

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

**DATE: MARCH 11, 2021**

The Bethel Island Municipal Improvement District met in a regular session located at 3085 Stone Road (via Zoom), Bethel Island, CA at 5:30 p.m. Upon roll call, the following were found to be present: Directors: Bruce Smith, Anthony Berzinas, Steve Lucas, Tom Knorr, Jr. Attorney Dave Larsen, District Engineer Jeff Twitchell from GEI and District Manager Regina Espinoza were also in attendance. Director Kirk was absent.

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

Director Berzinas and President Smith stated they would recuse themselves if there was a vote on the Taylor Road Drainage Project. Directors Lucas and Knorr, Jr. had no conflicts.

**CLOSED SESSION**

Potential Litigation – Per Government Code 54956.9(d)(4)  
The Board went into Closed Session. Director Kirk joined the meeting.

**REPORT OUT OF CLOSED SESSION**

The Board opened the Board Meeting to the public at approximately 6:40pm. Direction was given to staff and to continue the discussion at the next Closed Session.

**CONSENT CALENDAR**

**A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to approve the minutes of the Regular Meeting of February 11, 2021 and approve the Maze & Associates Letter of Understanding for Services Associated with the Preparation of the Fiscal Year Ending June 30, 2021 District Audit. The vote showed five directors in favor. Motion carried.**

**A motion was made by Director Berzinas and seconded by Director Kirk to adopt Resolution No. 21-03-11A "Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program". The vote showed five directors in favor. Motion carried.**

## ANNOUNCEMENTS

Director Berzinas stated levee steps are dangerous.

## PUBLIC COMMENT

Public comment chats will be attached to the minutes.

District Clerk Bixby read a public comment regarding the agenda packet.

District Manager Espinoza stated staff is waiting for reports and sometimes they come in the Monday before the board meeting. Per the Brown Act, the agenda needs to be posted seventy-two hours prior to a meeting, but staff still tries to get the agenda and documents out on Friday.

## UNFINISHED BUSINESS

### UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza gave an update on the Taylor Road Drainage Project that was previous discussed in a previous meeting.

Mr. Mark Fortner gave an update on the Taylor Road Drainage Project. He stated the County has replied with comments on the project. Mr. Mark Fortner stated he has made the changes that the County requested. The plans are ready to resubmit to the County. The County wanted it to be clarified on the maintenance of the pipe. The District has a maintenance agreement with the County and wanted to make sure that the pipe will be maintained by the District.

Director Berzinas stated the toe ditches are not a part of the ditch cleaning program that the County pays the District to maintain.

Mr. Mark Fortner stated that the majority of the ditch is in the County right-of-way. There are provisions in the design of the pipe for it to be maintained by the District.

President Smith stated Levee and Drainage Superintendent Martins feels that the pipe could be maintained by the District.

Director Berzinas asked why the County would be concerned if the ditch was maintained by the backhoe or flushing out the pipe with the water truck. He feels that the District is putting in the pipe to drain the toe ditch and should be maintained and/or replaced by the District. This should not change the maintenance contract because they are under funding it as it is now.

Mr. Mark Fortner asked if there should be an amendment with the maintenance contract that the District will maintain that section of pipe.

District Manager Espinoza stated the District should maintain that section of pipe that is to be installed. She also agreed that there probably should be some amendment to the current maintenance agreement.

Mr. Mark Fortner stated he could draft a letter to be submitted with the updated plans and have the District Manager and Attorney Dave Larsen to review the letter before resubmitting to the County.

Director Kirk asked to bring back the letter at the next meeting as part of the package.

District Manager Espinoza stated she could attach it to the next package.

President Smith stated there is a mention of the Piper Road culvert.

District Manager Espinoza stated the County is still working on fixing the culvert. It has gone out to bid and her understanding is that it will be completed this summer.

District Clerk Bixby read a public comment requesting the elevations on Taylor from upstream to the inlet and what are those elevations at those locations. Another comment on if the District takes responsibility for the ditch and the County comes in and redesigned the road, that will effect the pipe who is responsible.

Mr. Mark Fortner stated that the elevations are on the plans and there will be drop inlets for any road rainwater to drain into the inlets and go into the pump station.

District Manager Espinoza stated the Taylor Road Drainage Project plans can be included in the next meeting.

#### UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

#### SHEETPILE PROJECT – FIVE YEAR PLAN

No update.

## NEW BUSINESS

### 2020-2021 MID-YEAR BUDGET REVIEW

District Manager Espinoza present the Mid-Year Budget for Fiscal Year 2020-2021. This is the sixth year of the Assessment District revenue. The District has been very fortunate during COVID-19 that there is still financial stability for the District. There are very little recommended changes or modifications to the budget. There is no recommendation for any capital improvement purchases for heavy equipment needs, for the remainder of this fiscal year. There is equipment in the District's fleet that is very old and requires constant review. Staff is currently in discussions with the air quality board to see how the District can mitigate for some of the equipment in the future.

District Clerk Bixby read a public comment regarding expenses for certain projects that the District is involved in right now.

Director Berzinas stated it is related to our budgetary environmental commitment for the two wild side projects and how long is that commitment for.

District Manager Espinoza explained the two projects that are on the backside of the island (Northwest Levee Project and Horseshoe Bend Project) that are going on. This will be year 2 for the Northwest Levee Project. Horseshoe Bend is almost completed. There is a separate agreement for habitat maintenance, in which the District is required by Fish and Wildlife to maintain a habitat for a minimum of three to five years. That project is active with the maintenance and watering of trees and native plants. The matching funding for the District has come from the Assessment District funding.

**A motion was made by Director Berzinas and seconded by Director Kirk to accept the FY 2020-21 Budget Review. The vote showed five directors in favor. Motion carried.**

CONTINUED REVIEW AND DISCUSSION OF DELTA COVES CC&R'S  
Attorney Dave Larsen presented the Delta Coves CC&R's with the Board's and GEI Mr. Jeff Twitchell's comments. The purpose is to make sure the items have been included in the CC&R's, before it goes to a vote with the residents of Delta Coves at the end of the month. Mr. Dave Larsen pointed out Section 2.23.3 "Confirmation of Maintenance Responsibilities" and what is required for the levee embankment and insurance there are funds available and paragraph (h) which states that it may not be terminated or revoked any provisions by amendment, repeal or otherwise.

Ms. Mary Alexander stated the BIMID provisions have already been in effect. Mr. Jeff Twitchell comments will be added and a final document will be created so that no one will have to go through all the previous amendments. The vote is no threat to these provisions because they are already part of the record.

Mr. Jeff Twitchell gave an update on the docks. Most of his comments were clarifications and trying to make it consistent with the Design Guidelines and Residential Guidelines.

Director Berzinas stated he had an issue with page 42, section 3.10 regarding entry gates. He can't approve the changes, because it is in conflict with the BIMID Resolution.

Attorney Dave Larsen stated this is just a review of the BIMID portions of the CC&R's and it is not for approval of any other part of the CC&R's.

Director Kirk had a question on page 12, section 1.1.71 and 1.1.72.

There was further discussion and comments from the Board.

There was a public comment regarding the sloughing of the levee on Gateway Road.

**A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to approve the provisions that were previously requested along with GEI Jeff Twitchell's additions and does not support or approval of the entry gate provisions. The vote showed five directors in favor. Motion carried.**

CONSENT ITEMS – STAFF REPORTS  
Reports were available to the public.

District Clerk Bixby stated Form 700's will be due April 1<sup>st</sup>.

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

TREASURER REPORT

**Balances as of 2/28/21:**

Checking Account: \$213,438.12  
Park Account: \$3,900.24  
House Number Account: \$336.02  
Delta Coves First Deposit: \$155,763.96  
Delta Coves Contingency Funds: \$1,797,796.73  
Delta Coves O & M Funds: \$789,031.56  
LFCF Repairs and Improvements: \$7,267.81  
LFCF Maintenance: \$5,025.03

**Advance Funding from DWR**

Money Market is \$302,265.18 (NWS Project)

SHEETPILE PROJECTS/NON-CONFORMING STRUCTURES (AD-HOC)

Nothing to report.

BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Nothing to report.

DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

No report.

WEB SITE

Nothing to report.

BIMAC/FIRE DISTRICT UPDATE

No report.

SUGGESTION FOR FUTURE AGENDA

None.

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 8:07pm.

Submitted by Denece Bixby, District Clerk

18:41:01 From Jody : PUBLIC COMMENT:

1. Denise, Can you see my comment? And can you verify verbally you have the recorder on and with good batteries?

18:43:04 From Jody : PUBLIC COMMENT:

2. We use to get the agenda package on Friday before the meeting. Now we get it end of business day Monday, week of the meeting. The public and the board use to have 6 days to read these documents. You have recently changed when we get the agenda and documents. Can we get the agenda package on the Friday before? Back to how it was always provided?

18:54:29 From Jody : Have you got the elevations on Taylor from the upstream to the inlet? And what are the elevations at each of those locations?

18:56:33 From Jody : Tony if we take responsible for this ditch and the county comes in and redesigned the road that will effect our pipe who is responsible?

18:58:59 From Jody : Can I get a copy of that report?

19:08:01 From Jody : NEW BUSINESS:

A. I have a question in regards to the overall prediction of expenses that BIMID has currently committed Bethel Islander to, beyond the normal day to day operations. How many years out right now to pay off those expenses that BIMID is obligated to pay? For example the wild side, is it paid off or what does BI still owe and what is the prediction it will take to do that.

19:10:40 From Jody : What projects are not normal operations, what is the cost and how many years will it take to pay off?

19:13:14 From Jody : What is the dollar \$amount.

19:13:19 From Jody : also.

19:14:17 From Jody : Estimated?

19:15:40 From Jody : What is exhibit 4?

19:16:20 From Mel Bolton : I dont see an Exhibit #4 or Item #4 provided in the email packet of documents....

19:17:10 From Denece Bixby : It is Item 9A

19:17:14 From Jody : Denise, can you send me those pages??? that exhibit that Lisa is talking about? Thanks

19:17:27 From Mel Bolton : Is there a budget line item for Non-Normal Projects?

19:18:54 From Jody : A. 1. Can you tell me why the audited budget for 19-20 shows a TOTAL for all utilities spent was \$29,811.00 for the whole year yet your P&L for Feb 2021 shows, just for electricity, \$109,390.13?

19:21:30 From Jody : Look at the treasurer report on this agenda you will see the 109390.13 for electricity.

19:21:53 From Jody : TREASURE REPORT A:

2. If this is just an error why has it not been corrected? it was on the Treasurer report for January 2021 and now February 2021? Can someone email me back with the correction? And or tell me where the \$100,000.00 really goes towards?

19:39:20 From Jody : Thank You Tony! on the issue of the gates.

19:43:38 From Jody : I think you are not ready to approve this, so maybe table it to next month?

19:44:25 From Mel Bolton : can the motion be: "to continue to review the DC CC&Rs... until all topics are discussed / resolved"

19:49:03 From Jody : The discussion is on the CCR so I think Tommy should bring that up.

19:51:14 From Jody : Who is responsible for that sloughing?

19:54:45 From Jody : And who is responsible for the slurry wall? if the seepage is from that?

19:56:35 From Jody : I would not sign off on this as there are issues not settled.

19:56:53 From Mister : I agree

19:59:51 From Jody : When there is a mystery sloughing I do not think BIMID should agree to that.

20:05:12 From Mel Bolton : is the form 700 the Ethics Compliance Training?

20:06:03 From Mel Bolton : any status on the Ethics Training