SPECIAL MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: MAY 14, 2024

The Bethel Island Municipal Improvement District met in special session located at 3085 Stone Road, Bethel Island, CA at 6:00 p.m. Upon roll call, the following were found to be present: Directors: Tom Knorr, Jr., Anthony Berzinas, Bruce Smith, Lisa Kirk and Vignesh Rama. District Manager Regina Espinoza, and Attorney Dave Larsen were also in attendance.

2. BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST

Director 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 10A(i)(a) because of the project being within 500 feet of their house. Directors Rama, Knorr, Jr. and Kirk had no conflicts.

3. CLOSED SESSION

Employee Performance Evaluation per Government Code §54957

Title: District Manager

Open session convened at 6:44pm.

4. REPORT OUT OF CLOSED SESSION

This item will be continued to the June 13, 2024 Regular Meeting.

5. CONSENT CALENDAR

A. A motion was made by Director Kirk and seconded by Director Berzinas to approve the minutes of the Regular Meeting of March 14, 2024. The vote showed five directors in favor. Motion carried.

There was a brief explanation and discussion of the loan documents.

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

**5B. A motion was made by Director Berzinas and seconded by Director Smith to authorize the Board President and Board Secretary to sign the BAC $100,000 Line of Credit/Loan documents. The vote showed five directors in favor. Motion carried.**

7. ANNOUNCEMENT

Director Berzinas stated there had been a fatality on the island this past weekend and asked everyone to be safe around the island and in the water. Director Berzinas asked the District Manager to investigate having life vests available through the Parks and Recreation Department for the island.

8. PUBLIC COMMENT

Director Kirk stated she had attended the BIMAC meeting where the BIMAC Board stated that they don’t want to participate in a drainage ad-hoc committee. She spoke with Mr. Stephen Griswold from Supervisor Burgis’ office and asked if there was an entity that property owners could contact with their drainage issues. Mr. Griswold stated he would investigate if there is an Internal Affairs committee for state mandates that don’t have funding.

NEW BUSINESS (CONSULTANT PRESENTATIONS)

9A. ADOPT RESOLUTION NO. 24-05-14B “INTENTION TO CONTINUE ASSESSMENTS FOR FISCAL YEAR 2024-25, PRELIMINARILY APPROVING THE ENGINEER’S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT LEVEE AND FLOOD CONTROL FACILITIES MAINTENANCE AND REPAIR ASSESSMENT DISTRICT.

Mr. Kyle Tankard from SCI presented the upcoming Fiscal Year 2024-25 Assessment District Engineer’s Report. The change in the CPI from December 2022 to December 2023 was 2.62% and the Unused CPI that was carried forward from the previous fiscal year is 3.70%. The maximum authorized assessment rate for fiscal year 2024-25 can be increased by 3.00% which equals to $143.52 per single family equivalent (SFE) benefit unit. This represents an increase of $4.18 per SFE benefit unit from last year’s assessment rate. The total amount of revenues that would be generated from the 2024-25 assessment at the proposed rate of $143.52 is approximately $284,407. The hearing will be set for the next Regular Meeting on June 13, 2024.

A motion was made by Director Smith and seconded by Director Berzinas to approve Resolution No. 24-05-14B “Intention to Continue Assessments for Fiscal Year 2024-25, Preliminarily Approving the Engineer’s Report and Providing for Notice of Hearing for the Bethel Island Municipal Improvement District Levee and Flood Control Facilities Maintenance and Repair Assessment District”. The vote showed five directors in favor. Motion carried.

9B. LOCAL HAZARD MITIGATION PLAN (LHMP) COUNTY PUBLIC COMMENT PERIOD APRIL 22, 2024 TO MAY 31, 2024

District Manager Espinoza stated this draft plan is one part of a larger outreach process of the Contra Costa County Local Hazard Mitigation Plan.

Mr. Mike Mirmazaheri from GEI presented the draft BIMID Local Hazard Mitigation Plan. The County is in the process of updating the 2018 Local Hazard Mitigation Plan. Once approved by FEMA, it will provide a unique opportunity to apply for future grants through FEMA. Some of these funds relevant to BIMID are: preparedness grants; flood mitigation assistance; hazard mitigation grants program; building resilient infrastructure and communities; and presidential disaster declaration. There are nineteen potential actions in the BIMID plan.

There were changes suggested by the Board.

A motion was made by Director Berzinas and seconded by Director Rama to approve comments of the BIMID Local Hazard Mitigation Plan with changes on page six, it should read “District Manager and their team……” and change BIMID Mitigation Action 18, page 37 “no fire hydrants” to “limited fire hydrants”. The vote showed four directors in favor (Director Kirk abstained). Motion carried.

The Board asked that if there are more public comments for the BIMID plan, to please submit them to the District Manager.

10. UNFINISHED BUSINESS

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

District Manager Espinoza stated the Taylor Road (Bethel Island Flooding Remediation Mitigation Project) is currently awaiting funding. There was communication from the State and FEMA asking for confirmation if the environmental documents had been posted. Now that the posting has been completed, the project is getting closer to being funded.

President Knorr, Jr. asked if there was an update regarding Stone Road.

District Manager Espinoza stated that she hasn’t heard anything specifically but has had contact with the County regarding the drainage maps. The next step will be to field verify the few areas that are inconsistent between the BIMID/GEI map and the draft maps that the County released in late November 2023.

Director Kirk stated she was shown a survey map of the ditches at the Willows Mobile Home Park at the BIMAC meeting and the survey showed that it also included other property owners’ property.

District Manager Espinoza stated there is an area behind the Willows Mobile Home Park that is between two culverts. It is located behind the pumps that have not been cleaned out and is not BIMID’s ditch. There were questions on the roadside ditch and that is when the County surveyed the road. There are now discussions between the County and property owners on whose responsibility it is to maintain the roadside ditch. The roadside ditches don’t belong to BIMID and the County is still trying to determine who owns the small ditch in the back.

Director Kirk asked about the Stone Road survey and what will happen to that.

District Manager Espinoza stated the question did come up during the meeting and the suggestions that we had was that property owners need to talk to the County to essentially do the survey. The County may have the property owner’s conduct the survey.

B. UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

C. FIVE YEAR PLAN

No update.

D. COLLABORATIVE FLOOD CONTROL EFFORTS

No update.

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

District Manager Espinoza stated there was discussion at a previous meeting that although there are several issues that are on hold with regards to the “No Parking” signs, BIMID is still waiting on County Counsel to review and input on the enforcement ability and support in the park area. There are a couple of issues that could be addressed. One is replacing the Ranch Lane sign and adding PVT (abbreviation for Private) to the sign. Staff reached out to the County with respect to who could change the sign and the rules of signage. Staff has received an answer from the County and will be moving forward with ordering the new sign.

Director Smith stated there needs to be more clarification on the no parking signs than just no parking overnight. His suggestion was no parking from dusk to dawn and no parking without expressed permission from BIMID.

District Manager Espinoza showed a sign that is going to be on other portions of the street that Delta Coves has purchased.

Director Berzinas stated you can’t have a tow-away sign without a location of where the vehicle is being towed. It is in the Vehicle Code. BIMID should coordinate with Delta Bar and Grill regarding what restrictions should be imposed.

There was further discussion on what the parking signs should say.

President Knorr, Jr. stated because of the homeless people parking overnight, dogs running around with no leash and other issues, the sign should be “Parking by Permit Only”. It could also include giving the owner of Delta Bar and Grill the ability to issue parking permits. The signs could be covered for special events in the park.

Attorney Dave Larsen stated there are certain limitations with parking permits.

Director Berzinas stated the park is a day use, so you can’t limit parking during the day.

Director Kirk stated the signs should read “No parking, violations will be enforced, violators will be cited and/or towed away at owners expense” and should include the vehicle code, who we are, and the location where the vehicles will be towed.

Director Rama left the meeting at 7:52pm.

President Knorr, Jr. stated there are some legal issues and enforcement issues that need to be resolved.

Director Berzinas stated the County will not enforce parking at the park. BIMID will have to come up with a policy and a tow truck company contract before any signage can be posted. It will be BIMID’s responsibility to do the enforcement.

Director Smith suggested that the Boardmembers select verbiage for the signs and email them to the District Manager and to discuss it at the next meeting.

Director Berzinas asked District Manager Espinoza to reach out to the County Counsel to get an answer before the next meeting.

President Knorr, Jr. asked District Manager Espinoza to contact a towing company for a contract and pricing.

11. NEW BUSINESS

A. APPROVAL OF LEASE AGREEMENT FOR 55 ACRES OF THE DISTRICT’S 106-ACRES SITE

A motion was made by Director Berzinas and seconded by Director Smith authorizing the Board President and Board Secretary to execute the lease agreement for 55 acres of the District’s 106 acre site at the rate of $2,500 a year for three years. The vote showed four directors in favor (Director Rama was absent). Motion carried.

B. DISCUSSION OF CONTRA COSTA COUNTY AGENCY COMMENT REQUEST CDP424-00002 FOR A 30 ACRE SOLAR FARM ON BETHEL ISLAND

District Manager Espinoza stated this is a comment request from Contra Costa County with the owner seeking a preapplication review for a proposed 30-acre solar farm on property located adjacent to Canal Road and behind the Horseshoe Bend section of levee on Bethel Island. It was emailed to BIMID’s engineer for comments. Staff will need to make sure that the project meets with BIMID’s General Guidelines and that is what was noted in the BIMID engineer’s comments.

President Knorr, Jr. asked if it met with BIMID’s setbacks for the ditches and levee. There is a gas line along Canal Road.

Director Berzinas asked about the location of the gas line in relation to the levee.

President Knorr, Jr. stated the gas line on Canal Road goes from Bethel Island Road to the BIMID pump station and goes across the slough to Jersey Island.

Director Berzinas stated BIMID will need clear access to the levee for maintenance work and will need to be able to clean the ditch along Canal Road.

President Knorr, Jr. asked for a consensus of the Board of the BIMID engineer’s comments and clarification of the location of the proposed gas line.

District Manager Espinoza stated as long as BIMID has an underlying easement that will allow access to the levee. She asked the Board if the BIMID engineer’s comments could be sent as the Agency comments for the project.

**A motion was made by Director Berzinas as seconded by Director Smith to submit BIMID’s engineer’s comments as Agency Comments for the project. The vote showed four directors in favor (Director Rama was absent). Motion carried.**

President Knorr, Jr. and Director Berzinas stated they would like to see specifics of the gas line under engineer’s comments number 1.

C. ADOPTION OF REVISED EMPLOYEE POLICY 4020 “SICK LEAVE” PER SB 616 EFFECTIVE JANUARY 1, 2024

Director Berzinas stated the math doesn’t add up with the one hour for each thirty hours worked. It comes to 78.8 hours for full time employees.

President Knorr, Jr. stated the way he interpreted SB 616 was employers were to front load eighty hours for full time and forty hours for part-time.

District Manager Espinoza stated sick time is already front loaded at the beginning of the year.

**A motion was made by Director Berzinas and seconded by Director Kirk to adopt Resolution No. 24-05-14A “Modifying Employee Handbook Policy #4020 Dealing with Sick Leave”. The vote showed four directors in favor (Director Rama was absent). Motion carried.**

D. DISCUSSION OF FUTURE PARK FUNDING

President Knorr, Jr. stated there were minutes from the Park Committee that were attached for this meeting.

Director Berzinas stated if BIMID is trying to go for another Assessment District, he feels another tax measure for the park would not be viable at this time. It should stay with big donations for right now. Any of the taxes that are collected don’t go to the park. The Assessment District is more important than the park. The Assessment District helps pay BIMID’s share of the levee projects.

President Knorr, Jr. stated BIMID should consider a banner for the park, perhaps with a QR code to give information about donations and be used to promote the Assessment District with descriptions of what has been done for the island. Residents are under the impression that BIMID owns the park and maintains it. BIMID does not have funding for the park and relies on donations for the upkeep of the park.

Director Berzinas stated the board and public should be updated with how much money was spent and BIMID’s cost share of the major projects that were done during the Assessment District.

President Knorr, Jr. stated further investigation is needed to locate grants for a community garden, composting and possible dog park at BIMID’s Mitigation Site. He felt that Measure X funds have already been allocated, but the District still needs to look for other avenues for grant funding.

District Manager Espinoza stated there should be discussions and considerations from the Board if that is what is being considered for the Mitigation Site. The Mitigation Site does have some restrictions regarding public access.

Director Berzinas stated when public access is given for parks, etc., it will need to be ADA compliant and that can be very expensive.

There was a discussion on what exactly should be on the informational banners.

District Manager Espinoza stated the Board had already agreed with the scope of work that was submitted to OGALS and awarded. There was a hold put on it because some of the residents wanted to see if there are better ways to use the funding.

Director Smith stated the scope of work is not viable in its current form. Restructuring the grant is done all the time especially if it is an old grant and that the deliverables were not feasible and/or changed.

President Knorr, Jr. stated the park committee developed a list of possible deliverables for the park. The list is for the District Manager to try and make the new deliverables for the grant.

Director Kirk left the meeting at 9:01pm.

This item will be continued at the next meeting in June.

12. CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

1. District Manager Report Update on Goals, Strategies, Problem Areas, Work Completed

District Manager Espinoza stated BIMAC has set the Clean Up Day for September 14th and had asked if BIMID would allow it to be held in the same location at the Mitigation Site. BIMID used to be reimbursed for this event that happened every year. Last year was the last year that it was reimbursed. The County has asked if the same location could be used this year. The last time it was discussed, BIMID decided to not participate any longer.

Director Smith stated he had an issue with paying BIMID employee’s overtime that has nothing to do with their duties.

Director Berzinas stated it is not in our jurisdiction.

District Manager Espinoza stated they were not specific on how it was going to be done.

Director Berzinas stated the site could be available, but they need to let BIMID know how it will be run. Will there be equipment, staffing, etc.

District Manager Espinoza stated there are issues with trash and oleander that kills livestock, which is a priority that needs to be watched. She asked the Board if they had any questions on the response.

Director Berzinas stated the County needs to let BIMID know what the specifics are on how they plan to operate the site before committing to an answer.

President Knorr, Jr. stated he is agreeable with the site being used, but the site needs to be the same way it was before and cost BIMID nothing. If the County can’t guarantee that, it would be no. He suggested if the answer is no, then there should be a posting of why BIMID is no longer hosting the site.

Director Berzinas stated the County would be liable for any cleanup and/or damage done to cattle.

President Knorr, Jr. stated there will need to be a Hold Harmless agreement for the County to be responsible for any liabilities that happen on the property. If they want BIMID staff to be there, the County will need to pay for the overtime.

B. Levee Superintendent Monthly Report of Work Performed

Nothing was discussed.

C. District Clerk Monthly Report of Work Performed

Nothing was discussed.

D. Report of Monthly Work to be Performed

Nothing was discussed.

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

13. DIRECTOR REPORTS

A. TREASURER REPORT

**Balances as of 4/30/24:**

Checking Account: $309,255.56

Park Account: $2,915.39

House Number Account: $336.02

Delta Coves First Deposit: $534,492.02

Delta Coves Contingency Funds: $2,477,210.75

Delta Coves O & M Funds: $1,133,147.70

LFCF Repairs and Improvements: $158,490.27

LFCF Maintenance: $121,131.76

**Advance Funding from DWR**

Money Market is $50,117.15 (NWS Project)

Money Market is $23,400.98 (HEHE Project)

Money Market is $11,394.60 (HEHE NW Levee Project)

B. BETHEL ISLAND PARK COMMITTEE (AD-HOC)

This item was discussed earlier in the meeting.

C. DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

Nothing to report.

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

Nothing to report.

E. WEB SITE

This item was discussed earlier in the meeting.

F. BIMAC/FIRE DISTRICT UPDATE

Nothing to report.

G. ISLAND EVACUATION SAFETY COMMITTEE (AD-HOC)

Nothing to report.

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

Continuation of No Parking signs in the Park

Continuation of Future Park Funding

15. CORRESPONDENCE

None was discussed.

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

The meeting adjourned at 9:15 pm.

Submitted by Denece Bixby, District Clerk