



**KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT  
RESOLUTION 2020 – 1  
BEFORE THE BOARD OF DIRECTORS OF THE  
KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT**

A RESOLUTION REJECTING AND NULLIFYING THE KNIGHTSEN STORM WATER RESOURCES PLAN (SWRP), PERMANENTLY SEALING THE KNIGHTSEN SWRP AND INFORMATION IN THE KNIGHTSEN SWRP FROM PUBLIC RECORD, AND TERMINATING THE AGREEMENT BETWEEN THE KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT (KTCSD) AND ENVIRONMENTAL SCIENCE ASSOCIATES (ESA).

**WHEREAS**, the Board of Directors of the Knightsen Town Community Services District (KTCSD) entered into an agreement with Environmental Science Associates (ESA) on January 26, 2017 to develop a Storm Water Resources Plan (SWRP) for the community of Knightsen;

**WHEREAS**, ESA estimated the Final SWRP would be completed “within about four to six months” yet the draft SWRP was not received by KTCSD until July 4, 2019;

**WHEREAS**, upon receipt of the draft of the Storm Water Resource Plan, the Board of Directors of KTCSD and Knightsen community members conducted a diligent review of the draft SWRP;

**WHEREAS**, following this diligent review an extensive and comprehensive written summation was prepared and authorized by the Board of Directors of KTCSD which details questions, comments and concerns KTCSD and the Knightsen community have regarding the draft SWRP as well as identifying errors, omissions, and false narratives contained within the draft SWRP. The written review dated November 8, 2019 was sent to ESA;

**WHEREAS**, the Board of Directors of KTCSD have determined that the questions, comments and concerns about the draft SWRP as well as the errors, omissions and false narratives contained within the draft SWRP draw into question conclusions contained within the draft SWRP regarding how runoff flows in Knightsen;

**WHEREAS**, the draft SWRP proposes a number of projects based upon these questionable conclusions regarding how runoff flows in Knightsen, thereby drawing into question the need for, as well as the design of these proposed projects;

**WHEREAS**, the draft SWRP makes references to runoff from Knightsen being polluted and/or degrading water quality and these references are not substantiated in the draft SWRP and are potentially false;

**WHEREAS**, the draft SWRP relies on future “build out” as a goal of proposed projects in the draft SWRP, yet this was not in the original scope of work and neither the KTCSD board nor community members attending KTCSD meetings support “build out” as a goal or objective;

**WHEREAS**, the draft SWRP does not take into account future road improvement plans intended by Contra Costa County which would impact the proposed projects in the draft SWRP;

**WHEREAS**, the admittedly “ballpark” construction cost estimates and the lack of cost estimates with regard to other cost factors such as permitting, easements, right-of-ways, ongoing administration and operation, etc., negate the usefulness of the draft SWRP for planning purposes;

**WHEREAS**, the Knightsen Town Community Services District has determined that the District has an insufficient tax base to adequately fund the design, construction, administration and ongoing maintenance of the projects proposed in the draft SWRP;

**WHEREAS**, the Board of Directors of KTCSD after critical assessment of the draft SWRP have determined it is invalid and of no use to KTCSD and the community;

**WHEREAS**, on January 29, 2020, ESA responded to the November 8, 2019, written review submitted by KTCSD proposing as an option the following: "Leave the SWRP in its current Draft form and terminate our agreement...ESA would not publish or refer to the Draft report in any way going forward." And,

**WHEREAS**, the Board of Directors of KTCSD have determined that the draft SWRP should never become final, should never become a public document, that the projects proposed in the draft SWRP should not be implemented, and the draft SWRP as well as the data and information contained in the draft SWRP should never be referenced or cited in any future manner, or used for any future purpose.

**NOW THEREFORE BE IT RESOLVED** by the Board of Directors of the Knightsen Town Community Services District that the draft SWRP is the property of the Knightsen Town Community Services District, that it will not be finalized, that the draft SWRP is rejected and made null and void. The draft SWRP will be permanently sealed and information in the draft SWRP is not public record, nor will it become public record; and,

**FURTHERMORE, BE IT RESOLVED** that the Knightsen Town Community Services District terminates the agreement with Environmental Science Associates (ESA), requests no further action by ESA to respond to questions and comments, or to do any other work related to this effort.

ON MOTION of Director Somerhalder, second by Director Matteri, the foregoing resolution was passed and adopted this 6th day of February 2020.

**AYES:**            **Director Bello-Kunkel,**  
                      **Director Caldwell**  
                      **Director de Fremery**  
                      **Director Matteri**  
                      **Director Somerhalder**

**NOES:**            None  
**ABSENT:**        None

**Attested:**

**I HEREBY CERTIFY** that the foregoing Resolution No. 2020-1 was duly and regularly adopted at a regular meeting of the Board of Directors of the Knightsen Town Community Services District on February 6, 2020.

  
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Gilbert Somerhalder, Vice Chair  
Knightsen Town Community Services District

  
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Trish Bello-Kunkel, Chairperson  
Knightsen Town Community Services District