

BRADFORD RECLAMATION DISTRICT 2059

Meeting Minutes for the Regular Meeting

Tuesday, March 6, 2018 at 10:00 AM

Location: Antioch Fair Grounds

1201 West 10th St Antioch, CA

Board President: Rob Davies - present
Trustees: Michael Craig – present
Bill Hall – absent
James Folsom- Tardy due to cattle issues
Brian Elliff – present

The meeting is called to order at 10:03 A.M. and a quorum is determined. Trustees present: Pr. Davies, Michael Craig, and Brian Elliff. Trustee James Folsom is tardy due to cattle issues and Trustee Hall is absent. Others Present: Dist. Counsel Katie Lucchesi, Levee Superintendent Smith Cunningham, Landowner Karen Cunningham, Landowner Cate Kuhne and Cynthia Hall with the Bayview Boat Club. Dist. Engineer Blake Johnson is absent due to jury duty.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Landowner Kuhne asked if there are any changes to the agenda. The response is no. Landowner Kuhne alleges that there is a possible conflict of interest. The Board finds that there is no conflict at this time that would require Trustee Craig to recuse himself from discussion of the Kuhne Property.

PRESENTATION – Dist. Counsel welcomes and introduces newly appointed Trustee Brian Elliff. Tr. Elliff thanks the board for giving him the opportunity.

CONSENT ITEMS (Items listed as C.1 through C.3 on this Agenda) M/S/P by Craig/Elliff with all in favor and zero opposed to adopt all of the consent items.

- C.1 MEETING MINUTES: APPROVED** Board meeting minutes.
Attachments: RD 2059 Meeting Minutes for February 6, 2018
- C.2 PAYROLL: APPROVED** Appropriation warrant for \$5,000.00 deposit to Payroll account.
Attachments: Payroll documents
- C.3 GENERAL WARRANTS: APPROVED** 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. – There were not items removed.
- D.2 SEPTIC TANKS:** Dist. Secretary reads aloud the notes Dist. Engineer provided on the County's criteria for Septic Tanks on Bradford Island. Pr. Davies expresses that he had a brief

discussion with the Dist. Engineer with regards to this matter and expresses that the County has authority over septic tanks and the District has no jurisdiction over this matter.

D.3 FERRY MATTERS:

Pr. Davies reports that there is a Delta Ferry Authority meeting at the end of March and they will be discussing staff member tardiness and staff behavior on the island.

D.4 FIVE YEAR PLAN: M/S/P by Craig/Elliff with all in favor and zero opposed to allow for Dist. Engineer to draft a letter to participate in the Five Year Plan Preparation and Review of Solicitation Letter.

D.5 ELECTION: Dist. Counsel described the protest election process and the documents required to conduct the protest ballot vote. Dist. Counsel reviewed drafts of the letter to landowners, the protest ballot and a copy of the proposed Bylaws. Dist. Counsel expresses that if there is no protest then they will considered those bylaws as passed. The Board voted M/S/P by Craig/Elliff with all in favor and zero opposed to allow the Dist. Counsel and Dist. Manager to mail the protest election documents.

D.6 LEVEE IMPROVEMENT MATTERS:

a. Receive update from Levee Superintendent and District Engineer The Dist. Engineer's notes state that he has nothing to report. The Dist. Levee Superintendent expresses that he has nothing to report.

D.7 IMPROVEMENT PLAN FOR KUHNE PROPERTY: M/S/P Craig/Elliff with all in favor and zero opposed to allow the Dist. Engineer to update the bid documents, provide additional time for the Kuhne's attorney to review the documents, and to hold a special meeting March 27, 2018 to consider approval of the final bid packet.

a. Review and consider Bid Documents for Levee Improvements and Clearing on Kuhne Property - The final bid documents were not ready for approval and Dist. Counsel expresses that specific items must be discussed in closed session. The Board decides to hold a special meeting in March to consider the updated Bid documents.

Landowner Kuhne expresses that the comments she submitted were improvements under BR-10-1.0 that were approved by the board and discussed in historical meetings. Ms. Kuhne states that she received the bid documents Monday at 6 PM with a short time to review. The documents in her opinion are in no means ready to go out to bid and that the bid documents were supposed to be ready and approved. Ms. Kuhne requests more time to review the bid documents prior to meetings. Dist. Counsel states that the documents sent to Ms. Kuhne were the draft documents that had not been finalized because additional Board direction was required.

D.8 REPORTS:

District Secretary provides the Financials & District Manager's Report – Dist. Secretary discusses the Profit and Loss Report, Checks issued from the last meeting to the new meeting, outstanding assessments, warrants list and announcement that Landowner/Trustee Elliff paid his balance in full.

b. Levee Superintendent

Report on general maintenance activities – Levee Superintendent reports that the pumps are running fine, but it almost time for maintenance. He also notes that he removed a beaver dam near the Hoover properties, that there are some clogs in the ditches, and that he will work on clearing trees falling into the canal.

c. Engineer

1. Emergency Action Plan – Dist. Engineer will discuss this item at a future meeting.

d. Attorney – Dist. Counsel announces that the California Special District Association is offering a 3 month trial membership. This association offers trainings and sometimes the District can get better insurance rates through it. The cost is approximately \$1,000 per year for membership, but the offer is three months for free.

D.9 Open Session Disclosure regarding Closed Session Items pursuant to Government Code Section 54957.7

D.10 The board goes into CLOSED SESSION at 10:39 AM: Conference With Legal Counsel— Pending Litigation (Government Code section 54956.9(d)(2)):
1 potential case: Claim by Scott and CJ Kuhne

D.11 The board comes back into Open Session at 11:13 AM Report on Closed Session Pursuant to Government Code Section 54957.1 – There is no reportable action coming out of the closed session. Dist. Counsel reports that the Board provided direction for the Dist. Engineer.

D.12 TRUSTEE COMMENTS – There may be no April meeting. Tr. Elliff thanks the board for the opportunity and expresses that he can represent all landowners fairly.

ADJOURNMENT at 11:15 AM: The next meeting to be held Special Meeting March 27, 2018 at 10 AM and the Regular Meeting will be on April 17, 2018. The district will also have a regular meeting on May 1, 2018.