

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

**DATE: SEPTEMBER 12, 2024**

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: Tom Knorr, Jr., Anthony Berzinas, Bruce Smith, Vignesh Rama and Lisa Kirk. District Manager Regina Espinoza and Attorney Dave Larsen were also in attendance.

**2. BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST**

Director 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 Rama stated he might have a potential conflict in reference to the dog park discussion. Directors Knorr, Jr., and Kirk had no conflicts.

**3. CONSENT CALENDAR**

**A. A motion was made by Director Berzinas and seconded by Director Smith to approve the minutes of the Regular Meeting of August 8, 2024. The vote showed five directors in favor. Motion carried.**

B. The Board agreed that the minutes for the Bethel Island Community Park Standing Committee should be included in the Report Out of the Director Reports section of the agenda for the October meeting.

**C. A motion was made by Director Berzinas and seconded by Director Rama to adopt Resolution No. 24-09-12A "Authorize the Signing of Agreements for Participation in Fiscal Year 2024-2025 Delta Levee Subventions Program". The vote showed five directors in favor. Motion carried.**

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

Nothing was discussed.

## 5. ANNOUNCEMENT

Director Berzinas stated Boyd Real Estate has life vests available for distribution. They are looking for donations for more vests; in addition looking to purchase more. Boyd Real Estate is trying to keep the life vests program going.

Ms. Lori Castillo stated there will be a second location for distribution of the life vests that will be out of the weather.

## 6. PUBLIC COMMENT

Ms. Lori Castillo stated the levee gate at the San Joaquin Yacht Club is continuously open and cars are driving fast on the levee all hours of the day and night. They can't turn around and drive down the levee and break sprinklers on property owner's private property. She called the office to check to see if anyone had applied for a levee key. The answer was no, so it must be someone who has an annual key.

President Knorr, Jr. asked that the levee key access for Stone Road be on the October agenda.

Mr. Mark Whitlock stated that the beginning of Riverview Place is being totally blocked with garbage, two trucks and a boat. He is also sending the same information to the Fire Department and County Code Enforcement. The levee crown needs to always be clear of vehicles for emergencies. At Delta Coves and the homes that are being built next to the breach, he is recommending to replace the fence on the BIMID portion of the property. This item should be added to the next agenda.

Mr. Whitlock also stated that the weeds at BIMID's sand pile behind Scout Hall need to be taken care of as they are three feet high.

Additionally, there is a property on Taylor Road (Anchor Marina II) which has an illegal gangway, and at least seven boats. Mr. Whitlock notified the Fire Department, Sheriff, Marine Patrol and Supervisor Burgis' office of the situation.

President Knorr, Jr. asked if this located next to Diablo Boat Works.

Mr. Mark Whitlock confirmed that it was.

Director Berzinas stated it should be put on the next agenda. The item to be placed on the agenda will be Security of the Levee to include the levee gate locks, traffic on the levee, blocking the levee and the issue next to Diablo Boat Works.

The Board asked about BIMID's enforcement rules and also asked for the item to be on the next agenda.

Attorney Dave Larsen stated he could send a memo offline explaining the enforcement rules.

Director Berzinas stated the offline memo would be great, but he would like to still discuss it at a meeting so that the public is aware of the issues, as it would be recorded in the minutes.

Mr. Mark Whitlock stated staff are aware of the issues, but he felt that the Board also needed to know of the situation.

Ms. Bethi Carver stated there is something to having these issues brought up at a board meeting so they are being recorded in the minutes and it let's the public know what is happening.

#### 7. NEW BUSINESS (CONSULTANT PRESENTATIONS)

None.

#### 8. UNFINISHED BUSINESS

##### A. UPDATE ON BETHEL ISLAND

##### CULVERT/DRAINAGE/SEEPAGE/STANDING WATER ISSUES

District Manager Espinoza stated the Local Hazard Mitigation Plan is in the middle of its process and staff recently received a request for clarification. The request was processed and sent back to OES. The LHMP is in its 45 day process. Staff is still waiting for notification that the 45 day process is completed, which should be at the end of September. BIMID has been notified by the County that BIMID has a time sensitive issue for the upcoming project on Taylor Road. Ditch cleaning is continuing through the end of the month.

Ms. Bethi Carver asked if there was any update from the County on replacing culverts.

District Manager Espinoza stated staff has heard from the County recently looking for information on the culverts on Bethel Island Road and Piper Road. Staff has not heard of any other culverts that are going to be replaced. The County is currently in the process of replacing a culvert on Taylor Road.

Director Berzinas stated there is money in the Infrastructure Plan if the County would pursue it, because there is plenty of money for stormwater.

Ms. Bethi Carver stated she has spoken with FHWA and DOT about funding. There is funding available.

**B. FIVE YEAR PLAN**

No update.

**C. COLLABORATIVE FLOOD CONTROL EFFORTS**

Director Kirk stated she is still talking with Mr. Tim Jensen of Public Works.

**E. CONTINUED DISCUSSION OF HOWARD HOLMES HABITAT MITIGATION SITE AS A SITE FOR A DOG PARK AND COMMUNITY GARDEN (VERBAL UPDATE)**

Attorney Dave Larsen stated he was looking for direction from the Board to hire outside counsel regarding wetland issues. Given the sheer number of agencies involved in wetland issues in California, it makes California one of the strictest jurisdictions around. He asked the Board to consider other possibilities, including alternate dog park sites.

Director Kirk stated she is not in favor of a dog park. There is no need to waste funds and staff time on a dog park. She recommended taking the item off the agenda.

Director Smith stated if there wasn't existing property that would lend itself as a dog park, he would agree. The idea was that BIMID has this land, and it isn't being used for much of anything except mitigation and a dog park would be an enhancement for the community.

President Knorr, Jr. stated there was grant money for a dog park and a community garden and thought it might be a good addition to the community.

Director Berzinas stated the emphasis should be on the community garden. The dog park idea was originally from there not being enough room for a dog park at the Community Park, so it got included as an idea for at the Mitigation Site.

President Knorr, Jr. stated if there was another site for a dog park or a community garden, it would be another option to explore. He doesn't see the need to spend money and time for the dog park and community garden out at the Mitigation Site.

Director Berzinas stated he agreed with not spending money and time on this project.

There was a discussion on the part of the Mitigation Site that is being used for cattle and if that would be a possible location for a community garden.

Director Berzinas stated he wanted this to remain on the agenda.

F. PUBLIC HEARING OF THE FIRST READING FOR ORDINANCE 22 TO INCLUDE "NO FIRES ALLOWED" AND "PARKING"

Attorney Dave Larsen stated he would like to combine Agenda Item F, G and H. These items will be consolidated on the next agenda.

Attorney Dave Larsen stated there is a question as to who owns Ranch Lane. Without that clarification, updating Ordinance 22 would best be done after finding out more information about Ranch Lane. He recommended finishing up the analysis of the ownership of Ranch Lane, which would lead to finding the answers for the statute for the road maintenance, parking and towing of vehicles to be used to update Ordinance 22.

Director Berzinas asked to keep them separate under the Ranch Lane agenda item as, a, b, c etc.

President Knorr, Jr. stated he would like to add "no horses in the park proper" to Ordinance 22.

I. DISCUSSION AND CONSIDERATION OF AGREEMENT FOR THE BETHEL ISLAND COMMUNITY CLEAN UP DAY

District Manager Espinoza stated this item is being brought back for ratification of the agreement with the County regarding the Clean Up Day. The agreement has been sent to County Counsel for signature which should have been presented to the Board of Supervisors today. After discussion with the BIMID attorney, the County has been notified the agreement will be terminated after this year's event and to start working with the County on an agreement for next year.

Attorney Dave Larsen stated there were concerns with the legal language that needs to be worked on for the next agreement.

Director Berzinas asked if there was an agreement ready to go the County.

District Manager Espinoza stated there is an agreement ready to go, but there are some logistical concerns that might need to be added to the agreement.

Director Berzinas stated to have the new agreement ready to go and send it to the County with the termination of the current agreement.

**A motion was made by Director Berzinas and seconded by Director Smith to accept this agreement with the understanding the agreement will be terminated after the event. The vote showed five directors in favor. Motion carried.**

#### 9. NEW BUSINESS

##### A. CONDUCT BIENNIAL REVIEW OF THE DISTRICT'S CONFLICT OF INTEREST CODE AS REQUIRED BY THE POLITICAL REFORM ACT

District Clerk Bixby stated every other year the Board is required to review its Conflict of Interest Code and file a Biennial Notice. For this year, there weren't any recommended amendments to the Code.

Director Berzinas asked what is the distance from a project that a director needs to recuse themselves from the discussion and vote.

District Clerk Bixby stated it is 500 feet.

**A motion was made by Director Berzinas and seconded by Director Smith to accept the review of the Conflict of Interest Code. The vote showed five directors in favor. Motion carried.**

##### B. DISCUSSION OF DEADLINE ON AGENDA ITEMS

Attorney Dave Larsen stated there was a request from the Board President for the posting and requirements for agendas. The Board Policy states for a regular meeting agenda item should be made eleven days prior to the regular scheduled board meeting.

There was a discussion on notice requirements for regular, special and emergency meetings.

**A motion was made by Director Berzinas and seconded by Director Rama to receive and file the report. The vote showed five directors in favor. Motion carried.**

#### 10. CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

##### A. District Manager Report Update on Goals, Strategies, Problem Areas, Work Completed

District Manager Espinoza stated for the Emergency Response Grant, the District is still waiting for the funding award increase, which was to build

the Emergency Operations Center (EOC). For the security issue, the Security Committee has met with various security companies.

Both Directors Rama and Smith are ready to make a recommendation to the Board for the security measures. Director Rama stated he will submit a document to be submitted for the next meeting.

District Manager Espinoza stated there will be an item on the next agenda in October, for the security recommendations. There have been meetings with Mr. Mark Fortner and the Fire Department to discuss the fire requirements for the property owner to build a new house at 4814 N. Stone Road. The property owner would have to install the water tanks at the road and the line would need to be charged. The Board stated at a previous meeting, there is to be no charged water lines going through the levee. The property owner has pulled his variance request for the pipe going through the levee. The property owner was appreciative to the Board for the assistance with the issue.

B. Levee Superintendent Monthly Report of Work Performed  
Nothing was discussed.

C. District Clerk Monthly Report of Work Performed  
Nothing was discussed.

D. Report of Monthly Work to be Performed  
Nothing was discussed.

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

## 11. DIRECTOR REPORTS

### A. TREASURER REPORT

#### **Balances as of 8/31/24:**

Checking Account: \$225,330.31

Park Account: \$3,433.50

House Number Account: \$336.02

Delta Coves First Deposit: \$535,233.33

Delta Coves Contingency Funds: \$2,483,459.91

Delta Coves O & M Funds: \$1,018,797.10

LFCF Repairs and Improvements: \$504,388.86

LFCF Maintenance: \$127,072.79

#### **Advance Funding from DWR**

Money Market is \$48,065.86

(HEHE NW Levee Project)

## E. WEBSITE

Director Rama stated he would have to leave the meeting, so he wanted to report at this time. He is still working on the Request for Quote for the website. Once the document has been reviewed by legal and the District Manager, it will be ready to post on various sites.

## B. BETHEL ISLAND PARK COMMITTEE (STANDING)

### i. Discussion and Approval of Commemorative Arch Form

Director Berzinas asked about submitting checks and money orders for the tiles and not a QR code.

Director Rama stated this will be one of the new features on the website. The next step will be to contact the bank to find out how the District can take online payments.

Ms. Lori Castillo asked if Venmo, etc. can be used in the meantime until the website is completed.

District Manager Espinoza stated there are certain aspects that must be taken into consideration as a public government agency. Staff will investigate.

## G. ISLAND EVACUATION SAFETY COMMITTEE (AD-HOC)

Director Kirk stated she is trying to set up a meeting with OES.

Ms. Lori Castillo asked if the items under the Park Standing Committee have been resolved.

B. (Con't) i. Ms. Lori Castillo asked about the email address to be used for the park tiles.

Director Rama stated to use [bimid@bimid.com](mailto:bimid@bimid.com).

**A motion was made by Director Berzinas and seconded by Director Rama to accept the Commemorative Arch Form for ordering tiles with the change as discussed. The vote showed five directors in favor. Motion carried.**

### Bii. Discussion and Approval of Park Standing Committee Mission Statement

Director Berzinas stated he would like the District to accept funds electronically.

District Manager Espinoza suggested it would go under the Goals and Objectives portion. She also suggested to the Board to adopt the Mission Statement and the committee will come back with the Goals and Objectives.

**A motion was made by Director Rama and seconded by Director Kirt to approve and adopt the Bethel Island Community Park Standing Committee's Mission Statement and bring back any updates to the Goals and Objectives. The vote showed five directors in favor. Motion carried.**

Biii. Discussion of Mechanisms for Park Donations

Ms. Lori Castillo asked for direction on taking donations from large corporations.

Director Berzinas asked if a donation is made to a public entity, is it tax deductible.

Attorney Dave Larsen stated it depends, and he isn't a tax attorney.

Ms. Lori Castillo asked if BIMID partners with a 501c3 to obtain grants.

Director Kirk stated if they are government grants yes, but not with 501c3 grants.

Director Berzinas stated the Board is willing to work with Scout Hall, Women's Club, and Lion's Club.

C. DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)  
Nothing to report.

D. SHEETPILE PROJECTS/NON-CONFORMING STRUCTURES (AD-HOC)  
Nothing to report.

F. BIMAC/FIRE DISTRICT UPDATE  
Nothing to report.

H. PUBLIC OUTREACH/SOCIAL MEDIA PRESENCE (AD-HOC)  
Nothing to report.

I. DRAINAGE COMMITTEE (AD-HOC)  
Nothing to report.

12. SUGGESTION FOR FUTURE AGENDA ITEMS

Discussion of issues next to Diablo Boat Works

Discussion of security of the levee (to include gates locked, traffic,  
blocking the levee)

Discussion of enforcement?

Discussion and Consideration of Security needs at pump stations

13. 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 8:20pm.

Submitted by Denece Bixby, District Clerk