

BRADFORD RECLAMATION DISTRICT 2059
Meeting Minutes for the
Special Meeting of the Board of Trustees
Tuesday, September 17, 2019 at 10:00 AM
Location: Antioch Fair Grounds
1201 West 10th St Antioch, CA

Board President: Rob Davies
Trustees Present: Michael Craig
Bill Hall
James Folsom
Brian Elliff

Other's Present: District Engineer Blake Johnson, Attorney Katie Lucchesi, District Manager/Secretary Angelia Tant was taking meeting minutes, Landowner(s) Smith & Karen Cunningham, and Cate Kuhne were present, and a list of landowners was outlined on the sign sheet.

10:00 A.M. Convene, Call to Order, there is a Quorum

PUBLIC COMMENT ON NON-AGENDA ITEMS - There were no public comments

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

- C.1 **MEETING MINUTES: Review Board meeting minutes.**
Attachments: RD 2059 Meeting Minutes from July 09, 2019
- 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: on Consent Items removed from Consent Agenda for Discussion. No items were removed for further discussion.**
- D.2 **Open Session Disclosure regarding Closed Session Items pursuant to Government Code Section 54957.7**
- D.3 **CLOSED SESSION: out at 10:02 AM**
 - 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 - Public Employment (Government Code § 54957(b)): Levee Superintendent Employee position
- D.4 **RETURN TO OPEN SESSION at 10:41 AM: Public report of action(s) taken in Closed Session (Government Code section 54957.1) There was no reportable action to report.**

D.5 FERRY MATTERS:

a. Report was given by President Davies:

b. Update on Repairs Conducted on the Bradford Island Ferry - Leak in one transmission and the ferry ramp needs to be repaired. Tr. Craig expressed concern about captains running the hull on the ramp. Pr. Davies made a note of this subject item and will bring it to DFA's attention. Pr. Davies discussed the fact that the ferry needs to be painted and he will also bring this up with the DFA.

D.6 TRUSTEE ELECTIONS:

a. Update on Nominations and Staff Direction on next steps – Katie reported that the notice was sent out for our two (2) open Trustee seats and the nomination period closes on the 19th of September. Katie reported that she prepared some documents for Angelia to submit; depending on the number of the nominee petitions received. Katie sought direction from the board on moving forward if there are just two (2) or fewer Nominees to allow appointment by the Contract Costa Board of Supervisors and if there are more than two (2) Nominees that the Election notice and ballots would go out. Trustee Folsom was asked if he would be renewing his seat and his response to this question was, “No”. Trustee Craig expressed that he has his nomination form completed however; it's not notarized expressed that it would be by the deadline

M/S/P Hall/Folsom with all in favor and zero opposed to submit the letter to the Board of Supervisors for appointment if there is two (2) or less candidates Nominated or to file the Notices for Election and mail the ballots to move forward with the election if there are two (2) or more Nomination Petitions submitted.

D.7 ENCROACHMENT REGULATIONS:

a. Consider Resolution # 2019-01 Revising District Levee Encroachment Regulations – Angelia announced that she emailed out the Encroachment Regulations to the list of landowners on her emailer list. There is a discussion on the regulation pertaining to insurance for a project. Trustee Craig expressed that he sees a lot of issues with the current regulations. Landowner Cate Khune expressed that some of the trustees on the current board adopted the historical encroachments and was a part of the historical adoption of the encroachment regulations. Landowner Smith Cunningham expressed that he also was a part of this committee and he didn't agree with the Title 23 Code. President Davies expressed to the Board of Trustees that each member needs to outline their concerns with the encroachment regulations and submit them for review. Katie expressed that the District must ensure that any Regulations adopted are in compliance with State and Federal laws. Blake expressed that the board will need to make sure that whatever permit the district issues as of today, must not interfere with the State of California's guidelines or the Subventions Program guideline. Blake expressed doing the opposite of what's outlined would jeopardize the District's funding. Board chose to table this item until after the November Trustee election.

D.8 DISTRICT FEE SCHEDULE: DISCUSS/POSSIBLE ACTION

b. Consideration of Resolution # 2019-05 adopting a District Fee Schedule – M/S/P by Hall/Craig with all in favor and zero opposed to adopt resolution 2019-05 adopting the District Fee Schedule – with the section removed that states, “Do note, this fee may be waived for landowners with minor projects.

**D. 9 DELTA LEVEE MAINTENANCE SUBVENTIONS PROGRAM FOR 2019/2020:
DISCUSS/POSSIBLE ACTION**

- a. Execute Signatures on the DWR Work Agreements M/S/P by Craig/Elliff with all in favor and zero opposed to adopt the work agreements and authorize the District President and District Manager to execute their signatures on the work agreements.

D.10 FIVE YEAR PLAN/FRANKS TRACT: Update on the following items provided by District Engineer Blake Johnson:

- a. Five Year Plan Update – Blake reported that the District has until next year to submit our five year plan reported and that we will be following the standards of HMP, PL84-99 & other standards. Smith Cunningham expressed that we would not be getting any funding for years and expressed that anything that we are doing is a waste of money and a waste of the district’s time. Smith Cunningham expressed that we do not need subventions and all we need to do with the money is purchase dirt and rock. Smith Cunningham expressed that the amount that we are putting out is enough to take care of what we need to do.
- b. Frank’s Tract Update – Blake reported that at the end of August the State met to present alternatives to Franks Tract and provided a copy for the boards review. Blake reported that there is a deadline for comments and reported that the State is requesting comments and the deadline is today. Landowner Karen Cunningham expressed that herself and her husband Smith Cunningham were present at the Meeting held in Bethel Island that discussed the Franks Tract Project. Landowner Cate Kuhne expressed the District will need to monitor the fact that Webb Tract was going to be an intake and possibly flood and this would play into to the seepage issue. There was further discussion on the effect these projects would take on the ferry usage.

D.11 LEVEE IMPROVEMENT MATTERS: Update on the following items provided by District Engineer Blake Johnson

- a. Receive update from District Engineer – Beaver hole near the Ferry slip was filled and will be monitored. Blake reports that there is a lot of overgrown grass and weeds that will need to be maintained prior to winter and some AB aggregate needed.
- b. Michael Gonce Requesting a Ferry Hanger without a recorded Deed – Angelia updated the Board that Landowner Gonce, notified the District that the title company rushed the recording of his deed therefore; no action was required.
- c. Emergency Resolution 2019-01 – Annual Resolution adopted by M/S/P Craig/Hall by with all in favor and zero opposed for Decision Making Authority in the event of an emergency.

D.12 LEVEE SUPERINTENDENT:

- a. Receive recommendations from interview panel on levee superintendent candidates – The board of trustees met with the candidates and will be reviewing the resumes. There was a request to add juanbente@yahoo.com onto the emailer agenda list.
- b. Allow interview panel to negotiate with selected candidate and offer position. Start Date as soon as possible.

D.13 PROPOSITION 218:

- a. Consider Board selecting proposal and draft consultant agreement – Katie expressed that the district sent out a RFP that closed on August 30, 2019 and the District received two (2) proposals from Larsen, Wurzel and Associates and SCI Consulting Group. The Board discussed each proposal:

- Larsen Wurzel & Associates \$47,000 – Higher Bidder
- SCI Consulting Group \$31,500 + \$5,000 cafeteria type plan – with individual charges

The Prop. 2018 will have to be completed by the May 2020 board meeting. There is a recommendation to confirm with SCI that they included enough meetings because there are additional costs for

additional meetings. Cate expressed that the first Prop. 218 took two (2) times to pass and that if the vote doesn't pass that the District will only have approximately \$158,000 for the district in which only covers the ferry. Katie expressed that both proposals are in legal compliance. Landowner Smith Cunningham expressed that he felt that the existing Prop 218 decision was only one sided for the small landowners benefit, not for his property. Landowner Cate Khune expressed that multiple trustees and landowners, contributed and were the conduit for the last Prop. 218 not just herself.

M/S/P by Folsom/Elliff/Hall with three (3) in favor (Folsom/Hall/Elliff) and two (2) opposed (Craig/Davies) to adopt using SCI Consulting Group proposal in an amount not to exceed the proposal amount and to authorize the District to enter into the District's standard consultant agreement with SCI based on their proposal terms.

D.14 DWR PROPOSAL SOLICITATION PACKAGE (PSP) 2018

a. Status report on Draft PSP – Blake reported that there is no new information on this. Blake reported that he met with Andrea Lebato with DWR, the Delta Levees Chief. The Delta levees group has been bounced around and there is a new group and new director assigned.

D.15 REPORTS:

a. District Secretary given by Angelia Tant: Financials provided to the Board of Trustees for review

1. Financials & District Manager's Report – Year-to-Date Budget, Profit and Loss Report, Balance Sheet, Delinquent Assessments Report and Manager's Report
2. Budget Amendment will be added to next agenda to reflect Levee Superintendent's Wages & Cost for Prop. 218 Consultant
3. Michael Gonce Requesting a Ferry Hander without a recorded deed – deed was submitted no further action required.

b. Engineer

1. Emergency Action Plan- Blake reported that that the Emergency plan provided by the county fits the current district's needs. There is an inquiry on if there is an option to use County services.
2. Update on Future Maintenance for the 50 Acre Mitigation Site – Blake reached out to Todd Gardiner with the Department of Fish and Wildlife for feedback.
3. Update on Encroachment Permits – no new permits, and the County records showed that Sarah Davis was indeed the actual property owner.

c. Attorney – Katie reported that, Raquel Hatfield will be the Attorney filling in for Katie once she goes on Maternity leave.

ADJOURNMENT: Next meeting to be held **Tuesday, November 12, 2019.**