

**BRADFORD RECLAMATION DWASTRICT 2059**

**Meeting Minutes for a  
Regular Meeting of the Board of Trustees  
Tuesday, July 9, 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, Attorney Katie Lucchesi, Landowner's Present: Gene & Esther Lewis, Cate Kuhne, Smith & Karen Cunningham and District Manager/Secretary Angelia Tant taking the meeting minutes.

Meeting began at 10:02 A.M. and was Called to Order, and quorum was determined

**PUBLIC COMMENT ON NON-AGENDA ITEMS:**

There were no public comments

**CONSENT ITEMS (Items covered C.1 through C.3 on the Agenda) – M/S/P by Hall/Craig with all in favor and zero opposed**

- C.1 MEETING MINUTES: Review Board meeting minutes**  
Attachments: RD 2059 Meeting Minutes from May 07, 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 –Cate Kuhne inquires on the warrant issued to Smith Cunningham and inquires on how he was paid without a contract in place. Katie expressed that at the January Board meeting, the Trustees opted to continue with the contract until the position was filled. Pr. Davies expressed that as of the last board meeting in May, the Board stated that the contract was officially terminated.

**DISCUSSION ITEMS**

- D.1 CONSENT AGENDA: No Consent Items removed from Consent Agenda for Discussion.**
- D.2 Open Session Disclosure regarding Closed Session Items pursuant to Government Code Section 54957.7**
- D.3 The board goes into CLOSED SESSION at 10:06 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 – The board has appointed President Davies and Trustee Folsom to conduct the interviews.

**D.4 RETURN TO OPEN SESSION at 10:43 AM:** Public report of action(s) taken in Closed Session (Government Code section 54957.1) District Counsel states that no reportable action was taken.

**D.5 FERRY MATTERS:**

a. Report from President Davies – The ferry will have to go into the yard for the five (5) year ferry check. Dave Forkel suggested to President Davies that the district should possibly pay a few hundred extra a month in advance to prepare for repairs.

b. Repairs Conducted on the Bradford Island Ferry – President Davies expressed to the DFA that he felt that the ferry needed some paint. Trustee Craig brought up the fact that the ferry was not present on the hour every hour. Trustee Craig expressed that they are late. President Davies expressed that when the ferry arrives, that it was fifteen minutes late. Landowner Smith Cunningham expresses that nothing was consistent with the ferry schedule. Trustee Folsom expressed that the ferry was running late one evening on the Webb Tract side. President Davies expressed that he will inquire on if they paid to have the ferry ran after hours. There was a brief discussion on the ferry repair bill.

**D.6 TRUSTEE ELECTIONS:**

a. It was announced that two (2) Trustee's terms are expiring: Trustee Craig and Trustee Folsom's seats will be up in November of 2019.

b. Katie had prepared an Election Calendar and a copy of was provided to the board members in their packets. Katie reported that the district had adopted to do all elections as an all-mail ballot. The board approved the all mail ballot Election date of Tuesday, November 12, 2019. M/S/P by Hall/Elliff with all in favor and zero opposed to set the Election date and post the Nomination notice in the Newspaper and on the District's website.

**D.7 ENCROACHMENT REGULATIONS:**

a. Public hearing – Proposed revisions to District Levee Encroachment Regulations – President Davies opened the public hearing. Landowner Gene Lewis had an issue with a section of the Encroachment Regulations in which outlines that if something happens with the portion of the property that is within the 150 feet from the centerline of the levee road; it cannot be replaced. Gene Lewis views this as a taking of his property and expresses that he has good Attorneys and he will see the District in court.

Mrs. Cate Kuhne discussed the removal of encroachments under emergency conditions, and Mrs. Kuhne expressed to Gene that there were discussions historically on this subject and the board left the word **shall** in the encroachments with regards to Gene's concern. Mrs. Kuhne expressed to Gene that he was a part of that encroachment committee. Mrs. Kuhne expressed that the board placed this on the agenda to be approved. Katie expressed that it's on the agenda for the resolution to be considered.

District Counsel expressed that she reviewed Mrs. Kuhne's comments on the encroachment regulations and agreed with majority of her comments and can discuss them with the Board. President Davies recommended tabling this subject matter to allow for Landowner Gene Lewis to find the standards that he assisted in writing years ago. President Davies requests for Gene Lewis to get him the documents and he will forward them to the Attorney for review. Gene Lewis expressed that he will have his property appraised three (3) different times by a top appraiser and he will give the highest appraisal to the judge and the District will be writing him a check for de valuing his home.

There were no other public comments on the encroachment regulations. The public hearing was closed at 11:15

- b. Consider Resolution # 2019-01 Reviewing District Levee Encroachment Regulations – The Board Tabled this item to the next Board meeting.

**D.8 DISTRICT FEE SCHEDULE:**

- c. Consideration of Resolution # 2019-05 adopting a District Fee Schedule – The Board Tabled this item to the next Board meeting.

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

- a. Notice of Application Accepted – Blake reports that he had met with DWR and did an inspection with the Department of Fish and Wildlife. As a result of this Blake reported that the DFW had generated a letter outlining that they had accepted the District’s claim. Blake reported that Mr. Dave Chima with DWR requested some additional information.

**D.10 FIVE YEAR PLAN/FRANKS TRACT:**

- a. Five Year Plan Update – Blake reported that he was still working on this five-year plan and that he would be meeting with the board members to get input. Mrs. Cate Kuhne inquired on if the surveying would be included in this five-year plan. Blake responded with yes and outlined to Cate that this district was only approved for approximately \$30,000 and the costs to conduct it will be approximately \$35,000.

- b. Frank’s Tract Update – Blake reported that there is an upcoming meeting for the Frank’s Tract Project. This project may have been listed under Delta Science Plan, Delta Smelt and Resilience Strategy. There was an upcoming meeting announced to be held at the Scout Hall at 3090 Ranch Lane in Bethel Island on July 11<sup>th</sup> from 11 AM – 3:30 PM.

**D.11 LEVEE IMPROVEMENT MATTERS:**

- a. Receive update from District Engineer – Blake reported that there are some repairs required out on the island such as back filling some potholes and vegetation control. Blake reported that once someone is hired as the Levee Superintendent then these projects will begin.

**D.12 LEVEE SUPERINTENDENT:**

- a. Update on Open Levee Superintendent Position – Position Posted on Indeed, the District Website, and the Office of Emergency Services emailed out to their emailer list. The District will re post the advertisement. The District Engineer is currently inspecting the levees.
- b. Bird Watchers on the Levee – The district does not wish to invite anyone onto the district’s properties due to liability factors and will advise birdwatchers of trespassing laws.

**D.13 DWR PROPOSAL SOLICITATION PACKAGE (PSP) 2018**

- a. Status report on Draft PSP – Blake reported that he spoke with DWR and inquired on where the PSP is and DWR reported that it is currently sitting on the new Director’s desk. Blake reported that DWR is going through changes and his question of will this PSP be signed, and he got no direct answer. Landowner Cate Kuhne inquired about the current grants. District Engineer responded that due to the low population, the District may be at a disadvantage in some of the grant selection.

**D.14 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. Need for a new Prop 218 assessment. This year is the fifth year for the current Proposition 218 rates and the sunset clause is set to expire next fiscal year – M/S/P by Hall/Craig with all in favor and zero opposed to allow for the District Manager to go out for RFP for the Prop. 218 and post the RFP online and send it out to different engineering firms. .
2. Trustee's Contact Information Annual Update for District – Angelia announced that if there were any contact information changes, to please let her know.
3. Tax Sale Report – Eric Moe from the CCC Tax Assessor's Office notified District Manager that no properties had sold.

**b. Engineer**

1. Emergency Action Plan – Blake reported that he spoke with the DWR and this project has not been finalized.
2. Update on Future Maintenance for the 50 Acre Mitigation Site – Blake reported that the discussion for maintenance may come back in the fall.
3. Permit for Landowner Ezra & Sarah Lange
4. Permit for Landowner Sarah Davis – The District findings is that Sarah is not the owner of the property and therefore cannot apply for an encroachment permit.

There is a late agenda item that came about after the agenda was posted – adding consideration of an Encroachment Permit application by Kevin Finta. There is a motion on the floor to add the late agenda item and there is a finding of a special consideration to add the Finta Encroachment Permit. M/S/P by Hall/Folsom with all in favor and zero opposed to add Item D.14(b)(5).

5. Permit for Kevin Finta – Install a gate on the property

M/S/P Hall/Craig by with all in favor and zero opposed to approve the two (2) above permits for Ezra and Sarah Lange and for Kevin Finta. The Board directed the District Engineer to contact Sarah Davis and advise her of landowner requirement for encroachment permits.

**c. Attorney – No additional items to were reported**

**ADJOURNMENT at 12:12:** Next meeting to be held **Tuesday, August 6, 2019**