

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

DATE: MAY 13, 2021

The Bethel Island Municipal Improvement District met in a regular session located at 3085 Stone Road (via Zoom), Bethel Island, CA at 6:00 p.m. Upon roll call, the following were found to be present: Directors: Anthony Berzinas and Steve Lucas. Attorney Dave Larsen, and District Manager Regina Espinoza were also in attendance. Directors Smith and Knorr, Jr. were absent.

CLOSED SESSION

Potential Litigation – Per Government Code 54956.9
Contra Costa County Sheriffs Association et.al. v. Contra Costa County Employees' Retirement Association et. al. Case No. MSN12-1870

The Board went into Closed Session. Director Kirk joined the meeting at 6:11pm. With Director Kirk joining the meeting, there was a quorum.

The meeting went into Open Session at 6:30pm.

REPORT OUT OF CLOSED SESSION

Direction was given to staff.

BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST

Director Berzinas stated he would recuse himself if there was a vote on the Taylor Road Drainage Project. Directors Lucas and Kirk had no conflicts.

Attorney Dave Larsen explained his legal opinion concerning Conflict of Interest regarding the Taylor Road Drainage Project.

District Clerk Bixby read a comment from a member of the audience stating, "if it looks to benefit board members is why you should take all action not to have a conflict of interest or appear to the community. Is there any way you can remove the flooding some other way not to benefit the property of the board members? In the past board members who had a conflict of interest would leave the room and not discuss or vote or be in the room."

CONSENT CALENDAR

A motion was made by Director Kirk and seconded by Director Lucas to approve the minutes of the Special Meeting of April 15, 2021; approve the minutes of the Special Meeting of May 3, 2021. The vote showed three directors in favor (Directors Smith and Knorr, Jr. were absent). Motion carried.

ANNOUNCEMENTS

None.

PUBLIC COMMENT

Public comment chats will be attached to the minutes.

District Clerk Bixby read a comment from a member of the audience stating, "so now you do not even open the zoom meeting and then close for closed session? I tried to zoom in at 6pm and no one let me in. I was at "Host to let you in soon" at 5:55pm just so you know."

Director Berzinas stated the meeting should be open and then closed for Closed Session.

District Clerk Bixby read a comment from a member of the audience stating, "I had a question to your staff 14 days ago, but no one answered it yet. My question was what year the 85 Peterbilt purchased?"

District Clerk Bixby stated the 1985 Peterbilt Dump Truck was purchased in 2005.

A member of audience, via phone, stated he had a green slime on the water and is there anything that can be done about it?

Director Berzinas stated BIMID's jurisdiction ends at the water line. It mainly involves the Department of Water Resources, Parks and Recreation and Fish and Wildlife.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

Director Berzinas stated he will not comment on the Taylor Road Drainage Project.

District Manager Espinoza stated there are no updates on the Taylor Road Drainage Project as Mr. Mark Fortner submitted the paperwork to the County and the bid package is ready to go. District Manager Espinoza

stated Director Kirk had questions on the slurry wall or perimeter levee at Delta Coves.

Director Kirk asked about the slurry wall at the perimeter of the levee at Delta Coves. She has not seen a budget or maintenance schedule. She asked if the wall needs to be maintained and if it fails what are the plans for repairing it and what is BIMID's responsibility.

Mr. Jeff Twitchell stated there isn't any maintenance required for the wall. It has a concrete mix and its purpose is to keep out seepage. The BIMID Engineers required that the wall be kept intact and there will be no holes for utilities or any other excavations to go through it. There hasn't been any disturbance since being built except at Island Camp where there is a road and some utilities, not so much into the wall but there is a clay top and that it was replaced after completion. The rest of the utilities are on the land side of the outer lane of Delta Coves Drive and is part of the Community Facilities District. The slurry wall is six to seven feet below the road on the levee top which will not allow seepage to go through the levee.

Director Kirk asked what is the life expectancy of the slurry wall.

Mr. Jeff Twitchell stated the expected life of the slurry wall could be as much as 100 years.

District Clerk Bixby read a comment from a member of the audience stating, "I would like to know how that slurry wall is inspected. You told us where it is but not how you inspect it or check it?"

Mr. Jeff Twitchell stated there is not a lot of maintenance other than keeping utilities and disruptions.

District Clerk Bixby read a comment from a member of the audience stating, "Is there any way to fix Taylor Road flooding without all this spending?"

District Manager Espinoza stated it has been the topic for the last few years. There are many alternatives but with the high priority of the project, this was the best alternative for funding the project.

UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

SHEETPILE PROJECT – FIVE YEAR PLAN

No update.

EMERGENCY PLANNING REVIEW

Director Kirk stated she would like to talk to Caliente regarding being an evacuation point and would the bridge be another option for evacuation. She is thinking of splitting Taylor Road up to where half of the road would go to Caliente and the other half would go to the bridge.

Director Berzinas stated it would be a natural place for people to go. He will go and talk to Bethel Island Marina.

Director Kirk stated she would go and speak with Caliente and what is needed to put the evacuation points on the map.

District Manager Espinoza stated the County is done with their planning effort where we wanted to add more detail, we could add our points onto the map and then would update the County Plan for the next time they do their revision.

NEW BUSINESS

ADOPT RESOLUTION NO. 21-05-13A, "INTENTION TO CONTINUE ASSESSMENTS FOR FISCAL YEAR 2021-22, PRELIMINARILY APPROVING 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 Consultants presented the 2021-22 Continued Assessments for the BIMID Levee and Flood Control Facilities Maintenance and Repair Assessment District. The Resolution is to declare the Board's intention to continue to levy assessments for 2021-22, preliminarily approve the Engineer's Report for the Levee and Flood Control Facilities and Repair Assessment and provide for Notice of a Public Hearing on June 17, 2021. The rate for 2021-22 Fiscal Year Assessment will be a CPI of 3%, which will be \$131.34 at an increase of \$3.82 per Single Family Equivalent (SFE). The total Assessments collected, at a proposed rate of \$131.34 revenue, will be approximately \$256,773. After the Resolution is passed by the Board there will be a Legal Notice of Public Hearing posted in the local newspaper ten days before the June 17, 2021 Board Meeting.

District Clerk Bixby read a comment from a member of the audience stating, "Knowing the damage to families that have lost their jobs and businesses that have had to shut down and lost business on the Island, why not lessen the rate to the community and follow in the lead of other California organizations that have lowered cost to help out from the effects of what COVID has done to this community?"

Director Kirk asked what the procedure for lowering the rate is.

Mr. Kyle Tankard stated the Board has the authority to reduce the rate and in future years the District can raise the rate back up to the maximum.

A motion was made by Director Kirk and seconded by Director Lucas to adopt Resolution No. 21-05-13A "Intention to Continue Assessments for the Fiscal Year 2021-22, Preliminarily Approving the Engineer's Report, and Providing Notice of Hearing for the Bethel Island Municipal Improvement District Levee and Flood Control Facilities Maintenance and Repair Assessment District". The vote showed three directors in favor (Directors Smith and Knorr, Jr. were absent). Motion carried.

APPROVAL OF LEASE AGREEMENT FOR 55 ACRES OF THE DISTRICT'S 106-ACRE SITE

District Manager Espinoza stated this lease agreement comes before the Board every year for the acreage out by the Mitigation Site. The agreement has been reviewed by the District's Attorney and a request from Mr. Batteate to increase the lease term from one year to three years (2021 - 24). Termination of the lease may occur with one month's notice to/from either party.

Director Kirk asked if the District has ever increased the lease amount.

Mr. Dave Larsen stated Mr. Batteate only requested the lease extension.

A motion was made by Director Kirk and seconded by Director Lucas to authorize the Board President and Board Secretary to execute the Lease Agreement for 55 acres of the District's 106-acre site at the rate of \$2,500 per year for three years.

District Clerk Bixby read a comment from a member of audience stating, "How long have you lease this and have there been any increases to the leasor?"

Director Kirk stated it has been since 2012 and there hasn't been any increases.

District Clerk Bixby read a comment from a member of the audience stating, "Why not?"

Director Kirk stated it could be in line with leasing land for grazing cattle.

Attorney Dave Larsen stated this is similar to a per acre lease that he has seen with other clients in Byron.

Director Kirk asked what other uses can the District have to make money for the property.

District Manager Espinoza stated there isn't any other options, but what is nice is that Mr. Batteate will repair fencing as needed.

The vote showed three directors in favor (Directors Smith and Knorr, Jr. were absent). Motion carried.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

District Manager Espinoza stated the Northwest Levee Project Phase 2 will be starting on May 17th. Currently staff is in discussions with property owners regarding habitat mitigation which will take place in the fall of 2021. On next month's agenda there will be a discussion on a fee schedule on Delta Coves for the review of the rear yard setback designs.

A motion was made by Director Kirk and seconded by Director Lucas to receive and file the Staff Reports.

District Clerk Bixby read a comment from a member of the audience stating, "Sorry to be late but how many cattle on the 55 acre?"

Director Berzinas stated he believes there is no restriction.

District Clerk Bixby stated if Lawrence was here, he might know, but he is not at the meeting.

The vote showed three directors in favor (Directors Smith and Knorr, Jr. were absent). Motion carried.

TREASURER REPORT

Balances as of 4/30/21:

Checking Account: \$219,331.71

Park Account: \$3,420.17

House Number Account: \$336.02

Delta Coves First Deposit: \$290,035.18

Delta Coves Contingency Funds: \$1,798,471.58

Delta Coves O & M Funds: \$789,268.93

LFCF Repairs and Improvements: \$63,784.76

LFCF Maintenance: \$47,662.65

Advance Funding from DWR

Money Market is \$2,512,828.37

(NWS Project)

Money Market is \$50,000.00

(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

None.

CORRESPONDENCE

None was discussed.

A motion was made by Director Kirk and seconded by Director Lucas to adjourn the meeting. The vote showed three directors in favor (Directors Smith and Knorr, Jr. were absent). Motion carried.

The meeting adjourned at 7:40pm.

Submitted by Denece Bixby, District Clerk