REGULAR MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: NOVEMBER 9, 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, Bruce Smith, Tom Knorr, Jr., Lisa Kirk and Vignesh Rama. District Manager Regina Espinoza, Attorney Dave Larsen were also in attendance.

2. BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST

President Smith and Director Berzinas stated they would recuse themselves if there was a vote on the Bethel Island Flooding and Remediation Mitigation Project under Item 8A(i)(a) because of the project being within 500 feet of their house. Director Knorr Jr., Director Kirk and Director Rama had no conflicts.

3. CONSENT CALENDAR

A. A motion was made by Director Berzinas and seconded by Director Kirk to approve the minutes of the Regular Meeting of October 12, 2023.

Director Kirk asked if her comment about the cost of share for the Bethel Island Flooding and Remediation Mitigation Project could be added to the minutes.

As amended, the vote showed five directors in favor. Motion carried.

B. A motion was made by Director Berzinas and seconded by Director Rama to approve the renewal of the Kaiser health benefits for qualified employees as presented. The vote showed five directors in favor. Motion carried.

C. A motion was made by Director Berzinas and seconded by Director Rama to adopt (a) Resolution No. 23-11-09A “3073 Willow Road West”; (b) Resolution No. 23-11-09B “3825 Willow Road”; and (c) Resolution No. 23-11-09C “2048 Taylor Road” to allow vehicular levee access. The vote showed five directors in favor. Motion carried.

D. A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to adopt Resolution No. 23-11-09D “Approving a Modification to a Delta Coves Setback Requirement” for Lots 484 – 493 located on Windsweep Road. The vote showed five directors in favor. Motion carried.

Mr. Owen Poole stated in the Staff Report for this item, there was an error under “Discussion” in the third line “to modify its current development plans”. They are not changing the development plans, they are changing BIMID’s requirement for a five-foot setback for the specified lots. He was happy with the Resolution.

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

None.

5. ANNOUNCEMENTS

None.

6. PUBLIC COMMENT

Ms. Jean Wise stated she was upset from last month’s Item 9C discussion on subcommittees. It should have been made clear that there are Board Policies in place regarding the conduct of committee members. There has been no Brown Act violations with committee members.

Director Kirk thanked Ms. Jean Wise for her volunteer efforts on the Island Evacuation Safety Committee.

Director Kirk asked President Smith if the Director Reports Agenda Item 10G could be moved up on the agenda, while the representative from Delta Coves was still present.

President Smith agreed to move the item.

10. DIRECTOR REPORTS

G. Island Evacuation Safety Committee

Director Kirk stated she was having an ongoing conversation with Mr. Rick Kovar from the County regarding private property and liability for evacuation points on the island. The evacuation points should probably be labeled as rally points. Delta Coves wants a hold harmless agreement which should be at the County level. It should be a County Plan and not a BIMID Plan. She didn’t think the County would give a Hold Harmless to Delta Coves.

At Santiago Mobile Home Park there are 160 sites, totaling approximately 800 people. They have their own Evacuation Plan, which is to evacuate to Russo’s Marina. There will be a discussion at the next Island Evacuation Safety Committee meeting on November 16, 2023. She was looking for questions from the Board that she could ask the Fire Department, Marine Patrol, and Sheriff’s Department, at the meeting.

Attorney Dave Larsen stated he would like Board direction for him to be present at these meetings in support of BIMID and the Directors, in case any legal issues should arise.

Mr. Owen Poole stated docks could be designated for emergency personnel to use in the case of an emergency. If that is an appropriate plan with the County, he would like Attorney Larsen and Attorney Mary Alexander to discuss how that would work.

There was further discussion on what should be done before a plan could be made, or if the plan would be from the County.

After much discussion, Director Knorr, Jr. stated he would like the meetings to be conducted in an orderly manner. The back and forth and interruptions are not being constructive.

Director Kirk left the meeting at 7:23pm.

Director Berzinas stated first responders will not be waiting at the rally points. They would get to the rally points as the emergency progresses.

Mr. Owen Poole stated if the County is putting together an emergency plan, they really should talk to BIMID, Discovery Bay, and Knightsen to find out how they can coordinate with the County.

Director Berzinas stated he felt the plan should remain the same, but with added components that need to have correct information.

Director Kirk rejoined the meeting at 7:27pm.

Director Rama is confused as to what the committee is trying to accomplish.

Director Rama requested to resign from the committee.

District Manager Espinoza stated that from the last meeting with the County, they will not be using the 2017 plan and when they get funding to create another plan, they will invite BIMID and other entities to participate in the new plan. That is when the County stated that the committee should come up with a general safety information flyer to distribute to the island residents. The flyer was distributed at the Health and Safety Fair in October.

Ms. Bethi Carver stated the County was the one that requested the rally points from the committee.

Director Rama once again asked to resign from the committee as he feels that he has done his part.

President Smith stated the committee can continue with Director Kirk as chair of the committee.

Director Kirk stated Mr. Mark Whitlock is also on the committee and depending on which way the County goes with the emergency plan, it might need to be a BIMAC committee. She asked to place an item on the agenda to discuss if the Island Evacuation Safety Committee (Ad-hoc) should be a joint committee with BIMAC.

7. UNFINISHED BUSINESS

A. UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza stated she didn’t have anything further to point out in her report.

Director Knorr, Jr. asked about the Island Drainage Inventory Map from the County as he had just read that the maps have been completed from the County.

District Manager Espinoza stated BIMID staff and GEI have submitted revisions to the County. She has not seen a final map from the County.

Director Knorr, Jr. asked if that could be verified as he would like to see the map.

Director Knorr, Jr. asked about the failed culvert crossing along Bethel Island Road across from the Canal Road entrance.

District Manager Espinoza stated the culver replacement was completed.

There was a discussion on a failing County culvert on Bethel Island Road that is slated to be repaired in 2026-27.

B. UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

C. FIVE YEAR PLAN

No update.

D. COLLABORATIVE FLOOD CONTROL EFFORTS

No update

E. CONTRA COSTA COUNTY DRAINAGE AND FLOOD CONTROL

i. Director Berzinas stated it has been brought up at previous meetings that BIMID should reach out to RD799 and neighboring districts to discuss storm events. It is still the County that would have to call a state of emergency before BIMID can even dewater private property because of the fact that BIMID can’t go on private property. He recommended something similar to a Joint Powers Authority and for Attorney Dave Larsen to research for emergency authority only. Director Berzinas stated he would like this item to be kept on the agenda.

Attorney Dave Larsen stated he could check to see what other options are and report back.

Director Berzinas stated another option would be a Mutual Aid Agreement with the other Districts that might work better than a Joint Powers Authority. He would like to keep this item on the agenda.

F. CONTINUED DISCUSSION OF THE COMMUNITY WARNING SYSTEM

District Clerk Bixby stated the Memorandum of Understanding for the sirens is currently with County Counsel for review. There hasn’t been an answer about if a siren test could be done.

Director Knorr, Jr. stated he noticed in the documentation that there are decibel meters that BIMID could use to test the decibel level.

President Smith stated he was told that when the siren is tested every month, it doesn’t go through the full cycle and it is usually pretty quiet. He would like to have a full cycle test.

Director Knorr, Jr., asked about the cards that have the siren procedure, if they are being updated.

District Clerk Bixby stated she can’t update the cards at this time because she noticed on the Memorandum of Understanding there was a different phone number. The cards can’t be updated until the Memorandum of Understanding has been completed.

There was a question on the funding of the sirens and who owns the equipment.

District Clerk Bixby stated she will keep in touch with CWS staff for updates on the Memorandum of Understanding.

8. NEW BUSINESS

A. DISCUSSION AND CONSIDERATION OF ISSUING A BI-ANNUAL LEVEE KEY FOR 1250 TAYLOR ROAD

District Manager Espinoza stated this would usually be done administratively by staff, but the property owner is asking for the $250 fee to be waived.

President Smith asked the property owner why the fee should be waived.

Ms. Lisa Hearn stated it has been a hardship and when they bought the property, they needed the key for construction purposes.

President Smith asked why the key is still needed.

Ms. Lisa Hearn stated now her mother is living with her and has issues with mobility.

There was a discussion of why there is a $250 fee for the levee key. The District has spent a lot of time and money making the levee more secure.

Attorney Dave Larsen stated because of the change in status, he will submit a resolution at the next meeting.

A motion was made by Director Berzinas and seconded by Director Kirk, based on the new request of medical hardship submitted, to grant the bi-annual levee key, but not waiving the $250 fee. The vote showed five directors in favor. Motion carried.

9. CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

A. District Manager Espinoza stated staff is looking for quotes for a new boat as the boat we have now is not working. She will submit the quotes during the mid-year budget review in January or February. The office will be closed December 25th to January 1st for the holiday, but some staff will still be working.

Director Knorr, Jr. asked if the rocking of the levee has been completed.

District Manager Espinoza stated there is still 300 to 400 feet left to complete.

**A motion was made by Director Berzinas and seconded by Director Rama to receive and file staff the Staff Reports. The motion showed five directors in favor. Motion carried.**

10. DIRECTOR REPORTS

A. TREASURER REPORT

**Balances as of 10/31/23:**

Checking Account: $240,778.82

Park Account: $2,275.11

House Number Account: $336.02

Delta Coves First Deposit: $8,622.41

Delta Coves Contingency Funds: $2,231,517.69

Delta Coves O & M Funds: $1,025,593.79

LFCF Repairs and Improvements: $11,535.86

LFCF Maintenance: $10,269.08

**Advance Funding from DWR**

Money Market is $50,043.75 (NWS Project)

Money Market is $23,366.71 (HEHE Project)

Money Market is $11,377.92 (HEHE NW Levee Project)

B. BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Director Knorr, Jr. stated Ms. Lori Castillo sent an email asking if she could leave a sleeve for the Christmas tree in the park. There was no response and now it has been broken and left by the stage.

There was a discussion on installing a permanent sleeve with a cap and an electrical outlet.

C. DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

Nothing to report.

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

Director Knorr, Jr. stated this committee should meet soon to discuss possible projects. He would like District Manager Espinoza and Mr. Mark Fortner from GEI to be present. He would like to see three improvement projects at the beginning of the year. The meeting was set up for January 9, 2024 at 10am at the BIMID office. The committee members would be Director Knorr, Jr., Director Berzinas, District Manager Espinoza and Mr. Mark Fortner from GEI.

E. WEB SITE

Director Rama stated he has been working on refreshing the BIMID website and would like to meet to discuss the changes.

F. BIMAC/FIRE DISTRICT UPDATE

Nothing to report.

G. ISLAND EVACUATION SAFETY COMMITTEE (AD-HOC)

Report was done earlier in the meeting.

H. PUBLIC OUTREACH/SOCIAL MEDIA PRESENCE (AD-HOC)

Ms. Lori Castillo was asked if there could be a sandbag location at Delta Coves.

The Board stated that would be nice and to ask the Delta Coves Home Owner’s Association for permission.

I. DRAINAGE COMMITTEE (AD-HOC)

The committee has a meeting set for November 13, 2023 at 9:00am.

11. SUGGESTION FOR FUTURE AGENDA ITEMS

12. CORRESPONDENCE

None was discussed.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to adjourn the meeting. The vote showed five directors in favor. Motion carried.

The meeting adjourned at 8:50 pm.

Submitted by Denece Bixby, District Clerk