

# BRADFORD RECLAMATION DISTRICT 2059

Meeting Minutes for the Regular Meeting  
Time: 10:00 AM Tuesday, August 1, 2017  
Location: Antioch Fair Grounds  
1201 West 10<sup>th</sup> St Antioch, CA

**10:06 A.M. Convene, Call to Order, and Determine a Quorum:**  
**Robert Davies, Michael Hall, Gilbert Orozco: Present**  
**Michael Craig, Jim Folsom: Absent**

**Others Present:** Attorney, Mia Brown, Engineer, Blake Johnson from GHD, Inc., Levee Superintendent Smith Cunningham, District Manager/Secretary, Angelia Tant (Taking the meeting minutes) and Landowner Karen Cunningham and Attorney Katie Lucchesi out of Ripon.

## **PUBLIC COMMENTS**

Landowner Karen Cunningham has a complaint regarding people speeding on the levee. Karen advises the Board that Rodney Mariani's wife Liz is placing sand bags around their property to prevent speeders from coming on their property. Karen expresses that she has to hold onto her two grand daughters to prevent them from being hit by people speeding. Legal counsel Mia Brown expresses that the levee road is a private road, the Board can make a decision to place speed bumps on the levee road, but that unauthorized encroachments are not allowed on the levee and the landowners must remove the sand bags immediately. Mia expresses that if the Board wishes to place speed bumps, then they must make a motion to do so and also work with the Engineer and allow for him to determine where the speed bumps can be placed, so as not to interfere with the levee operations and use of the levee road in an emergency. Engineer Blake Johnson expresses that there must be signs placed in advance of the speedbumps, warning of their presence. Smith Cunningham expresses that it does not matter what sign the District places on the island; no one is going to pay attention to them. Karen expresses that the 300 members of the boat club that don't pay assessments are the ones speeding. Trustee Hall expresses that the sand bags mentioned earlier are no longer at the Mariani's property.

**CONSENT ITEMS (Items listed as C.1 through C.4 on this Agenda)** – There are no items to remove.

### **C.1 MEETING MINUTES: APPROVE Board meeting minutes.**

Attachments: RD 2059 Meeting Minutes 6-6-2017

### **C.2 PAYROLL: APPROVE Appropriation warrant for \$5,000.00 to deposit into the Payroll account.**

Attachments: Payroll documents

### **C.3 GENERAL WARRANTS: APPROVE Warrants for General Expenses/Work Agreements**

Attachments: List of Warrants

Motion by [REDACTED], 2<sup>nd</sup> by [REDACTED]: Approve all items as presented.

**3-0-2 APPROVED**

## **DISCUSSION ITEMS**

### **D.1 CONSENT AGENDA: DISCUSS/POSSIBLE ACTION on Consent Items removed from Consent Agenda for Discussion. – There were no items removed**

**D.2 FACILITY RENTAL AGREEMENT:** Consider approval of rental agreement for use of meeting space at the Contra Costa County Fairgrounds (“CCF”) – Mia expresses that this is a standard agreement used by the Fairs & Expositions Division, and was not tailored to the present arrangement between CCF and the District. The District requested some minor modifications to certain language (e.g. remove the provision to charge a fee to cancel “events,” which are meetings), and the CCF agreed to this change. Mia expresses that the District needs to provide the Antioch Fair Grounds with the requested proof of insurance. The District also needs to pay the CCF \$50 per meeting fee.

Motion by [REDACTED], 2<sup>nd</sup> by [REDACTED]: Approve the Rental Agreement provided by the Antioch Fair Grounds and pay the \$50 per meeting rental fee.

**3-0-2 APPROVED**

### **D.3 FERRY MATTERS:**

- a. Report from Smith Cunningham, James Folsom & Legal Counsel from meeting with RD 2026 – On June 14, 2017. Smith expresses that Web Tract’s biggest concern was how they would look to the public by cutting ferry services. Smith expresses that he has been watching for a long time that Web Tract and the Farmers do more damage to the ferry landing than Bradford has or could ever do. Smith expresses that the Web Tract Ferry slip is very torn up. President Davies expresses that the Ferry pivots when the corn truck is on it and this causes damage.
- b. Report from President Davies – The DFA agreed to remove the 8 AM start time from the ferry runs. Recently, the operator showed up at 9:15 AM for the 8 AM run, and President Davies expresses that he will have a discussion with Dave Forkel, the DFA Manager, regarding the Ferry Captain arriving late. Pr. Davies received a call from Bruce Kitchens regarding them starting late due to the fact that they would be working on the ramp. President Davies has an issue with this due to the fact that they could have notified residents in advance. Trustee Orozco recalls another day that there was an issue of the ferry starting late because there was no deckhand, and Karen Cunningham recalls many times the ferry captain goes to the other side of the island without a deck hand. Mia recommends getting a letter to the DFA regarding the concerns that the landowners are having with the Ferry.

### **D.4 LEGAL SERVICES: DISCUSS/POSSIBLE ACTION**

Consider authorizing issuance of a Request for Proposals (RFP) for District General Legal Counsel – Mia announces that she will be resigning as legal counsel for the District; she was offered and has taken an in-house position as General Counsel for public agency in San Joaquin County. She expects she will stay on as District’s counsel for at least August and September and then will be available for support to replacement counsel after, so that things do not fall through the cracks. Mia introduces Katie Lucchesi out of Ripon, and expresses that Katie has worked for two (2) larger firms and has a background in water law. Mia expresses that her law firm has four (4) Attorneys. Mia

expresses that this is on the Agenda today because the District needs to decide whether to send out an RFP for legal services. As a public agency, the District may wish to issue an RFP, but it does not have to. Mia recommends that we conduct attorney interviews at the next board meeting. Smith Cunningham expresses that he recommends holding off on hiring an Attorney due to the fact that he has been to a lot of DWR meetings and in his opinion, the District should look into a law firm like Al Hosslet's office, which he feels ran very smoothly and expresses that they did all of the Administration work in-house along with the legal for a reasonable fee.

Motion by [REDACTED], 2<sup>nd</sup> by [REDACTED]: have Mia prepare and send out an RFP to obtain a new legal counsel. Pr. Davies expresses that he agrees with Smitty on hiring someone like Al Hosslet's office and utilizing Angelia's supportive services as well.

**3-0-2 APPROVED**

**D.5. ELECTION:** Status report on upcoming Trustees' Election – Mia expresses that the District needs to schedule an election in November. Mia expresses that she has a proposed election calendar available for everyone that she has shared with Angelia. Per the calendar: August 31, 2017 the District will begin accepting Petitions for Nomination. Mia goes over some other dates and expresses that November 14, 2017 will be the recommended election date, and that the District can elect to hold its November meeting on that date as well. Mia expresses that the District will post legal notices and notices of the relevant dates on the District Website. Mia expresses that the District will have three (3) positions available, and if there are only three (3) petitions for nomination submitted, then there will not be a need to have an election. Mia expresses that the District will still have to send out a ballot to vote for the bylaws in November. Mia expresses that these bylaws will go out with the ballots and if there is no election, the bylaws will go out alone.

#### **D.6 LEVEE IMPROVEMENT MATTERS:**

Receive update from Levee Superintendent – There is a lot of work that needs to be done on the Mitigation Site. Smith Cunningham expresses that unfortunately, he has gotten tired of watching these things go in circles with DFW and DWR regarding the work plan, so he went ahead and removed some trees due to the fact that he had to repair the fence. Blake expresses that we may be able to back charge for this work. Mia requests that Angelia gather Smith's bills for work conducted at the Mitigation site and that they be submitted to the DFW for approval.

District Engineer – Blake has been speaking with DWR regarding the Mitigation Site. Blake expresses that there is \$37k in the bank that we can use to clean up the site. DWR has been busy and not able to make it out to the site to make an assessment of the work that is needed. Blake expresses that they have presented a cleanup plan to DWR. Blake expresses that Smith Cunningham and himself will be meeting with Todd Gardiner with the DFW. Todd Gardiner will be the one to approve the work and the issuance of the money to conduct the work.

#### **D.7 REPORTS: DISCUSS/POSSIBLE ACTION**

##### **a. District Secretary:**

Financials – Profit and Loss, Check Detail Report, Delinquent Assessments List, and two (2) Warrant Transmittals are presented to the Board for review. The District Manager recommends that we have a budget workshop and also place an agenda item on the next agenda for adopting a budget for the 17-18 fiscal year. Mia expresses that she will call the

county and inquire on the Sosnowski's properties and if they are in payment plans. There is a brief discussion on delinquent assessments and how the Teeter plan works with the County.

### **b. Levee Superintendent**

Report on general maintenance activities – Smith Cunningham reports that he did a levee inspection around the Island in the boat and expresses that everything looks OK. Smith expresses that the North end looks OK near the mobile home that is on the levee. Smith expresses that there is one property down from the Hall's with a tree that has holes however, Smith expresses that the owners appear to like the tree.

Smith expresses that there have been sightings of a new species of rodent spotted in California called "nutria" which are very large, and have large teeth. Smith expresses that they cause a lot of damage from burrowing. So far, none have been spotted in our area of the Delta, but one was trapped down in Los Banos which is at the far south of the Delta.

Smith expresses that he has been conducting repairs in the Mitigation Site. Trustee Orozco asks about the trailer abandoned on the island. Smith expresses that this was left by previous island landowner Scarry.

Smith reports that he went to a Delta Habitat meeting and that there are still funds available.

Smith states that cannabis grows are now legal and expresses that there are some state-wise water quality concerns with the chemicals being used for these grows that might be going into the water. Mia expresses that each County has Cannabis ordinances. Smith expresses that law enforcement is not doing anything about the cannabis grows unless it is over one hundred (100) plants.

Smith expresses that at the Hoover house, approximately a 16<sup>th</sup> of a mile of ground is beginning to settle again. Smith expresses that this "sink" was putting off about 4 gallons per minute in seepage. President Davies asks whether Blake knows if there is any funding available to conduct some repairs on the island. President Davies states he was recently told that a specific property owner took out his equipment and began removing berry bushes. Blake expresses that DWR has put a hold on Directed Action plans for funding. Trustee Hall expresses that Rodney Mariani is having a hard time getting to his location and requesting to place some other type of material there. Smith expresses that Mariani should apply for a Permit. Smith expresses that he stopped Rodney Mariani from using his excavator to remove berry bushes and he was pushing rip rap into the water.

### **c. Engineer**

1. California Conservation Corps. Contract for Clearing & Grubbing – Blake expresses that this will be discussed in the closed-session.

2. Emergency Action Plan – Working with Mia on the template for this.

3. Update regarding the PG&E utility pole raising - Blake reports that Angelia assisted him in getting a hold of the PG&E personnel. It is in their review process and they hope to have it finalized in the next couple of weeks and the project will be taking place in August/September. Cate expressed to Blake that she had not been contacted by PG&E. Blake expresses that the same Engineers that started the project are still on the project. The

larger issue is the height of the wires. Black reports that PG&E will not tell them what their game plan is. Mia expresses that PG&E is not going to move pole out of the footprint of their existing easement, they will only be raising the pole. Blake expresses that he received two (2) emails from Linda Schwartz and she has expressed that she is getting him a copy of the plans.

**d. Attorney – Mia gives a report on the Ferry Funding.** Under the original Ferry JPA agreement, the County dedicated “CSA M-1” funds to the DFA. Mia expresses that there are two (2) payments issued per year. These funds are a percentage of the total assessed value of the properties on both islands (Bradford and Webb). Mia expresses that it might be possible to apply to the County to increase this percentage. Back many years ago Mia expresses that there was a second component that was approximately \$15k per year. This fund was eliminated by State law. The only way to get additional money is to ask the County for additional tax revenue under this CSA. Mia expresses that they are setting this meeting for the end of August. President Davies expresses that we pay for Bart services and expresses that we don’t use it Mia expresses that we don’t pay for fire and we don’t get fire services.

As of 2017, state law requires that elected members of boards of special districts receive sexual harassment training if members are compensated or reimbursed by the District. However, District Trustees are not compensated and do not receive reimbursements from the District, therefore the training is not required.

**D.8** Closed Session: Conference With Legal Counsel—Pending Litigation (Government Code section 54956.9(d)(2)): the Board goes into a closed session at 11:59 AM.  
1 potential case: Claim by Scott and CJ Kuhne

Disclosure of reportable action(s) taken in closed session:

Motion by Davies, 2<sup>nd</sup> by Hall: Have Blake Johnson contact California Conservation Corps to conduct clearing and grubbing on Kuhne’s property and not to exceed \$10k. The California Conservation Corps is to follow the scope of work outlined in work agreement BR-10-1.0.

**AYES: DAVIES, HALL, OROZCO**

**NAYS: NONE**

**ABSENT: CRAIG, FOLSON**

**ABSTAINING: NONE**

**D.9 TRUSTEE COMMENTS** – Add an agenda item for the next Board meeting regarding speed bumps and road signs.

**ADJOURNMENT:** The next board meeting is scheduled to be held on September 5, 2017. The meeting is adjourned at 12:37 p.m.