REGULAR MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: FEBRUARY 8, 2024

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: Tom Knorr, Jr., Lisa Kirk and Vignesh Rama. District Manager Regina Espinoza, and Attorney Dave Larsen were also in attendance. Directors Berzinas and Smith were absent.

2. BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST

Director Knorr Jr., Director Kirk and Director Rama had no conflicts.

3. CLOSED SESSION

The Closed Session portion of the meeting was cancelled until the March 14, 2024 Regular Meeting.

5. CONSENT CALENDAR

A. A motion was made by Director Kirk and seconded by Director Rama to approve the minutes of the Regular Meeting of January 11, 2024. The vote showed three directors in favor (Directors Berzinas and Smith were absent). Motion carried.

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

None.

7. ANNOUNCEMENTS

President Knorr, Jr. stated he will be having a meeting next week with Mr. Tim Jensen from Contra Costa County Flood Control to tour the cross-culverts and drainage issues on the island.

8. PUBLIC COMMENT

Ms. Lori Castillo asked if there could be a Special Study Session for the Board and the public to review the Brown Act and Robert’s Rules of Order and to discuss accountability and oversight. She would like the Board to consider agendizing a study session.

President Knorr, Jr. asked to agendize this topic for the next meeting for Board discussion.

Ms. Lori Castillo stated she would like to see improvement of efficiency and accountability because the District is asking for another Benefit Assessment. She asked the Board to have an investigation or audit to see what is taking place and where the money is going. There needs to be an explanation and accountability of what has been done to improve things.

President Knorr, Jr. stated this will be put on the next agenda to discuss improvement of efficiency in the day-to-day operations and accountability.

Attorney Dave Larsen stated there would be a staff report that would include job descriptions so that everyone will be on the same page.

Director Rama stated he also would like it to be on the agenda as he has been meaning to ask the question for some time. As the Treasurer, he would like to see what bank accounts are where, what audits are done, what reports are completed, etc.

Mr. Scott Burns asked about the study that was completed for the Stone Road Seepage Reduction Project that was part of the Northwest Levee Project. He would like to know what the study found with the Delta Coves construction. He would like to get a copy of the report.

Mr. Mark Whitlock stated as a BIMAC Boardmember, he takes a seminar online every year. The next BIMAC meeting will be on Tuesday, February 13th where there will be a presentation from the Contra Costa Fire Department discussing weed abatement issues, mowing, and at least three people from the Fire Department will attend. There will be a discussion and presentation of the Estuary Estates 271 parcel housing development located on the other side of the bridge. The developers were given thirty-eight pages of questions that need to be answered. The BIMAC March meeting will be changed from Tuesday to Wednesday, March 13, 2024 because the City of Oakley will be talking about Summer Lake North and Grand Preserve developments. He also added that if anyone hasn’t signed up for the Community Warning System to please do so.

9. UNFINISHED BUSINESS

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

District Manager Espinoza stated staff has completed the review of the County’s draft released maps (released in late November) and BIMID’s drainage maps for consistency. The updated maps will be submitted to the County for review. If there are any other questions from the County, field verification will need to be conducted.

B. UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

C. FIVE YEAR PLAN

Director Kirk stated the Five-Year Plan needs to be updated for the upcoming Assessment District.

District Manager Espinoza stated it was done awhile back because there was funding to update the plan.

Director Kirk stated it would be helpful for the Five-Year Plan to be outlined during the process of asking for more money for the assessment district. She asked about setting up a study session to discuss it.

District Manager Espinoza stated the current Five-Year Plan is still active even though it is five or six years old. It still lays out the priorities and future projects. We could have a study session where GEI Consultants is in attendance.

Director Kirk stated it would be good to have all the projects highlighted and what they are so that people could understand what the money would be funding. She asked for the Five-Year Plan to be put on the April agenda to perhaps discuss other projects.

There was a request to go back to Agenda 9A.

Ms. Lori Castillo asked about the project under Item 9Ai if it got approved by FEMA, would BIMID have the money to pay its share.

District Manager Espinoza stated it would be in the discretionary funds. There are two places where the money comes from. One is property tax revenue, and the other is the Assessment District.

D. COLLABORATIVE FLOOD CONTROL EFFORTS

District Manager Espinoza stated she had spoken with Chad Davisson from Ironhouse Sanitary District. There was a discussion of whether or not Ironhouse Sanitary District would be interested in a Memorandum of Understanding. BIMID does not have one with Ironhouse but does have a Memorandum of Understanding with Reclamation District 799. Reclamation District 799 doesn’t feel the need to update the Memorandum of Understanding, as it has been working for the last several years. BIMID and RD 799 do share services now. Mr. Chad Davisson is open to a Memorandum of Understanding, so the Board will need to find out what will be needed from them and what they would need from us. Staff could use a similar agreement that was used for RD 799.

Director Rama asked if the agreement with RD 799 is dormant.

Attorney Dave Larsen stated there are one or two things that are required of the parties. The agreement should be reviewed and make sure that everything is legal.

President Knorr, Jr. stated there were a couple of conditions in the agreement that need to be met or be renewed.

District Manager Espinoza stated RD 799 is not opposed to updating the agreement as long as the terms of the contract don’t change. She recommended that for Ironhouse Sanitary District it could be the same type of agreement as RD 799.

President Knorr, Jr. stated RD 799 is happy with the agreement with BIMID, as is, and not in a collaborative agreement. The Board is trying to have collaborative agreements with nearby entities. It sounds like there will need to be separate agreements for each entity.

District Manager Espinoza stated RD 799 and Ironhouse Sanitary District have a different separate agreement.

President Knorr, Jr. stated he will have a discussion with Mr. Tim Jensen at their upcoming meeting.

District Manager Espinoza stated there has been a discussion with the County and they are agreeable to collaborative efforts but are not interested in an agreement. The collaborative effort has been creating Flood Control Flyers and everyone was to distribute them. There was no interest in sharing labor or equipment.

President Knorr, Jr. asked if individual agreements with different entities is necessary.

Attorney Dave Larsen stated we should continue to find entities that do want to have agreements.

Director Kirk stated to talk to the different entities to see about creating solutions that would help with the one situation on Taylor Road.

Director Rama stated the RD 799 agreement could be used as a template for Ironhouse Sanitary District.

Director Kirk suggested having the agreement with RD 799 be re-signed to be brought up to date.

A member of the audience stated that things can change and should be documented.

President Knorr, Jr. stated at the last meeting, Attorney Dave Larsen had said he would review the agreement and update the agreement.

Attorney Dave Larsen stated he was waiting for a Board decision on whether there would be a collaborative agreement or a separate one.

President Knorr, Jr. stated this item will be continued at the March meeting.

There was more discussion on the wording of the agreement. There would need to be specifics written down and find out what types of things that are available to BIMID and what is available to RD 799.

Mr. Mark Whitlock stated he thinks it a waste of time and money to redo the agreement. He stated there was no mention of Diablo Water District and he felt they should be included in the collaborative efforts.

9E. CONTRA COSTA COUNTY DRAINAGE AND FLOOD CONTROL

i. DISCUSSION OF FLOOD DRAINAGE PROJECT FOR LOCAL HAZARD MITIGATION PLAN FOR BIMID AND RD799 AND POSSIBLE NEIGHBORING DISTRICTS

District Manager Espinoza stated the public comment period is closed and will be going to the consultants. They are hoping to get comments back in about two months but that is optimistic and doesn’t know if FEMA is going to turn that around. The Local Hazard Mitigation Plan with the County will be out of compliance in April. As the District is partners with the County, the District will also be out of compliance and the County is hopeful that FEMA will review and comment.

(ii). DISCUSSION OF DRAINAGE MAPS RELEASED BY THE COUNTY

This was discussed earlier in the meeting.

9F. CONTINUED DISCUSSION OF COMMUNITY WARNING SYSTEM

President Knorr, Jr. stated at the last meeting it was discussed to send a letter to Supervisor Burgis’ office because the District has not received any communication back from CWS.

District Clerk Bixby stated she had received an email from Ms. Julie Cavallero that she should get back to the District by the end of February. If the District doesn’t get a response by the end of February, a letter will be sent to the Supervisor’s office.

Director Kirk suggested contacting Ms. Monica Nino from County Administration as she had success with getting a response for the evacuation plan.

Ms. Lori Castillo stated the residents feel that if the sirens sound off during a levee breach, they should be able to hear it. Right now, the residents on Stone Road do not hear the sirens when they are tested. The sirens need to be loud enough that they can be heard everywhere.

Mr. Mark Whitlock stated BIMID owns the sirens. He has met with AtHoc/Blackberry numerous times and he was told there should be eight to ten sirens on the island. The question was who would fund it because BIMID doesn’t have the budget for adding any more sirens.

Attorney Dave Larsen stated he had commented on the original agreement. He recommended that he would review the agreement again, when it comes back, before the agreement goes before the Board.

District Clerk Bixby asked if she should send the agreement, dated in October to Attorney Dave Larsen.

Attorney Dave Larsen stated not to send it until it comes back from County Counsel.

Ms. Lori Castillo stated new residents on the island don’t know what the sirens mean. When the siren sounds on Bethel Island it means to get to high ground. Other areas where the sirens sound it means to shelter in place. How does the information get out to the public?

President Knorr, Jr. stated the information does need to go out to the public. He recommended a postcard be sent out in the mail explaining what to do when the siren sounds.

Mr. Scott Burns asked what good is the siren when people can’t hear it, when there is new technology. Why not get rid of the sirens?

Director Rama stated cell phones don’t always work in a disaster. Some residents don’t have very good cell service.

President Knorr, Jr. stated this item will be continued at the next meeting.

10. NEW BUSINESS

A. DISCUSSION AND CONSIDERATION OF PROPOSAL FOR BENEFIT ASSESSMENT FOR BIMID BY SCI CONSULTING GROUP

District Manager Espinoza stated the current agreement with SCI Consulting Group will sunset in August 2025. The proposal is for the next Assessment District that the Board wants to move forward on. The proposal includes initial data research and feasibility analysis, assessment engineering and engineer’s report production, balloting services for Prop 218 implementation, and informational outreach services for Prop 218 implementation. The total estimated cost of the services is $43,500. The first phase will be the initial research, which will be conducted in the 2023-24 fiscal year, would be $3,500; and the remaining $40,000 would need to be budgeted in the 2024-25 fiscal year. SCI is available to attend the next meeting.

President Knorr, Jr. stated this assessment is really important to BIMID as it helps with the funding of grants and projects that are done on the island.

District Manager Espinoza stated the assessment district has been crucial for capital projects. Property tax money is not enough to support levee maintenance and capital projects. The assessment district is used for BIMID’s cost share for projects that come from Department of Water Resources, State, FEMA, etc. The information would be supplied by BIMID to assist with how much the assessment would be per parcel.

A motion was made by Director Rama and seconded by Director Kirk to move forward with the discussions with SCI Consulting Group for the new Benefit Assessment for BIMID. The vote showed three directors in favor (Directors Berzinas and Smith were absent). Motion carried.

B. DISCUSSION OF LEVEE ROCK PLACEMENT AND DITCH CLEANING RESTRICTIONS

District Manager Espinoza stated the Board recommended at the January Board meeting that this item be added for discussion at the next meeting.

President Knorr, Jr. stated the restrictions of the levee maintenance and ditch cleaning are limited to three months of the year. Fish and Wildlife has restrictions and if BIMID doesn’t stick with the restrictions there could be financial penalties.

Director Rama asked why it is so limited.

District Manager Espinoza stated it is for fish and wildlife habitat preservation, particularly in the delta the rules are more stringent.

President Knorr, Jr. stated this item will stay on the agenda as there needs to be some solutions.

District Manager Espinoza stated the solution is capital projects to be able to add more project specific rock. It can be done, the District just needs the money. To do any water side projects, it takes two years to get the permits for the project. If the project is in an urbanized area of the island, the District would need to go out for huge funding. The state will not fund anything that isn’t a multi-benefit project. Other projects could include hazard mitigation.

This discussion will be continued at the next meeting.

C. DISCUSSION AND CONSIDERATION OF COSTS OF “NO PARKING” SIGNS ON RANCH LANE

District Manager Espinoza stated this item was placed on the agenda for discussion from the January meeting.

President Knorr, Jr. stated it was mentioned in the last meeting about a portion of the street at the park that is owned by BIMID. There are a lot of people taking advantage and parking day and night on the street. There aren’t any “no parking” signs on the road. He would like to discuss what should be on the sign and what it should look like and costs.

Director Kirk asked about no parking at the park.

President Knorr, Jr. stated the sign could read “no parking after sunset” or something to that effect.

Director Kirk stated she has an enforcement issue, as to whom would be enforcing the signs.

President Knorr, Jr. stated the sign could read “2 hour parking”, “no parking from dusk to dawn”.

Director Kirk stated she would like to know the costs, sign design, and how many are needed.

Attorney Dave Larsen stated if there is a particular statute and the proper signing, the Sheriff’s Department can enforce.

President Knorr, Jr. asked what is currently the procedure in the park.

District Manager Espinoza stated the procedure is to let the violator know about the rules and then contact the Sheriff’s Department.

President Knorr, Jr. stated Scout Hall has a contract with a tow company and if they spot violators, they will tow the vehicle away.

Ms. Lori Castillo stated the tow company can’t tow a vehicle if someone is living in it.

Mr. Todd Northam stated if you post a No-Parking Tow-Away Zone then the tow trucks can remove the vehicle.

Mr. Scott Burns suggested installing a Private Road sign.

Mr. Mark Whitlock stated he has been working on this for seven months and there are ten property owners on Ranch Lane. Because of events and Delta Bar and Grill the sign needs to say “No Overnight Parking”. The Sheriff will cite them and hopefully that will be a deterrent.

This item will be continued to the next meeting.

D. DISCUSSION OF REMOVING CHAIN-LINK FENCE ON WINDSWEEP ROAD BLOCKING LEVEE ACCESS

District Manager Espinoza stated the fence has assisted in keeping people out in the last four years. Behind the chain-link fence is a BIMID gate. If the chain-link fence wasn’t there, there would be people fishing, dumping garbage, trespassing on property owner’s property. There is a fire lock on the BIMID gate. Before the chain-link fence was put in, the Sheriff’s office had to be called daily.

Mr. Mark Whitlock stated the chain-link fence is difficult and time consuming to open as it is in sections. There is an issue with trying to get out for an ambulance with the gate in sections. He is against having the chain-link fence and hopes nothing serious will happen.

Director Kirk asked if the two gates is the issue.

Mr. Mark Whitlock stated there are four sections of the chain-link fence. There isn’t a swing gate, as the fence is in four sections and has to be physically picked up and moved.

President Tom Knorr, Jr. stated there seems to be a redundancy with having two gates. The swing gate could be left open as it would shorten the time for access. The temporary chain-link fence needs to have a permanent fence with two swing gates to be installed.

Director Rama stated he wanted nothing to be done with the gate.

Director Kirk stated she would have to look at it.

President Knorr, Jr. stated this item will be brought back at the next meeting.

2023-2024 MID-YEAR BUDGET REVIEW

District Manager Espinoza stated the budget is exactly as it was at the beginning of the fiscal year. The changes in the second half of the fiscal year have to do with equipment. What was included is $35,000 for the purchase of a new boat, as the old one needs to be replaced. Another item added is $25,000 for the purchase of the asset management system. There is also $150,000 earmarked for the purchase of a new backhoe next fiscal year.

President Knorr, Jr. stated he had an issue with the cost of $35,000 for the purchase of a new boat. He would like to see putting a new motor on the old boat. He would like to see the money used for the asset management system or more money for the backhoe.

Director Rama asked if staff could get an assessment of the costs before doing anything.

Levee & Drainage Superintendent Martins stated there is a hole in it and everything will need to be pulled out.

Director Kirk stated there can be an item on the agenda for next month asking about the assessment of the boat to whether to repair or replace the boat.

**A motion was made by Director Rama and seconded by Director Kirk to approve the 2023-2024 Mid-Year Budget proposal with the caveat of an assessment of the boat for repair rather than replacement, and to further discuss the boat situation at the March 14, 2024 meeting. The vote showed three directors in favor (Directors Berzinas and Smith were absent). Motion carried.**

11. CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

A. Nothing was discussed.

B. Nothing was discussed.

C. District Clerk Bixby stated Form 700 Forms will be due April 2, 2024.

D. Nothing was discussed.

**A motion was made by Director Kirk and seconded by Director Rama to receive and file staff the Staff Reports. The motion showed three directors in favor (Directors Berzinas and Smith were absent). Motion carried.**

12. DIRECTOR REPORTS

A. TREASURER REPORT

**Balances as of 1/31/24:**

Checking Account: $676,055.16

Park Account: $2,447.19

House Number Account: $336.02

Delta Coves First Deposit: $108,797.43

Delta Coves Contingency Funds: $2,468,880.45

Delta Coves O & M Funds: $1,176,561.93

LFCF Repairs and Improvements: $96,570.12

LFCF Maintenance: $74,418.72

**Advance Funding from DWR**

Money Market is $50,074.95 (NWS Project)

Money Market is $23,381.27 (HEHE Project)

Money Market is $11,385.01 (HEHE NW Levee Project)

B. BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Director Rama stated there was a park meeting which included twenty attendees held at Delta Coves on January 30, 2024 at 6:00pm. He submitted to the Board a summary of the meeting. A member of the public crafted a survey for the Board and District Manager to review and be posted on the island. He would like the Board to also consider taking the video of the meeting to the UC system to see if they would be interested in the design of the park project. This would be done for no cost to BIMID.

Director Kirk stated she would like to see it go forward.

There was a consensus of the Board for Director Rama to proceed.

C. DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

Nothing to report.

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

Nothing to report.

E. WEB SITE

Director Rama stated he got a proposal regarding updating the website. He needs to meet with the District Manager and Financial Consultant to see what the budget is for updating the website.

F. BIMAC/FIRE DISTRICT UPDATE

Nothing to report.

G. ISLAND EVACUATION SAFETY COMMITTEE (AD-HOC)

Director Kirk stated County OES sent an Evacuation Plan and the committee will check with the rally points one more time before publishing.

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

Nothing to report.

I. DRAINAGE COMMITTEE (AD-HOC)

Nothing to report.

14. SUGGESTION FOR FUTURE AGENDA ITEMS

Discussion of repairing or replacing the BIMID boat.

Discussion of Brown Act and Robert’s Rules of Order Study Session

Discussion of Efficiency in Day to Day Operations

15. CORRESPONDENCE

None was discussed.

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

The meeting adjourned at 8:55 pm.

Submitted by Denece Bixby, District Clerk