



## KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT (KTCS D)

### REGULAR MEETING MINUTES

Thursday, December 1, 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 Caldwell and Director de Fremery.

Members Absent: None.

Audience Members: 6

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

2. APPROVAL OF AGENDA

**It was moved by Director de Fremery and seconded by Director Caldwell to approve the agenda for the December 1, 2022, regular meeting.**

**Motion carried by a vote of 5 – 0. Ayes: Directors Caldwell, de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: None; Abstain: None.**

3. OATH OF OFFICE – Administer Oath of Office to re-elected Directors Bello-Kunkel, Matteri and Somerhalder. Director Caldwell administered the oath of office to Directors Bello-Kunkel, Matteri and Somerhalder who had been reelected unopposed.
4. PUBLIC COMMENT (3 MINUTES PER SPEAKER). Karen R. noted that Measure R passed, and Carolynne S. thanked everyone who contributed to the effort to pass Measure R. Karen R. thanked everyone who worked on Measure R.
5. AGENCY REPORTS – REPRESENTATIVE OF THE KNIGHTSEN TOWN ADVISORY COUNCIL (KTAC).

KTAC Council member, Karen Reyna, presented the agency report. She said KTAC met on October 18<sup>th</sup> and presented an unofficial report of the meeting.

Discussion: Chair Bello-Kunkel asked about KTAC decisions on the Knightsen marquee. KTAC is applying their guidelines to themselves. Kim Carone has KTAC's letters and will use them to post for KTAC and will use only one line on the sign for posting KTAC meetings. Director Caldwell asked whether Ms. Carone will take the letters down after KTAC meetings. It is assumed that as the poster of letters she would also remove the letters. Director Caldwell asked if there was discussion about KTAC resuming in-person meetings. Chair Bello-Kunkel noted that Governor Newsom has decreed in-person meetings resume in March 2023.

Carolynne S. stated that to represent the community of Knightsen, Knightsen Town Advisory Council members should be elected, not appointed by Supervisor Burgis.

6. CONSENT CALENDAR

A. Approve minutes of the October 6, 2022, regular meeting.

**It was moved by Director Somerhalder and seconded by Director Matteri to approve the minutes for the October 6, 2022, regular meeting.**

**Motion carried by a vote of 5 – 0. Ayes: Directors Caldwell, de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: None; Abstain: None.**

7. CORRESPONDENCE

- A. 10/4/22 & 10/5/22, emails from/to Knightsen resident, Carolynne Steen, re: Public Records Act requests (AGENDA PACKET); Chair Bello-Kunkel noted that this was a matter where a complaint was filed with County Environmental Health about a septic system problem. The complainant submitted the complaint to the County making it appear the complaint came from KTCS D.  
Discussion: Karen R. asked whether it is known who filed the complaint impersonating KTCS D. Chair Bello-Kunkel said she has attempted to ascertain but does not know who the impersonator was.
- B. 10/6/22, emails from/to Knightsen resident, Carolynne Steen, re: Public Records Act request (AGENDA PACKET); Chair Bello-Kunkel noted this request was regarding prior board members raising the special parcel tax in 2017.  
Discussion: Carolynne S. noted that in 2017, the parcel tax increase was voted on, but not included on the agenda in violation of the Brown Act.
- C. 10/6/22, 10/17/22, 10/18/22, 10/19/22 & 10/23/22, emails to/from Pauline Sanguinetti, Croce, Sanguinetti and Vander Veen, re: status of annual audit;
- D. 10/6/22, 10/7/22 & 10/10/22, emails to/from Rosa Mena, County Elections, re: status of voter information guides;
- E. 10/7/22, email to Knightsen community members re: Mobile Citizens Application;
- F. 10/11/22, emails to/from Maria Jehs, KTAC Chairperson, and Alicia Nuchols, Office of Supervisor Burgis, re: KTAC letters on the Knightsen marquee;
- G. 10/20/22, 10/21/22 & 10/24/22, emails from/to Knightsen resident, Lori Abreu, and Knightsen resident, John Gonzales, re: list of registered voters (AGENDA PACKET); Chair Bello-Kunkel said the question raised was why Mr. Gonzales had to go to Martinez to obtain the voter file. She said that since the voter file is owned by the Elections Department, it was not something KTCS D could provide to Mr. Gonzales.  
Discussion: Paul K. noted that when you purchase the voters file from County Elections, you sign a document stating you will not share the file with anyone else. Chair Bello-Kunkel said that is correct and that is the reason why the District could not provide the file to Mr. Gonzales.
- H. 10/24/22, email from Knightsen resident, Lori Abreu, re: Fair Political Practices Commission (FPPC) complaint (REFERRED TO ITEM 9C);
- I. 10/28/22 & 11/6/22, emails from/to Mayra Hernandez, Walter Mortensen Insurance/INSURICA re: annual insurance renewal;
- J. 11/1/22, email from Laura Mandler, FPPC, re: complaint filed with the FPPC (REFERRED TO ITEM 9C);
- K. 11/3/22, emails from/to Chris Wong, County Assessor's Office, re: payment;
- L. 11/8/22 & 11/9/22, emails to/from Mayra Hernandez, re: notice of non-renewal of insurance;
- M. 11/22/22, emails to/from Olga Hernandez, County Elections, re: oath of office form;
- N. 11/23/22, email to Knightsen Garden Club, re: rent for KTCS D meetings.

8. TREASURER'S REPORT – Treasurer Matteri presented the Treasurer's report.

- A. Bills Paid: Contra Costa County Auditor for assessor code fee from applying 2019-2020 parcel tax \$53.91; Jarvis, Fay LLP for legal services \$2,910 & \$342; Trish Bello-Kunkel for reimbursement pertaining to the purchase of Voter File for Non-Advocacy Outreach letter and copy of full text of ballot measure from County Elections \$51.10; Alpha Graphics for Measure R Non-Advocacy Informational Mailer including postage \$1,470.79 and Measure R Non-Advocacy Informational Flyer \$187.05; SCI Consulting Group for Informational Outreach Services \$9,480.

B. Checking account balance after above bills paid: \$197,298.27.

9. CHAIRPERSON'S REPORT – Chair Bello-Kunkel presented the Chairperson's report.

A. Status of November election results. Chair Bello-Kunkel said Elections plans to certify the elections results on 12/2/22. The results at present were: Yes 343, 58.73%; No, 241, 41.27%; voter turnout was 57.69%, or 608 voters.

Discussion: Director Caldwell noted that voter turnout was high. Chair Bello-Kunkel said that Knightsen voter turnout was consistent with the County-wide turnout.

B. Change in insurance underwriter. Chair Bello-Kunkel said the District insurance bill is due in January and the District received notification that there will be a new underwriter.

C. Complaint filed with Fair Political Practices Commission (FPPC) and District's response to the complaint (AGENDA PACKET). Chair Bello-Kunkel said that the District received an email from constituent, Lori Abreu, who forwarded the complaint form she said she submitted to the FPPC. Chair Bello-Kunkel said that the FPPC is a "watchdog" agency over elections. The FPPC did notify KTCSO of the complaint and offered the District an opportunity to respond. District counsel prepared a response and submitted it to the FPPC. Status of the complaint is unknown.

Discussion: Paul K. commented that it is understandable that the FPPC would request input from the agency before deciding. He said that reading the attorney's letter in the agenda packet, it was interesting that the District's attorney noted that the District's informational letter is consistent with FPPC guidelines. Director Caldwell asked if there is a timeframe for the FPPC to decide. Chair Bello-Kunkel said she does not know if there is a timeframe, or what the ongoing process is.

Lois C. noted the FPPC response said there is a way to follow the process of the complaint online. Chair Bello-Kunkel said she has looked at that and to date, has not been able to track the process online.

D. Other. Chair Bello-Kunkel reminded meeting attendees about the County's Mobile Citizen's application. For instance, if someone notices a blocked culvert, it can be reported on the app. She noted that the East Bay Regional Parks District (EBRPD) appear to have a blocked driveway culvert along Delta Road that may impede the movement of water.

10. ITEMS FOR ACTION AND/OR DISCUSSION

A. Receive and approve Financial Statements and Independent Auditor's Report for the fiscal year ending June 30, 2022 (AGENDA PACKET). Chair Bello-Kunkel said the financial statements and report are posted and asked if anyone has questions. Expenditures were less than what was budgeted. The same auditor has been used by the District since the District was established.

**It was moved by Director de Fremery and seconded by Chair Bello-Kunkel to approve the Financial Statements and Independent Auditor's Report for the fiscal year ending June 30, 2022.**

**Motion carried by a vote of 5 – 0. Ayes: Directors Caldwell, de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: None; Abstain: None.**

B. Discuss transition of District general legal counsel from White Brenner, LLP to Jarvis Fay LLP. Authorize transition and approve new contract for District general legal counsel services. Chair Bello-Kunkel said that after the current board was elected in 2018, she worked with Director Caldwell regarding the appointment of legal counsel. Churchwell and White were appointed. The District is transitioning to the

dissolution process and Measure R passed. Chair Bello-Kunkel said the District's relationship with Churchwell was a success. The repeal of the tax and the dissolution process required more specialized legal services specific to those matters. The services provided by Jarvis Fay have been excellent and they have specific knowledge and understanding of Contra Costa County that will be helpful regarding the dissolution process. Chair Bello-Kunkel asked Jarvis Fay if they are willing to serve as general counsel for the District and they responded affirmatively. A general counsel agreement was prepared. Director de Fremery commented that Ben Fay has the background to assist the District.

**It was moved by Director Somerhalder and seconded by Director Caldwell to authorize the transition and approve the contract for general legal counsel services with Jarvis, Fay, LLP.**

**Motion carried by a vote of 5 – 0. Ayes: Directors Caldwell, de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: None; Abstain: None.**

- C. Discuss possible modifications to meeting record (Record of Actions or Minutes) practices in 2023. Approve modifications as needed. Chair Bello-Kunkel noted that since the current board took office in January 2019, meeting minutes have been very detailed. She asked whether such detailed minutes should be continued, or whether the board should transition to a less detailed, "record of actions" format.

Discussion: Paul K, acting as volunteer minute taker said he would do whatever the board desired. Director Caldwell suggested a less detailed format. Lois C. noted that the board went to a more detailed format to provide more public transparency than the prior board. Paul K. said his intention as minute taker was to provide transparency and a full history of board actions to document why decisions were made. He said he didn't want to be as brief as Knightsen Town Advisory Council records of action are, because their record is essentially useless. He said he will try to make minutes somewhat more abbreviated. Chair Bello-Kunkel noted there have been several occasions where having detailed minutes proved useful regarding recounting the history of KTCSO meetings. Director Somerhalder suggested leaving it up to Paul K. to determine the detail that is included in the record. Chester H. asked that the board vote, 5-0, 4-1, etc. be included in the record. Paul K. said he would add that.

**It was moved by Chair Bello-Kunkel and seconded by Director Matteri to move to a more summarized minutes format with the vote indicated by numbers.**

**Motion carried by a vote of 5 – 0. Ayes: Directors Caldwell, de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: None; Abstain: None.**

#### 11. FUTURE AGENDA ITEMS

- A. Election of District officers (Chairperson, Vice Chair and Treasurer) for 2023. First regular meeting in 2023.

#### 12. ADJOURNMENT

- A. The next scheduled regular meeting: TBD. Chair Bello-Kunkel said that a meeting in January may or may not be needed, but at the first meeting in 2023 officers will be selected.

**It was moved by Director Caldwell and seconded by Director Somerhalder to adjourn the December 1, 2022, regular meeting.**

**Motion carried by a vote of 5 – 0. Ayes: Directors Caldwell, de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel; Noes: None; Absent: None; Abstain: None.**

The meeting adjourned at 8:01pm.