

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

DATE: SEPTEMBER 15, 2022

The Bethel Island Municipal Improvement District met in an adjourned 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, and Tom Knorr, Jr.. Attorney Dave Larsen and District Manager Regina Espinoza were also in attendance. Directors Lisa Kirk and Steve Lucas were 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. had no conflicts.

CONSENT CALENDAR

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to approve the minutes of the Regular Meeting of August 11, 2022. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to approve the Maze & Associates Letter of Understanding for Services Associated with the Preparation of the Fiscal Year Ending June 30, 2022 District Audit. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to adopt Resolution No. 22-09-08A "Authorize the Signing of Agreements for Participation in Fiscal Year 2022-2023 Delta Levees Subvention Program". The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to adopt Resolution No. 22-09-08B "Authorizing Staff to Work with the Department of Water Resources Delta Levees

Special Projects Program". The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.

ANNOUNCEMENTS

District Clerk Bixby stated the District has received a letter from the Contra Costa County Elections Department stating there was only one person that filed paperwork for the two open board seats in December 2022. That person (Bruce Smith) will be appointed as if elected. That leaves one vacancy on the Board. The Elections Department is asking that the current BIMID Board recommend a person to be appointed. District staff posted a Notice for Nominees flyer on August 30, 2022 in various locations. The potential nominees need to submit their application by Friday, September 23, 2022 at noon. The Board will need to hold a Special Meeting prior to September 30, 2022 and select a candidate for appointment. The Board's selection will be submitted to the County Elections Department and then submitted to the Board of Supervisors for approval of appointment. The nominee would be seated at the December 2022 Board meeting.

PUBLIC COMMENT

None.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza reported there was nothing new to add regarding any drainage projects.

Mr. Phil Kammerer asked when the ditch that is located behind the Willows Mobile Home Park will be cleaned. It has gotten very overgrown and is becoming a fire hazard.

District Manager Espinoza stated staff has been working on other projects. It has been put on the ditch cleaning schedule.

UPDATE ON BOARD POLICIES FOR DRIVING ON A LEVEE AND LEVEE KEY ACCESS

Attorney Dave Larsen stated the Board confirmed on using Vehicle Code 21116 as the basis for regulating vehicle access on the levee, consistent with other California jurisdictions, which are responsible for maintaining levees. Vehicle Code 21116 says in part: "No person shall drive any motor vehicle upon a roadway located on a levee...if the responsibility for maintenance of the levee...is vested in the state or in a reclamation...district, or other local agency ... unless such person has received permission...from the agency responsible for such maintenance."

The Vehicle Code explains that for the above rule to apply, the local agency must place signs saying permission of the local agency is required to drive on the levees. The signs must also provide notice of any conditions or regulations which may apply and keep a written statement in the agency's office explaining what vehicles if any, are allowed to drive on the levee and under what circumstances.

Director Berzinas stated all the levee gate signs should reference Vehicle Code 21116.

District Manager Espinoza stated new signs will be made and posted at the gates once the process and property notification has been completed. The property owners will be notified of the new process of the levee access.

Attorney Dave Larsen continued with the explanation of the new ordinance and levee key application and rules of conduct. He explained the biggest changes in the policy will be: elimination of handicapped exception, grandfathering provision, board triennial renewal and deposit increase to \$250.

Director Kirk joined the meeting at 6:58pm.

Director Berzinas stated there is nothing stating a penalty if a property owner does not return the key within seven days. There needs to be some kind of enforcement, otherwise someone will think that they can keep the key for an unlimited time.

During the discussion it was agreed that forfeiture of the \$250 deposit will be included in the policy.

The discussion continued with the draft key application.

Director Berzinas stated he would like the Rules of Conduct to be attached to the application. Also, to be added, would be initials for each of the rules under the Rules of Conduct.

There was a discussion on enforcement. It was recommended that there should be a map with the locations of the gates.

The second reading of the Ordinance will be heard at the October Board Meeting.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to approve the Ordinance for the first reading, commemorating its updated policies concerning vehicular access

to Bethel Island levees; approving the updated Application for Approval to Drive on Levees; approving the updated Rules of Conduct Governing Permission to Drive on Bethel Island Levees and authorizing staff to adopt administrative requirement and procedures to implement the Board's policies. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

DISCUSSION OF DELTA CONVEYANCE ENVIRONMENTAL IMPACT REPORT
DISCUSSION/PUBLIC COMMENTS

District Manager Espinoza stated the comments on the EIR are due by late October. The agenda item was left on Unfinished Business in case anyone from the Board or public wanted to give any comments. Staff and GEI are still reviewing for comments, and then all the comments will be assembled and submitted to the Board before the comments are submitted to DWR Delta Conveyance.

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

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

A motion was made by Director Berzinas and seconded by Director Kirk to approve and submit the 2022 Local Agency Biennial Notice as prepared as required by the Political Reform Act. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

DISCUSSION OF UPDATE ON SUMMER LAKES DEVELOPMENT LEVEE FLOOD PROTECTION

Director Berzinas stated he was concerned that the new Summer Lakes Development levee is at 100 year flood level rating.

District Manager Espinoza stated at the last meeting that there was a concern that it could happen on Bethel Island. She contacted RD799 engineers and the City of Oakley. The Summer Lakes developments were built so far apart, that the south side is at 200 year flood level standard and the north side is at 100 year flood level standard. FEMA and Army Corps of Engineers are the ones that set the standards.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

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 8/31/22:

Checking Account: \$57,434.25

Park Account: \$2,148.33

House Number Account: \$336.02

Delta Coves First Deposit: \$200,455.95

Delta Coves Contingency Funds: \$2,009,938.12

Delta Coves O & M Funds: \$906,560.79

LFCF Repairs and Improvements: \$10,579.79

LFCF Maintenance: \$52,830.96

Advance Funding from DWR

Money Market is \$515,527.24

(NWS Project)

Money Market is \$71,158.37

(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 7:59pm.

Submitted by Denece Bixby, District Clerk