REGULAR MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: OCTOBER 12, 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., and Lisa Kirk. District Manager Regina Espinoza, Attorney Dave Larsen and Jeff Twitchell from GEI were also in attendance. Director Vignesh Rama was absent.

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. and Director Kirk had no conflicts.

ELECTION OF OFFICERS

A motion was made by Director Berzinas and seconded by Director Kirk to continue the Election of Officers until January 2024. The vote showed four directors in favor (Director Rama was absent). Motion carried.

CONSENT CALENDAR

A motion was made by Director Knorr, Jr, and seconded by Director Berzinas to approve the minutes of the Regular Meeting of September 14, 2023, and the minutes of the Special Meeting of September 27, 2023. The vote showed four directors in favor (Director Rama was absent).

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

None.

ANNOUNCEMENTS

None.

PUBLIC COMMENT

Mr. Phil Kammerer stated the money for the Island Clean Up Day is questionable.

Director Berzinas stated the Island Clean Up Day will be discussed more under Item 8E on what the Drainage Committee has discovered.

Ms. Bethi Carver stated that Delta Coves landscape crews have placed wood chips near the weirs and she doesn’t think that is a good idea because the chips could go into the weirs. They have also planted bushes near the weirs that will grow big. She asked if somehow the bushes and the wood chips could be moved around so that they are not near the weirs.

District Manager Espinoza stated she will discuss it with the engineer.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza stated there is nothing new that isn’t in her report other than she met with CalOES yesterday to look at different project sites.

There was a discussion on the specifics of the meeting with CalOES.

Director Knorr, Jr. asked what is the status of the drainage maps that are being completed between the County and BIMID.

District Manager Espinoza stated GEI is finishing up their review. She is hoping that she will have something by the next meeting.

Director Kirk asked about the Cost of Share of the Bethel Island Flooding and Remediation Mitigation Project.

UPDATE ON ASSET MANAGEMENT SYSTEM

Director Berzinas stated he has been reviewing the staff reports pertaining to work performed. He would like to set a date for the end of the year to start the asset management process to start, and to be functioning by the end of the fiscal year. There has to be different data entries for each job so that specific items can be sorted.

FIVE YEAR PLAN

No update.

COLLABORATIVE FLOOD CONTROL EFFORTS

Director Kirk asked what is the mission of this agenda item. The discussion continued on the next agenda item.

CONTRA COSTA COUNTY DRAINAGE AND FLOOD CONTROL

Director Kirk asked if there was anything in writing from the County about not renewing the Stormwater Contract.

District Manager Espinoza stated there is nothing in writing, the County just let it expire. There have been communications between her and the County. It was stated the County would not be renewing the stormwater contract and gave the reasons it would not be renewed.

Director Berzinas stated the Act that was created (Clean Water Program) and the regulations and rules that keep getting added on every year has maxed out the budget for the program.

District Manager Espinoza stated the County had been getting a certain amount of money to fund the programs but is no longer getting the funding.

There was a discussion of the County replacing culverts under the roads. District Manager Espinoza stated the culvert on Bethel Island Road and Piper Road are now in the County’s queue for culvert replacement in 2026.

Director Berzinas stated there are ditches that still need to be maintained. There was a discussion with the Drainage Ad-Hoc Committee meeting discussing some collaborative ideas, under an emergency situation, that the County with zero dollars could deputize BIMID to help out with an emergency. Ironhouse, RD799 and BIMID are in the same predicament in that they don’t have the authority to help private residents. If the County would deputize the entities, the entities could use their own equipment and pumps to help dewater areas of flooding and be reimbursed from the State or Federal Government.

President Smith asked if that would be a Joint Powers Authority.

Attorney Dave Larsen stated it could be tricky coordinating, but it could be done.

After more discussion, Director Kirk stated the island residents should file a Grand Jury inquiry.

Mr. Owen Poole stated the key of the discussion is to have focused communication. One of the things to be accomplished is to fix the drainage on Stone Road. The residents will need to get an engineer on board to create a conceptual plan.

Director Berzinas asked for a Board consensus for the BIMID Attorney to draft a joint powers authority general concept for emergencies and bring it back to a future meeting.

Attorney Dave Larsen stated he would bring back a similar joint powers concept from a different district.

NEW BUSINESS

DISCUSSION AND APPROVAL OF A DELTA COVES VARIANCE OF ELEVEN (11) LOTS ON WINDSWEEP ROAD FOR PROPOSED SINGLE-STORY RESIDENTAL STRUCTURES

Mr. Jeff Twitchell presented a pending request before Contra Costa County Conservation and Development to modify its current development plan to reduce the rear-yard setbacks on eleven (11) single family lots adjoining the Delta Coves lagoon along Windsweep Road for Delta Coves lots 484 through 493. BIMID currently requires a rear-yard setback distance of five (5) feet along the perimeter of the Delta Coves levee. The variance request is to reduce this setback distance from five (5) feet to no less than 4.19 feet. The variance request is to encroach into the five (5) foot setback area by no greater than 0.81 feet.

Attorney Dave Larsen stated if the Board approves the variance, then staff will create a resolution with the findings for a subsequent meeting.

There was a discussion on variances and how it relates to the 2+/- miles Delta Coves levee and the 11.2 miles of Bethel Island levee that are completely different.

A motion was made by Director Knorr, Jr. and seconded by Director Berzinas to bring back to the Board a Resolution with the Findings for the variance. The Resolution should have a list for each lot number and the variance of each corner in the rear of the individual lots. The vote showed four directors in favor (Director Rama was absent). Motion carried.

DISCUSSION OF THE COMMUNITY WARNING SYSTEMS AND HOW IT WORKS

District Clerk Bixby stated this item was brought back to the Board with more information on the sirens and answers to the questions that were asked at the last meeting by contacting CWS and Blackberry. The answers were attached to the staff report.

Director Knorr, Jr. asked if the cards were going to be updated and could they be made in the size of business cards.

District Clerk Bixby stated it was possible.

Director Knorr, Jr. asked about the siren tone for the first Wednesday of the month testing. He feels the decibel rating is inadequate; it should be much louder. He had asked if the test tone is the same as the actual emergency tone. The documentation does not state what the decibel is between a test tone and an actual emergency tone.

Director Berzinas stated if the sirens never run a full volume test, then people don’t know what the siren sounds like in an emergency. The low volume test does not always reach people. He recommended a full volume test at full duration at least once or twice a year. The public would be notified of the test beforehand.

Director Knorr, Jr. asked when we were going to get the fourth siren. The location of the fourth siren is in a location where there aren’t any residents.

District Manager Espinoza stated there is no plan or funding to install a fourth siren.

District Clerk Bixby asked if the Board would like CWS and Blackberry to attend the meeting in November or December.

Director Knorr, Jr. stated if the questions could be answered about the tone of the test siren and the annual full volume test, they wouldn’t have to attend.

Ms. Bethi Carver asked if there is someone on the ground to see if the siren can be heard and how loud it is heard.

Director Knorr, Jr. stated, if a full volume siren test is done, the public would be notified of the test and the public could notify BIMID if they heard the siren.

Director Berzinas stated he would like the decibel level map to be confirmed by CWS or Blackberry.

Ms. Jean Wise stated the Island Safety Evacuation Committee has been in contact with Jennifer Cannon who is the Outreach Coordinator for CWS. She informed the Board of the current mailing costs and the certain paper that needs to be used.

Director Berzinas stated the mass mailing could be initially done prior to the full volume test and thereafter, it could then be published on social media, etc.

Ms. Lori Castillo stated the feedback from the test might not be accurate, so it would be better if someone was on Stone and other areas of the island.

Director Berzinas stated that is why he wants the decibel to be confirmed. Let’s make sure that the sirens are performing as they were designed.

After discussion, Director Berzinas asked if this item will be on the next agenda under Unfinished Business.

District Clerk Bixby stated it will be on the next agenda.

DISCUSSION ON SCOPE FOR SUBCOMMITTEES

Attorney Dave Larsen stated he was directed by a Boardmember to agendize this item, so there could be further discussion.

Director Kirk asked about a paragraph in the Staff Report. There was a lot of confusion about emergency evacuation procedures. The committee has done a lot of great work and things have been accomplished. She didn’t understand why there is an issue with her committee.

Director Berzinas stated he is having issues with his ad-hoc committee regarding emails and information shared. When possible solutions are discussed in the committee meetings, and there are two Boardmembers on the committee, you can’t send the solutions to the rest of the Board; that could be considered a Brown Act violation if they were discussed outside of a Board Meeting. When the committee is putting together potential policies, the committee is the extension of the Board. It should not be discussed with other Boardmembers that are not on the committee until it is brought to the Board at a Board Meeting.

Attorney Dave Larsen stated there are two kinds of serial meetings. One is where the committee is in the middle with a staff member and the other is where a Boardmember talks to another Boardmember. Boardmembers are in potential violation if things are discussed and it is better not to get into that situation.

Director Kirk stated citizens that are on ad-hoc committees can’t be accused of violating the Brown Act.

There was a discussion on the Brown Act and committees.

Director Berzinas recommended the Ad-Hoc Island Evacuation Safety Committee be a standing committee because of all the things that need to be accomplished.

Director Berzinas stated the sandbag stations need to be stocked more adequately.

DICUSSION OF POSSIBILITY OF CONSERVATION CORPS FOR DITCH CLEANING AND ASSESSEMENT OF LEGAL ISSUES

District Manager Espinoza stated staff has tried to contact the Conservation Corps to ask if they could come out and help with issues in the District’s jurisdiction. She is still waiting for a response to see if they could help in an emergency. The other question was if they could help, what work could be done. For instance, work for a group of citizens, or would it have to be in BIMID’s jurisdiction.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

District Manager Espinoza stated BIMID attended the Safety Fair that was held on October 7, 2023. Staff are moving forward with the Park Grant by finalizing the scope and making sure documentation is submitted to the State. She also pointed out the storage tank and the irrigation system are completely operational out at the mitigation site and is automated for watering the trees. She would like to schedule a time with the Board and the public to see the work that has been done.

Director Knorr, Jr. asked about the vegetation of property owners who have been contacted, so that riprap could be placed on the levee. At what point do we quit waiting for property owners to clear vegetation and get into the property to place riprap before the season ends.

District Manager Espinoza stated the rocking has started already. Some property owners have cleaned their portion of levee and some haven’t, so we are moving forward as far as we can.

Director Knorr, Jr. asked about the Park Grant and he noticed that some of the benches and tables are in disrepair with metal exposed and rusting. He asked if the Park Grant will help replace some, or all, of the damaged benches.

District Manager Espinoza stated the grant will replace all of it but she is hoping that they will last until the project is completed.

Director Knorr, Jr. asked if the benches could be repaired,

President Smith stated perhaps the benches and tables could be replaced with concrete.

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

TREASURER REPORT

**Balances as of 9/30/23:**

Checking Account: $301,821.70

Park Account: $2,452.90

House Number Account: $336.02

Delta Coves First Deposit: $8,620.70

Delta Coves Contingency Funds: $2,230,115.68

Delta Coves O & M Funds: $1,024,779.58

LFCF Repairs and Improvements: $11,533.57

LFCF Maintenance: $10,267.04

**Advance Funding from DWR**

Money Market is $50,040.16 (NWS Project)

Money Market is $23,362.07 (HEHE Project)

Money Market is $11,375.66 (HEHE NW Levee Project)

BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Nothing to report.

DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

Nothing to report.

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

Nothing to report.

WEB SITE

Director Knorr, Jr. stated there is misinformation that is on the website. The old evacuation map needs to be removed. He is willing to spend some time going over the things that are on the website. It is important to keep the information current and with enough information that we can.

BIMAC/FIRE DISTRICT UPDATE

Mr. Phil Kammerer stated BIMAC is missing the BIMID Representative at their meetings.

ISLAND EVACUATION SAFETY COMMITTEE (AD-HOC)

Director Kirk stated she doesn’t want the evacuation sites on the website because it hasn’t been decided on the protocol of how people will be evacuated off the island. The next ad-hoc committee meeting will be in November. She is still working on the evacuation points.

There was a discussion on the liability for becoming an evacuation point and the need for funding of plaques for mobile home parks.

PUBLIC OUTREACH/SOCIAL MEDIA PRESENCE (AD-HOC)

Nothing to report.

DRAINAGE COMMITTEE (AD-HOC)

Director Berzinas stated the letter has been sent to Delta Coves regarding the drainage on Stone Road.

SUGGESTION FOR FUTURE AGENDA ITEMS

CORRESPONDENCE

None was discussed.

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

The meeting adjourned at 9:30 pm.

Submitted by Denece Bixby, District Clerk