REGULAR MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: AUGUST 10, 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, Tom Knorr, Jr., Vignesh Rama and Lisa Kirk. Mike Mirmazaheri from GEI, Attorney Dave Larsen and District Manager Regina Espinoza were also in attendance. Board President Bruce Smith was absent; Director Berzinas chaired the meeting.

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 Improvement Project under Item 7A(i)(a) because of the project being within 250 feet of his house. Directors Knorr, Jr. Rama and Kirk had no conflicts.

Director Berzinas stated he and Board President Smith have been accused by board members and members of the public of unethical behavior concerning agenda item 7a. Both he and the Board President have not participated in any discussions nor cast any votes for or against the Taylor Road Drainage Improvement Project, nor have they been in the room during discussions that the Board has had with engineers and others as related to this project. He further stated that no committee member or Board member should be taking any action as it relates to anything outside of BIMID’s jurisdiction. There should be no contact with any civil service personnel of Contra Costa County, BIMID, RD799, Ironhouse Sanitary District as it is against the law and unethical. He also stated the District shouldn’t be collecting taxes and attempting to disperse those taxes in areas that are outside of BIMID’s jurisdiction; to do so would be unethical.

Attorney Dave Larsen stated that he has suggested having an agenda item to discuss the scope of committees, but at this time the item is not on the agenda so the Board can only make summary comments.

Director Kirk stated she would like it noted that on the minutes of April 15, 2021 there was a discussion about the project between President Smith and Director Berzinas.

CONSENT CALENDAR

A motion was made by Director Knorr, Jr. and seconded by Director Rama to approve the amended minutes of the Regular Meeting of February 9, 2023; the amended minutes of the Regular Meeting of April 13, 2023; the minutes of the Special Meeting of May 16, 2023; and the minutes of the Regular Meeting of June 8, 2023.

Director Kirk stated she would like her email comments from June 8, 2023 to be attached to the June 8, 2023 Regular Meeting minutes.

Director Berzinas pulled agenda item 3D from the Consent Calendar and put it on the September 14, 2023 agenda for consideration.

A motion was made by Director Knorr, Jr. and seconded by Director Rama to approve the amended minutes of the Regular Meeting of February 9, 2023; the amended minutes of the Regular Meeting of April 13, 2023; and the minutes of the Special Meeting of May 16, 2023. The vote showed four directors in favor (Director Smith was absent). Motion carried.

A motion was made by Director Knorr, Jr and seconded by Director Rama to approve Maze & Associates Letter of Understanding for Services Associated with the Preparation of the Fiscal Year Ending June 30, 2023 District Audit. The vote showed four directors in favor (Director Smith was absent). Motion carried.

A motion was made by Director Knorr, Jr. to adopt Resolution 23-08-10A “Allowing Vice President of the Board to Sign Official District Documents in His/Her Capacity as Vice President in the Event the Board President is Unable (or Unavailable) to Sign”.

This item was removed from the Consent Calendar.

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

ADOPT RESOLUTION NO. 23-08-10A “ALLOWING THE VICE PRESIDENT OF THE BOARD TO SIGN OFFICIAL DISTRICT DOCUMENTS IN HIS/HER CAPACITY AS VICE PRESIDENT IN THE EVENT THE BOARD PRESIDENT IS UNABLE (OR UNAVAILABLE) TO SIGN”

Director Kirk stated she wanted to comment that the President and Vice President live within 250 feet of a District project, so she feels that they shouldn’t sign any documents that are related to that project.

Attorney Dave Larsen gave a brief background. President Smith and Vice President Berzinas will continue to not be involved in any discussion, decision or vote on the project on Taylor Road. He suggested leaving the resolution as is. He stated he would like to remove the “and” at the end of the third paragraph.

A motion was made by Director Knorr, Jr. and seconded by Director Rama to adopt Resolution 23-08-10A “Allowing Vice President of the Board to Sign Official District Documents in His/Her Capacity as Vice President in the Event the Board President is Unable (or Unavailable) to Sign” with the removal of the “and” at the end of the third paragraph. The vote showed three directors in favor (Director Kirk voted nay; Director Smith was absent). Motion carried.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JUNE 8, 2023

The discussion continued with Director Kirk wanting to add her email of June 8 2023 describing her recommended changes of various meeting minutes to be added to the June 8, 2023 minutes. The email had not been added to the June 8, 2023 agenda packet.

District Manager Espinoza asked for clarification and stated the minutes of the regular meeting of June 8, 2023 with Director Kirk’s email attached will be added to the agenda of the September 14, 2023 board meeting.

ANNOUNCEMENTS

Director Berzinas presented Lawrence Martins with a Certificate of Appreciation for his thirty years of service to the District.

PUBLIC COMMENT

Ms. Lori Castillo stated attendance at Board meetings has improved. Since she has been attending BIMID Board meetings, it seems to her that there is division among board members. There has been rude and unprofessional behavior. As a community, we should to work together for the benefit of the island.

Mr. Howard Crittenden stated his property is located at 6845 Riverview Road. The levee at his house has subsided and is causing the step up to his dock to be more difficult to maneuver. He added a step and handrails to the ramp. His neighbor has noticed that there are animals burrowing into his levee. He showed a couple of pictures of his footing and gangway. He asked for BIMID’s help to repair his levee.

Ms. Bethi Carver stated that the squirrel holes that are in the levee are getting bigger and are about six to eight inches in diameter. She doesn’t know what kind of animal it is but she is concerned.

Mr. Mike Mirmazaheri asked if there were any photos of the animal making the holes. He would like to know because Fish and Wildlife are concerned with a new species called nutria, that have been spotted in the delta. Fish and Wildlife would like to know if nutria is in the area and to please contact them if anyone has pictures of the animal digging into the levee.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza stated she included in her report that the Taylor Road Project name listed under Agenda Item 7A(i)(a) was added to the agenda. The Drainage Ad-Hoc Committee has met, and discussion items will be covered under that agenda item. Director Kirk has emailed questions about projects, specifically the Taylor Road Drainage Project and Mr. Mike Mirmazaheri from GEI will answer questions.

Director Kirk stated she would feel more comfortable if Director Berzinas left the room for the discussion.

Director Berzinas left the room.

Director Kirk asked if the project can be identified as one name consistently because it has become very confusing to her. There is the pipe replacement at the main pump station, the drainage project and the project that involves the small pump station at the beginning of Taylor Road.

Mr. Mike Mirmazaheri discussed the past and future projects that also included the project on Taylor Road. There has been approximately $20 million dollars of grants that BIMID has received. This would include the HMP Project, the Horseshoe Bend Project, the Northwest Levee Project and the Marina project. There is a project (Taylor Road Drainage Improvement Project) that was submitted to FEMA in September 2021 and the District is still waiting for funding approval.

Director Kirk asked if the funding for FEMA is the Bethel Island Flooding and Remediation Mitigation Project and is that the project for Taylor Road.

Mr. Mike Mirmazaheri stated yes that is the project that the District is waiting for funding from FEMA.

There was further discussion on the individual projects.

Director Kirk asked if the name of the project could be listed on future agendas. The title listed on future agendas would be Bethel Island Flooding and Remediation Mitigation Project.

Mr. Mike Mirmazaheri stated that the goal of the project is to ensure unobstructed drainage to the District’s pump stations. The study concluded that the ditch on the right side of Taylor Road, on the east side, needs to be cleaned and trees removed, and then to ensure that the secondary pump station (15hp) flows without any obstruction. That is how the project was packaged and sent to FEMA. BIMID is still waiting for construction money approval from FEMA.

Director Kirk asked what the total cost of the project will be.

Mr. Mike Mirmazaheri stated the total cost of the project, including the study, was approximately $800,000, of which approximately $600,000 would be for the construction. The cost share would be 75% FEMA, 25% BIMID. The ditch on the east side of Taylor Road would be cleaned up, another pump added to the pump station, and the pipe leading to the pump station would be buried.

Director Kirk stated there will need to be a discussion on the trees that are on private property.

Director Knorr, Jr. stated this would be a pilot project and if it is successful, it may be used for other drainage projects.

Director Berzinas rejoined the Board.

District Manager Espinoza stated any drainage issues on Stone Road would be brought up during the Drainage Ad-Hoc Committee Report.

UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

FIVE YEAR PLAN

No update.

COLLABORATIVE FLOOD CONTROL EFFORTS

District Manager Espinoza stated there is another combined meeting coming up but she doesn’t have a date yet. BIMID is still waiting for the Flood Control GIS layer so that it can be incorporated into the BIMID drainage ditch map. The information will be helpful for the property owners to know which are private, County, and BIMID maintained ditches.

District Manager Espinoza stated she has been giving presentations to different districts regarding past flood events and the salinity of groundwater on the island.

Director Rama asked if her presentation could be put on the BIMID website for the public to view.

CONTRA COSTA COUNTY DRAINAGE AND FLOOD CONTROL

District Manager Espinoza stated there is an agenda item regarding the inter-agency agreement with the County and BIMID but it can be discussed during the Drainage Ad-Hoc Committee item on the agenda.

Director Kirk stated that she has difficulty reading the BIMID drainage map and asked if the County overlay could be added to it to make it easier to understand.

District Manager Espinoza stated there would be a County and BIMID overlay and each entity’s responsibility would be a different color on the map for all the ditches.

NEW BUSINESS

DISCUSSION AND CONSIDERATION OF ISSUING A BI-ANNUAL LEVEE KEY FOR 3073 WILLOW ROAD WEST

Mr. Chad McNamee stated his wife has medical conditions that require the use of the levee key to access the levee for medical transport to and from doctor appointments.

Director Berzinas asked how many properties will need to be crossed to reach the property.

Mr. Chad McNamee stated approximately six properties.

Director Berzinas asked if the neighbors are fine with him crossing their property.

Attorney Dave Larsen stated the Board should have a resolution that could be approved at the next meeting under Consent Calendar.

A motion was made by Director Knorr, Jr. and seconded by Director Rama to issue a bi-annual levee key for Mr. Chad McNamee at 3073 Willow Road West. The vote showed four directors in favor (Director Smith was absent). Motion carried.

DISCUSSION AND CONSIDERATION OF ISSUING A BI-ANNUAL LEVEE KEY FOR 3825 WILLOW ROAD

The property owner wasn’t present and this agenda item will be moved to the September 2023 meeting.

DISCUSSION AND CONSIDERATION OF ISSUING A BI-ANNUAL LEVEE KEY FOR 2048 TAYLOR ROAD

Mr. Jeff Irvine stated he has several family members that have serious health issues. He is six houses down from Anchor Marina. He currently has a temporary key. He is also opening the levee gate for his neighbors that have health issues. If granted a bi-annual levee key, he will maintain possession of the key.

A motion was made by Director Knorr, Jr. and seconded by Director Kirk to issue a bi-annual levee key for Mr. Jeff Irvine at 2048 Taylor Road. The vote showed four directors in favor (Director Smith was absent). Motion carried.

DISCUSSION AND CONSIDERATION OF TREE WEST PROPOSAL NOS. 17225 AND 17223 FOR TREE MAINTENANCE IN THE PARK

District Manager Espinoza stated the Board had previously reviewed this item and asked for prevailing wage to be identified on the quote. It will cover pruning and crown cleaning of the trees in the park.

Director Rama asked how the District would pay for it.

District Manager Espinoza stated the funds would come out of the general fund. Every few years, BIMID asks the public for donations, which usually comes to approximately $2,000.00 and that is used to help fund the maintenance in the park.

Director Berzinas asked why there were two proposals.

District Manager Espinoza stated each proposal is for different trees at different heights and conditions.

Director Berzinas stated he wanted to see the two proposals combined into one. He doesn’t have any issues with the work described in either of the quotes, he just wants it in one proposal.

A motion was made by Director Knorr, Jr. and seconded by Director Rama to approve the Tree West proposal (when it comes back as one quote for one project) and to authorize the District Manager to accept the proposal for the project. The vote showed four directors in favor (Director Smith was absent). Motion carried.

DISCUSSION OF THE NEXT PROPOSITION 218 ASSESSMENT DISTRICT TO LEVY

District Manager Espinoza stated it is time now to officially start discussing the process for the next Proposition 218 Assessment. The current Assessment District is for ten years which will be sunsetting at the end of fiscal year 2024-2025.

Director Berzinas stated he had a question about the necessity for Proposition 218 with a super majority, or if the District could possibly pass a parcel tax, which would only require a simple majority of registered voters.

District Manager Espinoza stated these are the types of questions that need to be asked. She is looking for direction from the Board to proceed with discussions with SCI Consulting.

The Board was in consensus to have the District Manager begin investigating the options for the next assessment district.

DRAINAGE COMMITTEE (AD-HOC)

Director Berzinas gave an update of the meetings of the Drainage Committee. There were several members present from the public and BIMAC. At the first committee meeting, there was discussion for Ms. Lori Castillo to draft a letter that could be sent to Delta Coves and Delta Coves HOA with a suggestion to install additional drainage inlets (DI’s) along Stone Road. There needs to be thirteen additional DI’s installed on the south side of Stone Road to help alleviate the stormwater on Stone Road during high water storm events. The next steps would be to identify how to connect the DI’s. The letter asks BIMID to take a role as it did for the other two private DI’s that were installed on Stone Road a few years back, for administrative, engineering and assistance. Director Berzinas is asking for the Board to support that activity.

Mr. Phil Kammerer stated BIMAC did have a discussion and is planning a town hall meeting on September 12, 2023.

Director Berzinas stated when the community takes the letter to Delta Coves, Ms. Lori Castillo can state she has the support of BIMID and BIMAC.

Ms. Lori Castillo stated there are a lot of drainage inlets from 3600 Stone Road and down and there are four drainage inlets from Seagate to the beginning of Stone Road. The worse flooding happens from 3300 to 3500 Stone Road where there are only two drainage inlets.

Director Rama left the meeting.

A motion was made by Director Knorr, Jr. and seconded by Director Kirk to approve and support the citizen letter to Delta Coves for additional drainage inlets along Stone Road for storm drainage. The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.

Director Berzinas stated that Ms. Bethi Carver had brought two letters to the Drainage Committee; one letter was from the Board of Reclamation dated December 15, 2006 and another letter was from Hultgen-Tillis dated September 20, 2006.

Ms. Bethi Carver stated Mr. Kevin Tillis was working for the County on the development of Delta Coves at the time he wrote the letter. The letter explains everything about all of the potential drainage issues on Stone Road.

Director Berzinas read from the Hultgren-Tillis letter and stated that he would like to see the original plans for the construction of Delta Coves. The slurry wall is a problem with the seepage. He asked the District Manager to contact Hultgren-Tillis to get a copy of the plans that Mr. Tillis references in the letter.

District Manager Espinoza stated Hultgren-Tillis was absorbed by another company. She will either contact Mr. Kevin Tillis or Mr. Jeff Twitchell from GEI.

Director Berzinas stated the last thing to discuss is the multi-year stormwater agreement.

District Manager Espinoza stated the County will not be executing a new contract for stormwater drainage maintenance activities performed by District staff.

Director Berzinas stated there needs to be a BIMAC Standing Committee to find solutions to the drainage issues for the island. As the ad-hoc committee, they could discuss concepts to bring to the town hall meeting in September.

DISCUSSION OF SCHEDULING A BOARD REVIEW OF PROCESS AND PROCEDURES

District Manager Espinoza stated this would likely be a workshop, that is open to the public, to discuss Board Policies and Procedures during meetings.

Director Kirk stated she doesn’t want to do any additional meetings because she is currently on several boards which are very time consuming. She said she feels that she and Director Berzinas need to find some common ground.

Attorney Dave Larsen stated President Smith came to him very frustrated, and blamed himself for how the meetings are being conducted. He would like to have a session to discuss how the Board can better operate during a Board Meeting.

Director Knorr, Jr. stated that, as public servants, board members need to conduct the meetings professionally and with respect to the other members. He is not opposed to further training to better himself and other board members.

Director Kirk stated that she and Director Berzinas could work out their issues; and if the Board wants to have the workshop, that could also be done.

Director Berzinas stated he supports the President’s effort and agrees with the review of rules. He would like to see Robert’s Rules of Order implemented and used at every meeting. He would this agenda item continued to a future agenda.

A motion was made by Director Knorr, Jr., and seconded by Director Kirk to schedule a Board Review of Process and Procedures. The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

**A motion was made by Director Kirk and seconded by Director Knorr, Jr. to receive and file the Staff Reports. The vote showed three directors in favor (Directors Smith and Rama were absent). Motion carried.**

TREASURER REPORT

**Balances as of 7/31/23:**

Checking Account: $463,898.23

Park Account: $2,945.23

House Number Account: $336.02

Delta Coves First Deposit: $8,617.04

Delta Coves Contingency Funds: $1,727,180.59

Delta Coves O & M Funds: $1,028,437.01

LFCF Repairs and Improvements: $11,528.67

LFCF Maintenance: $10,262.68

**Advance Funding from DWR**

Money Market is $15.678.94 (NWS Project)

Money Market is $34,574.23 (HEHE Project)

Money Market is $29,123.30 (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

Nothing to report.

BIMAC/FIRE DISTRICT UPDATE

Nothing to report.

ISLAND EVACUTATION SAFETY COMMITTEE (AD-HOC)

Director Kirk gave a brief update on the ad-hoc committee meeting. In attendance were OES and the Sheriff’s Office and committee members. The Fire Department was unable to attend. The discussion included rally points and liability issues. CERT can’t be under BIMID, it has to be under the Fire Department. The Flood Preparedness Pamphlet is moving along and will be presented to the Board in September.

SUGGESTION FOR FUTURE AGENDA ITEMS

None.

CORRESPONDENCE

None was discussed.

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

The meeting adjourned at 9:15 pm.

Submitted by Denece Bixby, District Clerk