

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

DATE: JUNE 13, 2024

The Bethel Island Municipal Improvement District met in regular 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, and Lisa Kirk. District Manager Regina Espinoza, and Attorney Dave Larsen were also in attendance. Director Vignesh Rama was absent.

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

3. CLOSED SESSION

Employee Performance Evaluation per Government Code §54957
Title: District Manager

Open session convened at 6:30pm.

4. REPORT OUT OF CLOSED SESSION

Direction was given.

5. CONSENT CALENDAR

A. A motion was made by Director Berzinas and seconded by Director Kirk to approve the minutes of the Special Meeting of May 14, 2024.

Director Smith noted he was still on the minutes as the President.

District Clerk Bixby stated she would fix that.

With the corrected revision, the vote showed four directors in favor (Director Rama was absent). Motion carried.

B. A motion was made by Director Smith and seconded by Director Berzinas to adopt Resolution No. 24-06-13B, "Ordering Specifications of the Election Order". The vote showed four directors in favor (Director Rama was absent). Motion carried.

C. A motion was made by Director Kirk and seconded by Director Berzinas to approve the Maze & Associates Letter of Understanding for Services Associated with the Preparation of the Fiscal Year Ending June 30, 2024 District Audit. The vote showed four directors in favor (Director Rama was absent). Motion carried.

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

Nothing was discussed.

7. ANNOUNCEMENT

Director Smith stated tomorrow is Flag Day.

President Knorr, Jr. stated the Bethel Island Chamber of Commerce installed a flag collection box in the Post Office for recycling old flags. He stated Lori Castillo will be late to the meeting tonight but would like to thank everyone that is enjoying the community events in the park.

Director Rama joined the meeting at 6:40pm.

8. PUBLIC COMMENT

Mr. Mark Whitlock passed out a flyer for reservoir data to the Board. There is an issue with a gross violation on the levee top at Bethel Island Marina. The topic will be discussed under Fire District Update.

NEW BUSINESS (CONSULTANT PRESENTATIONS)

9A. PUBLIC HEARING FOR BIMID LEVEE AND FLOOD CONTROL FACILITIES AND MAINTENANCE AND REPAIR ASSESSMENT DISTRICT, ADOPT RESOLUTION NO. 24-06-13A "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. This will be the final year for this assessment. 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 Public Hearing was opened.

Director Berzinas stated as this is the last year of the assessment, he wanted to know where does BIMID go from here. He would like that the records of the public meetings from 2015 to be put on the next agenda to discuss the next assessment district.

District Manager Espinoza stated there is going to be an item on the July agenda to discuss the Assessment District agreement for starting the next assessment. All the questions could be answered then as SCI will be at the meeting to answer any questions.

Director Kirk asked about the Engineer's Report. This proposed assessment would allow the District to provide the required local share to be eligible for State funds. She asked if Horseshoe Bend still needs further work that would require funding.

District Manager Espinoza stated the Engineer's Report basically takes the whole assessment into account. It is just historical for all the projects that would be completed with the assessment funds.

Director Kirk asked if the Five Year Plan is attached to the assessment.

District Manager Espinoza stated the current assessment is for the last ten years. When the Engineer's Report was completed, it was based on the Five Year Plan. For the next assessment, it will include any items for the last ten years. It will also include new projects that BIMID is considering.

There was no public comment.

A motion was made by Director Berzinas and seconded by Director Smith to close the public hearing for the 2024-25 Assessment District. The vote showed five directors in favor. Motion carried.

A motion was made by Director Berzinas and seconded by Director Kirk to adopt Resolution No. 24-06-13A "Accepting the Final Engineer's Report and Assessment Diagram, and Ordering the Levy of Assessments for Fiscal Year 2024-25 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.

10. UNFINISHED BUSINESS

A. UPDATE ON BETHEL ISLAND

CULVERT/DRAINAGE/SEEPAGE/STANDING WATER ISSUES

District Manager Espinoza stated funding for the Taylor Road project (Bethel Island Flooding Remediation Mitigation Project) was discussed at the last several meetings. BIMID is now waiting for completion of the Local Hazard Mitigation Plan with Contra Costa County before the funding from OES/FEMA will be released. The County is aware that there are several projects that are waiting for the LHMP to be adopted. After that is completed, and the project is awarded by FEMA, the bidding process will begin and then the project will move into the construction phase.

Director Kirk asked about cleaning the ditches in this project and if it was billed to DWR. She also asked about the toe ditches and if a claim will be submitted to DWR under the Subventions Program.

District Manager Espinoza stated it could be submitted to DWR, but no guarantee that the District will be reimbursed.

Director Kirk asked what is defined as a toe ditch by DWR.

District Manager Espinoza stated there were talks with DWR about the ditches on Taylor Road and they will not reimburse BIMID.

Director Kirk asked for a printout of the ditches that were cleaned under the Subventions Program that are reimbursable and to bring it back to the next meeting. She asked what the classification is for a toe ditch and can it be reclassified. She is looking for additional funding for the ditches along Taylor Road.

District Manager Espinoza stated staff has tried various ways to find funding for the ditches that did not happen. The new project will have a low District cost share.

Director Kirk asked why there is standing water in the ditch and what is causing the standing water.

District Manager Espinoza stated when the project is approved for funding, then plans will be discussed at a board meeting before going out to bid.

District Manager Espinoza stated the County had come out to field verify the ditches that were not consistent on the maps between BIMID and the

County drainage maps. Part of the field verification included Stone Road and will include more detail which will also include some of the Delta Coves drainage and pump stations. The County also reviewed the weir levels and piezometer readings so that they have an understanding of the situation. The County was receptive in reviewing the culverts and cross culverts to drain into the BIMID system. There weren't any definitive dates on moving forward.

Ms. Lori Castillo thanked the Board for their help in trying to solve the drainage issues along Stone Road.

Director Kirk stated she wanted to thank Ms. Bethi Carver for her persistence with the County regarding the drainage issue.

B. UPDATE ON ASSET MANAGEMENT SYSTEM

District Manager Espinoza stated we will be at the implementation stage by mid-July.

C. FIVE YEAR PLAN

No update.

D. COLLABORATIVE FLOOD CONTROL EFFORTS

Director Kirk asked about the \$16,500 from the County for stormwater and what permit is BIMID working under for stormwater.

District Manager Espinoza stated BIMID is still working under the County's permit.

Director Kirk asked if the rest of the Board has an issue with her working with Ms. Bethi Carver on the non-mandated drainage funding. The Board agreed.

Director Berzinas asked if we are sending an invoice to the County for cleaning the ditches that are in the County right-of-way. He would like to see that the County still be invoiced even though the contract has terminated.

Attorney Dave Larsen stated the District could file a claim but it is a very short window.

Director Berzinas stated he would like to see at the next meeting all the unfunded invoices with all the amounts that the County didn't pay for. He would like to see a political statement that shows the result of the state mandated funding. Make sure to let the County know to make sure that BIMID doesn't disappear. It would make a good argument for more

funding for drainage. Staff should take pictures of before and after cleaning the ditches and log them to show what resources that BIMID is using to clean the ditches.

Ms. Lori Castillo suggested it could be brought up at a BIMAC meeting to take it to Supervisor Diane Burgis for assistance with funding.

E. CONTINUED DISCUSSION AND CONSIDERATION OF COSTS OF "NO PARKING" SIGNS ON RANCH LANE

President Knorr, Jr. stated he would like to see a decision regarding the "no parking" sign at the park on Ranch Lane.

Director Kirk stated she wanted no overnight parking signs and no on specific hours of parking.

Mr. Mark Whitlock stated he has worked with everyone else on the street and they are going to use the same signs. The tow company is not authorized to tow any vehicles without property owner consent.

Director Knorr, Jr. asked the District Manager what information was found regarding the tow company.

District Manager Espinoza stated District Clerk Bixby and she met with the tow company that other people are using on the island. It was asked about the sign that specifies towing information if a vehicle is towed. The tow company has their own sign. The tow company is very interested to enter into an agreement with BIMID for it's portion of the street which is the park.

President Knorr, Jr. stated the BIMID attorney will look at Ordinance 22 and make changes to the contract with the tow company, to make sure the California Vehicle Code is correct. In regard to the tow company, the contract would have to have BIMID staff requesting either the Sheriff or tow company.

District Manager Espinoza stated it would have to be figured out as far as what staff would need to be on scene for either the tow truck or Sheriff.

President Knorr, Jr. stated he would like for the placement of the signs to be twenty feet from each end of the park, and equal distances in between for a total of five signs.

A motion was made by Director Berzinas and seconded by Director Smith to cooperate with neighbors on Ranch Lane with consistent signage for "no overnight parking", and District Manager Espinoza

will bring back a contract with Arrowhead Towing to also be consistent with neighbors on Ranch Lane so everyone will have the same signage on Ranch Lane. The vote showed five directors in favor. Motion carried.

President Knorr, Jr. asked staff to move the Ranch Lane sign more to the corner of the street.

F. DISCUSSION OF FUTURE PARK FUNDING

Director Rama stated he has not had an opportunity to move forward with meeting with Delta Coves representatives with the brainstorming of future park grant funding.

Director Berzinas stated this discussion is to find future funding for the park because it is not on a tax assessment. BIMID needs to move forward with another levee assessment so that BIMID can continue with funding for future levee projects. It would be a bad year to go to the public with a tax assessment for the park.

Director Rama stated there are residents that are interested in the park because the Chamber of Commerce is holding movie nights in the park. BIMID should continue with the park grant and try to change the scope, or after the fact with private funding.

President Knorr, Jr. stated some residents are not aware that there is no funding for the park.

Director Smith stated grant funding is wonderful, but everyone should remember that any additions would need maintenance and how would that be funded.

Director Kirk stated there should be a park standing committee. She would like the park committee to come back with a budget.

Assigning a Park Standing Committee will be placed on the next agenda in July.

Director Smith stated the scope for this current grant funding was put together a few years ago. He stated there should be a meeting with Mr. Mike Mirmazaheri from GEI to discuss changes to the project scope.

District Manager Espinoza stated she has spoken to OGALS (Office of Grants and Services) to see what would be needed if the scope of work was changed.

11. NEW BUSINESS

A. APPROVAL OF DISTRICT BUDGET FOR FISCAL YEAR 2024-2025

District Manager Espinoza presented the draft budget for fiscal year 2024-2025. The proposed budget includes increasing the District Clerk's hours from part-time (30/hours a week) to full-time. Salaries will be augmented with the annual COLA of 2.5% for all staff and up to 2% for merit increases. Included in the budget is a temporary employee for data entry of the asset management system, major equipment purchases of \$300,000 for the purchase of a new backhoe with an additional \$50,000 included for miscellaneous larger equipment. BIMID's General Fund and Assessment District cash flow and financial position remains stable; and due to efficiencies in staffing and expenditures, the reserves are healthy and estimated to conservatively grow.

Director Rama asked if there was a line item for the website redesign.

It was also discussed about the asset management program and any hiring of temporary employees for data entry.

The Board thanked Financial Consultant Julie Hugel for her effort on the budget.

A motion was made by Director Berzinas and seconded by Director Rama to approve the District Budget for Fiscal Year 2024-2025 as distributed. The vote showed five directors in favor. Motion carried.

B. DISCUSSION OF HOWARD HOLMES HABITAT MITIGATION SITE

District Manager Espinoza stated this item was requested by a board member with three items to be discussed. Those items were sign replacement, dog park and community garden and other community benefits.

Director Berzinas asked what could be done to improve the sign.

District Manager Espinoza stated the sign was hand painted and the Mitigation Site was created back in 1994.

President Knorr, Jr. asked if the Mitigation Site is a total of 106 acres, or if only a portion is for mitigation.

District Manager Espinoza stated the whole property is a mitigation site with delineated wetlands and does have certain limitations on what the property can be used for. She explained what the Mitigation Site is used

for and that it is State protected as delineated wetlands and must be used for mitigation from projects that involve the levee and any protected resources to be replaced.

President Knorr, Jr. asked if a portion of the mitigation site could be used as a mitigation bank.

District Manager Espinoza stated there are certain criteria that has to be done to be considered a mitigation bank. The District would become the stewards of other projects that aren't based on the island, which is a huge responsibility. BIMID doesn't have enough acreage to support a mitigation bank.

It was agreed by the Board that the sign needs to be redone and to be more durable.

President Knorr, Jr. stated it was pointed out there is a substantial amount of funding for a potential dog park and community garden but there needs to be a location for it. He recommended the front portion of the Mitigation Site (approximately two acres) to be used for the dog park and community garden. He asked staff to research and check to see if it would be a viable solution and if there are any other areas that could be used for other community benefits.

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

12. CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

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

District Manager Espinoza stated there was a request from Scout Hall to screen the BIMID yard.

Director Smith stated that for less than \$200, green mesh could be purchased and that would solve the issue.

Director Berzinas stated if it is above staff's allotted amount, to bring it back to the Board for further consideration. If it is below the allotted amount, then it could be completed.

District Manager Espinoza stated there was a scheduling conflict for the July 11, 2024 Board Meeting. She suggested the meeting could be scheduled for the following week on July 16th or July 17th.

Director Rama stated he will be out of the county that week.

Director Kirk stated Wednesday works better for her, but she can also do Tuesday.

District Manager Espinoza stated she had received more information regarding the Community Clean Up Day from Supervisor Diane Burgis' office. At the last meeting, it was mentioned that the County wanted to use BIMID's Mitigation Site for the Community Clean Up Day. BIMID is not going to participate in the Clean Up Day as BIMID will not be compensated for its staff time and equipment. The questions came up from the last meeting on who was going to man the cleanup, if and what equipment will be used, traffic control, and who would be responsible to make sure the site was cleaned up after the event. This is time sensitive as the Clean Up Day is September 14th. She received this information after the agenda was posted.

The Community Clean Up Day will be added to the agenda for the July Meeting.

Mr. Mark Whitlock stated this would be the end of the Clean Up Day. If there is going to be a mandate to perform for funding, it won't happen.

Director Berzinas stated the Board won't let the site be used if there is no oversight, no assurance of vegetation contamination, and for safety issues and liability. It would be irresponsible of BIMID not to make sure the site is taken care of.

District Manager Espinoza stated the questions that she received from the Board were how would the site be managed, how many personnel and equipment operators, and provide traffic control. The answers from the Supervisor's Office were (1) there will be volunteers from BIMAC, the Supervisor's Office staff, and Mt. Diablo Resources and Recovery on site; the traffic flow will be facilitated by BIMAC and staff and is by preset appointments to help keep the traffic from backing up. (2) How will the materials and containers be brought in? The containers are brought in by Mt. Diablo Resource and Recovery the Friday before the event. (3) What equipment would be used for clean up? No one from the Supervisor's Office or Mt. Diablo Resources and Recovery will be supplying equipment. The expectation is that the residents would load into the bins provided and will be responsible for unloading their own stuff. (4) Who would be responsible for the event to make sure there was no garbage or debris or vegetation left on the site? There wouldn't be any trash left and the debris boxes will be removed by Mt. Diablo Resources and Recovery.

Director Berzinas stated there will not be any BIMID employees to groom the site and asked how the site will be groomed back to its normal condition as there will be debris left behind as there always is.

Mr. Mark Whitlock stated there is eight to ten volunteers that would walk the site (as it would always be a windy day) and make sure the site was clean. He has done the same thing in Knightsen on BNSF property and has been doing it for fifteen to eighteen years.

Director Berzinas stated having it on BNSF property is not the same as doing it on a wetlands mitigation property. It is drastically different. It is a concern that there is no plant contamination (there are cattle grazing).

President Knorr, Jr. stated the Board understands that the Clean Up Day is a benefit to the island and if Mr. Mark Whitlock can guarantee that the site will be cleaned up after the event.

The rest of the Board agreed.

District Manager Espinoza stated there will be some cost to BIMID as staff will have to be on site when the containers are delivered on Friday. Staff will also have to contact the cattle rancher to notify them of the event so that cattle can be moved.

Director Berzinas stated someone from BIMID staff should be there at the end to make sure everything is completed.

Attorney Dave Larsen stated there is still not enough information to make an informed decision.

President Knorr Jr. stated the Board has agreed but will need to have more information for the next meeting.

District Manager Espinoza stated this is new this year and there will need to be a Hold Harmless agreement and insurance coverage from the County.

Director Berzinas stated the County will need umbrella insurance coverage for using the site.

District Manager Espinoza stated she will contact Mr. Stephen Griswold from the Supervisor's office to let them know where the Board stands and will report at the July meeting.

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 Kirk to receive and file the Staff Reports. The motion showed five directors in favor. Motion carried.

13. DIRECTOR REPORTS

A. TREASURER REPORT

Balances as of 5/31/24:

Checking Account: \$216,226.28

Park Account: \$2,725.26

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: \$1,116,961.47

LFCF Repairs and Improvements: \$138,750.63

LFCF Maintenance: \$121,131.76

Advance Funding from DWR

Money Market is \$50,117.15

(NWS Project)

Money Market is \$0

(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. WEBSITE

Director Rama stated he will gather Request for Proposal for updating the website.

F. BIMAC/FIRE DISTRICT UPDATE

Mr. Mark Whitlock stated the Fire Department has been doing inspections concerning the weed abatement. They are aware of the tules located next to Gateway Market; the property owners have cut them down but not removed them. There is an egress issue concerning the levee at Bethel Island Marina by the bridge. It is BIMID's responsibility to make sure the levee is clear and free from obstacles in case emergency vehicles need to get through. The fencing needs to be removed or pushed back to the building.

Staff will check the levee and issue a red tag for the fence.

G. ISLAND EVACUATION SAFETY COMMITTEE (AD-HOC)

Director Kirk stated OES confirmed they would respond to the rally sites. It will need to be posted on the website. OES is supposed to meet with Delta Coves, but she didn't know if that has happened.

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

Director Rama stated this item should be part of the Website report. The two ad-hoc committees will be combined on future agendas.

I. DRAINAGE COMMITTEE (AD-HOC)

Director Berzinas stated this item should stay on the agenda so that the Board can help facilitate property owners with issues, even though it is not in BIMID's jurisdiction.

14. SUGGESTION FOR FUTURE AGENDA ITEMS

Create Park Standing Committee

Discussion of Bethel Island Clean Up Day on September 14th

15. CORRESPONDENCE

None was discussed.

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

The meeting adjourned at 9:00 pm.

Submitted by Denece Bixby, District Clerk