REGULAR MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: AUGUST 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: Anthony Berzinas, Bruce Smith, Vignesh Rama and Lisa Kirk. District Manager Regina Espinoza, Mark Fortner from GEI and Attorney Dave Larsen were also in attendance. President Tom Knorr, Jr. was absent. Director Berzinas chaired the meeting.

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 8A(i)(a) because of the project being within 500 feet of their house. Directors Rama and Kirk had no conflicts. President Knorr, Jr. was absent.

3. CONSENT CALENDAR

A. A motion was made by Director Smith and seconded by Director Kirk to approve the minutes of the Special Meeting of July 17, 2024. The vote showed three directors in favor (Director Rama abstained; President Knorr, Jr. was absent). Motion carried.

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

Nothing was discussed.

5. ANNOUNCEMENT

None.

6. PUBLIC COMMENT

Ms. Lori Castillo thanked the Board and staff for placing rock. Staff Jason Garcia was very responsive to the property owners that were affected by the rock placement.

7. NEW BUSINESS (CONSULTANT PRESENTATIONS)

A. PRESENTATION FROM CONTRA COSTA MOSQUITO & VECTOR CONTROL DISTRICT

Mr. Andrew Pierce, Public Information Officer from Contra Costa Mosquito & Vector Control District gave a presentation and background of the Mosquito & Vector Control District. They will be participating in the Boats & Berries Festival on August 17, 2024.

B. DISCUSSION AND CONSIDERATION OF SECURITY SYSTEM FOR BIMID PROPERTY

District Manager Espinoza stated this item was briefly discussed during her District Manager’s Report at the last meeting and the Board wanted the item to come back as an agenda item for discussion. She mentioned the latest vandalisms on BIMID properties. BIMID staff received two proposals from Bay Alarm and Scheer Security. The District Manager suggested setting up an ad-hoc committee to review the quotes and to see a demonstration from both companies.

Director Rama and Director Smith will be on the ad-hoc committee.

C. VARIANCE HEARING FOR 4814 N. STONE ROAD PROJECT APPLICATION

District Manager Espinoza stated the property owner was at a previous meeting asking for assistance with the Fire Department’s requirement that he put a tank on his property before building a new house. This would require a 6-inch pipe going through the levee. The BIMID engineer has reviewed the variance application.

Mr. Rich Turnage stated the current house is in disrepair and can’t be refurbished. The house needs to be torn down and he is planning on building a new home. When they submitted their paperwork to the County, they became aware of a requirement to install an urban water supply system (17 feet in diameter and 21 feet tall). Per the Fire Department, the pipe needs to be 6 inches and needs to be 36 inches deep into the levee. Per the BIMID engineer, the pipe could be two feet deep in the levee. Rock is needed to support the structure for the pipe. If permission from BIMID is granted, he will then hire an engineer to do the design.

Director Smith asked if the line would be connected to other lines.

Mr. Rich Turnage stated it would be a siphon line connecting to the tank.

Director Berzinas stated this would be setting a precedent. The siphon line can’t be open and will need a gate valve. Someone would need to go up on the levee and open the siphon with a gate valve to operate the siphon and this would be a minimum requirement. If the gate valve is not kept closed it is not protecting the island.

Mr. Richard Turnage stated he would abide by what the BIMID engineer stated in the report, if permission is given.

Mr. Mark Fortner, from GEI, stated BIMID does have pump stations on the island that pump water off the island with siphon breakers and the pipes are sealed. There are siphons on the undeveloped side of the island. The siphons need to be primed before siphoning. Someone will need to go on top of the levee to prime the siphon. Mr. Mark Fortner stated there needs to be a discussion with the Fire Department to make sure they will open the valve and prime the siphon. He would not like to see a “hot” line just sitting for years and years. The District would like the pipe to set 1 foot above the 100 year elevation with a minimum of 24 inches of cover. Since the line is for fire suppression, a lock should be placed on the valve with a key for BIMID and fire district personnel. Riprap should be placed around the inlet on the water side to prevent erosion. A nationwide permit may be required for installation on the water side, below mean high water.

Attorney Dave Larsen asked the engineer if this project is ready for a vote from the Board. It sounds like there needs to be further discussion with the Fire Department and more information gathered. This agenda item will be continued until the next meeting.

District Manager Espinoza stated it can be set up so the BIMID Engineer can ask questions and assist the property owner to be able to move forward.

Director Berzinas stated one of the questions to ask is if the fire department is willing to operate and maintain the siphon. He would also like to see a lock put on the valve.

If the information is available from the Fire Department, this item will be continued to the September, if not, October 2024 board meeting.

8. UNFINISHED BUSINESS

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

District Manager Espinoza stated the Contra Costa County Local Hazard Mitigation Plan is in process and is expected to take forty five days to review with DWR and CalOES. Ditch cleaning will continue until September 1st. There will be a break as rocking has started on Stone Road and should be completed by the first of next week. Included in the Board packets is information on how much is being spent doing stormwater duties.

Director Kirk stated there was an item on the County Supervisor’s agenda for stormwater. She spoke with Mr. Tim Jensen from Public Works who stated they are short staffed, but they are going to try to contract with the Watershed Program. There was a change at the Water Quality Control Board that they no longer cover ditches. Director Kirk stated she will investigate when that occurred.

District Manager Espinoza stated she had heard that last year when the County wasn’t going to renew the stormwater contract.

B. UPDATE ON ASSET MANAGEMENT SYSTEM

District Manager Espinoza stated work is continuing for inputting the information for the spreadsheets to go along with the GIS information that will be received by GEI.

C. FIVE YEAR PLAN

No update.

D. COLLABORATIVE FLOOD CONTROL EFFORTS

There was no update.

E. CONTINUED DISCUSSION OF HOWARD HOLMES HABITAT MITIGATION SITE AS A SITE FOR A DOG PARK AND COMMUNITY GARDEN (VERBAL UPDATE)

Attorney Dave Larsen stated he is still working on the legal issues and making progress but has nothing to report at this time.

F. DISCUSSION OF FUTURE PARK FUNDING

Attorney Dave Larsen stated President Knorr, Jr. had asked if maintenance of the park could be done through a 501c3. The entity that has the 501c3 will have to consult with their attorney with the legality of that, but BIMID’s point of view is it could be looked at as a gift of public funds. Whether it is money or facilities, whether it is influenced or controlled by another agency, would that be considered a gift of public funds. He stated no as long as BIMID is receiving a benefit.

Director Berzinas stated BIMID needs to investigate what additional liabilities will need to be insured. There needs to be research into a public entity being maintained by a private entity and who will need to carry the liability and insurance.

Director Berzinas also stated any further discussion should be suspended and should be handled by the Park Standing Committee.

Attorney Dave Larsen stated the other item discussed is if the standing committee could email back and forth. The standing committee is subject to the Brown Act. If it is less than a quorum that is fine, but daisy chain emails and serial meetings are not allowed under the Brown Act. The issues need to be discussed at an agendized meeting.

District Manager Espinoza stated there was a request for a separate email for the park. There wouldn’t be an issue with that, but the only access to that email would be by BIMID personnel.

Director Rama stated this ties into the website refresh. He is in the process of creating an RFP for the website. Instead of an email, post the form on the website.

Ms. Lori Castillo stated the email wouldn’t be just for the park; it would be for the commemorative tile form so that people could email the pictures and the form for the tile.

President Knorr, Jr. joined the meeting at 7:45pm.

9. NEW BUSINESS

A. DISCUSSION OF CHANGES TO ORDINANCE 22 TO INCLUDE “NO FIRES ALLOWED” AND “PARKING”

Attorney Dave Larsen suggested putting in language that there are to be no fires allowed in the park and to add in parking rules that are consistent with State law.

This item will be continued to the September meeting.

B. DISCUSSION OF STATUTE FOR ROAD MAINTENANCE (RANCH LANE)

Director Berzinas asked if there needs to be a meeting with the other property owners on Ranch Lane to discuss the maintenance of the road.

Attorney Dave Larsen stated if the statute is what will be followed, BIMID will have to talk to the other property owners on Ranch Lane. BIMID could use that as a template and create our own agreement.

This item will be continued to the September meeting.

C.

DISCUSSION AND CONSIDERATION OF SERVICE AGREEMENT OF ARROWHEAD TOWING SERVICE FOR PARK

Attorney Dave Larsen stated at the last meeting, an agreement that was landlord/tenant was presented and he would prefer using our own agreement.

This item will be continued to the September meeting.

D. DISCUSSION AND CONSIDERATION OF AGREEMENT FOR THE BETHEL ISLAND COMMUNITY CLEAN UP DAY

Attorney Dave Larsen stated there is an agreement in concept that has been going back and forth and will be brought back to the September meeting.

Director Berzinas asked if that would be too late.

Attorney Dave Larsen stated the meeting is a couple days before the Clean Up Day. He recommended to the County that BIMID doesn’t want to have an agreement that is good forever, but to have it be a year to year renewal. The County stated it would be easier to have the agreement as is and it can be terminated at any time. He suggested letting the Clean Up Day happen this year and immediately after, BIMID terminate the agreement with the County and let them know there needs to be better language in the agreement as far as liability insurance and indemnification. The language needs to be strengthened in order to have an ongoing relationship.

President Knorr, Jr. stated it is not enough time to send the agreement back to the County before the Clean Up Day.

District Manager Espinoza stated Stephen, the primary contact for Diane Burgis, is out at this time completing his service. She had a conversation with Mr. Mark Whitlock and told him that BIMID is agreeable to the agreement and so is the County. We can give them the agreement and come back at the next meeting so that it can be approved.

E. DISCUSSION AND CONSIDERATION OF APPOINTMENTS FOR THE PARK STANDING COMMITTEE

District Manager Espinoza stated this was discussed at the last meeting and now it is time to appoint the additional members of the Park Standing Committee.

President Knorr, Jr. introduced the additional three members to the Park Standing Committee. The additional members are Ms. Lori Castillo, Mr. Bill Wood and Ms. Bonnie Cardoza.

Director Berzinas stated the Standing Committee will act according to the same rules that the Board has to follow, which includes the Brown Act.

District Manager Espinoza stated District Clerk Bixby will provide the Board Policies that apply to committees.

President Knorr, Jr. appointed Mr. Bill Wood, Ms. Bonnie Cordoza and Ms. Lori Castillo to the Park Standing Committee.

District Clerk Bixby swore in the Park Standing Committee members.

**A motion was made by Director Knorr, Jr. and seconded by Director Rama to appoint Mr. Bill Wood, Ms. Bonnie Cordoza, and Ms. Lori Castillo to the Park Standing Committee. The vote showed five directors in favor. Motion carried.**

10. 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 there was a request from the Board President for the costs of the trucking of rock to the levee. The rocking has started as of Monday and staff anticipates it will take five days to complete. The rock schedule is Monday, Tuesday, Wednesday and then Monday and Tuesday of the following week. The estimated cost of trucking will be $9,450.00, labor cost estimate for BIMID Staff will be $1,926.69, equipment cost estimate $6,277.15. Subventions reimbursement will be applied for upon completion for all hauling, labor, equipment and material costs.

There was a discussion on the fundamentals of the delivery and placing of rock.

B. Levee Superintendent Monthly Report of Work Performed

Nothing was discussed.

C. District Clerk Monthly Report of Work Performed

District Clerk Bixby stated the filing period for the upcoming Board seat election is July 15, 2024 through August 9, 2024 no later than 5:00pm.

D. Report of Monthly Work to be Performed

Nothing was discussed.

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

11. DIRECTOR REPORTS

A. TREASURER REPORT

**Balances as of 7/31/24:**

Checking Account: $114,804.05

Park Account: $2,190.48

House Number Account: $336.02

Delta Coves First Deposit: $534,967.31

Delta Coves Contingency Funds: $2,481,216.62

Delta Coves O & M Funds: $1,118,777.90

LFCF Repairs and Improvements: $504,137.06

LFCF Maintenance: $127,031.19

**Advance Funding from DWR**

Money Market is $100,745.49 (HEHE NW Levee Project)

Director Rama stated he is in the process of assembling a Request for Proposal for the website refresh. There is a line item in the budget for the website.

B. BETHEL ISLAND PARK COMMITTEE (STANDING)

Discussion and Consideration of Anchor Drawing for Boat Planters

President Knorr, Jr. stated he submitted a drawing to show how the small boats would be anchored to the ground in the park. He submitted three examples of the anchoring of the boats. He also submitted a map of where the boats would be placed. They will be installed by volunteers.

Director Berzinas asked what kind of boats are being accepted. There could only be fiberglass or aluminum boats. Wood boats could create a liability safety issue. He also had a safety concern with the small sailboat as shown in the drawing. He recommended only using roundabouts and dinghies.

C. DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

Nothing to report.

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

Nothing to report.

E. WEBSITE

This was discussed during the Treasurer Report.

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.

12. SUGGESTION FOR FUTURE AGENDA ITEMS

Continuation of Variance Hearing for 4814 N. Stone Road

Changes to Ordinance 22 to include “no fires allowed” and “parking”

Statute for Road Maintenance of Ranch Lane

Discussion and Consideration of Towing Service for Park

Ratify Agreement for the Bethel Island Clean Up Day

Discussion on the deadline for agenda items

13. CORRESPONDENCE

None was discussed.

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

The meeting adjourned at 8:29pm.

Submitted by Denece Bixby, District Clerk