

**BRADFORD RECLAMATION DISTRICT 2059**  
**Meeting Minutes for a Special Meeting Held**  
**Tuesday, March 26, 2019 at 10:00 AM**  
**Location: Antioch Fair Grounds**  
**1201 West 10<sup>th</sup> St Antioch, CA**

Board President: Rob Davies

Trustees: Michael Craig  
Bill Hall  
James Folsom  
Brian Elliff

Other's Present: Engineer Blake Johnson, Madeline Balker from Harris Engineering, Attorney Katie Lucchesi, District Secretary/Manager Angelia Tant taking the meeting minutes, and a list of landowner's presents is outlined on the sign in sheet.

10:01 A.M. Convene, Call to Order, and Determine 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 Hall/Craig with all in favor and zero opposed.

- C.1 **MEETING MINUTES:** Reviewed Board meeting minutes.  
Attachments: RD 2059 Meeting Minutes from January 8, 2019
- C.2 **PAYROLL:** Reviewed Appropriation warrant for \$5,000.00 deposit to Payroll account.  
Attachments: Payroll documents
- C.3 **GENERAL WARRANTS:** Reviewed Warrants for General Expenses/Work Agreements  
Attachments: List of Warrants

**DISCUSSION ITEMS**

- D.1 **ITEMS REMOVED FROM CONSENT AGENDA:** No Items on Consent calendar removed for Discussion.
- D.2 **Open Session Disclosure regarding Closed Session Items pursuant to Government Code Section 54957.7 – District Attorney provided closed session disclosure.**
- D.3 **CLOSED SESSION at 10:03:**
  - 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

**D.4 RETURN TO OPEN SESSION at 10:12:** Public reported of action(s) taken in Closed Session (Government Code section 54957.1) ~~There District Attorney stated there were was~~ no reportable action ~~takens to report in closed session.~~

**D.5 FERRY MATTERS:**

a. Reported from President Davies – ~~The~~ Ferry went in for two major ~~problems repairs~~ and Pr. Davies thanked everyone for their patience during this time. ~~The~~ Coast Guard inspection is ~~due scheduled on for~~ April 15, 2019. ~~Bruce the Ferry Captain is aware of this inspection and will be prepared for the inspection.~~ The ferry will not be out of service on this day.

b. Repairs Conducted on the Bradford Island Ferry

**D.6 GOATS ON DISTRICT PROPERTY:**

a. Discussion Regarding Goats Running Lose on District Property – ~~Trustee Craig expressed that he asked for this agenda item.~~ Trustee Craig expressed that ~~these~~ goats are ~~running loose~~ all over the island and on the District's levee. Trustee Craig expressed that in reading the ~~levee encroachment~~ regulations, the landowner ~~would needs~~ to obtain a permit to ~~do~~ ~~allow~~ this and the board ~~will decide to allow to do this~~ ~~would have to approve.~~ ~~Smith Cunningham expressed that the district doesn't have any jurisdiction over this.~~ Blake expressed ~~grazing is sometimes allowed and~~ that Title 23 outlines that ~~they allow~~ cows ~~may be~~ on the levee. ~~Smith expressed that this isn't the district's business.~~ Trustee Craig expressed that there is an issue with access to private property and expressed that ~~the~~ ~~goat owner~~ should ~~be required to~~ obtain a permit. ~~Trustee Craig expressed that he feels that this landowner would like to allow for his goats to run where they would like to go.~~ President Davies expresses that a letter can be written to the landowner. Smith expressed that he does not agree with Trustee Craig ~~and Trustee Craig expressed that he knows of some people go and do work with out a permit and this is not how the regulations work.~~ Trustee Craig expressed that he feels that we need to require that Mr. Ed Machado and his partner Sean, the owner of the goats obtain a permit. ~~Katie expressed stated that we the District can send a certified letter to him that outlines the need to contain the goats and the levee encroachment regulations requests of the district. If there was a violation conducted after the permit was approved and the outlined conditions. A letter would have to be issued to the property owner outlining the violations of the permit and a request to confine the goats.~~ Trustee Folsom expressed that there are some livestock rules. Trustee Elliff inquired on if these goats have conducted any property damage. The response from Trustee Craig was yes. The ~~board Board~~ directed staff ~~has decided that the district will to notify the goat owners by issue a letter to the landowners.~~ ~~Katie expressed that the board would need to go out and see what type of equipment that we need and bring back some quotes.~~

**D.7 ENCROACHMENT REGULATIONS:**

a. Consideration of Resolution # 2019-01 Revising District Levee Encroachment Regulations – Katie introduced the Draft encroachment regulations to the board and ~~outlined some of the proposed revisions.~~ Blake begins to discuss some State requirements on ~~casement areas and flood fighting and where the 300 feet came from and~~ expresses that the District has jurisdiction of up to 300 feet for excavation from the center of the levee. The ~~board Board~~ decides to table this item to ~~next meeting to~~ have ~~additional~~ time to review the encroachment regulations. ~~Smith expressed to Trustee Craig that the work he recently did with out a permit was something that wasn't already there.~~ Smith

~~Cunningham expressed to Trustee Craig that he doesn't think he wants to play that game.~~ Smith inquires on if ~~he has to get his~~ encroachment permit must still be notarized. Blake responded and expressed that they removed the notary requirement in these regulation revisions.

- b. Ditch Maintenance Required for N/S and E/W Ditch Laterals – This clarification will be included in the revised levee encroachment regulations.
- c. Encroachment Permit Update - Trustee Craig discussed permit fees collected and expressed that he feels that no permit fees should be collected. Trustee Craig expressed that he feels the fees in the proposition 218 should cover this. The Board will consider this at the next meeting along with the regulation revisions.

**D.8 DELTA LEVEE MAINTENANCE SUBVENTIONS PROGRAM FOR 2019/2020: M/S/P by Elliff/Davies with all in favor and zero opposed to approve the participation and conduct the following:**

- a. Review & Approve Application Letter to Participate in the Program
- b. Consider Resolution # 2019-02 To Participate in the 2019/2020 Subventions Program
- c. Authorize a Representative to Execute Signatures on the Delta Levee Maintenance Work Agreement
  - e. The District Manager described the Subventions process and requirements to the Board. Blake commented that the District has submitted the last request by the November 2018 deadline and that these documents are for the next year cycle, M/S/P by Elliff/Davies with all in favor and zero opposed to approve Resolution # 2019-02 and the participation in the 2019/2020 Subventions program.

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

**D.9 FIVE YEAR PLAN/FRANKS TRACT: Reported on by Blake Johnson, PE**

- a. Five Year Plan Update – Blake requested that the board send any wish list requests to himself or Angela. Trustee Elliff inquired with Blake on if there is a DRAFT version and the response was yes, Blake is preparing a list now.
- b. Frank's Tract Update – Blake expressed that he could not find anything on Frank's Tract on the re-vamped DWR website. Trustee Folsom inquires on if DFW may have this project on their website. Landowner Karen Cunningham expressed that it is State Parks.

**D.10 LEVEE IMPROVEMENT MATTERS:**

- a. Receive update from District Engineer – Blake outlined that he has been in touch with President Davies regarding the status of the island and there have been no current concerns.

**D.11 LEVEE SUPERINTENDENT:**

President Davies asked Smith Cunningham to give on update on what he has seen. Smith states that the ditches and water are draining, but the District will be getting a very high electric bill as both pumps have been running a lot. There are some drainage problems but those are private property issues. Tr. Craig expressed that the water in the North ditch is down and he hasn't seen it like this in years. Tr. Craig expressed that it is taking water off. Smith Cunningham's ditch has to be lower to accept the runoff water and Tr. Craig expressed that it is. Smith states that PGE put the culvert back in on the District ditch, but that it's a small culvert. Smith expressed that he spoke with them and they are supposed to come back out and install a larger pipe and expressed that he can take it upon himself to handle this. Smith inquired on if the Board wants him to take care of the situation and expressed that he can install the plastic pipe. Blake inquires on if Smith or PGE can get in

Formatted: Indent: Left: 0.5", First line: 0"

to install the pipe. Smith expressed that yes, he can either do it or PGE. Blake expressed that PGE technically should do the work, but they take so long. Blake will reach out to his contact at PGE. There is also equipment that needs to be brought out to move the gas line. Trustee Elliff inquires on if this is dangerous with the two (2) lines being there. Trustee Craig expressed that we should call the gas company to shut the line off. The District Manager stated that she believes it's a requirement prior to excavation is conducted that you call PGE and they come out and outline where gas lines are.

a. ~~a~~-Equipment Requirements Update

A month or so ago, President Davies and Smith personally went to an equipment auction and saw the type of used equipment that are options for the District. Katie confirmed that the District can have Tier 2 or newer used equipment and comply with California Air Resources Board requirements if it meets low hour fleet status. Trustee Folsom expressed that it's not too hard to set up a fleet for low hours and then around March you would report to the Air Board. Trustee Folsom expressed that he feels that we should go out purchase some used equipment and get it all in compliance and recommends Tier 4 or Tier 3 so it will be in compliance longer. The estimated cost for a used piece of equipment for what we need is \$35,000-\$60,000. Katie expressed that the District would need to go out and see what type of equipment that we need and bring back some quotes for Board consideration. Blake expressed that he will look into see if there are any grants available for equipment purchasing.

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Indent: Left: 0.75", No bullets or numbering

b. Consider Next Steps for Filling Employee Position

c. ~~President Davies expressed that the Levee Superintendent no money in the budget to deal with it. Ditches, water draining, getting a very high electric bill and both pumps have been running a lot. The water has been leaving. There are some drainage problems but those are private property issues. One can be taken care of easily. Tr. Craig water in the North ditch is down and he hasn't seen it like this in years. Tr. Craig expressed that it is taking water off. Smith Cunningham's ditch has to be lower to accept the run off water and Tr. Craig expressed that it is. PGE put the culvert back in on the district ditch. Smith expressed that it's a small culvert. Smith expressed that he spoke with them and they are supposed to come back out and install the pipe and expressed that he can take it upon himself to handle this. Stevenson's property has a minimal flow on this property. Smith expressed that this year that the pump is working very well. Smith expressed that there are two issues. Smith inquired on if they want him to take care of the situation and expressed that he can install the plastic pipe. Blake inquires on if Smith or PGE can get in to install the pipe. Smith expressed that yes, he can either do it or PGE. Blake expressed that PGE technically should do the work, but they take so long. President Davies expressed that we should have Smith conduct the work and back bill PGE. There is equipment that needs to be brought out. Trustee Elliff inquires on if this is dangerous with the two (2) lines being there. Trustee Craig expressed that we should call the gas company to shut if off. District Admin inputted that she believes it's a requirement prior to excavation is conducted that you call PGE and they come out and outline where gas lines are.~~

Formatted: List Paragraph, Indent: Left: 0.75", First line: 0"

A month or so ago, President Davies and Smitty went to an equipment auction. We can require a Tier 2 older used equipment and comply with annual reporting requirements. Katie expressed that we can go out and purchase a piece of equipment.

~~Trustee Folsom expressed that there are some rules with low hours. Trustee Folsom expressed that it's not too hard to set up a fleet and then around March you would report that you are low fleet. President Davies expressed that we should go out and purchase a used piece of equipment. Trustee Folsom expressed that he feels that we should go out purchase some used equipment and get it all in compliance and recommends Tier 4 or Tier 3. The estimated cost for a used piece of equipment for what we need is \$35,000-\$60,000. Since we are the employer Katie Expressed, we would have to provide the equipment. This means purchasing or renting. Katie expressed that the board would need to go out and see what type of equipment that we need and bring back some quotes. Blake expressed that he will look into see if there are any grants available for equipment purchasing.~~

~~Katie expressed to Smitty and Karen that they can no longer run as an independent contractor and that they will have to submit mileage logs for reimbursement. That the board would be treating this exactly like an employee. Blake expressed that he will look into see if there are any grants available for equipment purchasing.~~

Katie announces that the Independent Contractor Position was terminated and the employee position is currently vacant, and the board needs to make a decision on how to fill the employee position. Katie expressed to Smith and Karen that they can no longer run as an independent contractor for the District which is why the contract was terminated. The District must offer this as an employee position and that the employee will have to submit mileage logs and expense receipts for reimbursement. President Davies inquires ~~on if we they he, Smith Cunningham, and Katie~~ can meet prior 45 minutes-1 hour prior to the next board meeting to discuss the - ~~There was to be a discussion that took place with previous offer of employment for the levee superintendent the offer for the job.~~ Katie expressed that the board had approved the letter that outlined the job offer. Katie, Smith, and President Davies will meet prior to next meeting and bring the final decision back to the Board at that meeting. ~~President Davies commented clearly, we are not going to get someone that spends as much time and does as good of job as Smitty.~~

**D.12 DWR PROPOSAL SOLICITATION PACKAGE (PSP) 2018**

a. Status report on Draft PSP – Blake confirmed that the State has not yet released the application package but both he and Angelia have been monitoring communications to be ready when it is released.

**D.13 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. Trustee's Contact Information Annual Update for District
3. Tax Sale Report – Angelia reports on Parcel # 026-050-017 being Sold. The District Received \$6,798.00

The District Manager discusses the financial reports and goes over the budget. The Budget will be discussed at the May Board meeting and there will be a budget committee meeting prior to the May meeting. The Committee members will be:

Formatted: Indent: First line: 0"

**Next Board Meeting Agenda Items:**

~~Budget Committee Report~~—Blake, Angelia, ~~Smitty Smith, and~~ Trustees ~~;-~~ Craig and Folsom.

- ~~4-~~ The following items will also be added to the May agenda:
- ~~2-~~ Budget
- ~~3-~~ Bids for Equipment
- ~~4-~~ Waiver of Landowner Fees
- ~~5-~~ Fees Assessed for Special Projects such as State, Federal and Other Public Agencies
- ~~6-~~ 1. Encroachment Regulations and revision of fees - Waiver of Landowner Fees and the Fees Assessed for Special Projects such as State, Federal and Other Public Agencies
- ~~7-~~ Equipment Purchase: Bids for Equipment. Report from Blake on possible Equipment Grants, other sources of funding – use of
- ~~8-~~ 2. Delinquent Assessment Funds for Equipment Purchase

Formatted: Normal, Indent: Left: 0.5", No bullets or numbering

**b. Engineer**

1. Emergency Action Plan – The County plan was submitted to the State and is waiting upon approval. Blake will continue to up date the Board of Trustees on this subject matter.
2. Update on Future Maintenance for the 50 Acre Mitigation Site – Todd and Molly with the DFW will need to meet with Blake Johnson to discuss the maintenance plan. Blake expressed that they have some substantial amount of funding to clean up and maintain this site and they need to determine if the District would qualify. Blake outlined that the DFW is also looking into us being paid for the fire that occurred years ago.

**c. Attorney – Katie has no additional reports**

**ADJOURNMENT at 12:03:** Next meeting to be held **Tuesday, May 7, 2019**