

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

DATE: OCTOBER 13, 2022

The Bethel Island Municipal Improvement District met in a 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: Bruce Smith, Anthony Berzinas, Lisa Kirk and Tom Knorr, Jr.. Attorney Dave Larsen and District Manager Regina Espinoza were also in attendance. Director Steve Lucas was absent.

BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST

Directors Smith and Berzinas stated they would recuse themselves if there was a vote on the Taylor Road Drainage Project. Director Knorr, Jr. and Kirk had no conflicts.

CONSENT CALENDAR

A motion was made by Director Berzinas and seconded by Director Kirk to approve the minutes of the Adjourned Regular Meeting of September 15, 2022 and approve the minutes of the Special Meeting of September 26, 2022. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

ANNOUNCEMENTS

None.

PUBLIC COMMENT

None.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza stated there were no updates other than what was in the staff report.

DISCUSSION OF DELTA CONVEYANCE ENVIRONMENTAL IMPACT REPORT DISCUSSION/PUBLIC COMMENTS

District Manager Espinoza stated comments from staff and the public are still being collected at this time. Department of Water Resources (DWR)

has extended the comment period to December 16, 2022. District Manager Espinoza has been contacting other districts for their comments, including water quality. She asked the Directors to submit to her any comments they would like included before the deadline.

Director Berzinas asked what the change in wildlife mitigation from burrowing animals would be that comes with the further salinity in the water.

District Manager Espinoza stated there are comments concerning that aspect of the EIR.

Director Kirk asked if there were any issues with levee stability with the installation of the tunnel.

District Manager Espinoza stated there was not a section that pertained to levee stability.

President Smith asked if the draft comments could be emailed to the Directors.

District Manager Espinoza stated this item will be on the next agenda in November 2022.

UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

SHEETPILE PROJECT – FIVE YEAR PLAN

No update.

EMERGENCY PLANNING REVIEW

No update.

CONTINUED DISCUSSION OF PARK SAFETY ISSUES

No update.

DISCUSSION OF EMERGENCY EVACUATION AND ACCESS AT DELTA COVES

No update.

NEW BUSINESS

REVIEW AND CONSIDERATION OF PROJECT APPLICATION NO. 2515 FOR 6777 RIVERVIEW DRIVE 300 FOOT CONCRETE BULKHEAD

President Smith asked that this item be moved. The rest of the Board agreed. Mr. Richard Kent was present.

Mr. Mark Fortner from GEI stated the proposed project is to install a 300-foot waterside bench, for the Smokey Hollow Marina. The bench would extend 32 feet from the waterside edge of crown and be approximately 1.5 feet below the existing crown elevation. Steel pile will be driven to refusal and anchored with a steel deadman, with walers and precast concrete in between the pile. Backfill will be provided to bring the area behind the bulkhead up to grade. The plans included calculations used in the design determination of the sheetpile, deadman, and foundation material, signed by a professional engineer. These have been used before by Mr. Richard Kent including at RD799. He also recommended a minimum of three horizontal reference points (rebar) on the waterside levee crown to monitor any potential bulkhead movement. There were also structural calculations included in the application. Other than monitoring and inspections for movement, he didn't have any concerns.

There was a discussion about the wall being the same height as the crown of the levee or at the 10.2 levee height.

Attorney Dave Larsen stated staff will come back with a resolution that covers findings at the November 2022 meeting.

Mr. Richard Kent was asked by the Board to supply where the planter box will be constructed.

A motion was made by Director Berzinas and seconded by Director Kirk to approve Project Application No. 2515 for 6777 Riverview Drive 300-foot concrete bulkhead with the condition that if the concrete bulkhead fails, BIMID is not responsible. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

Director Berzinas asked Mr. Mark Fortner to refer to the rebar as a monument to look for degradation or sloughing.

HOLD SECOND READING, SET HEARING FOR AND ORDER PUBLICATION OF NOTICE OF ADOPTION OF ORDINANCE 24 "UPDATING ITS POLICIES AND PROCEDURES CONCERNING VEHICULAR ACCESS TO BETHEL ISLAND LEVEES

Attorney Dave Larsen stated this was another reading of the Ordinance with the updated edits from the last meeting.

Director Kirk asked if the handicap requirement is included in the Ordinance.

Attorney Dave Larsen stated that the requirement has been eliminated.

Director Berzinas stated it was because the levee would have to be ADA compliant.

Attorney Dave Larsen stated there was a grandfather clause included in the Ordinance for those that are existing.

Director Kirk asked if the landlocked properties need to submit their deeds.

Director Berzinas stated landlocked property owners would have to submit their deeds and documents.

Attorney Dave Larsen stated the Board is to create a policy and staff is to implement the policy. If the Board doesn't like what the staff is implementing, there could be an appeal and it would be submitted to the Board.

Director Knorr, Jr. asked if the Ordinance included that the property owner needs to be on site during access.

It is stated in Rules of Conduct under number six (6).

Director Kirk asked if there is anything documented for limited exceptions under the Ordinance Number 11 Staff Authority. It reads, "Staff is also authorized to require reasonable proof that an applicant meets on of the limited exceptions to the prohibition against driving on the levee and in the case of an application based on being land-locked, is specifically authorized to require proof that there is no other legal access to the site". Director Kirk asked what the limited exceptions are.

Attorney Dave Larsen stated it could say "specified exceptions".

Director Berzinas stated there is a key deposit, but where is it stated in the Ordinance for a penalty when the levee key is not returned in a timely manner.

Attorney Dave Larsen stated it is included under number twelve (12) titled "Enforcement". The intent was to take it as a separate item. It reads "Upon learning that an individual or entity is driving on a designated levee without the required permission from BIMID, staff shall issue a written "Notice of Violation/Demand to Cease & Desist under the signature of BIMID's General Counsel. If the violation continues, General Counsel shall

agendize a closed session to discuss the particulars with the Board of Directors in order to determine whether legal action should be taken.”

Director Berzinas stated that is fine, but what will be done if someone makes the deposit of \$250 and decides to keep the key.

Attorney Dave Larsen stated under number 11 where it states “....including the development of administrative rules and regulations, the development of standard conditions or approval (dealing with such things as insurance requirements, key issuance, etc)”. The work is just beginning, and staff would come up with the rules under Staff Authority.

Director Knorr, Jr. asked what legal action would be taken for violating our Cease & Desist.

Attorney Dave Larsen stated once the enforcement is in place for all of BIMID’s Ordinances, the fines for the first day, second day, third day would be graduating. The first time fines start being assessed should show people that BIMID is serious.

President Smith was happy with the documentation and reiterated that more work needs to be done. He felt this was a very good first step.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to adopt Ordinance 24 Updating Its Policies and Procedures Concerning Vehicular Access to Bethel Island Levees with the small change on page 3 number 11 to limited exceptions to specified exceptions, waive the second reading of the Ordinance. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

AMENDMENT OF BIMID’S GENERAL COUNSEL AGREEMENT TO UPDATE TERMS OF PAYMENT

This item was moved to the November 10, 2022 Regular Meeting.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

District Manager Espinoza stated the District is in the middle of the Marina Project.

Documentation was sent to the Elections Department for the Board’s recommendation for appointment of Vignesh Rama. The recommendation will be put on the Board of Supervisor’s agenda for acceptance of the recommendation which won’t be until after the November 8th election.

The next Project Solicitation Package (PSP) has been released and staff has comments and questions and will be providing the application at the November 2022 meeting.

Staff participated in the Bethel Island Clean Up Day.

District Manager Espinoza stated the District vehicles are not in good shape. The Dodge Dakota and GMC trucks did not pass smog the first time and with repairs they were able to pass. Eventually, the trucks will need to be replaced. The service truck has been put out of service and will be taken to auction. Staff are searching for deals for a replacement service truck.

There was a discussion of purchasing trucks out of state versus in state.

District Manager Espinoza stated the Parks Grant needs to send final agreement to work with the State. Once completed, final scoping and final construction will begin. She also stated there was a Park Committee meeting this month. There has been more traffic in the park, and concerns have been emailed to the Sheriff regarding the camping and bonfires, that is prohibited by BIMID's Ordinance. Because it is after hours, the Sheriff recommended letting the residents know that if you see something in the park, to please call the Sheriff, with description and location and to contact the Fire Department if there are bonfires in the bbq pits. Don't call the BIMID office to call the Sheriff or Fire Department, because if it not seen by staff then it's just heresay.

Director Knorr, Jr. asked that something be put on the BIMID website regarding the park for contacting the Sheriff or Fire Departments with issues that happen in the park.

District Manager Espinoza stated she will be bringing back to the next meeting on recommended holiday office closures.

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

TREASURER REPORT

Balances as of 9/30/22:

Checking Account: \$39,509.46

Park Account: \$2,856.11

House Number Account: \$336.02

Delta Coves First Deposit: \$200,506.85

Delta Coves Contingency Funds: \$2,010,562.63

Delta Coves O & M Funds: \$1,562,458.86

LFCF Repairs and Improvements: \$10,580.52
LFCF Maintenance: \$2,834.17

Advance Funding from DWR

Money Market is \$479,885.58

(NWS Project)

Money Market is \$66,506.85

(HEHE Project)

BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Nothing to report.

DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

Nothing to report.

LEVEE GATE COMMITTEE (AD-HOC)

Nothing to report.

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

Nothing to report.

WEB SITE

Nothing to report.

BIMAC/FIRE DISTRICT UPDATE

Nothing to report.

SUGGESTION FOR FUTURE AGENDA ITEMS

None.

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 Lucas was absent). Motion carried.

The meeting adjourned at 7:39pm.

Submitted by Denece Bixby, District Clerk