

BRADFORD RECLAMATION DISTRICT 2059
Meeting Minutes for
Tuesday, January 8, 2019 at 10:00 AM
Location: Antioch Fair Grounds
1201 West 10th St Antioch, CA

Present was Board President Rob Davies & Trustees:

Michael Craig
Bill Hall
James Folsom
Brian Eliff

Other's Present: Engineer Blake Johnson, District Attorney Katie Lucchesi, District Secretary Angelia Tant was taking the meeting minutes. Landowner's Gene & Esther Lewis and Smith & Karen Cunningham.

10:02 A.M. The meeting was Convened and Called to Order and there was a Quorum

PUBLIC COMMENT ON NON-AGENDA ITEMS

CONSENT ITEMS (Items listed as C.1 through C.3 on this Agenda) – M/S/P by Eliff/Hall with all in favor and zero opposed

- C.1 MEETING MINUTES: Review Board meeting minutes.**
Attachments: RD 2059 Meeting Minutes from November 06, 2018
- C.2 PAYROLL: Review Appropriation warrant for \$5,000.00 deposit to Payroll account.**
Attachments: Payroll documents
- C.3 GENERAL WARRANTS: Review 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**
- D.2 Open Session Disclosure regarding Closed Session Items pursuant to Government Code Section 54957.7**
- D.3 CLOSED SESSION @ 10:05:**
 - a. Conference With Legal Counsel—Existing Litigation (Government Code § 54956.9 (d) (1)):** Kuhne v. Bradford Island Reclamation District No. 2059, Case No. C18-02432
 - b. Conference With Legal Counsel—Anticipated Litigation (Government Code section 54956.9(d)(2)):** One potential case

D.4 RETURN TO OPEN SESSION @ 10:33 AM: Public report of action(s) taken in Closed Session (Government Code section 54957.1) There was no reportable matter

D.5 FERRY MATTERS:

- a. Reported from President Davies – There is a Ferry Meeting, January 18 @ 11:30 AM
- b. District Secretary reported that a potential owner of the Cola property requested a ferry pass. No ferry passes may be given to any landowner without proof of ownership on file.

D.6 JOINT RECLAMATION DISTRICT LETTER TO CONTRA COSTA COUNTY

- a. Letter with comments regarding the Jersey Island Bridge Closure - MBK Engineering, would like for the District to participate in drafting comments for a joint letter along with Jersey Island, Iron House, and Hotchkiss Tract to push the bridge repair project to be repaired sooner. M/S/P by Craig/Hall with all in favor and zero opposed to have Blake draft comments and work with MBK Engineering. President Davies was given the authority to sign off on the letter.

D.7 POTENTIAL ACTION NEAR BRADFORD ISLAND BY OTHER AGENCIES:

Franks Tract Project Update – Blake had not heard anything new with regards to the Franks Tract Project

- a. Other Agency Action – The state had pulled back their permit with the conversancy for the twin tunnels. Public Comment – Cate Kuhne expresses that this project is still ongoing.

D.8 FIVE YEAR PLAN:

- a. Five Year Plan Update – Blake reported that he finally got approval to move forward with the Five Year Plan. Blake reported that Angelia forwarded DWR the recorded resolution and reported that we received a letter from DWR with the approval to move forward. There was a brief discussion on the terms of the five year plan, requesting an advance and recommendations of what could be included in this five year plan. The board discussed drafting a wish list of items that they would like to see done on the island.

D.9 LEVEE IMPROVEMENT MATTERS:

- a. Blake reported that he had nothing to report on levee improvement matters. Blake reported that there was some king tide warnings and high winds. Pr. Davies reported that there was a very large tree that had fallen.
- b. Consider advertising open Levee Superintendent Position – The board decided to terminate the Independent Contractor position and make this an employee position. Katie reported that an offer letter went out to Smith Cunningham and as of the meeting on 1/8/2019, Katie had not heard back from Smith Cunningham by the deadline. As of 1/8/2019 the position is open, the District will have more direct control of the employee, control over liability, and will have the ability to maintain standards for equipment. We would like to fill that as an employee position as of now. Pr. Davies inquired with Karen on if she understands what this is about. Smith worked as an Independent Contractor, we need to have someone as an employee, which the board wants Smitty. Being an employee, he wouldn't have to come up with DIR, insurance. The District would need to come up with the liability system. Cate says it was required before and was brought up in 2014 when they converted Angelia to an employee. Gene Lewis inquires on if this is a real requirement. Katie explains the definition between an employee and Ind. Contractor case law has

changed. The District has the ability to control liability by having insurance. Independent Contractor has their own insurance policy and they have their own business. The District needs to control the parameters of the district. Gene Lewis inquires on if this is a new thing and Katie responds with no. Katie explains that Smith Cunningham was sent an offer letter for the position and as of the meeting on 1/8/2019, Smith Cunningham had not responded to the letter. Karen inquires on if there is a beaver dam, can Smith Cunningham fix it with his own equipment. The response from Katie is, “no”. Trustee James Folsom expressed that he felt that this entire issue was handled incorrectly. Cate Kuhne makes the comment that there are three board members that have been aware of this issue since 2014 and they tabled this since 2015. Cate expressed that this has been sitting out there since 2015, she further expressed that this was not a new issue. There has been over three years now. Tr. Craig expressed that the board was dealing with it. Smith outlines that he made under a certain amount of money to the board annually in which was an **estimated under \$20k**. President Davies inquires on if there is no way, for the District to make Smitty their employee and allow for him to use his equipment. Smitty expresses that the entire BS due to the fact that he hasn’t ever made over a certain dollar amount and expressed that he had very economical up to this point. Smith expressed that he took the letter as a push out the door. Landowner Gene Lewis expressed that McDonalds set a minimum pay scale for their workers. Trustee Elliff expressed that this was for part time workers and expressed that he doesn’t feel that the amounts that Smith expressed that he made was correct. The District Secretary confirmed the amounts that Smith Cunningham made each fiscal year as follows:

	Levee Super payouts	DWR Projects	DWR Projects	All District Work Paid	
13/14	\$ 19,600.00			\$ 19,600.00	all Bradford
14/15	\$ 55,719.00	\$ (13,154.63)	\$ (1,461.62)	\$ 41,102.75	Some DWR
15/16	\$ 51,567.50	\$ (12,647.50)	\$ -	\$ 38,920.00	Some DWR
16/17	\$ 41,872.88			\$ 41,872.88	all Bradford
17/18	\$ 18,040.00			\$ 18,040.00	all Bradford

Trustee Folsom expressed that the board should table this and have further discussion. This is a tabled item until the next board meeting. The board will do some research on purchasing equipment for the District.

D.10 BANK OF STOCKTON REGISTERED WARRANTS:

a. District Secretary Angelia Tant reported that she had \$200,000.00 of warrants recorded and deposited during the month of December. The Treasurer’s Office was not willing to release the warrants issued; until the money was deposited.

D.11 DWR PROPOSAL SOLICITATION PACKAGE (PSP) 2018

a. Status report on Draft PSP and Property Appraiser – Blake reports that he will schedule a meeting for the committee to attend. Blake reported that the meeting should be under an hour and that he will put an agenda together.

D.12 OWNERSHIP OF DISTRICT DITCHES:

a. Angelia reported that she found some large maps in the storage and went through the district's records and found a report of the maintenance of ditches that was forwarded to Engineer Blake Johnson. Blake reported that the 1921 document that Trustee Craig provided would be the most accurate description of the District ditches. Karen Cunningham brings a document to the table that shows a dark line with the label ditches on it. The map is every old. Trustee Elliff inquired on if it is possible to get an easement to put a ditch in near his property going to the Hoover property and extend to the Port of Stockton's property. Landowner Cate Kuhne comments that maybe it would be feasible to include in the five year plan, installing a toe ditch. Blake expressed that if you install a ditch that is adjacent to the levee or the berm that is considered a toe ditch and is covered under subventions at a 75/25.

D.13 ENGINEERING FEES:

a. Blake changed companies that he was employed with and brings his rate fees and brings other Engineering firms rates. Blake reported that they all fit into the same dollar amounts and expressed that there are different title names. Blake reported that he is using the same rates that he had been using with the prior company and that this is no change. Trustee Folsom inquired on how long Blake has been with the District and the response is a little over three years. The question Trustee Folsom asked was how much Blake made each year? The question was asked as follows:

Payouts to Blake Johnson

	Eng. General	Subventions
14/15	\$ 9,449.00	\$ -
15/16	\$ 20,891.31	\$ -
16/17	\$ 23,921.86	\$ 6,002.75
17/18	\$ 22,641.00	\$ 43,864.97

M/S/P by Elliff/Craig with all in favor and zero opposed to continue using Blake Johnson as the District's General Engineer.

D.14 AMEND DISTRICT'S DRUG POLICY:

a. Consider clarification of Marijuana terms – M/S/P to Elliff/Craig with all in favor and zero opposed to adopt the District Drug Policy with the updates to reflect the new Marijuana laws.

D.15 REPORTS:

a. District Secretary given by Angelia Tant:

1. Financials & District Manager's Report – Year-to-Date Budget, Profit and Loss Report, Balance Sheet, Delinquent Assessments Report and Manager's Report
2. Sosnowski Properties up for Tax Sale

b. Engineer

1. Blake reported that he got a hold of someone with regards to the Emergency Action Plan. Blake met with them and went over our plan and worked on cleaning up our emergency action plan. Blake reported that the county had been working on this since 2014 to current and it is finally being finalized. Blake expressed that he has a draft that he will finalize.

c. Attorney – There are no items to report

Public Comments: Gene Lewis inquired about the location or locations of the bad spots. Blake reported that they are on the North side, two (2) low spots; that Smith sand bagged and built up with AB fill. Blake reported that this is still the challenging spot. Blake expressed that there is a contract between the District and the California Conservation Corps. Gene inquired on flood fighting equipment and supplies. It was expressed to him that an inventory of the flood fighting items was conducted and reported on at a prior meeting.

ADJOURNMENT at 12:40: Next meeting to be held **Tuesday, March 5, 2019**