



KNIGHTSEEN TOWN COMMUNITY SERVICES DISTRICT (KTCS D)

REGULAR MEETING MINUTES

Thursday, March 4, 2021

In accordance with the Governor's Executive Order, the Knightesen Town Community Services District (KTCS D) held the meeting via teleconference. To accommodate the public, KTCS D arranged for members of the public to observe and address the meeting telephonically.

The meeting was called to order at 7:05pm.

Members Present: Chair Bello-Kunkel, Vice Chair Somerhalder, Treasurer Matteri and Director Caldwell.

Members Absent: Director de Fremery (Director de Fremery joined the meeting at the beginning of item 9A).

Audience Members: 8

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE – Chair Bello-Kunkel explained procedures, called the roll and Director Matteri led the pledge of allegiance.
2. APPROVAL OF AGENDA

It was moved by Director Somerhalder and seconded by Director Caldwell to approve the agenda for the March 4, 2021 meeting.

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

3. PUBLIC COMMENT (3 MINUTES PER SPEAKER) – None.
4. AGENCY REPORTS – REPRESENTATIVE OF THE KNIGHTSEEN TOWN ADVISORY COUNCIL (KTAC)

KTAC council member Karen Reyna reported that when KTAC last met besides public comment and agency reports, there was a presentation by Envision Contra Costa 2040 and Knightesen beautification was discussed. There will be future discussions about a Holiday/Christmas event and tree lighting, and the un-designation of the Knightesen heritage tree. The next KTAC meeting is on April 20th at 7:30pm.

Council member Reyna also reported that to her knowledge there remains a vacancy on KTAC. If a member of the public is interested in the vacancy, they should apply to the office of Supervisor Diane Burgis.

5. CONSENT CALENDAR

A. Approve minutes of January 7, 2021 regular meeting.

It was moved by Director Matteri and seconded by Director Caldwell to approve the minutes for the January 7, 2021 meeting.

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

6. CORRESPONDENCE – Chair Bello-Kunkel reported that items 6B through 6E will be discussed during the Chairperson's Report.
 - A. 1/4/21, 1/7/21: E-mails to/from Knightesen resident, John Gonzales. Chair Bello-Kunkel reported that this included a picture of girls on horseback standing in a shallow pool of water. She asked when/where the picture was taken. Mr. Gonzales said it was a private property near Rafter D. He advised the County that the resident had brought in dirt which he believed was causing the standing water.

- B. 1/8/21: Letter and e-mail to County Public Works (REFER TO ITEM 8A).
- C. 2/12/21: E-mail and letter to Abigail Fateman, Executive Director, East Contra Costa Habitat Conservancy (ECCHC). Cc's sent to Campbell Ingram, Delta Conservancy; Hildegard Spautz and Matt Wells, California Department of Fish and Wildlife; Yolande Barial, Clerk of the Board, East Bay Regional Parks District (EBRPD); Clerk of the Board of Supervisors; Supervisor Diane Burgis; Tim Jensen, Assistant Public Works Directors; and, John Kopchik, Director, County Conservation and Development Department. (REFER TO ITEM 8B).
- D. 2/12/21: E-mail response from Hildegard Spautz, Delta Conservancy; 2/15/21 – Response from Yolande Barial, EBRPD; 2/18/21 - Abigail Fateman, ECCHC; 2/23/21 – Campbell Ingram, Delta Conservancy. (REFER TO ITEM 8B).
- E. 2/26/21: E-mail and letter from Abigail Fateman, ECCHC. (REFER TO ITEM 8B).

Chair Bello-Kunkel also reported that KTCS D was copied on an anonymous letter from a Knightsen resident addressed to KTAC. The resident sent the letter to KTCS D because they did not have an address for KTAC. The resident asked that the letter be forwarded to KTAC and it was. The letter was regarding the February 16th KTAC meeting.

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

- A. Bills Paid: Book Busters Bookkeeping Service for 1099 tax filing, \$74.50; Churchwell White, legal services through 12/30/20 \$916.50; Reimbursement to Chair Bello-Kunkel for Zoom teleconference subscription (1/29/21-2/27/21), \$114.99; Reimbursement to Chair Bello-Kunkel for Zoom teleconference subscription (2/28/21-3/27/21), \$114.99; Reimbursement to Chair Bello-Kunkel for Garden Club key to access backroom, \$3.78.
- B. Current checking account balance after bills paid: \$248,776.52.

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

- A. Status of KTCS D response to County Public Works regarding request for payment (AGENDA PACKET).

Chair Bello-Kunkel reminded everyone that at the 1/7/21 meeting the KTCS D board voted to reject the claim from County Public Works in the amount of \$26,754.72. The claim was for services they alleged they provided regarding formation of KTCS D over 15 years ago. To date, nothing further has been received on this matter.

- B. Letter dated 2/12/21 to Abigail Fateman, ECCHC, and follow-up responses (AGENDA PACKET). (Response letter from Ms. Fateman dated 2/26/21 also in AGENDA PACKET).

Chair Bello-Kunkel reminded everyone that at the 1/7/21 meeting the KTCS D board voted to send a letter requesting an update regarding the proposed Knightsen wetlands since the responses previously received were incomplete. The KTCS D board action was to include citizen petitions that were presented to both KTAC and KTCS D and the letter that KTAC sent to the Board of Supervisors regarding concerns about the proposed wetlands which were raised by Knightsen community members. The total document sent to Ms. Fateman was over 50 pages.

The letter was also sent to East Bay Regional Parks who is a partner with ECCHC on the wetlands project, as well as Delta Conservancy who has provided over \$1 million for the proposed wetlands project and the California Department of Fish and Wildlife who has provided approximately \$250,000 towards the project. Supervisor Diane Burgis and Tim Jensen, head of County Flood Control were also copied.

Acknowledgement was received from East Bay Regional Parks who stated that the KTCS D letter was provided to their board of directors as KTCS D requested. Acknowledgements were also received from California Fish and Wildlife and the Delta Conservancy. The Delta Conservancy stated the letter would be provided to all their board members.

A response was received from ECCHC. They indicated they are still working on answers to KTCSO's questions and more research is being done. The ECCHC response letter is on the KTCSO website as part of the agenda package.

Discussion: Karen R. expressed surprise that ECCHC is requesting additional funding for signage for the meetings and that they will not cover that cost themselves. Chair Bello-Kunkel said she believes the additional funding is for more outreach, not signage. She said that she had informed Delta Conservancy that advertisement for the outreach meetings should include large signs posted on the proposed wetlands property and she asked that letters regarding the outreach meetings also be sent to residents. She said only about one-third of Knightsen residents receive their mail at the Knightsen Post Office. That is the only location where ECCHC has been posting information about outreach meetings.

Karen R. said she is surprised ECCHC is requesting more money and she appreciates KTCSO pointing out that ECCHC's outreach is falling short regarding contacting community members.

9. ITEMS FOR ACTION AND/OR DISCUSSION

Director de Fremery joined the meeting just prior to the commencement of item 9A.

- A. Continuation of discussion regarding the future of the Knightsen Town Community Services District – Discussion led by Director Caldwell.

Director Caldwell reported that he has been working on a letter based upon the discussion from the January 7th meeting. During that meeting ideas were discussed regarding what KTCSO should be doing. The letter is to help determine priorities and what KTCSO can and cannot do. Director Caldwell summarized the letter. The letter starts off with what is the KTCSO, when KTCSO was formed, the taxes that have been paid. The Measure Z language is included so people know what KTCSO's purpose is. A brief history of the ESA plan review is included and why KTCSO decided not to do the projects proposed by ESA. The projects were well over \$4 million, well beyond our funding capability even with grants. The letter will discuss how the district tried to dissolve in 2020, but dissolution was withdrawn. The letter explains that KTCSO is trying to get more input from the community and what ideas have been brought up so far in keeping with KTCSO's mandate.

Suggestions from the January meeting included looking at data collection, obtaining and reviewing the data that was already collected by ESA. We were told the data is on-line, but we have not been able to locate it. There were suggestions that KTCSO do a drone fly-over during, or right after high rainfall events to identify where problem areas could be. It was suggested that flows be measured in ditches. Meters for ground water zones were suggested which would require agreements from property owners. Costs to do these things would need to be determined and necessary approvals obtained.

Information would be shared with the County because much of this could be resolved if the County fulfilled their obligations regarding the ditches. We need to know what the County can do and what they cannot and then what actions we could take.

Suggestions included community clean-up of ditches the County is not responsible for. Notifying the County of ditches that need maintenance and notifying property owners of problems with their culverts since property owners are responsible for their own driveway culverts. Another suggestion was to educate residents regarding how to better percolate their soils to improve water flow.

The proposed letter would end with survey questions and at present there are two. What are your concerns about flooding and water quality and how much are you willing to pay for mitigation of flood risks (i.e. the tax amount per year)? Other survey questions can be added.

Options will be provided for providing survey responses. The main path will probably be via e-mail, but not everyone has e-mail, so responses may also be sent via regular mail. Perhaps there can be a drop-off location.

Director Caldwell asked for volunteers to go over the letter/survey with him and provide input and edits, and suggestions for distribution. Input can be provided directly to Director Caldwell, it does not have to occur during meetings.

Director Caldwell said there needs to be discussion about who the letter/survey is sent to. There are voter lists, but there is a larger group that includes property owners, but one problem is that some of the ownerships are in trusts. The question is do we send the letter/survey to one, the other, or both, subtracting out the duplicates. We could have more than 600 letters to send out.

Director Caldwell said he thinks this can be put together rather quickly and perhaps presented at the next meeting. Get as many people involved as possible because everyone pays the tax. People can come to KTCSO meetings, but not everyone has come, or can come.

Discussion: Paul K. said he believes there are two things KTCSO should do in the short term. One is the survey. He said the survey should provide a brief history of the district, why the district was formed, and what the role of the district is. He said the letter should also explain that one of the reasons people voted for the district was to protect Knightsen's boundaries, but remind everyone that KTCSO has no land use authority, so the district cannot protect our boundaries. The justification that we need to exist to protect our boundaries needs to be addressed up front, so people understand that cannot happen.

Paul K. said the survey should focus on whether people view flooding and water quality as problems that justify continuation of the district, whether there are other issues/problems the district should focus on instead, and how much are they willing to pay for the district. He said another benefit of doing the survey is to obtain additional contact information from interested survey participants, especially e-mail addresses. Many people won't respond to the survey regardless of survey length. If the district has good contact information from people interested in providing feedback, that will help facilitate follow-up communications. Responses received will likely generate more questions that the district will want to ask survey responders.

Paul K. said he is willing to volunteer to help prepare the survey. Besides the survey, he said the district should develop a dialogue with County Public Works. Public Works is responsible for maintaining ditches and culverts along public rights-of-way, which is not happening. KTCSO should request a meeting with Public Works to develop a pro-active action plan for Public Works to address ditch and culvert maintenance. Right now, they only respond to emergency situations which is not good enough. Public Works has a road improvement plan for improving and widening roads in Knightsen. KTCSO should discuss this with the County to determine what their plans are to improve drainage systems when they implement the road improvements.

Director C. said the survey should be limited to what is within the district's mandate because otherwise the expenditure of tax money cannot be justified.

Paul K. said he thinks the survey should address other issues/concerns voters have because there is the option to have the district's charge changed via a ballot measure. That would require going to LAFCO first, then seeing if it can be placed on the ballot.

Director de Fremery asked how extensive the district's current e-mail list is. She said the district could do something using Survey Monkey in addition to mailing a survey. She suggested instead of asking how much people are willing to spend, give them all that apply options, and we will get better feedback.

Chair Bello-Kunkel said there are only about 35 residents on the district's current e-mail list. She said getting more contact information would be helpful to get more detailed information and to get people more engaged.

Karen R. said data collection would be a vital service to the community because we will have our own information regarding flooding, or supposed flooding, or surface or localized flooding. She asked whether the intention was to include that in the survey.

Director Caldwell said he was listing what has been suggested so far, but it does not have to be in the survey. The suggested side meetings will help determine what is in the letter/survey and what is not.

Karen R. asked whether the survey would be hired out or done by members of the board. Director Caldwell said we can look at the possibilities then determine whether it is worth the cost. Karen R. supported establishing dialogue with Public Works to get a more coordinated effort instead of dealing with issues in "crisis mode." Getting information from the public is vital to clarifying the mission of KTCSO.

Director Somerhalder said we have talked at length of doing studies, surveys, drones, etc. Doing studies and surveys grinds him the wrong way. We have spent over \$100,000 needlessly doing these things. Even if we do them, we still do not have money to do what the studies say we need to do. We need to more diligently look at changing the direction and going into something else that the district can afford.

Director Caldwell said that can only be done with data to support it. Each proposal will need discussion, cost assessment and prioritization.

Director Somerhalder said the problem is the district has done nothing for 15 years. Money has been spent on overhead and nothing else.

Director Caldwell said the problem is if we drop it now, that means Public Works will take over and spend all the money unnecessarily and even more money will be spent. If we gather the information, we will know what is required.

Paul K. said he thinks the survey should be on a macro level, does the community have a flooding problem and if yes, how much are you willing to spend. He said the recommendation from last meeting about check boxes for how much people are willing to spend is a good idea. Asking about other issues/problems addresses whether the district should consider changing its charter. He said his belief is that people will not express a willingness to spend the money to keep any kind of special district operating.

Chair Bello-Kunkel said residents are very cost sensitive. We get the most board meeting attendance when the district is discussing the tax rate. People have not expressed a willingness to pay to address standing water/nuisance flooding. Determining how much people are willing to pay will get to the heart of the matter very quickly. Director Caldwell said no one likes completing surveys, but the information is necessary to back whatever action is taken or not taken.

Director Somerhalder said we have already established that we do not have a flooding problem. That is what everyone coming to the meetings has told us. Our options are to keep the district or turn it over to the County. Director Caldwell said it is important to go beyond our meetings to address the matter with the entire community. With the feedback from the community, we may need to address the idea of a ballot measure with legal counsel.

Chair Bello-Kunkel said the survey responses could help frame a ballot measure if that is what is required. As an example, Public Works did a survey to help them determine whether a ballot measure would be successful. Director Caldwell said the idea of a ballot measure could be included on the survey.

Karen R. talked about a postcard survey. She said the survey should ask do you have flooding on your property and how severe is it. Do you have a culvert on your property and do you need assistance in maintaining your culvert? She questioned whether questions about the tax should be included in the survey. Doing a survey would be a small expenditure in comparison to the cost of the ESA study. She said it is also important for KTCSO to continue to exist regarding the proposed wetlands.

Lois C. said KTCSO defines the boundaries of Knightsen. Paul K. said that's not true because Knightsen is still a "census designated tract" so boundaries are defined there. Chair Bello-Kunkel said that is true. In terms of land use, if someone on the boundaries with Oakley or Brentwood wants to become part of Oakley or Brentwood, KTCSO does not have authority to say they cannot do that.

Paul K. said the reason why he thinks that should be spelled out in the history is because perhaps a majority of Knightsen residents voted for the district because they thought the district would protect Knightsen's boundaries. That falsehood needs to be dispelled in the survey from the outset. Director Caldwell agreed that should be spelled out since it was in the arguments for the district from the outset.

Chair Bello-Kunkel pointed out that KTAC and KTCSO have the same boundaries. She said that Karen R's suggestion of a postcard survey resonated because it could be used to direct respondents to the website to complete the survey. For those who do not have computer access they could be directed to call for a survey to be sent to them.

Director de Fremery said that Survey Monkey could be used, it's free and she would facilitate using it. Chair Bello-Kunkel asked if Survey Monkey allows for open ended questions, or just yes/no, multiple choice. Director de Fremery said it does allow for open-ended responses and it is very flexible.

Chair Bello-Kunkel said she will contact the County Elections Department about the voter registration files and she will contact Francisco Associates regarding property owner information.

Director Somerhalder said his opinion is most people will disregard the survey. Karen R. said even if the response rate is low it is worth the effort.

Chair Bello-Kunkel closed the conversation with acknowledgement that Director Caldwell, Paul K. and Director de Fremery will be involved in preparation of the survey and that the survey will not be sent out until it is approved by the board.

10. FUTURE AGENDA ITEMS

Chair Bello-Kunkel said the board will need to review a preliminary budget and review and approve the survey.

11. ADJOURNMENT

Chair Bello-Kunkel said there is a lot of work to do on the survey, so she proposed not having an April meeting and using the time to prepare the survey and plan to meet in May. Board concurrence was to wait until May to meet again.

It was moved by Director Somerhalder and seconded by Director Matteri to adjourn the March 4, 2021 meeting.

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

The meeting adjourned at 8:08pm.