SPECIAL MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: APRIL 19, 2022

The Bethel Island Municipal Improvement District met in a special session located at 3085 Stone Road, Bethel Island, CA at 6:00 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. Director Steve Lucas was 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. and Lisa Kirk had no conflicts.

CLOSED SESSION

Employee Performance Evaluation under Government Code Section 54957

Title: District Manager

Title: General Counsel

Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation per Government Code 54956.9(d)(4)

REPORT OUT OF CLOSED SESSION

Direction was given to staff.

CONSENT CALENDAR

A motion was made by Director Berzinas and seconded by Director Kirk to approve the minutes of the Special Meeting of March 17, 2022. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

A motion was made by Director Berzinas and seconded by Director Kirk to adopt Resolution No. 22-04-19A “Authorizing Preparation of Necessary Documents to Submit an Application for the Maintenance Work under the California Department of Water Resources Delta Levees Maintenance Subventions Program Fiscal Year 2022-23”. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

ELECTION OF OFFICERS

Director Berzinas recommended to keep the same officers for the first year since COVID. The Board was in consensus that the Board Officers remain the same for another year.

A motion was made by Director Berzinas and seconded by Director Kirk to keep the same Officers in place for calendar year 2022. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

President Smith stated he would like to be the Director for Project Approval Applications. Otherwise, everything will remain the same as before.

ANNOUNCEMENTS

None.

PUBLIC COMMENT

Ms. Karen Lee asked the Board what the District’s relationship is with certain drainage issues on the island.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza reported that staff is still waiting for final design for the Taylor culvert. The engineer has not received an approval yet.

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

PRESENTATION BY THE WOMEN’S CLUB REGARDING PARK BEAUTIFICATION

Ms. Stephennie Leach stated the Bethel Island park has been neglected for the past several years. The Women’s Club would like to replace bushes and flowers along Ranch Lane and Bethel Island Road, repair the stage, clean and paint the Memory Arch, and other cleaning and minor repairs. There will be a plaque on the stage for Eagle Scout Tony Parsons who had rebuilt the stage. This event is proposed to happen April 29, 2022 through May 1, 2022 with volunteers and community members.

District Manager Espinoza stated she made it clear that the park landscape could possibly change in the near future because of a grant that was applied for back in December 2021.

Director Berzinas stated if the stage was to be replaced with something more permanent that the plaque would stay with the stage.

A motion was made by Berzinas and seconded by Director Kirk to accept the Women’s Club beautification plan and direct staff to assist when needed. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

APPROVAL OF ANNUAL LEVEE KEY APPLICATIONS AND REVIEW OF RE-KEY EFFORTS

District Manager Espinoza stated the policy issues were discussed at the last meeting. There are three applications, two for reconsideration because of additional information and one new application for the annual levee key.

Ms. Geri Marshall restated her case as to letting her have an annual levee key. She stated her legal access is Riverview Place.

Director Berzinas stated in Schedule B, Part II, #8 it states “An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following, for roadway and utility purposes”.

Ms. Geri Marshall stated back in 1992 there was an easement to be able to put in utilities onto her property. She was told there would be no access to Stone Road from her property.

Director Berzinas stated she doesn’t have an easement to cross other people’s property on the levee.

Attorney Dave Larsen gave a recommendation of denying the application without prejudice and come back if Ms. Marshall has an argument.

Director Berzinas asked Attorney Dave Larsen to get the County records of the property easements.

A motion was made by Director Kirk and seconded by Director Berzinas to continue this item to the May 2022 meeting to allow for further information to be collected. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

Mr. and Mrs. Anthony Reid had several questions concerning their property. Mrs. Reid stated they went to the County Public Works and there is no access to their property other than Riverview Place.

Director Berzinas asked for the Reid’s Schedule B of their deed.

After much discussion off topic, Attorney Dave Larsen recommended that this item be brought back to the next meeting. He could provide a legal opinion for the Board on BIMID’s position on the levee gates and access.

A motion was made by Director Kirk and seconded by Director Berzinas to allow handicap levee access for 611 Riverview Place and abide by the rules that are stated on the “Application for District Approval to Operate a Motor Vehicle on the District’s Upramps and Levee”.

Director Knorr Jr. stated there is an access road from Stone Road.

Mrs. Reid stated there is an access road from Stone Road that is fifteen feet wide and can be used if any vehicles aren’t any more than twenty feet wide.

President Smith stated there aren’t any vehicles that are that wide.

Director Berzinas stated the Fire Department has the key to the levee with their own lock on the gate. So therefore, there is no need for the annual levee key.

There was further discussion on the levee access for handicap use.

Director Berzinas stated he wanted to make it clear that the levee gate is not ADA access for walking and never will be. None of the levee gates are designed for ADA access.

The vote showed three directors in favor (Director Knorr, Jr. voted no; Director Lucas was absent). Motion carried.

District Clerk Bixby stated at the last meeting the Board had denied the annual levee key because the application was altered.

President Smith and Director Berzinas stated the application can’t be altered in any way. If the property owners don’t agree with all the rules on the application, they will be denied an annual levee key.

Mrs. Reid stated she does not agree with some of the paragraphs and doesn’t apply to them.

Director Berzinas stated they couldn’t alter a binding contract.

A motion was made by Director Berzinas and seconded by Director Kirk to rescind the previous approved motion on the grounds that the application was altered by the applicants. The vote showed four directors in favor (Director Lucas was absent). Motion carried.

There was a discussion for an annual key for 607 Riverview Place.

District Manager Espinoza stated there is a white van that parks on the levee and there is another vehicle that parks there which is creating an issue with access.

Director Berzinas stated there could only be one vehicle parked there and that would be the property owner.

A motion was made by Director Berzinas and seconded by Director Kirk to authorize an annual levee key for 607 Riverview Place. The showed three directors in favor (Director Knorr, Jr. voted no; Director Lucas was absent). Motion carried.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

District Manager Espinoza stated staff has noted a number of property owner projects that have not been permitted. Staff has begun major red-tag enforcement efforts through BIMID Counsel. Some property owners have dismissed the red-tags and continued with building their structures and carving into the levee where they shouldn’t be which has led to Legal Counsel sending letters to those property owners.

Attorney Dave Larsen stated a letter can be sent to the property owners that will state that if the property owner does not stop the work within thirty days there will be further enforcement.

There was a discussion on the red-tag issue on Stone Road.

**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 3/31/22:**

Checking Account: $73,932.88

Park Account: $2,645.33

House Number Account: $336.02

Delta Coves First Deposit: $380,445.34

Delta Coves Contingency Funds: $2,008,749.12

Delta Coves O & M Funds: $923,223.15

LFCF Repairs and Improvements: $3,420.45

LFCF Maintenance: $3,409.28

**Advance Funding from DWR**

Money Market is $930,944.22 (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)

No 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

Issues of Potential Annexation of Bethel Island by Oakley (May)

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 8:30pm.

Submitted by Denece Bixby, District Clerk