REGULAR MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: OCTOBER 14, 2021

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 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. Directors 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 Regular Meeting of September 9, 2021. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

**A motion was made by Director Berzinas and seconded by Director Kirk to adopt Resolution No. 21-10-14A “Authorizing the Signing of Agreements for Participation in Fiscal Year 2021-2022 Delta Levee Subventions Program”. The vote showed four directors in favor (Director Lucas was absent). Motion carried.**

**A motion was made by Director Berzinas and seconded by Director Kirk to adopt Resolution No. 21-10-14B “Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Bethel Island Flooding and Drainage Remediation Mitigation Project and Approving Project”. The vote showed four directors in favor (Director Lucas was absent). Motion carried.**

ANNOUNCEMENTS

President Smith commented that it was great having the meeting in person.

PUBLIC COMMENT

Ms. Lori Castillo asked about issues with the levee gate at San Joaquin Yacht Club which is being left open 24/7. There has been an increase in traffic on the levee. She asked the Board what can be done to stop the traffic and the possibility of moving the gate.

District Manager Espinoza stated staff has been urging people to keep the gate locked at all times. Staff is also looking into purchasing new locks for the levee gates. It will not reduce the number of standing keys that are out there.

Director Berzinas asked what key is being used for the gates. He recommended using a double cut key lock with a “Do Not Duplicate” stamp on the key.

The item is to be placed on the agenda for the next meeting for further discussion.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

President Smith and Director Berzinas left the room for this discussion.

District Manager Espinoza gave an update on the Taylor Road Drainage Project. At the September 2021 Board Meeting there was a discussion regarding the drainage project, on whether to continue with the project with an application with one of the grant programs that will be coming up next year. The project will be an all-encompassing project for Taylor Road. District Manager Espinoza stated she had met with Director Kirk and Director Knorr, Jr, to go over the project at the beginning of Taylor Road that will include a culvert and drainage pipe at the 50hp pump station. The maintenance of the culvert will continue during the winter season and hopefully continue with further construction in the next construction season. The maintenance will include vegetation and silt removal.

The Board has further questions and decided to move the item until Director Lucas could join the meeting.

President Smith and Director Berzinas rejoined the meeting.

Director Kirk asked if anyone has had any drainage issues on Stone Road.

District Manager Espinoza stated no one has been in the office or called about drainage issues on Stone Road.

Director Lucas joined the meeting at 6:50pm.

Director Knorr, Jr. asked about the cleaning of the ditches in the winter and asked when the cleaning will start.

District Manager Espinoza stated it should start in about three to four weeks. In about two weeks, staff will be contacting property owners.

Director Knorr, Jr. stated there are two trees that are a potential problem in that area and how is it going to be handled.

District Manager Espinoza stated when she and the two directors were on site, there are two very mature trees where the culvert replacement will be taking place, and the District can’t take the trees out. Per Fish and Wildlife it would be the property owner’s responsibility to remove the trees. It will not be part of the scope of the project.

A member of the audience stated that the District should find out for the property owner’s what permits are required to remove trees on their property.

UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

SHEETPILE PROJECT – FIVE YEAR PLAN

No update.

EMERGENCY PLANNING REVIEW

No update.

NEW BUSINESS

DISCUSSION OF EMPLOYEE PARK SAFETY

Attorney Dave Larsen presented the legal issues with the park. He attached exhibits on different homeless solutions and enforcement. There are state TRO and state harassment statutes, but they are mainly for private individuals and not governmental entities. He has contacted C.O.R.E and HHS on what can be done about the homeless situation. He also recommended keeping a log of the misconduct that is happening in the park and file a complaint with the District Attorney’s Office.

Director Knorr, Jr., asked what steps are being taken to protect District employees in the park.

Attorney Dave Larsen stated a TRO can be obtained by the District if an employee wants to go that route.

Director Berzinas asked if the District can do anything for the safety of the employees.

Attorney Dave Larsen stated that if a log is kept with date and time of each incident including past incidents, this would be how to document all the incidents in the park. If the District Attorney doesn’t file, then the District can file.

Director Berzinas stated maybe the East Bay Park District can provide information on how they handle these issues.

Director Knorr, Jr. asked what has been changed since that incident with the employee in the park.

District Manager Espinoza stated after the initial incident, there were two employees in the park at all times, which lasted for a couple of months. After two months, the employee who primarily works in the park felt safe working alone in the park. The employee was given a directive that if he doesn’t feel safe in the park to contact the Sheriff and notify the supervisor.

District Manager Espinoza stated she is looking for a scope of work for a Park Grant that she is working on with GEI that will be submitted by the end of the year.

Director Berzinas asked if Ordinance 22 need to be revisited to strengthen the language.

Attorney Dave Larsen stated staff can work with the Sheriff’s Department and the District Attorney’s Office to make sure they are aware of the situation at the park.

Director Knorr, Jr. stated there wasn’t a problem before the incident and there hasn’t been an incident after, but something needs to be done to protect the BIMID employees.

Attorney Dave Larsen suggested a Board subcommittee to talk to other park districts and other agencies that are having these issues.

There was a discussion on park duties and time spent at the park.

After discussion, the Board agreed to keep this item on the agenda.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

There was a discussion on the state of the District equipment.

District Manager Espinoza stated Mr. Kevin Fairweather from In-Use Solutions could come to the next meeting and explain the state of the equipment.

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

TREASURER REPORT

**Balances as of 9/30/21:**

Checking Account: $314,275.84

Park Account: $1,960.26

House Number Account: $336.02

Delta Coves First Deposit: $290,208.63

Delta Coves Contingency Funds: $1,799,953.23

Delta Coves O & M Funds: $786,015.11

LFCF Repairs and Improvements: $25,573.70

LFCF Maintenance: $53,001.97

**Advance Funding from DWR**

Money Market is $702,944.44 (NWS Project)

Money Market is $21,211.39 (HEHE Project)

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

Nothing to report.

BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Nothing to report.

DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

No report.

WEB SITE

Nothing to report.

BIMAC/FIRE DISTRICT UPDATE

Nothing to report.

SUGGESTION FOR FUTURE AGENDA

Park Safety (con’t).

Special Meeting to tour Northwest Levee Project (for November).

Discussion of Levee Keys and Gates

Discussion of BIMID’s Equipment Readiness by In-Use Solutions

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 7:55pm.

Submitted by Denece Bixby, District Clerk