REGULAR MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: APRIL 13, 2023

The Bethel Island Municipal Improvement District met in a 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, Tom Knorr, Jr. and Vignesh Rama. Mark Fortner from GEI, Attorney Dave Larsen and District Manager Regina Espinoza were also in attendance. Director Lisa Kirk 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 under Item 6A. Directors Knorr, Jr. and Rama 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 on March 9, 2023. The vote showed four directors in favor (Director Kirk was absent). Motion carried.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to adopt Resolution No. 23-04-13A “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 2023-24. The vote showed four directors in favor (Director Kirk was absent). Motion carried.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to adopt Board Policy 4075 “Surplus Property”. The vote showed four directors in favor (Director Kirk was absent). Motion carried.

ANNOUNCEMENTS

Director Berzinas stated New Life Marina, at the end of Taylor Road, has volunteered to be an emergency evacuation point. There still needs to be more evacuation points on the island.

PUBLIC COMMENT

Mr. Mark Whitlock stated Contra Costa County Vector Control is finding unused boats sitting and flooded with water which has become a problem. He will drop fliers off at the office.

Mr. Mark Whitlock stated Ironhouse Sanitary District will be doing work on the pump on Stone Road. There doesn’t seem to be a set date and time (maybe mid-May) that this would take place. There will be traffic lane changes and a fifteen mile per hour speed limit.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza asked Mr. Mark Fortner if he had any update on the Taylor Road Project.

Mr. Mark Fortner stated he has spoken to FEMA and they are awaiting the release of funds.

District Manager Espinoza stated staff has been communicating with BIMAC regarding a joint meeting for a discussion of drainage issues. The County wants to make sure the right parties are included in the meeting.

District Manager Espinoza stated there are several drainage brochures out in the public that seem to be conflicting and hard to understand. There should be a brochure from the BIMID perspective in addition to making sure the other agencies information is correct and BIMID’s contact information is listed on their brochure. She asked for comments from the directors and the public on the BIMID draft brochure. The point will be that the brochure will be sent to everyone on the island before the winter season to remind property owners of their responsibilities in regards to their private ditches. The draft brochure will be brought back for the Board’s additional review at the next board meeting.

Director Berzinas stated he has comments from the public emergency committee meeting that quite effects what he considers suggestions for members of various organizations to act under authority when they don’t have authority. The drainage issues are three distinct parts. BIMID only has the authority, in its area of responsibility, and that is for the canals and pumps. The private property owners are expected to have their drainage fed to the canals. The County has separate issues. At the emergency committee meeting, the public asked why the District Manager doesn’t go to property owners’ houses explaining how to clear their private property ditches and to drain to BIMID ditches. The answer was the Board would be sending out the District Manager to property owners, under the cloak of authority, when the Board and District don’t have the authority to advise property owners on private maintained ditches. The County under Ordinance 1010 is the only one that has the authority.

District Manager Espinoza stated the purpose of the brochure is to clarify what the responsibilities are for drainage. There are three entities that are responsible for stormwater drainage. They are the private property owner’s responsibility, the County and the road right-of-way, and BIMID’s responsibility to get the water off the island.

Director Knorr, Jr. stated he would like to see a link to the ditch drainage map so people will understand which ditches belong to property owners and which ditches belong to BIMID.

District Manager Espinoza stated she will submit comments to GEI, who created the brochure, to make the changes and submit the draft to the Board on the next agenda for further comments.

A member of the audience asked for clarification of the difference between BIMID making the first initial contact or the property owner goes to BIMID to ask about drainage.

Director Berzinas stated if a property owner comes to BIMID to ask for advice, the District Manager or the Levee and Drainage Superintendent would give advice and they would clarify that it is not a BIMID issue. He asked if the County or BIMID engineer should be involved when giving advice on private property drainage ditches.

Attorney Dave Larsen stated it needs to be really clear that it is advice and not in the authority of BIMID.

Director Berzinas stated maybe the County should be involved, considering the property owner would have to apply for an encroachment permit to do any work in the County right-of-way.

Director Kirk joined the meeting at 7:10pm.

There was further discussion on drainage and private properties.

Director Kirk stated Ironhouse Sanitary District needs to be involved in the BIMID/BIMAC Joint Meeting.

District Manager Espinoza stated Ironhouse Sanitary District will be involved in the joint meeting.

UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

SHEETPILE PROJECT – FIVE YEAR PLAN

No update.

EMERGENCY PLANNING REVIEW

Director Kirk stated she has reviewed the 2005 BIMID Evacuation Plan. All of the sites that were previously designated don’t exist any longer. She asked District Manager Espinoza and Attorney Dave Larsen to create an agreement for the marinas that are designated to be evacuation points. There also needs to be something that states what the responsibilities are for an evacuation point.

President Smith agreed and stated the agreement should include what the evacuation points are supposed to do in the event of an emergency.

Mr. Mark Whitlock stated he needed clarification on how he should be involved. He was appointed by BIMAC to be a liaison for the emergency evacuation plan. He did a survey of all the places that had a radio installed. The San Joaquin Yacht Club has a radio and unplugged it; other places that had the radios installed were installed incorrectly and were poorly maintained. There is a lot of information that needs to be reviewed before there can be any agreements. For instance, people could be at these evacuation points for days and it needs to be clear what needs to be done with the people that are at these evacuation points. There are different variables in the event of a levee breach, that will need to be broken down to different locations in the event of a levee breach.

Director Kirk stated she wasn’t sure if BIMID is mandated to have an evacuation plan.

Director Rama stated Delta Coves is required to have an evacuation plan.

Director Rama stated the Delta Coves staff is preparing a draft of their plan and will send it to the BIMID District Manager.

District Manager Espinoza stated they have sent their draft plan.

District Manager Espinoza stated BIMID is not mandated to have an evacuation plan. BIMID does however, as the levee maintaining agency, have emergency preparedness responsibilities with the NIMS and SEMS training, as BIMID would be first responders. There is the County Evacuation Plan of 2018 which has rally points that don’t exist anymore. It was noted that the County’s Evacuation Plan should be updated.

Director Knorr, Jr. stated that since the 2018 County Evacuation Plan, the East Contra Costa Fire Protection District (ECCFPD) has been consolidated into Contra Costa Fire (ConFire) and they would have changed their whole evacuation plan.

Director Berzinas stated the people at the rally points are asking valid questions. What do they need to be responsible for? The rally points would be in contact with the County to notify them what the situation is at their rally points and to assist them. That is why there hasn’t been any agreements because we are just asking them to be a location point and that we don’t have any instructions, nor the authority, on how it will play out once an emergency event takes place.

There was further discussion on rally points.

Mr. Mark Whitlock stated the radios that are operational will need to have the batteries replaced and will need to be checked to make sure they were installed correctly.

There was an ad-hoc committee set up (Island Evacuation Committee) with the following members: District Manager Espinoza, Director Rama, Director Kirk, Attorney Dave Larsen, and Mark Whitlock. The meeting will be held at a later date and time.

CONTINUED DISCUSSION OF PARK SAFETY ISSUES

Director Knorr, Jr. stated the old sign in the park is a safety issue and needs to be taken down.

CONTINUED VARIANCE HEARING FOR 2056 TAYLOR ROAD

District Manager Espinoza stated at the last meeting, the Board requested Mr. Irvine resubmit his application with suggested changes that were made at that meeting. The BIMID Engineer has reviewed the resubmission. The resubmitted plans show the changes that were done of the sloping of soil in between the retaining walls.

Mr. Mark Fortner (GEI Consultants) stated his only other comment would be that the bottom retaining wall be three feet from the house. From the last meeting, the Board stated the terraces should be at a slant to help with drainage.

President Smith asked where the drainage pipes are located.

Mr. Mark Fortner stated it was included in his comments that the drains should discharge beyond the levee toe and have positive grade to drain to the street.

Mr. Jeff Irvine stated there is a drawing on the last page of the plans that show where the drainage pipes will be installed behind the retaining walls.

Director Knorr, Jr. asked about the two retaining walls in the middle. It looks like there won’t be much of the wall above grade when it is completed. He didn’t understand if the walls are going to be inches from the soil, why do they need to be there.

Mr. Jeff Irvine stated he was trying to do like for like for the retaining walls.

Director Berzinas stated the levee is 1.2 feet below the required 10.2; will the existing wall at the top be able meet the criteria?

Mr. Mark Fortner stated the levee is wide enough for staff to add soil to meet the design criteria of 10.2.

Attorney Dave Larsen stated findings will need to be made that the Board is not discriminating against the property owner and a resolution will be brought back to the May Regular Meeting.

There was a discussion on the findings to be included in the resolution. The top retaining wall is embedded into the levee to a point that a lot of material would need to be taken out to get the retaining wall out of the levee slope. All other findings apply.

**A motion was made by Director Berzinas and seconded by Director Rama to grant the variance with the appropriate findings in a resolution to be presented at the Regular Meeting on May 11, 2023. The vote showed five directors in favor. Motion carried.**

CONTINUED VARIANCE HEARING FOR 3171 WILLOW ROAD WEST

District Manager Espinoza stated the ground level of the house has been taken out of the 60-foot setback.

Mr. Mark Fortner stated the updated plans show the main floor of the house is out of the 60-foot setback. The property owner resubmitted the plans that showed the main floor was rotated so that it would be taken out of the 60-foot setback. There is flat work that may encroach the levee. He was happy that the house was able to be rotated and the new foundation is out of the 60-foot setback.

The property owners stated they are happy that their architect was able to rotate the house to take it out of the 60-foot setback. The property owners felt there is no longer a need for a variance because they have followed the BIMID guidelines.

The Board asked it’s legal counsel and engineering team if the variance is no longer needed.

Mr. Mark Fortner stated instead of having the variance disappear, he wanted the Board to review the changes.

District Manager Espinoza stated if the Board rules that a variance is no longer needed, she would like any additional comments from the BIMID Engineer so that she can add the comments onto the Project Application.

The Board directed the District Manager to proceed with the Project Application approval.

NEW BUSINESS

SUGGEST AN AD-HOC COMMITTEE FOR PUBLIC OUTREACH/SOCIAL MEDIA PRESENCE FOR BIMID EVENTS/NOTICES

This item was continued to the May 2023 meeting. It was requested by the Board to create an ad-hoc committee to help with social media presence.

Director Rama stated he had missed the last meeting; he suggested that an ad-hoc committee be set up for website and social media.

District Manager Espinoza stated there is a heading for the website, but it is not a committee. It can be discussed at the next meeting.

APPROVAL OF STAFF TO PROCEED WITH RECEIVING BAC LINE OF CREDIT PAPERWORK

District Manager Espinoza stated it is the intent of the District Manager, on behalf of the District, to renew the Line of Credit with BAC Community Bank for $300,000. The interest rate is currently prime of 7.75% plus .5%. All particulars will be sorted by the District Manager and BAC Community Bank representatives. The District Manager will return to the Board at a future meeting with the necessary paperwork for approval.

A motion was made by Director Berzinas and seconded by Director Rama to authorize initiation of the process for the Line of Credit Renewal in the amount of $300,000 with BAC Community Bank. The vote showed five directors in favor. Motion carried.

District Manager Espinoza stated she is looking into other options for investments (CD’s, etc) for some of BIMID’s bank accounts. She will need to talk to BAC Community Bank to see what options are available. It will need to be an agenda item for the Board to consider and approve what funds can be used for the investment.

CONSIDERATION AND APPROVAL OF AMENDMENT NO. 2 OF THE EAST COUNTY WATER MANAGEMENT ASSOCIATION

District Manager Espinoza stated she has spoken with the Board about the Integrated Regional Water Management (IRWM) and funding that is now available to districts like BIMID for stormwater and flooding. In order to continue to be eligible for the funding through Prop 1, BIMID has already approved the updated 2019 IRWMP. To become an approving stakeholder agency in the ECWMA that approved the 2019 IRWMP, BIMID has pursued membership in ECWMA. ECWMA has provided an amendment to the 1997 agreement to include BIMID as a party to the ECWMA agreement as well as include procedures for adding new members in the future. Management requested the Board approve and sign the ECWMA Agreement Amendment No. 2 to become a member of the ECWMA, and that the District Manager receive authorization to sign related resolutions and enter into an agreement for the implementation of such actions.

A motion was made by Director Berzinas and seconded by Director Rama to approve and enter into the agreement for the East County Management Association Amendment No. 2. The vote showed five directors in favor. Motion carried.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

District Manager Espinoza stated that BIMID had received $20,000 from IRWM and purchased a 6” pump that was fully funded by the grant. She also has spoken to In-Use Solutions about funding for an EV charging station.

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

TREASURER REPORT

**Balances as of 3/31/23:**

Checking Account: $58,313.86

Park Account: $2,799.45

House Number Account: $336.02

Delta Coves First Deposit: $8,597.52

Delta Coves Contingency Funds: $1,472,055.50

Delta Coves O & M Funds: $1,025,006.67

LFCF Repairs and Improvements: $4,656.56

LFCF Maintenance: $4,669.21

**Advance Funding from DWR**

Money Market is $30,945.23 (NWS Project)

Money Market is $48,409.53 (HEHE Project)

Money Market is $30,945.23 (HEHE NW Levee Project)

BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Mr. Mark Whitlock distributed to the Board three items to be discussed. The tiles to replace the sign that has faded and estimates from an arborist for the Christmas tree and the other trees in the park.

Mr. Mark Whitlock stated the cost for the tiles would be $720.00. There was a quote for $215.00 from Tree West (Arborist) which is recommending to fertilize the Christmas tree (with no guarantee it will save the tree). He will provide an estimate for replacing the Christmas tree if the fertilizer doesn’t work. The other estimate is for pruning and cleaning up the other trees in the park for $2,570.00. He is looking for approval for the $215.00 for the Christmas tree.

The Board asked Attorney Dave Larsen to research what the prevailing wage would be that would be required for a project to go to bid.

The Board tabled the item and asked the District Manager to authorize fertilizing the Christmas tree in the amount of $215.00.

DELTA INTERGOVERNMENTAL WATCHDOG 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

Public Outreach/Social Media Presence for BIMID Events Ad-Hoc Committee

Tree Maintenance at the Park

CORRESPONDENCE

Director Kirk stated she wanted to apologize to the public for an ad-hoc committee which had been created but is not included in the minutes. The District Clerk will review the recording of the February 9th Regular Meeting.

CORRECTION FROM JUNE 8, 2023 REGULAR MEETING (PER DIRECTOR KIRK):

Director Kirk stated the written formation of the Island Evacuation Safety Committee Ad-hoc was established at the April 13, 2023 Regular Meeting. The February 9, 2023 minutes that were approved by the Board failed to state that it was suggested under Agenda Item 9G BIMAC/Fire District Update, that a meeting take place with employees of Delta Coves for “Discussion of Emergency Evacuation and Access at Delta Coves”. This item has a separate category under Unfinished Business Agenda Item 8F “Discussion of Emergency Evacuation and Access at Delta Coves” and states no updates. Director Kirk apologized to the public for any confusion that this has caused.

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 9:35pm.

Submitted by Denece Bixby, District Clerk