Bradford Reclamation District 2059

Meeting Minutes
For a Special Meeting of the Board of Trustees

Tuesday, August 6, 2024
at 10:00 A.M. (P.S.T.)

Interested members of the public may participate in the meeting via phone/video conference. Please Contact the District Manager at bradford2059@gmail.com or (925)209-5480 with questions or if accommodations are necessary or by coming to the address below:

In person Board Meeting
1201 West 10th St. located in Antioch

ZOOM MEETING CALL IN

Join Zoom Meeting

Meeting ID: 833 2846 1401
Passcode: 619849

Board President:	**Rob Davies**
Trustees:	**Bill Hall**
	Kevin Finta
	Michael Craig
	Charles Louie

10:00 A.M. Convene, Call to Order, and Determine a Quorum was determined. Other's Present: Legal Counsel Raquel Hatfield, Levee Superintendent Ronald Mijares, District Manager taking Meeting Minutes, Angelia Tant, District Engineer Blake Johnson, DWR Representatives, Manager of the Delta Levee's Program Brian Brock, Manager Andrea Lobato, Mark Blist, Robin Brewer, Landowners: Larry White, Ezekial Flores, Scott Diamond, Rick Wesson, Consultant with SCI Consulting John Bliss, RD2026/DFA Representative Russ Ryan.

Others Present: Attorney Raquel Hatfield by zoom, District Engineer Blake Johnson, District Manager/Secretary taking the meeting minutes, Landowners: Online Brian Elliff, In person, Rick Wesson, Alexander Webster, Michael Craig and Scott Diamond. There may have been others present online on the zoom meeting that did not announce themselves.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Landowner Scott Diamond commented that getting a letter from the landowners to get a post office set up.
Russ Ryan introduced himself and advised the public of his position with the DFA and the Web Tract RD2026 representative and advised the public that they are in the same position as Bradford 2059.

President Davies advised the public that he was the representative for the DFA for Bradford 2059. President Davies advised the public that he approved a raise for the ferry staff.

DISCUSSION ITEMS

D.1 STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES 1201 – WHAT IT MEANS FOR THE STATE TO TAKE OVER A RECLAMATION DISTRICT:

DISCUSS/POSSIBLE ACTION: Staff from the State of California's Department of Waters Resources (DWR) will discuss what it means and how the State takes over a Reclamation District.

Robyn described the Subventions program that the District participates in and announced that this program was to conduct levee maintenance. Robyn went over the water code section. 12990 part 9 under Delta Levee Maintenance agreement. She further explained that whenever they find that the maintenance is not being performed in accordance with the agreement.

Mark Bliss, If the state exercised 12878 water code, creation of maintenance area. The state would take over maintenance and it would be reimbursed through the property taxes. Mark outlined that the important thing to understand is that the first section of 12878 talks about section. K – costs of operation and maintenance was discussed. Mark read from the section and went over all of the costs incurred. Mark explained that the DWR would obtain estimates to conduct the maintenance, they review the estimates and then they set up a two (2) year budget. Mark explains that the Central Valley Flood Protection Board is the decision maker and not the public. The public does not have any say in the decisions.

The subventions program would contract someone with prevailing wage to conduct the work and explained that it would not be cheaper for the District then how it operates now. The DWR/State will NOT pay for the ferry at all. This cost will be sent to the Contra Costa County Tax Assessors office and this cost will go onto the property tax bill. There is a legal process that transpires, they will meet with a consultant, do a hydraulic test, and the Centra Valley Flood Protection Board will go over everything and make the decisions.

Trustee Craig inquired with Mark with DWR about the maintenance plan. Mark responded to explain that no drainage and no pump station would be included in this maintenance plan. It would only include levee maintenance, habitat and the mitigation site. Mark explained that DWR would take care of the levee prism, the water side and landslide.

Mark Sub provides a grant for the maintenance program. 75%/1000 per levee mile and the District comes out of pocket 25%. The State can not participate in its own Subventions Program. So off the bat, the landowners will be paying 75% more.

Robyn, The DWR may say, "No". to taking over the maintenance for Bradford Reclamation District 2059. Robyn explained that it maybe a hurdle to have them take over the maintenance. It was noted that the District has very little money in their budget.

Landowner Scott Diamond noted that he heard that Bradford Island was an important island and has an important part with the Army Core of Engineers for flood control. The Secretary in the Army would have to identify the island and create an act of congress to be a part of the flood control and Robyn explained that this is a big process. Scott outlined that he has spoken to some Engineers over time, and he feels that there could be some potential issues that could come up and flooding could be one of the potentials. Mark outlined to Scott that this division does not handle flooding and outlined that this is a different department.

President Davies inquired on some other areas of maintenance for the island. Landowner Larry White with the Bay View Boat Club inquired on if the property owners would be sharing the burdon. The response is that the property owners would pay through the property taxes.

Mark outlined that these islands do have a benefit to the State and this is why the Subventions program provides 75% of the cost to do so. Mark understands the legal process of the State take over and this is why he is here speaking on this today. Mark advised everyone that the entire cost would be paid 100% by the property owners and the subventions program would go away.

John Bliss introduced himself and his firm and outlined that he is assisting the District with conducting Proposition 218. John inquired what the cost was to conduct the assessment of the island. Mark outlined that the cost is an estimated $80,000 for a MA 20. The State is not interested in taking over liabilities If a State DWR maintenance area was created, it would be a large cost to the landowners to maintain the 7.5 miles of levee.

Robyn Grant program grant to eligible Recs. 65-70 RDs participate and they provide up to 75% cost share. The graphic that Robyn holds in her hand shows what the District has participated in over the years

Robyn gives some examples of how much the District received in assistance form the DWR from 1981 – 2022.

Two examples of the share of cost paid that Robyn used were as follows:

1981/1982 -The District applied for $31,270

2021/2022 - The District applied for $299,258 and the DWR Paid $218,293

DWR has paid out over $900,000+ to the District in grant money from 1981 - 2022

Robyn goes over the priorities of the subventions claim, DWR reviews the claim, then they determine the adjusted dollar amount. Non Urban Levees are $1,000.00 deduction per levee mile. Blake went over the amounts that the District could potentially get from the DWR through the Subventions Grant Program. The moral of the story noted is that if the State takes over, there will be no more subventions program. If the District decided to stop maintenance, the DWR would decide on if they wanted to take over a maintenance area. The Department would ONLY look at maintenance, no pumping, not ferry, no canals and no vegetation. The DWR would come up with a plan for maintenance. The landowners would pay the amount through property taxes to develop the plan, they come up with a two (2) year budget to conduct maintenance. They back charge the landowners through property taxes. These dollar amounts do not go out for vote, the landowners will pay out of their assessments and there will be no subventions program participation to receive grant funding from. If the State does not receive the money from the assessments, then the state could put liens out against the properties.

Landowner Rick Wesson, how will landowners that have lodial title be affected. The State inquired on what a lodial title was. Mr. Wesson responded that he was not at the meeting to educate anyone.

Landowner Brian Elliff injured on what happens to the island if no one maintenances it. He inquired if it would just go back to nature. Brian agreed with Scott Diamonds comment regarding the island being important island in the Delta.

Landowner/Trustee Michael Craig inquired if they took over the maintenance. The State responded that it was a decision that the State would make and it's not a guaranteed yes and outlined that the decision is a big liability. Robyn noted that the DWR would not be responsible for any flooding.

Larry White outlined that historically the island flooded and if it's not maintained it could turn into another type of area.

Mark noted that the State/DWR is not going to come in and use their money to maintain the levees. It will be the landowners who pay for all of the maintenance. If a maintenance area is created, the department will take the budget to the Central Valley Flood Protection Board to vote on, then they use this budget to operate and conduct the maintenance. There is not a direct property owner in put during the budget other than them being able to attend the meeting and make comments. Mark noted that the landowner permits would go through the state as well. This would not supersede the county permits required.

Brian inquired about the jurisdiction of Sherman Island. Mark responded to his question. Brian responded that he was provided with false information.

Rick Wesson stood to speak and outlined that he felt that there were some discrepancies, of what should have occurred and what did not occur. Blake responded that the District puts a work plan together, explains that they shift things around. Rick inquired on if the maintenance plans were on the website. Rick Wesson inquired Is there was a document of what is needed. Response by Blake responded that this is outlined in the Five-Year Maintenance Plan. Landowner Rick Wesson inquired if the District could provide the past several years of subventions plans. The District Manager advised Mr. Rick Wesson to attend more board meetings to educate more on the subventions program maintenance conducted.

The District Manager advised Mr. Rick Wesson that he can make a formal public records request to obtain these documents. The District Manager further noted that an annual claim is provided to the Department of Water Resources that the District Engineer, Levee Superintendent and District Manager put together that entails, before and after photos, time sheets, reports and receipts of the costs.

Trustee Michael Criag made the comment that the District does not have any more money to operate. Larry White the District may or may not be in existence. It will be to maintain the pump station, drainage and the ferry.

The District Manager noted that there is an Advolurum tax that is guaranteed in the estimated amount of $158k per year. This tax would stay in place and the State/DWR would take their budget to the Central Valley Flood Program and vote on and this amount would be added to the existing and the landowners would pay this through their property tax bill. The District would still have to fund the Ferry with the $158k they received and currently the ferry costs an estimated $109K without any major repairs. The District Manager outlined that the District would still have to cover the costs of the pump station and the District ditches.

Rick Wesson inquired on staff's salaries and if the District has enough in its budget to continue to pay staff. Legal Counsel advised the board that they can not have other discussions of items that are not on the agenda.

ADJOURNMENT: 11:47 AM Next meeting: Next board meeting was not announced.