

BRADFORD RECLAMATION DISTRICT 2059
Meeting Minutes
For a Regular Meeting of the Board of Trustees
Tuesday, January 28, 2020 at 10:00 AM
Location: Antioch Fair Grounds
1201 West 10th St Antioch, CA

Board President: Rob Davies
Trustees: Bill Hall
Brian Elliff
Kevin Finta
Smith Cunningham

Others Present: Attorney Katie Lucchesi, Engineer Blake Johnson, Levee Superintendent Ronald Mijares, District Secretary/Manager Angelia Tant is taking the meeting minutes. **Landowners Present:** Gene and Esther Lewis, Karen Cunningham, Henrick Mann and Michael Craig.
10:00 A.M. Convene, Call to Order, and Determine a Quorum

WELCOME TO NEW TRUSTEES AND CONFIRMATION OF OATH

PUBLIC COMMENT ON NON-AGENDA ITEMS There were no public comments. There is an introduction of the new Levee Superintendent Ronald D. Mijares.

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

- C.1 MEETING MINUTES: Review Board meeting minutes.**
Attachments: RD 2059 Special Meeting Minutes from November 19, 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 Consent Items were removed.

Motion to Amend the Agenda – Trustee Hall made a motion to amend the agenda to hear Closed Session items D.2 through D. 4 at the end of the agenda, following item D. 17. Trustee Finta seconded the motion and the Board unanimously approved the amendment to the agenda.

D.2 Open Session Disclosure regarding Closed Session Items pursuant to Government Code Section 54957.7. District Counsel gave the closed session disclosure.

D.3 CLOSED SESSION: The Board convened in closed session at 12:46.

- 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)): Employee Benefits
- c. Conference with Legal Counsel—Anticipated Litigation (Government Code section 54956.9(d)(2)): One potential case

D.4 RETURN TO OPEN SESSION at 1:24 PM: Public report of action(s) taken in Closed Session (Government Code section 54957.1) Trustee Cunningham abstained from the discussion on item D.3 Item C. The board gave direction to legal to request advice from the Fair Political Practices Commission.

D.5 FERRY MATTERS:

- a. Report from President Davies
- b. Update on Repairs Conducted on the Bradford Island Ferry
- c. Ferry Assessment Increase to \$9,000 per month – Pr. Davies reported there will be an increase in assessment for the ferry to generate a cushion for future repairs. Davies reported that a check was received for \$30k for the ferry district from the Contra Costa County, transmission was repaired, head mechanic passed away and his son is doing the work on the ferry. The other transmission on the ferry will have to be fixed later. Pr. Davies discusses the vehicles coming onto the island that are not registered.

D.6 ENCROACHMENT REGULATIONS: Consider Plan for Revising District Levee Encroachment Regulations – Katie reported that the board decided to table this subject until the new board members came on and requested some direction from the board. There has been no approval by the board to date. Pr. Davies expressed that Landowner Gene Lewis had some concerns about some of the encroachment regulations. The other issue is that some landowners were requested to do things and others historically were not allowed. Tr. Cunningham suggested forming a committee:

- M/S/P by Hall /Elliff with all in favor and zero opposed to form an Encroachment Regulation committee to consider potential revisions. The Committee will consist of: Trustee Smith Cunningham, Trustee Kevin Finta, Blake Johnson, Landowner Michael Craig, Landowner Gene Lewis, and District Counsel Katie Lucchesi as needed.

D. 7 DELTA LEVEE MAINTENANCE SUBVENTIONS PROGRAM FOR 2019/2020:

- a. 2018/2019 Fiscal Year - Subventions Claim Submitted to DWR & DFW - Blake reported that he met with the DFW and they approved the claim
- b. 2019/2020 Fiscal Year – Application submitted and Approved

D.8 BANK OF STOCKTON WARRANTS: M/S/P by Hall/Elliff with all in favor and zero opposed to approve Resolution 2020-03 extending the warrants.

- a. Review and Consider Resolution 2020-03 Extending Registered Warrants that are set to expire- Contra Costa County is requesting a resolution to extend the warrants by the board of trustees. It will extend the warrants outlined for another four (4) years.

D.9 FIVE YEAR PLAN/FRANKS TRACT: Reported by Blake Johnson

- a. Five Year Plan Update- No updates, it is started and needs to be finished this year. The District Engineer is preparing a draft.
- b. Frank's Tract Update – Franks Tract is finished and the next get together will be next February and Early March. Trustee Cunningham reported that he saw DWR out conducting studies near Georgianna's property.

D.10 LEVEE IMPROVEMENT MATTERS: Blake Johnson is providing the report

- a. Receive update from District Engineer – The new District Levee Superintendent is working on weed management. The District Engineer met with DFW and they expressed that if the District removes black berry bushes then it is required to mitigate. This rule only applies to the water side black berry bushes. The landside black berry bushes do not require mitigation.
- b. Continued Monitoring of Beaver Hole - monitoring – Trustee Cunningham identifies areas with standing water from the ditches. He expressed that the ditches should be cleaned out at this time and identified that there are beaver dams in the District ditches.
- c. Vegetation Control - being conducted at this time- Trustee Cunningham expresses that the way the current vegetation control is going, he felt that the vegetation will go over budget.
- d. Purchase of AB Aggregate Rock – waiting for weather to dry up a little to patch the holes in the levee.
- e. Pump Station Coil Repair – De Jesus Pumps and Well Drilling came out to assess the pump and the starter coil is out. Blake presented two (2) quotes - one for setting the pump station on a timer that would be mostly running on off peak hours, and the other quote for repairing the coil. M/S/P by Finta/Cunningham with all in favor and zero opposed to authorize and approve the De Jesus Pumps and Well Drilling quote to fix the broken coil on the pump station for \$1,195.24.
- f. Option of Placing Pumps on timers to operate on off-peak PG&E hours – The cost is an additional \$200 to add the timer. The board opts not to add the timer due to the potential malfunctions that could occur if there was a storm and the pumps needed to work harder or if the Levee Superintendent was on vacation and could not pull the pin to allow for the pump to work harder when needed.

Trustee Cunningham, District Engineer Johnson, and the New Levee Superintendent Ronald Mijares agreed to meet to discuss a necessary maintenance plan.

D.11 DISTRICT CREDIT CARD APPLICATION AND CARD USE POLICY:

- a. Consideration of Resolution 2020-02 Applying for District Credit Card and Adopting a District Credit Card Use Policy. The credit limit shall be at least \$1,000 and shall include the following authorized users Ron Mijares Levee Superintendent and Angelia Tant District Manager. M/S/P by Finta/Hall with all in favor and zero opposed to approve Resolution 2020-02.

D.12 LEVEE SUPERINTENDENT:

- a. Introduction of New Levee Superintendent Ronald D. Mijares
- b. Consideration of Resolution 2020-01 Completing Levee Superintendent Employment Steps and Amend the Budget to Reflect Levee Superintendent additional \$3,000 for Payroll, mileage reimbursement at the IRS rate and a cell phone reimbursement of \$60 per month. M/S/P by Hall/Elliff with all in favor and zero opposed to approve Resolution 2020-01.
- c. District expenses: Blake reported that Ron is out on the island cutting item with his own hands.
 - 1. Purchasing of a District Vehicle for Levee Superintendent – tabled

2. Porta Potty Rental Service vs. Purchasing Toilet - Reported that Webb Tract pays \$288 per month for a porta potty rental and service. Board directed that Angelia reach out to the Boat Club and see if we can pay a monthly rental fee to use their services.

3. Purchase of District Equipment for Vegetation Control (brush cutter, chain saw, hedge trimmer)

4. Flail mower – Items may be purchased out of the mitigation site funding. The board members agree that Ron should go through equipment training prior to using the equipment. Pr. Davies provided a quote he obtained for some equipment. Pr. Davies expressed that he will investigate the price for a new chain saw. The chain saw will be a commercial style. Katie suggested the preparation of a levee maintenance plan for Ron to follow. M/S/P by Hall/Cunningham with all in favor and zero opposed to allow for a \$2,000 budget for a not to exceed to purchase the hand equipment and chainsaw.

D.13 DISTRICT SICK LEAVE POLICY:

a. Consideration of Resolution 2020-04 Adopting a District Sick Leave Policy. The Drafted sick leave policy is in the Trustee's packets for review – M/S/P by Hall/Elliff with all in favor and zero opposed to adopt Resolution 2020-04 providing for the sick leave policy.

D.14 ENGINEERING CONTRACT:

a. At the November 19, 2019 Board Meeting the Trustees gave direction to enter an interim contract with Blake Johnson through February 1, 2020, however the meeting minutes did not capture the motion. Therefore, the Trustees decided to ratify that contract and confirm the records. M/S/P by Hall/Finta with all in favor and zero opposed to ratify the interim Engineering contract from the November board meeting.

b. M/S/P by Finta/Hall with four in favor (Finta, Hall, Davies, and Elliff) and one opposed (Cunningham) to adopt the Engineering Contract for Blake Johnson, PE at MGE Engineering, Inc. The Districts minimum requirement for insurance is one-million-dollar insurance coverage. The board is requesting a certificate of insurance be on file. Blake reported that his firm is currently in compliance with the minimum and may even provide a higher level of insurance, he will confirm and provide the certificate to the District Manager.

D.15 ANNUAL CAER GRANT:

a. District's Participation – Blake reported that the District could apply for a grant (likely a couple thousand dollars) from the county for emergency gear. The Board directed staff to apply for these funds.

D.16 DWR PROPOSAL SOLICITATION PACKAGE (PSP) 2018

a. Status report on Draft PSP – There was nothing to report

D.17 REPORTS:

a. District Secretary given by Angelia Tant: The Board members reviewed the Financial packet and briefly discuss some delinquent assessments.

1. Financials & District Manager's Report – Year-to-Date Budget, Profit and Loss Report, Balance Sheet, Delinquent Assessments Report and Manager's Report

b. Engineer

1. Emergency Action Plan- Blake has a draft copy that he will provide to the board

2. Update on Future Maintenance for the 50 Acre Mitigation Site – spoke with Fish and Wildlife, they want the trees off the fence, maintain the trees and keep the cattle off the mitigation site. There is a brief discussion on maintaining the trees along the fence.

3. Update on Encroachment Permits – Trustee Hall has an encroachment permit for discussion before the board for a water tank placement. M/S/P by Finta/Cunningham – four votes in favor and zero opposed with Hall recusing himself to approve the permit.

4. Ferry Placard Assignment for Dist. Engineer – The board agreed not to provide a placard

c. Attorney

1. Legal assistance report – Katie thanked the board for being pleasant to Raquel Hatfield

2. Brown Act and Ethics Training – Because this board is not a compensated board, we are not required to do the entire ethics training. Katie proposes to give a shortened version of training at the next board meeting.

3. Form 700 requirement – Required by the end of March.

ADJOURNMENT: Next meeting to be held **Tuesday, March 3, 2020**