved for February 9, 2023. It was unfortunate that everything from the recording was not translated in to the minutes. She relies on the minutes to relay to the public who is on the committees. This was discussed under BIMAC/Fire District Update and the discussion starts to take place regarding setting up an Island Evacuation Safety Committee and that is the only committee that she volunteered for and that the "Discussion of Emergency Evacuation and Access at Delta Coves" was to be a subcategory under Emergency Planning Review under Unfinished Business. She apologized to the public because of the confusion of who was appointed to the Evacuation Safety Committee at the February 9th board meeting. The February 9th minutes state that it would be a future

action. That is why she didn't want to approve the April 13th minutes until it had been clarified. Director Kirk just wanted the April minutes to clarify that there wasn't a committee created at the February 9th meeting. She wanted to make a motion to keep the February 9th minutes as they were adopted. She feels that it's not appropriate to go back and change the minutes at this point.

District Manager Espinoza asked if it was legal to go back and change the minutes that have been previously approved.

Attorney Dave Larsen stated there is nothing wrong with amending previous minutes.

Director Berzinas stated he is against putting anything in the April minutes that occurred in February.

Director Kirk stated the Island Evacuation Safety Committee was not formed in February. There is an odd statement in the April 13th minutes that the Island Evacuation Safety Committee has the following members: District Manager Espinoza, Attorney Dave Larsen, Director Kirk and Mark Whitlock. That is the only mention that a committee was set up. There were a lot of errors in the minutes and the agendas and that is why she didn't want to vote on those minutes. Director Kirk also pointed out the errors on the agendas. She submitted an outline the day of the meeting.

Attorney Dave Larsen stated that no changes can be made to the agenda less than 72 hours prior to the board meeting.

Director Berzinas stated Item 3A was taken off the Consent Calendar for further discussion.

A motion was made by Director Kirk and seconded by Director Knorr, Jr. to continue to the Regular Meeting on July 13, 2023 to amend the previously approved February 9, 2023 minutes based on clarification of the audio recording. The vote showed three directors in favor (Director Smith and Rama were absent). Motion carried.

The February 9, 2023 minutes will be brought back to the July 13, 2023 Regular Meeting as "Approval of Amended Previously Approved Minutes of the Regular Meeting of February 9, 2023".

APPROVAL OF MINUTES OF THE REGULAR MEETING OF APRIL 13, 2023
A motion was made by Director Kirk and seconded by Director Knorr, Jr. to continue the minutes of the Regular Meeting of April 13, 2023 to the Regular Meeting of July 13, 2023 as "Approval of Amended Minutes of the Regular Meeting of April 13, 2023" and attach Director Kirk's comments submitted at this meeting. The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.

APPROVAL OF MINUTES OF THE SPECIAL MEETING OF MAY 16, 2023
Director Kirk stated there was a list of questions in the minutes but no responses.

Attorney Dave Larsen stated minutes are supposed to be a summary of what occurred in a meeting and feels these are appropriate minutes. Minutes are not meant to be word for word, otherwise they would be over twenty pages.

Director Kirk stated there were three County agencies in attendance that had responses.

District Manager Espinoza stated these are the notes from the County and they haven't approved the BIMAC meeting minutes yet.

Ms. Lori Castillo stated it would be important to have the County responses so that when it floods again, we will have the conversation.

Director Berzinas stated the County was the lead agency for the meeting.

District Manager Espinoza stated District Clerk Bixby did record the meeting. It is a recording nightmare in a big room.

Ms. Lori Castillo asked if BIMAC has minutes of the meeting, can they be combined into one record and add an addendum for the minutes.

Director Kirk stated the May 16th minutes be put off to see what BIMAC comes up with, so that questions could be asked of the County or Ironhouse with regards to flooding.

Attorney Dave Larsen stated maybe there needs to be a professional to come and explain what items need to be in the minutes.

There was a request to get a copy of the recording (if there is one) from BIMAC.

Staff will request a copy of the recording.

A motion was made by Director Kirk and seconded by Director Knorr, Jr. to continue the May 16, 2023 minutes to the July 13, 2023 Regular Meeting for additional minutes from BIMAC. The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.

ANNOUNCEMENTS

Director Berzinas stated Item 7A on the agenda was moved up to after Public Comment.

PUBLIC COMMENT

Ms. Lori Castillo stated she has yet to be at a BIMID Board Meeting where all the Board members are present at the meeting. Board member attendance is lacking. She feels that all Board members should be in attendance at Board meetings. As elected officials, she expects more participation at meetings. She also feels that the Board should be professional and respectful of other board members at the meetings.

Ms. Bethi Carver Gibb stated she has been speaking with RD 799 regarding letting residents pump stormwater over the levee and offer assistance with placing the hoses. There are dry hydrants on the island that could be used to pump water over the levee. This could help if residents pumps fail. BIMID needs to have pumper trucks to help with getting stormwater off property owner's property and could possibly be funded by FEMA.

Mr. Todd Northam stated he attended this meeting looking to volunteer, and he feels that this a really toxic environment. Things can be changed as there are a lot of issues that need to be addressed. Ironhouse will be raising rates because of BIMID. There was a ditch committee that was formed and nothing has been done. BIMID needs to keep applying pressure to the County so that the drainage on the island can be fixed.

Director Berzinas stated it is not BIMID's fight as it is not in BIMID's jurisdiction, nor is it in Ironhouse's jurisdiction either. It is the County's jurisdiction and property owner's need to understand that it is the Board of Supervisor's that instructs the County.

New Business Item 7A was moved to this time.

PUBLIC HEARING FOR BIMID LEVEE AND FLOOD CONTROL FACILITIES
AND MAINTENANCE AND REPAIR ASSESSMENT DISTRICT – ADOPT
RESOLUTION NO. 23-06-08A "ACCEPTING THE FINAL ENGINEER'S
REPORT AND ASSESSMENT DIAGRAM, AND ORDERING THE LEVY OF
ASSESSMENTS FOR FISCAL YEAR 2023-24 FOR BIMID LEVEE AND FLOOD
CONTROL FACILITIES MAINTENANCE AND REPAIR ASSESSMENT
DISTRICT

Mr. Kyle Tankard from SCI Consulting presented the Engineer's Report and Resolution for the Assessment District. He stated notice of this meeting was published in the local newspaper ten days before the hearing. This is the final step in the two-step process. The assessment rate for 2023-24 was increased by 3%, which is \$139.34 per single family equivalent (SFE) benefit unit. This represents an increase of \$4.06 per SFE benefit unit from last year's assessment rate. The total amount of revenues that would be generated by the assessment would be approximately \$270,037.

Director Kirk asked if the assessment district was for ten years.

Mr. Kyle Tankard stated it is a ten-year assessment and we are going on year nine.

There was a discussion on Assessment District versus Subvention work.

Ms. Jean Wise asked if the funds from the assessment district would be enough for projects.

Mr. Kyle Tankard explained the assessment district, by law (Proposition 218), can only increase by three percent (maximum) per year during the life of the assessment district.

After much discussion, Director Knorr, Jr. stated this assessment is important for BIMID to continue to do the major projects that need to be done and helps with the cost of share for those projects.

A motion was made by Director Knorr, Jr. and seconded by Director Kirk to adopt Resolution No. 23-06-08A "Accepting the Final Engineer's Report and Assessment Diagram, and Ordering the Levy of Assessments for Fiscal Year 2023-24 for BIMID Levee and Flood Control Facilities Maintenance and Repair Assessment District". The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza stated she didn't have anything further to report. BIMID is still waiting for funding for the Taylor Road Drainage Project.

Ms. Bethi Carver stated the rest of the island would like to have a project like the Taylor Road Drainage Project.

Director Berzinas stated he would like to fix the private drainage system on the island, but it is not in BIMID's jurisdiction to do so.

Ms. Lori Castillo read from the Army Corps of Engineer's Report on Stone Road. The whole report is about the Stone Road drainage system that had been removed when they built the levee for Delta Coves and there was nothing to replace it. She asked that the Board put pressure on the County to put the drainage system back in place.

Director Kirk recommended putting an ad-hoc drainage committee together to discuss the standing water issues.

Director Berzinas stated he would like to add an agenda item, "Discussion of the next Assessment District" onto the July 13, 2023 agenda.

UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

SHEETPILE PROJECT – FIVE YEAR PLAN

Director Kirk asked if this item can be listed under the Director Reports, Sheetpile Projects/Nonconforming Structures Ad-Hoc Committee.

Director Berzinas stated he would like to keep the Five Year Plan on the agenda.

EMERGENCY PLANNING REVIEW

Director Kirk stated she didn't understand what this agenda item was about.

Director Berzinas stated it was put on the agenda as a place holder for the emergency planning meeting that had taken place.

Director Kirk recommended taking this item off the agenda.

CONTINUED DISCUSSION OF PARK SAFETY ISSUES

Director Kirk asked about this item and should it be removed from the agenda.

Director Knorr, Jr. stated the existing pipes from the barbeques are still a hazard and need to be removed completely.

District Manager Espinoza stated she will check with staff on the issue.

Director Knorr, Jr. stated the sign has been removed.

Director Kirk stated this item should be added under Director Reports, Bethel Island Park Committee Ad-Hoc.

District Clerk Bixby asked if Agenda Items D and E were to be taken off the agenda.

The Board agreed to take those items off the agenda.

COLLABORATIVE FLOOD CONTROL EFFORTS

Director Berzinas asked if RD 799 and Ironhouse Sanitary District had been contacted to discuss the collaboration of the District's for flood control efforts.

District Manager Espinoza stated she had not spoken with Ironhouse. She had spoken with RD 799 prior to the BIMAC/BIMID Joint Meeting and they will help with what they can.

Director Berzinas stated RD 799 and Ironhouse Sanitary District have the same problem with flooding from storms.

Director Kirk stated we should invite RD 799 to the next meeting.

Director Kirk wanted to add iv. Contra Costa County to the agenda.

District Clerk Bixby asked for clarification for Unfinished Business.

NEW BUSINESS

DISCUSSION OF AND SELECTING THREE (3) CANDIDATES FOR 2023 SDRMA BOARD OF DIRECTORS ELECTION BALLOT

District Manager Espinoza stated this ballot is for Special District Risk Management Authority (SDRMA) in which BIMID has Workers' Compensation Insurance and Property/Liability Insurance.

A motion was made by Director Kirk and seconded by Director Knorr, Jr. to vote for Robert Swan, Acquanetta Warren, and Jesse Claypool for the Special District Risk Management Authority (SDRMA) 2023 Board of Directors. The vote showed three directors in favor (Directors Smith and Rama were absent. Motion carried.

DISCUSSION OF SUBMITTING A PROPOSAL TO DELTA COVES FOR PUBIC/PRIVATE DRAINAGE INLETS (DI'S) ALONG STONE ROAD
District Manager Espinoza stated this item was brought up at the last meeting to possibly discuss with Delta Coves representatives about installing more DI's along Stone Road.

Director Knorr, Jr. stated Director Rama wanted to be involved with the process and this item should be continued to the next meeting on July 13, 2023.

There was a discussion on the issues of drainage on Stone Road.

Director Knorr, Jr. stated there needs to be more DI's installed and information needs to be identified, such as where are the low spots and where the water collects, and how many DI's would be needed and the elevations of the low spots.

Director Kirk stated there should be a drainage ad-hoc committee set up, so that these issues and/or options can be discussed.

Director Berzinas asked to move Agenda Item G to next.

DISCUSSION AND CREATION OF A DRAINAGE AD-HOC COMMITTEE
Director Berzinas stated the previous agenda item should be one of the discussion items for the drainage committee.

Director Kirk stated she has an outline for the drainage committee.

Director Berzinas stated he had an issue with not having all the board members present.

After discussion, Directors Berzinas and Knorr, Jr. are the Directors on the Drainage Committee (Ad-Hoc).

A motion was made by Director Kirk and seconded by Director Knorr, Jr. to create the Drainage Committee (Ad-Hoc) with Directors Berzinas and Knorr, Jr. as chairs. The vote showed three

**directors in favor (Directors Smith and Rama were absent).
Motion carried.**

APPROVAL OF DISTRICT BUDGET FOR FISCAL YEAR 2023-24
District Manager Espinoza presented the budget for fiscal year 2023-24.

A motion was made by Director Kirk and seconded by Director Knorr, Jr. to approve the District Budget for Fiscal Year 2023-24. The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.

DISCUSSION OF BROWN ACT WORKSHOP

Attorney Dave Larsen stated this would be a refresher study session of the Brown Act and to also discuss Board conduct during meetings. He asked the Board if they would like to participate in this.

Director Kirk stated she started noticing the agendas have been getting confusing for her, with too many subgroups and she is trying to straighten it out. She has been to Brown Act training since she was 18 and doesn't feel it would help the situation.

Director Knorr, Jr. stated if the attorney feels that it is needed then let's have the discussion; he is in favor of it.

Director Berzinas stated if it would make the meetings run more efficiently, he is also in favor of it.

Direction was given to staff to proceed with scheduling of the Brown Act Workshop.

APPROVAL OF BOARD PRESIDENT SIGNING THE LAFCO SPECIAL DISTRICT ELECTION OFFICIAL RUN-OFF BALLOT

A motion was made by Director Kirk and seconded by Director Knorr, Jr. to approve the Board President signing the LAFCO Special District Election Official Run-off Ballot with a vote for Michelle Lee from San Ramon Valley Fire Protection District. The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

A motion was made by Director Kirk and seconded by Director Knorr, Jr. to receive and file the Staff Reports. The vote showed

**three directors in favor (Directors Smith and Rama were absent).
Motion carried.**

TREASURER REPORT

Balances as of 5/31/23:

Checking Account: \$710,767.29
Park Account: \$2,425.93
House Number Account: \$336.02
Delta Coves First Deposit: \$8,613.32
Delta Coves Contingency Funds: \$1,474,435.95
Delta Coves O & M Funds: \$1,026,664.19
LFCF Repairs and Improvements: \$4,076.05
LFCF Maintenance: \$4,639.85

Advance Funding from DWR

Money Market is \$15,673.18	(NWS Project)
Money Market is \$41,140.64	(HEHE Project)
Money Market is \$47,627.39	(HEHE NW Levee Project)

BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Nothing to report.

DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

Director Kirk asked if anyone is interested in continuing this ad-hoc committee.

Director Berzinas stated he would like to keep it on the agenda.

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

Nothing to report.

WEB SITE

Nothing to report.

BIMAC/FIRE DISTRICT UPDATE

Nothing to report.

ISLAND EVACUTATION SAFETY COMMITTEE (AD-HOC)

Director Kirk gave a brief update on the committee meeting. There will need to be further discussions with emergency responders and the fire department. There will be a meeting in August. The committee needs to come up with a flood preparedness pamphlet, using the wildfire and evacuation pamphlet as a template. CERT training needs to be sponsored through a local maintaining agency, which would possibly be BIMID. The training would be handled by another agency.

SUGGESTION FOR FUTURE AGENDA ITEMS
Discussion of the next Assessment District.

CORRESPONDENCE
None was discussed.

A motion was made by Director Knorr, Jr. and seconded by Director Kirk to adjourn the meeting. The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.

The meeting adjourned at 9:50 pm.

Submitted by Denece Bixby, District Clerk

At it's August 10, 2023 board meeting, the Bethel Island Municipal Improvement District Board of Directors directed staff to attach Director Kirk's email dated June 8, 2023 to the draft June 8, 2023 board meeting minutes.

The email was received by the District Clerk on the morning of the June 8, 2023 board meeting and did not meet the deadline to be included in board meeting agenda packets for discussion.

At it's September 14, 2023 board meeting, the Board will consider approving the June 8, 2023 board meeting minutes with the attached email from Director Kirk included.

Denece Bixby

From: Lisa Kirk <kirklisa07@gmail.com>
Sent: Thursday, June 8, 2023 9:38 AM
To: Denece Bixby
Subject: Correction of BIMID meeting minutes of 4-13-2023 Formation of Island Evacuation Committee.

I am asking that the minutes of 4-13-2023, under "correspondence" be corrected to the following:
"Director Kirk states that the written formation of the Island Evacuation Safety Committee Ad-hoc was established at the meeting of 4-13-23"
"The February 9th 2023 minutes that were approved by the board failed to state that a that it was suggested under item G. BIMAC/ Fire District, that a meeting take place with employees of Delta Coves to discussion Emergency Evacuation and Access at Delta Coves". This item has a separate category under unfinished business F. Discussion of Emergency Evacuation and Access at Delta coves and states no updates. Director Kirk apologizes to the public for any confusion that this has caused".

Written documentation of the approved agendas and the and minutes for the following date February 9th March 9th and the April 13th agenda reflect the following.

February 9th 2023 minutes, page 3

Under unfinished business there are two categories: Emergency Planning Review and discussion of Emergency Evacuation and Access at Delta coves. Both items states no update.

On page 4, Election of officers by Bimac/Fire station update. listed director Kirk/ Berzinas.

Page 7 under BIMAC/Fire District: discussion starts to take place regarding setting up an Island Evacuation Safety Committee. There is also a statement by director Berzinas, to add item F discussion of Emergency Evacuation and Access at Delta coves, under unfinished business to item D: Emergency Planning Review

At the bottom of the page 7 "Suggestion for future agenda items: Island evacuation and Safety Committee.

At the February 9th meeting I volunteered for this position.
for the Island Evacuation Safety Committee committee only.

The March 9th 2023 agenda, states under directors report number 9 under item G: Island Evacuation Safety Committee, list Director Kirk, only. This written records clearly records my statement to be the chairperson of this committee.

Neither director Rama or myself were at the 3-9 meeting. There no reports given by member Kirk nor any mentioned of the committee in the minutes.

The minutes of March 9th under: Emergency Planning Review, briefly discusses the lack of evacuation points. There is no discussion of an Island Safety Evacuation ad hoc committee or other directors appointed.

The April 13th agenda now list under section 9: Directors report item number G. Island Evacuation Safety Committee Kirk and Rama.

The meeting minutes under unfinished business Emergency planning Review.

Reflects numerous discussion starting on page 4 ending with the following paragraph that states on page 5 , "There was an ad hoc committee set up (Island Evacuation Committee)with the following members: director district manager Espinosa, Director Rama, Director Kirk, Attorney Dave Larsen and Mark Whitlock the meeting will be held at a later date "

This is the first statement that an ad hoc committee was set up and what members were involved.

As the chairperson of this committee starting on March 9th 2023, I did not received any communication that an ad hoc had been set up with these additional members or directors.

The appointment of director Rama is not reflected anywhere in the agenda or minutes previously, except when his name appears as being appointed on to the committee under the agenda of April 13th.

These written statements in both agendas and minutes are the lasting documentation of what takes place of in our meetings. As a director I do not go back and listen to meetings. I rely on what is in the minutes and the agendas.

I started to get calls from citizens regarding another citizen that had been appointed to this committee, I reference back to the February 9th minutes, which did not include the formation of an Island Evacuation Safety Committee or any appointees to it, and the agenda of March 9th only reflected me as the chairperson, because I had volunteered for that position.

Although I welcome Director Rama as the additional director, I did not appoint any citizens to this committee.

This became an issue when we held our first meeting on May 6th and we're told that members of the public were not allowed.

This is why I'm apologizing to the public in this statement because of all the confusion reflected in these written documents.

Also none of the agendas from March 9th April 13th May 17th or the agenda for the upcoming meeting for June 8th, reflects this as an ad hoc committee.

Unfortunately trying to amend the February 9th 2023 meeting minutes is not an appropriate action. This was an approved, published document of what took place at the general meetings. and I relied on this documents when receiving questions from the public. it was incorrect it has created multiple issues. I would suggest instead of amending the 2-9 minute meetings that clarification of a Delta Coves Evacuation Plan be put under a different subject heading or be addressed at by the Island Evacuation Safety Committee, at the appropriate time.

Then can be addressed under directors reports Island Safety Evacuation Committee that is on the June 8th agenda

Please include this statement as my corrected statement in the April 13th 2023 minutes. These minutes are up for approval at our next meeting.

I am also asking my fellow board members to understand the situation this has put me in.

If there is not a consensus to let me change my statement of the April 13th 2023 minutes, I am asking staff to include it in the agenda and minutes for June 8th 2023

Thank you Lisa Kirk, Director Bethel Island Municipal if there is not a consensus to let me change the statement in the April 13th minutes Improvement District
Chairperson Island Evacuation Safety Committee