

# BRADFORD RECLAMATION DISTRICT 2059

**Meeting Minutes for**  
**Time: 10:00 AM Tuesday, April 4, 2017**  
**Location: Antioch Fair Grounds**  
**1201 West 10<sup>th</sup> St Antioch, CA**

The meeting begins at 10:12 AM and was called to order. A Quorum is determined. Present was:

**Board President:** Rob Davies  
**Trustees:** Michael Craig  
Bill Hall  
Gill Orozco  
James Folsom

Attorney Mia Brown, Engineer Blake Johnson, Smith Cunningham Levee Superintendent, Dave Forkel from the DFA, Landowners: Karen Cunningham, and Bay View Boat Club Member Cynthia Hall. Angelia Tant is taking the meeting minutes.

## **PUBLIC COMMENT:**

Cynthia Hall, a member of the Bay View Boat Club reads a statement written by Larry White, President of the Bayview Boat Club, who was unable to be present. Cynthia explains that there are three or four other boat club members who own property on Bradford Island, in addition to using the property owned by the Boat Club. One of the Boat Club's requests was that Bradford Island not cut hours or days of ferry service Friday—Monday, as their membership uses these days the most to access the Island. The Boat Club suggested an increase to \$10 per ferry ticket for non-landowners, to defray the costs of ferry operation so that hours or days would not have to be cut. Cynthia expressed that if service had to be cut, the Boat Club's preference would be to cut Wednesdays. President Davies requests that Cynthia relay a message to the Boat Club members from the District to please have the Boat Club members slow down while driving on the levee roads, as there are a number of members who have been witnessed speeding. Cynthia stated that she did announce this issue at a previous Boat Club meeting, and that Boat Club members were also informed that they must be mindful and not disturb livestock on the island when using the levee roads.

Karen Cunningham announces that there are two meetings coming up regarding grants available from the California Department of Fish & Wildlife, and it may be a good idea to have Blake Johnson, PE to attend, to see if there are any funding opportunities for the District. Karen expresses that CDF&W has millions of dollars to award for projects and the workshops will assist applicants in applying for the grants. It is Prop. 1 funds that are available.

Karen asks why DWR would be out on boats near the Island, in front of Bill Hall's property. The boats are towing or floating large orange balls or buoys. Karen reports that she went to a Delta Stewardship Counsel Meeting, and it was announced that the "Twin Tunnels" will be only option presented in the Delta Plan amendments.

## **CONSENT ITEMS (Items listed as C.1 through C.3 on this Agenda)**

Motion by Folsom: Approve the Consent Agenda as presented, with no items removed for individual discussion.

2<sup>nd</sup> by Hall.  
APPROVED with all in favor and zero opposed.

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

Attachments: RD 2059 Meeting Minutes  
2-7-2017

**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

**DISCUSSION ITEMS**

**D.1 CONSENT AGENDA: DISCUSS/POSSIBLE ACTION on Consent Items removed from Consent Agenda for Discussion.**

No items were removed from the Consent Agenda for individual discussion.

**D.2 FERRY MATTERS: DISCUSS/POSSIBLE ACTION**

DFA Meeting begins at 9:45 AM, Dave Forkel is present. There is a Motion by Davies, 2<sup>nd</sup> by Forkel, with all in favor and zero opposed to adopt the meeting minutes. Forkel expresses that the financials look good and all of the assessments are current. Forkel brings monthly financials and also copies of payroll reports. Forkel states the payroll reports will be distributed monthly. Forkel states there is a repair bill for \$44,000. DFA commissioned an ultrasound survey of the entire hull of the Victory II (ferry) in anticipation of the Coast Guard requiring it. The ultrasound revealed a pitted area, and the Coast Guard requested that it be repaired. Forkel expresses there were some damages to the ferry that may be reimbursable by the insurance company. Forkel states that the claims adjuster indicated it is a claim that would likely be accepted. There is a brief discussion between the RD 2059 Board, Forkel and Smith Cunningham, regarding how the damages to the ferry occurred and why the Coast Guard didn't address some of the issues and order the repairs initially. There is also discussion regarding the ferry still having some lead paint in certain areas (below deck).

There was no other business to be transacted, and DFA will defer the operations issues regarding the ferry to the next DFA meeting. RD 2059 Trustee Folsom asks about the ferry deck painting. Forkel expressed the DFA has a power washer and air compressor, and they will begin painting based on the schedule that they (DFA operations) have put together. Forkel expresses that they have a couple of pieces of equipment and they will rent some more items needed for painting. President Davies asks about some holes being repaired on the ferry. Forkel expresses that they will be repairing these spots. RD 2059 Trustee Folsom asks who will be telling ferry captain Bruce Kitchens when to get the deck painted. Trustee Folsom would like to know who ferry operations staff take direction from? RD 2059 Trustee Orozco asks whether the DFA operations staff have a schedule of maintenance that they follow. The response from Forkel is "no." Forkel expresses that the DFA has a schedule for routine maintenance but not for additional maintenance such as painting.

a. Discussion regarding cost-saving/cost-reduction strategies for ferry operations – Forkel Met with Webb Tract Reclamation District 2026’s Board of Trustees after they received the request from RD 2059. Forkel stated that Webb Tract is under new ownership, which is very sensitive to changing anything until they get their feet on the ground. Changing operations (such as reducing ferry service) is not something they want to do, as they are cautious about negative reactions and negative press. Web Tract RD 2026 wants Monday – Friday ferry service, and Bradford Island RD 2059 wants to keep weekend service. Forkel explains that RD 2026 doesn’t want the schedule to change and that they don’t feel that the change would make a substantial amount of a difference to the operating costs of the ferry. Trustee Folsom requests that the ferry schedule be reduced to start running at 9 a.m., instead of 8 a.m. to avoid a substantial amount of overtime. RD 2059 legal counsel, Mia Brown, asks if RD 2059 can look at the data (the Ferry Captain’s log of trips and passengers for each island) to see where it might be possible to reduce trips/services. Forkel states that if RD 2026 doesn’t want to agree with the changes (proposed by RD 2059), the changes cannot take place because both RDs have to agree under the DFA Joint Powers Agreement. Forkel explained that in 1999 the DFA went to the County and there was an “M1 Fund” through which the County provided some funds for the ferry, but that the County has since stopped putting money in in the fund. Forkel states historically, the County makes two (2) annual payments to the DFA, based on the ad-valorem taxes on properties on Webb Tract and Bradford Island, which is approximately \$35,000.00 per year total. President Davies expresses that Bradford Island gets no “services” from the County (e.g. road repair, fire protection, etc.), but the property owners still pay property taxes to the County. President Davies would like for the District to look into whether the District is entitled to funds from the County in lieu of services received by other taxpayers in the County. Forkel states that the Districts, through the DFA, can approach the County Public Works department about the possibility of receiving more funding (since the County stopped funding the M1 fund). Forkel expresses that a formula was calculated by the County to come up with a % portion of the property taxes of the services that the islands were supposed to get, but do not.

The Board discusses whether ferry operating costs can be reduced by cutting hours and eliminating overtime. Forkel states that the ferry captains Bruce Kitchens and Al Perez work other places and they work under forty hours a week for DFA. RD 2059 legal counsel, Mia Brown, requests a copy of the ferry trip reports from Forkel. Forkel states the reports are run once a year, and the reports are submitted to the County.

The RD 2059 Board discusses three options for possible reduction to RD 2059 ferry costs, which may be presented to RD 2026 for consideration: 1) cut Wednesday service to Bradford Island; 2) cut one hour each day; or 3) reduce weekend service. Motion by Craig to place the three options on the agenda for the May meeting for selection. 2<sup>nd</sup> by Trustee Orozco.  
APPROVED: all in favor and zero opposed.

The Board discussed scheduling a meeting with the County to inquire about increasing the funding derived by a percentage of property taxes. Motion by Craig to authorize setting up a meeting with the County. 2<sup>nd</sup> by Trustee Orozco. APPROVED with all in favor and zero opposed.  
Legal counsel recommends drafting a letter for the Board to review, explaining the situation to the Head of the County Department of Public Works and requesting a meeting.

b. Discussion on items relating to possible RD 2059 assumption of ferry duties

Tabled until next month's meeting.

**D.3 CONTRA COSTA COUNTY TAX COLLECTOR'S SALE: DISCUSS/POSSIBLE ACTION: Update on February 2017 Sale of Delinquent Properties-** A report is provided to the Board of Trustees of the delinquent assessments and also included a report of the two properties that sold. Prior to the sale, the County approached the District and requested that they reduce the assessments by 50% (the County reduced the secured property taxes due by 50%) because the properties at issue had been offered for sale multiple times, and never received any bids. The Board declined to reduce the amount of assessments. The properties that sold will continue to have a lien in place for unpaid assessments, which now must be paid by the new owners.

**D.4 DISTRICT FUNDING: DISCUSS/POSSIBLE ACTION: Discussion regarding County ad valorem taxes** – this was discussed as part of the ferry matters earlier in the meeting.

**D.5 DEPARTMENT OF WATER RESOURCES: DISCUSSION/POSSIBLE ACTION**

a. Subventions Program: Discuss and consider adoption of Resolution authorizing participation in the 2017-2018 Subventions Program – Motion by Trustee Hall to adopt the Resolution authorizing participation in the Subventions Program. 2<sup>nd</sup> by Trustee Orozco. APPROVED with all in favor and zero opposed.

b. RECEIVE report from Mitigation Site Clean-up Committee – Blake Johnson, District Engineer, described his recent conversation with Todd Gardiner, of the CA Department of Fish & Wildlife, regarding the maintenance plan for the mitigation site. Levee Superintendent Smith Cunningham and Blake met to assess the mitigation site to see if it is feasible to conduct the maintenance that Todd was proposing. Todd has tentatively proposed to give the District a lump sum amount of approximately \$45,000 to clean out the pond and other maintenance items. Blake states that once they clean the pond out, the District may not have enough in the budget to conduct other maintenance. Legal counsel asks whether it would be a good time to try and recoup the District's costs to fight the fire that occurred October 2015. Blake expresses that Todd agrees that the District should be reimbursed for those costs in protecting the Mitigation Site. It appears that the maintenance work proposed can be done in-house.

**D.6 LEVEE IMPROVEMENT MATTERS: DISCUSSION/POSSIBLE ACTION**

Regarding remaining low spots in levee; possible solutions/funding for improvements – Surveyed the profile out on the low spots on the north side. Converted the datum to 88 and now the District has conversion, they set up a steel re bar with a stake to get an elevation for us. Blake reports that if the District builds up the low spots with sheet piles, rock, and fill, the levee crown road would be narrowed to the point that vehicles wouldn't be able to get through. If the District drives sheet piles with a concrete cap over it, it would have a 12 to 15ft-wide road to come through. President Davies asks if the District can just build the road up at this location. Blake states it is feasible but would not be a permanent fix.

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

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

1. Financial reports included a profit and loss statement, budget report, report on checks issued, delinquent assessments, fund balance and outstanding registered warrants.

### **b. Levee Superintendent**

1. Report on recent storms and flood-season preparations – Someone on the Island has been pulling the lock off the pump station door, and the electrical has been going out. Levee Superintendent, Smith Cunningham, reports he recently did a levee inspection by water. There is a location at the point of the San Joaquin and False Rivers near the Cunninghams' gate, where there is power pole or tree that is embedded in the levee that is exposed now that the rip rap has fallen off. Near the tule berm is a beaver den. The District will need to contact the CA DF&W to see about removing the tree, and the District may have to mitigate for the removal. Blake recommends repairing the sites that Smitty has outlined as needing repairs. Blake states that now would be a good time to do those repairs.

2. Report on general maintenance activities – Motion by Trustee Orozco to approve the purchase of 4 loads of rip rap in the amount of \$8,000 and allow for Smith Cunningham to conduct the repairs at the locations outlined as requiring repairs. 2<sup>nd</sup> by Trustee Folsom. APPROVED with all in favor and zero opposed.

### **c. Engineer**

1. 2017 Rain Season is not over. There is a storm coming through this weekend.

2. Emergency Action Plan – District Manager, Angelia Tant, has prepared an emergency action plan that has old vertical datum that will need to be updated.

3. Purchase of Muscle Wall or other Flood-Fight measures/equipment – Discussed at the last meeting.

4. Update regarding the PG&E utility pole raising – waiting to hear on a formal schedule from PG&E.

#### Late agenda item added:

- Motion by Trustee Orozco to add the late agenda item that came about after the meeting agenda was posted, but which requires action at this meeting (Government Code section 54954.2(b)(2)). 2<sup>nd</sup> by Trustee Hall. APPROVED with all in favor, zero opposed.
- Motion by Trustee Orozco: Authorize Angelia to write a letter outlining that Blake Johnson employed by GHD, Inc. is the Engineer on the project for BR-15-1.0 and is authorized to continue working on this project. 2<sup>nd</sup> by Trustee Hall. APPROVED with all and favor and zero opposed. Blake reports that there is still money in this project and the state is providing the funding for this agreement.

**d. Attorney:** Mia reports that the Form 700 Statements of Economic Interest were due on Monday. Mia gives update on recent case law holding that text messages and e-mails relating to public agency business, but held in private accounts or on privately-owned devices are producible records under the California Public Records Act.

**D.8 The Board goes into** Closed Session at 12:40 p.m.  
Conference With Legal Counsel—Pending Litigation (Government Code section 54956.9(d)(2)):  
1 potential case: Claim by Scott and CJ Kuhne  
The Board comes out of closed session at 1:15 PM. There is no reportable action.

**D.8 TRUSTEE COMMENTS – There are no Trustees' comments**

**ADJOURNMENT took place at 1:15 PM:** Next meeting to be held May 2, 2017