



## KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT (KTCS D)

### REGULAR MEETING MINUTES

Thursday, October 6, 2022

The meeting was called to order at 7:00pm at the Knightsen Garden Club, 3067 Knightsen Avenue, Knightsen, CA.

Members Present: Chairperson Bello-Kunkel, Vice Chair Somerhalder, Treasurer Matteri, Director de Fremery.

Members Absent: Director Caldwell

Audience Members: 9

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE – Chair Bello-Kunkel called the roll and Director Somerhalder led the pledge of allegiance.

2. APPROVAL OF AGENDA

Chair Bello-Kunkel noted a minor change to the agenda under item 6G. In addition to emails on 8/25/22 and 8/29/22, there was an email from/to Mr. Gonzales on 9/3/22.

**It was moved by Director Somerhalder and seconded by Director Matteri to approve the agenda for the October 6, 2022, regular meeting with the change as noted.**

**Motion carried by the following vote – Ayes: Directors de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: Director Caldwell; Abstain: None.**

3. PUBLIC COMMENT (3 MINUTES PER SPEAKER) – None.

4. AGENCY REPORTS – REPRESENTATIVE OF THE KNIGHTSEN TOWN ADVISORY COUNCIL (KTAC) – There was no one present from KTAC to present the agency report. Chair Bello-Kunkel noted that KTAC did not meet in either August or September.

5. CONSENT CALENDAR

A. Approve minutes of the August 4, 2022, regular meeting.

**It was moved by Director de Fremery and seconded by Director Somerhalder to approve the minutes for the August 4, 2022, regular meeting.**

**Motion carried by the following vote – Ayes: Directors de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: Director Caldwell; Abstain: None.**

6. CORRESPONDENCE

- A. 8/3/22 & 8/8/22, emails from/to Lou Ann Texeira, Executive Director, LAFCO, re: ballot measure to dissolve the District (AGENDA PACKET);
- B. 8/5/22, email to Rosa Mena, County Elections, regarding ballot measure Resolutions;
- C. 8/5/22 & 8/8/22, emails from/to Knightsen resident, John Gonzales, regarding Canal Replacement Project (AGENDA PACKET);
- D. 8/8/22, email to Knightsen resident, Carolynne Steen, providing copy of 8/3 email from Lou Ann Texeira that Ms. Steen requested (AGENDA PACKET);

- E. 8/9/22 & 8/19/22, emails from/to Pauline Sanguinetti, Croce, Sanguinetti and Vander Veen, re: 6/30/22 District audit;
- F. 8/18/22, 8/19/22 & 8/21/22, emails to/from Rosa Mena, County Elections, re: ballot measure letter assignment;
- G. 8/25/22, 8/29/22, 9/3 emails from/to John Gonzales, regarding Public Records Act requests (AGENDA PACKET);
- H. 8/30/22, emails to/from Rosa Mena, County Elections, re: Measure R rebuttals;
- I. 8/31/22, emails from/to Tim Jensen, Assistant Public Works Director, re: County maintenance responsibilities and Mobile Citizens app to report drainage issues to Public Works;
- J. 9/2/22, 9/7/22, 9/8/22, 9/9/22, 9/11/22 & 9/12/22, emails from/to Lela Jones, County Environmental Health, re: complaint filed with Environmental Health by someone apparently impersonating the District;
- K. 9/6/22, 9/8/22, 9/9/22, 9/14/22 emails from/to Knightsen resident, Lori Abreu, re: Public Records Act requests and 9/14/22 response letter to Ms. Abreu (AGENDA PACKET);
- L. 9/15/22, 9/23/22 & 9/24/22 emails from/to Lori Abreu, re: Public Records Act requests and 9/24 response letter to Ms. Abreu (AGENDA PACKET);
- M. 9/16/22, 9/22/22 & 9/24/22, emails from/to John Gonzales, re: private email addresses of Board members (AGENDA PACKET);
- N. 9/22/22, 9/24/22 & 9/26/22, emails from/to John Gonzales, re: Public Records Act requests (AGENDA PACKET);
- O. 9/25/22 & 10/3/22, emails from/to Lori Abreu, re: Public Records Act requests and 10/3 response letter to Ms. Abreu (AGENDA PACKET);
- P. 9/27/22 & 10/3/22, emails from/to John Gonzales, re: Public Records Act request (AGENDA PACKET);
- Q. 9/27/22 & 10/3/22, emails from/to Lori Abreu, re: Public Records Act requests and 10/3 response letter to Ms. Abreu (AGENDA PACKET).

Discussion: Yvonne S. had a question about the Public Records Act request from Mr. Gonzales regarding the consultant report from Environmental Science Associates (ESA). Chair Bello-Kunkel said the ESA report was permanently sealed by the District after a lengthy and detailed review by community members and the District board and informed Mr. Gonzales that the report was sealed.

Carolynne S. asked for more information about item 6I, the emails from/to Tim Jensen. Chair Bello-Kunkel said that Mr. Jensen suggested some language changes regarding the Public Works maintenance responsibilities on the District’s website and adding information about the Mobile Citizen’s application. Carolynne S. stated there is confusion about who has jurisdiction since the County owns most of the ditches and draining of private property is not in the jurisdiction of KTCSO.

Bonnie P. asked whether the County cleans the ditches that are their responsibility. It was noted that the only ditches where County maintenance crews have been observed working are the ditches in downtown Knightsen. Bonnie P. said she has observed County crews clearing ditches with a backhoe when all that is necessary is that weeds be removed with a weed eater. The backhoe ends up deepening the ditches and more water accumulates and aggravates the mosquito problem.

7. TREASURER’S REPORT – Treasurer Matteri presented the Treasurer’s Report.

- A. Bills Paid: Jarvis, Fay LLP for legal services \$2,546 & \$1,292; SCI Consulting Group for Feasibility Study Memorandum & Ballot Measure Services, \$19,020; and Trish Bello-Kunkel for reimbursement pertaining to photocopying (OfficeMax) and postage related to public records request submitted by constituent John Gonzales, \$49.57.
- B. Checking account balance after above bills paid: \$211,793.12.

8. CHAIRPERSON’S REPORT – Chair Bello-Kunkel presented the Chairperson’s Report.

- A. Mobile Citizens App – a new way to report drainage issues, potholes, illegal dumping, and other issues to Contra Costa Public Works.

Chair Bello-Kunkel said the app can be downloaded to your phone free of charge. You register so that when you report issues you can “point and shoot” pictures and submit them using the app. You identify on a map where the problem is located. The map is very helpful to pinpoint locations since oftentimes it is difficult to determine what is the nearest street address. Chair Bello-Kunkel said she used the app to report an illegally dumped dishwasher along Delta Road. The dishwasher was removed within a week of the report.

B. Ongoing developments regarding ballot measures H and R.

Chair Bello-Kunkel reported that the district had approved two ballot measures on the November ballot; one ballot measure, H, was to dissolve the district and return tax money to property owners, and the other ballot measure, R, was to repeal the tax. Two ballot measures were requested because Measure Z in 2005 had two components; one to create the district another, to authorize the tax.

Chair Bello-Kunkel said the ballot measure letters were randomly drawn by County Elections. It was by chance that the repeal the tax measure ended up being Measure R.

The County and the County’s Local Agency Formation Commission, LAFCO, did not want the dissolution measure, Measure H, on the ballot because their opinion is that they are responsible for dissolving districts, not the voters. They quickly had the measure taken to court and filed a Writ of Mandate. The Contra Costa Superior Court judge denied the writ, saying Measure H could remain on the ballot. That decision was immediately appealed to the California State Court of Appeals. The Appeals court sided with the County and had Measure H removed from the ballot. Chair Bello-Kunkel expressed gratitude that the district’s legal counsel had the foresight to split the ballot measure issues into two separate ballot measures.

Discussion: Carolynne S. asked Chair Bello-Kunkel to explain what Measure R is. Chair Bello-Kunkel said that Measure Z in 2005 provided the district authority to tax. Measure R, if passed, removes the district board’s power to tax. The tax is presently set at \$0, but the district has the authority to set the tax as high as \$312 per developed parcel and \$156 per undeveloped parcel.

#### 9. ITEMS FOR ACTION AND/OR DISCUSSION

A. Discuss and approve informational, non-advocacy, community outreach regarding Measure R (a measure to repeal the District’s special tax).

Chair Bello-Kunkel explained a three-pronged approach regarding non-advocacy, community outreach about Measure R. One, is a letter to all 1,048 registered voters in Knightsen. Two, is a flyer for use to hand out to potential voters. Three, is a Q&A sheet. The Q&A will be posted on the district’s website. Director de Fremery read the outreach letter aloud to the Board and attendees.

Discussion: Jon V. asked whether the voter guide information including arguments for and against Measure R could be posted at the Post Office. Chair Bello-Kunkel said she would investigate that. Director Somerhalder said the Post Office may consider that “political”.

**It was moved by Director Somerhalder and seconded by Director Matteri to approve the non-advocacy, community outreach plan regarding Measure R.**

**Motion carried by the following vote – Ayes: Directors de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: Director Caldwell; Abstain: None.**

B. Authorize an increase in the hours for specialized legal services provided by Jarvis, Fay and Gibson, LLP.

Chair Bello-Kunkel said 15 hours was initially allocated, but more hours are needed due to their being two ballot measures and the challenge by the County regarding Measure H. Legal also needed to review all the non-advocacy, community outreach documents. Chair Bello-Kunkel suggested authorization of an additional 15 or 30 hours, noting that this doesn’t mean the hours will be utilized, hours will only be used on a need basis only.

Discussion: Director Somerhalder suggested 30 hours. Director de Fremery noted that if you need advice from counsel, you need to obtain the advice.

Chair Bello-Kunkel pointed out that last fiscal year the district budgeted \$10,000 for legal counsel, but only spent \$700, so the district only spends what it needs on legal counsel.

**It was moved by Director de Fremery and seconded by Chair Bello-Kunkel to authorize up to 30 additional hours for specialized legal services provided by Jarvis, Fay and Gibson, LLP.**

**Motion carried by the following vote – Ayes: Directors de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: Director Caldwell; Abstain: None.**

- C. Discuss and authorize the District to charge for actual reproduction costs from Public Records Act requestors in accordance with provisions of the Public Records Act.

Chair Bello-Kunkel said that when someone submits a Public Records Act request, the district has limited time to either respond, or to indicate how long it will take to respond. The district cannot charge for time used to respond, even if the district had paid staff. However, the Act does allow the district to charge for reproduction costs of documents and postage. Chair Bello-Kunkel proposed that requestors be advised that they will be charged for actual costs in excess of \$10 and that requestors also be given the option to revise requests if they do not want to spend \$10 or more. She also suggested that costs be aggregated to prevent people from submitting multiple, small requests that individually are less than \$10. She pointed out that \$10 at 25 cents per page is still many pages.

Discussion: Director de Fremery suggested the limit be set at ten pages instead of \$10. Yvonne S. asked about requests that can be responded to electronically. Chair Bello-Kunkel said this only applies to requests that require the printing of documents. Chair Bello-Kunkel said that in some cases if redactions of information are needed, it could require printing and physical redaction.

**It was moved by Director Somerhalder and seconded by Director de Fremery to authorize the Chair to obtain reimbursement for actual reproduction costs when Public Records Act requests exceed 10 pages.**

**Motion carried by the following vote – Ayes: Directors de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: Director Caldwell; Abstain: None.**

#### 10. FUTURE AGENDA ITEMS

Chair Bello-Kunkel suggested adding an action item about how meeting minutes are recorded, whether the district should continue to provide very detailed minutes, or a more summarized version.

#### 11. ADJOURNMENT

- A. The next scheduled regular meeting: TBD.

**It was moved by Director Matteri and seconded by Chair Bello-Kunkel to adjourn the October 6, 2022, regular meeting.**

**Motion carried by the following vote – Ayes: Directors de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: Director Caldwell; Abstain: None.**

The meeting adjourned at 8:00pm.