SPECIAL MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: JULY 21, 2022

The Bethel Island Municipal Improvement District met in a special 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, Lisa Kirk, and Tom Knorr, Jr.. Attorney Dave Larsen and District Manager Regina Espinoza were also in attendance. Directors Anthony Berzinas and Steve Lucas were absent.

BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST

Director Smith stated he would recuse himself 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 Knorr, Jr. and seconded by Director Kirk to approve the minutes of the Regular Meeting of June 9, 2022.

Director Kirk asked staff to delete the sentence “It should be based on the Vehicle Code” from the Public Comment section.

As amended, the vote showed three directors in favor (Directors Berzinas and Lucas were absent). Motion carried.

ANNOUNCEMENTS

None.

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. Management has been in discussions with Contra Costa County regarding our current storm drainage contract. The County has raised questions regarding reimbursement appropriations. Staff has provided all necessary documentation for reimbursement of $16,500 per year based on the contract specifications. The current contract will expire in September 2023. There are discussions with the County on what will happen when the current contract expires. It will be brought back to the Board when negotiations start for the next contract.

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

ADOPTION OF RESOLUTION NO. 22-07-21A “CONCERNING WHEN VEHICLES ARE ALLOWED TO DRIVE ON THE LEVEE AND LEVEE KEY ACCESS”

Attorney Dave Larsen stated there has been a discussion on gate keys but now there needs to be a policy by the Board regarding levee access so staff can better implement that policy. There is Vehicle Code 21116(a) and 21116(b) which can be used to further implement the policy. Staff recommends avoiding the term “handicap access” because Federal and State law governing handicapped access does not apply to the privilege of driving on levee subject to Vehicle Code 21116(a) (Exhibit a) despite recent claims to the contrary. Those Federal and State laws require people with disabilities to have full and equal access to places of public accommodation, transportation carriers, lodging places, recreation and amusement facilities and other business establishments where the general public is invited. The Board had previously stated the only basis for an annual key would be if the property owner was landlocked and/or has physical limitations. Once the Board provides direction, then staff will review the current ordinances and policies to determine if they are consistent. Exhibit B was included as a draft application to be included in the discussion. The draft application is meant to be for all persons, contractors, service providers, etc. The application refers to Rules of Conduct Governing Permission to Drive on the Bethel Island Levee that haven’t been written yet.

There was a discussion on the policy for landlocked property owners (and what documents are needed) and property owners with physical limitations.

President Smith asked about parking on the levee and going to another location.

Attorney Dave Larsen stated there might need to be two separate policies; one for driving on the levee and one for parking on the levee. There will need to be a description of landlocked properties and physical limitations. There also needs to be a description of service providers and who they are.

The discussion continued in regards to landlocked properties and physical limitations and how this might be grandfathered in; but the key couldn’t be passed onto a new property owner. Physical limitations will be taken out. The Board agreed with revisiting the levee key issue every three years.

This item will be placed on the August agenda for further discussion and possible consideration.

DISCUSSION ON POSSIBLE SIGNAGE PLACEMENT ON BREACH STRUCTURE

Director Kirk stated she had contacted Mr. Owen Poole of Delta Coves regarding placing “no wake” signs at the breach structure.

There was a discussion for alternatives instead of attaching anything to the breach structure. It was agreed that there should be a meeting with Delta Coves to discuss other alternatives.

The Board agreed that more information is needed and to place this item on the August agenda for further discussion.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

District Clerk Bixby stated the official filing period for the two open seats on the Board begins on July 18 and ends on August 12, 2022.

District Manager Espinoza stated the bid package for the next phase of the Northwest Levee Project has been advertised. There will be a job walk-through on July 27th at 10:00am and the bid opening will be on August 4th at 11:00am. The application for the EOC and BIMID building is in process and there should be more information available by the end of the year.

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

TREASURER REPORT

**Balances as of 6/30/22:**

Checking Account: $209,565.36

Park Account: $2,683.59

House Number Account: $336.02

Delta Coves First Deposit: $71,377.20

Delta Coves Contingency Funds: $2,009,650.71

Delta Coves O & M Funds: $923,591.47

LFCF Repairs and Improvements: $10,579.45

LFCF Maintenance: $52,829.28

**Advance Funding from DWR**

Money Market is $803,684.34 (NWS Project)

Money Market is $1,073.56 (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

Driving on the Levee (Adoption of Resolution 22-XX-XX)

Possible Signage Placement on Breach Structure

CORRESPONDENCE

None was discussed.

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

The meeting adjourned at 8:09pm.

Submitted by Denece Bixby, District Clerk