



KNIGHTSE N TOWN COMMUNITY SERVICES DISTRICT (KTCS D)

REGULAR MEETING MINUTES

Thursday, January 7, 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, Director Caldwell and Director de Fremery.

Members Absent: None.

Audience Members: 13

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

It was moved by Director Somerhalder and seconded by Director Caldwell to approve the agenda for the January 7, 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.

3. OATH OF OFFICE – Chair Bello-Kunkel reported that in November, Directors Caldwell and de Fremery ran unopposed for re-election and were therefore elected to four-year terms. Chair Bello-Kunkel administered the oath of office to Directors Caldwell and de Fremery and thanked them for their continued service.
4. PUBLIC COMMENT (3 MINUTES PER SPEAKER)

Karen R. thanked all the members of the board for their service and their dedication to the community and for their faithfulness and diligence in carrying out their duties in office.

Ron C. asked where he can get a copy of the agenda and minutes for the meeting. Chair Bello-Kunkel explained they can be found on the KTCS D website.

5. AGENCY REPORTS – REPRESENTATIVE OF THE KNIGHTSE N TOWN ADVISORY COUNCIL (KTAC)

KTAC member Karen Reyna reported that KTAC did not meet in November or December due to the holidays. The next KTAC meeting will be on January 19, 2021 at 7:30 pm, most likely by Zoom. She reported that there is a vacancy on the KTAC Council since council member Allsup left the Council. Application to be on the Council may be made through the office of Supervisor Diane Burgis.

6. CONSENT CALENDAR

A. Approve minutes of November 5, 2020 regular meeting.

It was moved by Director Somerhalder and seconded by Director Matteri to approve the minutes for the November 5, 2020 regular 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.

7. CORRESPONDENCE – Chair Bello-Kunkel reported that items 7A, 7B and 7C will be discussed later in the meeting.
- A. 10/31,11/2, 11/10, 11/13, 12/16, 12/17, 12/21, 12/22/20: E-mails to/from Mayra Hernandez, Walter Mortensen Insurance/INSURICA, regarding renewal of insurance. (Refer to agenda item 9A).
 - B. 11/10/20: E-mail and letter from Tim Jensen, Assistant Public Works Director, requesting payment of \$26,754.72. (Refer to agenda item 10A).
 - C. 12/15, 12/16,12/24/20: E-mails to/from Streamline re: annual invoicing. (Refer to agenda item 9B).
 - D. 12/26/20: E-mail to Rosa Mena, regarding billing for November 3, 2020 election. Chair Bello-Kunkel reported that Ms. Mena confirmed the bill for the election will be a flat fee of \$300 since Directors Caldwell and de Fremery ran unopposed.

8. TREASURER'S REPORT

Treasurer Matteri presented the Treasurer's report.

- A. Bills Paid: Croce, Sanguinetti & Vander Veen for annual financial and reporting, \$5,453; US Postal Service for district post office box fee, \$106; Reimbursement to Chair Bello-Kunkel for Zoom teleconference subscription (11/29-12/28/20), printer toner, and postage for annual audit submission, \$138.70; Churchwell & White legal services through 11/3/20, \$780; Insurica for annual district insurance policy, \$2,264; Reimbursement to Chair Bello-Kunkel for Zoom teleconference subscription (12/28/20-1/28/21), \$114.99; Streamline for Jan -June 2021 web hosting of district website, \$60.
- B. Current checking account balance after bills paid: \$250,001.28.

9. CHAIRPERSON'S REPORT

- A. Annual Insurance Renewal. Chair Bello-Kunkel reported that the District's insurance is renewed every January. She asked the insurance agent whether there could be any reductions in the cost of insurance since some of the coverage is not applicable to the activities of our District (e.g. the District has no employees). She was informed that we are in the lowest insurance tier package so the rate the District pays is the lowest possible.
- B. Web hosting billing cycle change. Chair Bello-Kunkel reported that Streamline is changing their billing system. The District can have either monthly or annual billing. The District is paying \$10/month which has been paid on a quarterly basis. After conferring with Treasurer Matteri the decision was made to move to annual billing. Payment was made for the remainder of the 2020/2021 fiscal year. Next fiscal year 2021/2022, the District will switch to annual billing.

Chair Bello-Kunkel also reported that every two years board members must complete ethics training. She reported that Directors Matteri, Somerhalder and herself are due to complete ethics training in February. Director Caldwell is not due until March 26th and Director de Fremery is not due until September 1st.

10. ITEMS FOR ACTION AND/OR DISCUSSION

- A. Response to letter from Tim Jensen, Assistant Public Works Director requesting payment of \$26,754.72. (Mr. Jensen's letter included in AGENDA PACKET).

Chair Bello-Kunkel reported that Mr. Jensen requested payment for services he said County Public Works provided regarding formation of the District between 2000 and 2005, over 15 years ago. The correspondence does not include any documentation of an agreement between the District and the County. The letter was discussed with the District's legal counsel. The attorney's recommendation was to reject the payment claim.

Discussion: Carolynne S. asked if there was a contract or anything in writing that the County was going to provide this money and be paid back for this? Chair Bello-Kunkel said she researched the District's files and did not find any agreement. What she believes happened is the County received a \$100,000 grant but spent more than that and thought KTCSO would pay them back. She found no arrangement to reimburse them. Carolynne S. she does not believe the County has a "leg to stand on."

Ron C. recommended the District not pay since there is nothing in writing holding the District responsible for making the payment.

Director Somerhalder asked if there is a statute of limitations. Chair Bello-Kunkel said that is what the attorney advised. The statute of limitations on this claim ran out long ago.

Director Caldwell commented that this seems like retribution for the County not getting the quarter of a million dollars they were counting on to take over the District. Chair Bello-Kunkel agreed and noted that this payment claim was included in their proposal to assume the District's responsibilities.

It was moved by Director de Fremery and seconded by Director Caldwell to send a letter to County Public Works rejecting the claim for payment.

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.

- B. Follow-up with Abigail Fateman, Executive Director, East Contra Costa Habitat Conservancy regarding Ms. Fateman's February 28, 2020 response letter to KTCSO.

Chair Bello-Kunkel reported that with community input, KTCSO sent a letter with 16 questions about the proposed wetlands project to the East Contra Costa Habitat Conservancy (ECCHC) on September 11, 2019. Months later, on February 28, 2020 a response was received. Responses were incomplete and Ms. Fateman said they would be doing additional analysis to address the questions. To date there has been no additional response.

Due to lack of community involvement, KTCSO asked for a citizen's advisory group. ECCHC said they would not convene such a group but that they would have additional outreach meetings in 2020. They said they would provide better notice of the meetings and they would have a third party facilitate the meetings. Those meetings have not occurred.

Chair Bello-Kunkel proposed that a letter be sent to ECCHC asking for updates since it has been almost a year since ECCHC responded and that response was incomplete. She asked for authorization to send such a letter.

Discussion: Director Caldwell said he believes they believe the meetings that were held were the outreach, but he did not view those as outreach looking for input. Instead, they were telling us what they are going to do and not considering the public's interests at all.

Director de Fremery said the letter should be sent and we should hold them to responding so they know we are not letting this go. The community has questions and concerns. They may claim that Covid has interfered, but we need questions answered.

Chair Bello-Kunkel commented that KTCSD is continuing to have meetings via Zoom, and we know that ECCHC is continuing to have meetings and has been doing that for months. Their meeting minutes indicate that they have spent \$300,000 in consulting fees to address our questions, but we have not heard anything. We are not going away, although at one point they probably thought we were.

Sandra M. said that as she has stated before, once they get to the final design phase it will be next to impossible to have any participation in the project whatsoever and they are in that phase right now. When the meetings happened, they said they were only in “scoping” and do not worry about. She said we need to worry because they are not in scoping, they are in design.

Carolynne S. said that not responding is a stall tactic. They are moving forward without dealing with the community concerns.

Sandra M. asked that the District address this with their funding agencies because the outreach meetings must be a task in their scopes with their funding agencies. Chair Bello-Kunkel said she wants to copy the Delta Conservancy on the letter. She believes that not all the funding has been released yet. The letter should also restate that KTCSD opposes the proposed wetlands. Answers to our questions have not been received.

Carolynne S. asked that the letter the Knightsen Town Advisory Council (KTAC) wrote to the Board of Supervisors about the community’s opposition to the proposed wetlands be included with the District’s letter.

Director Caldwell said he believes that is a good idea and suggested the signed petitions submitted to both KTCSD and KTAC also be included with the letter.

It was moved by Director Somerhalder and seconded by Director de Fremery to send a follow-up letter on our questions to the East Contra Costa Habitat Conservancy and incorporating in that the petitions and the KTAC letter to the Board of Supervisors.

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.

C. Mid-year budget review. Review and approve revisions to Fiscal Year 2020/2021 budget. (Included in AGENDA PACKET).

Chair Bello-Kunkel reported we are midway through the budget year and a significant number of activities have taken place. She reviewed proposed revisions to the budget:

- Increase the budget for attorney fees from \$10,000 to \$15,000 since to date almost the entire budgeted amount has been spent;
- Annual insurance policy reduce budget from \$2,800 to \$2,264 which was the actual cost;
- The Garden Club has kindly advised that since we are not using the Club for our meetings, we do not need to pay rent until we resume using the Club for our meetings. This is appreciated since the District is having to pay for a Zoom account to hold meetings remotely. The amount budgeted for the Garden Club is revised to \$600 for April – June which may be “wishful” thinking regarding being able to meet in-person;
- California Special District’s Association dues and membership adjusted from \$200 to \$120 which is the actual cost;
- Election expense reduced from \$1,700 to \$300 which was the actual cost;
- Dissolution charges that were budgeted were actually paid during the prior fiscal year, 2019/2020.

Overall, these changes reduce the 2020/2021 budget from \$29,500 to \$25,884.

It was moved by Director Matteri and seconded by Director Caldwell to approve the revisions to the Fiscal Year 2020/2021 budget.

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.

D. Future of the Knightsen Town Community Services District – Discussion led by Director Caldwell.

Chair Bello-Kunkel provided some background. Last year KTCSO initiated a process to dissolve the District. After much deliberation, the District decided not to dissolve to simply have the County take over the finances of the District and the authority to continue to tax. We are taking a step back to determine where we go from here. Director Caldwell has agreed to lead this discussion.

Director Caldwell said he believes it is a healthy thing, perhaps annually, to review why we are here, what is our purview, what are we allowed to do, and what do we want to do. He read the District's mission from Measure Z, "for the purpose of constructing, operating, maintaining and servicing flood control and water quality improvements." He said the Habitat Conservancy issue is closely related to that, but not directly because we are not constructing. The District is providing input which is appropriate.

Reading from the argument in favor of Measure Z written by Al Simas, Simas stated, "Town advisory council has been working with the County for years to solve the flooding problems. Every project the County has designed has been too costly. \$3 million to \$7.5 million because the County is mandated to design for the worst-case scenario. If the Knightsen Town Community Services District is formed, it can establish its own design standards that are within the means of the community."

Director Caldwell said we have come "full circle." We tried to do that and ended up with a plan that would have cost us as much as what the County came up with. However, there are probably things that we can do, and we should reach out to the community for suggestions, form a priorities list of things we could do that address some of the wet weather problems we see in town that are not terribly severe. Perhaps there are things we could do that do not cost a whole lot of money that are within our capability.

Director Caldwell said that Lois C. suggested a letter be sent to parcel owners requesting feedback. Perhaps this could include addressing septic tank problems under "water quality." Director Caldwell proposed getting suggestions, compiling them, and deciding where we go from here.

Discussion: Sandra M. said as a hydrologist it is hard to form an opinion on things we choose to do because the consultant, ESA, failed on the number one priority task of data collection. Everything they proposed relies on the 1998 aerial photos as the only data of what happens regarding drainage in the Knightsen area. Important tasks would be data collection so opinions can be formed about what infrastructure improvements are needed. She suggested a drone flyover during high rainfall events that provides better data because no one agrees with the drainage in the 1998 photos. Another suggestion is surface water flow meters in ditches to understand what flow is based on data. Shallow meters to understand what is happening in our ground water zones. A high priority should be put on data collection, so we have our own data to make our arguments.

Director Caldwell expressed support for these ideas and said we would need to investigate costs for these things. He also said that residents can participate in data collection by taking photos when events occur.

Sandra M. said she is proposing flow meters in ditches because ESA did modeling that projected massive acre feet of water coming down drainages and that does not exist. Real data would prove this. Director Caldwell asked if flow meters can be rented. Sandra M. said they can be rented. Sandra M. said there are less expensive consulting firms than ESA. Smaller firms can be used for this type of thing.

Kyle said he looked at the ESA study for the project and they put stream gauges in the ditches around the parcel. The data is available online. He said he does not know if the gauges are still in place or not. Kyle said the data is on the project website for the County.

Chair Bello-Kunkel asked for more specificity about where the information is on the County's website. Kyle said he believes it was in a link to the hydrology report. Director Caldwell asked Kyle to email the link to the board.

Sandra M. said it is important for us to get our own flow information and show where drainage is not happening because she believes there is some bias regarding where they placed their meters. The pumped water from the irrigation ditches that happened in 1998 was not a normal drainage.

Chair Bello-Kunkel said we need to keep in mind that KTCSD does not own the rights-of-way in these ditches where we are talking about flow meters. Sandra M. said access agreements can be obtained from the County.

Chair Bello-Kunkel suggested sending a survey out to residents. She also suggested educating residents regarding how to better percolate soils. As an example, she cited a photo where a resident's soil was not percolating because of compaction caused by horses. She said this is observed on her own property where disced fields percolate while compressed dirt roads do not.

Director Caldwell stated he would start making a list of these ideas for future discussion.

Director Somerhalder said he would be against KTCSD getting involved in privately owned septic systems. Director Caldwell said he did not mean using KTCSD funds, what he meant was KTCSD playing a role in observing and reporting problems from a water quality standpoint.

Chair Bello-Kunkel said that regarding any actions that KTCSD decides to undertake we need to look at two things, the costs, both initial and long-term, and we need to look at whether everyone is benefitting since everyone pays the same taxes.

Director Somerhalder said reporting problems may be one thing, but KTCSD has no authority to tell property owners what they can and cannot do.

Director Caldwell said he understands that if KTCSD fixes a ditch or culvert in one place, others who also have local flooding will want theirs fixed as well. Chair Bello-Kunkel said the County needs to be held accountable for the ditches and culverts they are responsible for. Director Somerhalder said one of the problems is the County is trying to push their responsibilities on to KTCSD. Chair Bello-Kunkel said KTCSD is also not responsible for driveway culverts because they are the responsibility of each property owner. She said if we help one property owner with their driveway culvert, others will want assistance as well.

Sandra M. said we know many of the roadways are going to be reengineered by the County. If we know how our drainage system works before they change the roadways and drainage systems, we will be able to provide valuable input on design plans.

Chair Bello-Kunkel commented as part of the formerly proposed projects they wanted us to upgrade culverts on roadways that will be widened by the County. She said she talked to ESA and Public Works about this. She asked why KTCSO should spend money to install improved culverts that they are going to then remove and replace. She commented that is a waste of money.

Sandra M. said the County can do a lot regarding drainage when they improve the roads, so it would be beneficial if we have the information and data about what would be the best drainage system when they improve the roads.

Karen R. commented that a community survey would be a great idea. Community members can be asked about the mission of KTCSO and answer a series of questions. Community members can be asked about their concerns regarding flood control and water quality. The survey can include yes/no questions along with the solicitation of comments. She suggested something along the lines of what the fire district has done.

Chair Bello-Kunkel said any survey should also include an inquiry regarding how much residents are willing to pay. People may express concerns about standing water on their properties, but then may not be willing to pay what is needed to address it.

Karen R. suggested check boxes regarding how much people are willing to pay: \$0-\$50; \$50-\$100; etc.

Chair Bello-Kunkel suggested using the survey to obtain better contact information from residents so we can have further outreach and engagement with constituents.

Carolynne S. said many people do not even know KTCSO exists and they have not accessed the website. Some people have the misunderstanding that KTCSO should be addressing flooding on their own private property. There should be an explanation about what KTCSO does. People need to understand that standing water on roadways is not KTCSO's responsibility, it is the County's responsibility. We are already paying for this in our property taxes and the County should be addressing that.

Director Somerhalder commented that when Measure Z was placed on the ballot, County Public Works spent money to make that happen and their plan was to "wash their hands" of the Knightsen area and turn it over to KTCSO. The work does not belong to us, it belongs to the County.

Director Caldwell said he is concerned about an adversarial relationship with the County and "mending fences", so we have a working relationship with them eventually.

E. Election of KTCSO officers for 2021: Chair, Vice-Chair and Treasurer.

Chair Bello-Kunkel said new officers are selected at the beginning of each year. Officers can continue, or new officers can be appointed. She said she has served as Chair for two years. Since the District does not have a manager, many responsibilities fall on the Chair. She said she averages 10-20 hours a week on District business, at times it is almost a full-time job. She said she is happy to continue as Chair if the board desires, alternatively if someone else wants to assume the Chair that is fine as well.

Vice Chair Somerhalder stated he does not want to be Chair and would like Director Bello-Kunkel to continue as Chair.

Director de Fremery said she thinks Director Bello-Kunkel has done an amazing job and wants her to continue as Chair.

Director Caldwell said he nominates Director Bello-Kunkel to continue as Chair. He said he appreciates what she has done and her willingness to continue.

It was moved by Director Caldwell and seconded by Director de Fremery to appoint Director Bello-Kunkel as Chair for calendar year 2021.

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.

Chair Bello-Kunkel stated that Director Somerhalder has served as Vice Chair for the past two years. Vice Chair Somerhalder stated that if anyone else wants to serve as Vice Chair that is fine, or he will continue to serve as Vice Chair.

It was moved by Director Caldwell and seconded by Chair Bello-Kunkel to appoint Director Somerhalder as Vice Chair for calendar year 2021.

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.

Chair Bello-Kunkel stated that Director Matteri has served as Treasurer for the past two years. Treasurer Matteri said she is happy to continue if the Board wants her to, but if someone else wants to do it that is fine.

Director Caldwell said Treasurer Matteri is doing a “bang up” job. Director Somerhalder said Treasurer Matteri should continue.

It was moved by Director Somerhalder and seconded by Director Caldwell to appoint Director Matteri as Treasurer for calendar year 2021.

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.

11. FUTURE AGENDA ITEMS – Director Caldwell will continue to lead the discussion on the future of KTCSO, otherwise no items were added to the list.

12. ADJOURNMENT

A. The next regular meeting is scheduled for: TBD

Chair Bello-Kunkel commented that there are several items to work on prior to the next meeting. Director Caldwell will work on documenting the comments from the KTCSO Future discussion. Chair Bello-Kunkel will prepare and submit the letter to the East Contra Costa Habitat Conservancy. It was decided to “play it by ear” and meet in February only if necessary, otherwise delay the next meeting until March.

It was moved by Director Matteri and seconded by Director Somerhalder to adjourn the January 7, 2021 regular 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 8:20pm.