

Bethel Island Municipal Improvement District

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July 21, 2016

Michael Simmons, Foreperson
2015-16 Contra Costa County Civil Grand Jury
725 Court Street
Martinez, CA 94553

Fear Mr. Simmons and Member of the Grand Jury:

We are pleased to present the Bethel Island Municipal Improvement District Board of Directors' responses to the Grand Jury Report No. 1607 (Delta Levees in Contra Costa County), Findings and Recommendations:

FINDINGS

- 4. The levees in the County's portion of the Delta have been built up or otherwise strengthened on a piecemeal basis over the century or more of their existence.

The respondent agrees with the finding.

Levee repairs and improvements have been performed when funding is available. This situation has already significantly improved for BIMID following the 2015 ballot approval of its new Proposition 218 Assessment District, which is generating more than \$200,000 additional annual revenue for enhanced levee maintenance (including DWR Subventions) and required local shares for DWR Special Projects. Both this ambitious and ultimately successful effort, and a previous unsuccessful Parcel Tax approach in 2010, were in keeping with the findings and recommendations of the Grand Jury's 2004-05 Grand Jury Report, "Cracks to Patch at Bethel Island," and CoCoCo LAFCO's 2008 first Municipal Services Review of BIMID and Reclamation Districts within the County (which drew heavily from that Grand Jury Report with respect to BIMID).

- 5. Because the levees remain vulnerable to natural hazards and human activities, they require constant vigilance – i.e. frequent inspection coupled with timely maintenance and prompt repairs.

The respondent agrees with the finding.

Frequent inspections and timely maintenance and repairs are an imperative necessity to ensure and prolong levee integrity.

11. There is no formal or standardized educational or training resource available to the districts for levee inspection, maintenance, and repair, which can support new levee superintendents or managers while they acquire the experience to recognize problems early, learn how to appropriately respond, and learn how to balance environmental regulations with maintenance protocols.

The respondent agrees with the finding.

There is no single source of education or training for reclamation district staff. Training and education must be piecemealed together from a variety of sources, and often over a period of time as information changes.

Neighboring, similar districts can also be a helpful resource. It would also certainly help were the State (presumably DWR) to develop and offer some form of formal standardized training and associated written materials.

12. Levee management requires recognizing seasonal timeframes and juggling multiple deadlines, including preparing for storm season and the “no-mowing” period, when local bird populations nest, as well as timely application for the subvention and/or special projects funding programs.

The respondent agrees with the finding.

Proper staffing levels, with experienced staff working together as a team, along with its District Engineers, are necessary and essential for effective levee management, and successful pursuit of available outside funding sources. Again, neighboring, similar districts can also be a helpful resource.

13. Unpermitted encroachments can hinder visual inspection of the levee surface and create new structural weaknesses or potential conduits for seepage.

The respondent agrees with the finding, but with additional competing considerations.

Policies and procedures for management of levee encroachments should be adopted, and systematically enforced, by each reclamation district. In Bethel Island this is also balanced out with historically significant structures that, albeit encroaching, have contributed to its being formally designated as a “Legacy Community” both with respect to such structures in themselves, and the unique Bethel Island lifestyle(s) they have come to symbolize over the years. While not therefore removed or demolished, such “nonconforming” encroaching structures cannot be expanded, but only improved or repaired to the extent called for in the interest of safety. BIMID has also long advocated for County, State, and Federal policies that would allow such structures to be removed “as is” from the levee and relocated on site to coincide with the required setback, but without triggering the often financially unfeasible requirement that a second story be added.

14. Education about the potential danger of unpermitted encroachments can be a highly effective management tool for mitigating this type of hazard because increased understanding of the potential consequences of such encroachments can support longer-term adherence to levee regulations and protocols.

The respondent agrees with the finding.

Public outreach is very costly. With limited staff and funding, and a sizeable island population, educating each resident and property owner is virtually impossible. Public education efforts are made as funding and opportunity is available, with particular reliance on Bethel Island on BIMID's website and Facebook page, and public posting, especially at the Post Office, since there is no direct mail delivery on Bethel Island, only P.O. boxes.

15. Since early recognition of potential trouble spots and prompt repair work are critical to maintaining levee integrity, while resources for levee patrols are limited, the presence of an educated and aware residential population can supply additional eyes to provide the constant vigilance that is crucial to safeguarding the levee.

The respondent agrees with the finding.

Because Bethel Island is largely populated (with approximately three-quarters of the levee perimeter being residential properties), in addition to its own regular levee patrols by staff, BIMID relies heavily on its residents to report potential trouble spots with the levee. Each reported problem is followed up with a visual inspection by District staff as soon as possible, and any necessary remediation.

16. In addition to permitting procedures and intermittent newsletters, there are other opportunities to educate the public, and especially residents of reclamation districts, about the hazards that can damage or impair the levees.

The respondent agrees with the finding.

In addition to the online and public posting mentioned above, each and every interaction that BIMID staff and Directors have with Bethel Island residents and property owners is an opportunity for public education. The 2014-15 Assessment District public outreach effort and series of community workshops were themselves an ideal opportunity for such public education.

17. Explaining the hazards to levees by multiple means at appropriate times – i.e., just before the start of storm season in the fall – can help to keep awareness at a heightened and effective level.

The respondent agrees with the finding.

Again, public outreach, especially with our District's large population, is very costly. Every effort for public education is made when funding and opportunity are available, in addition to online and public posting as emphasized above.

21. Some reclamation districts that are unable to maintain the staff, equipment, and material stockpiles needed for emergency major repairs, rely on informal mutual-aid arrangements.

The respondent agrees with the finding.

This district is fortunate to have a core staff of very skilled individuals and an equipment base sufficient to do a majority of its own repairs and maintenance. Small material stockpiles are kept on hand in the event a small emergency repair is needed. Additionally, this District has been recently working towards formalizing a mutual-aid agreement with several neighboring districts, while as outlined above its own annual resource base has been considerably improved by the recent passage of the Assessment District.

RECOMMENDATIONS

The 2015-2016 Contra Costa County Grand Jury recommends that the Bethel Island Municipal Improvement District:

2. After identifying the necessary funding, the County reclamation districts should collaborate in establishing and supporting a shared website, possibly approaching one of the Districts that already has a website to take the lead. This website should include “Best Practices”, a calendar of date- or seasonal – specific tasks, such as preparation for nesting season when certain work is prohibited, and dates when Subventions Program applications are due, and a common log of significant levee incidents to identify and track historical trouble spots.

The recommendation will not be implemented because it is not warranted or is not reasonable.

As addressed above, this District already maintains a website, which staff and Directors endeavor to keep as informative as possible. It is this District’s experience, however, that although there are few dedicated residents and property owners who check the site frequently for updates, a majority do not. The District’s Facebook page seems to generate more viewers than the District’s website. Again, this District utilizes both its website and Facebook page, and postings at the Post Office, to get as much information as possible to the public.

3. After identifying the necessary funding, the County reclamation districts should consider taking turns hosting a short, local, annual conference for all District Board members and staff. Each conference should include an educational presentation on a matter of common interest, such as changes in regulations or levee standards, new technology or procedures for levee work, new sources of funding, and/or most effective techniques for successful grant applications.

The recommendation requires further analysis.

While the idea is a good one, this District is unsure of the feasibility of coordination of such an event with as many participants that are identified in this report. Perhaps coordination of several smaller groups would be more feasible. Finding the necessary funding, of course, would be imperative. This District’s staff will research hosting such an event (for itself and several neighboring district’s) for the upcoming winter season. This would also be an effort in which the State (DWR?) would be well-advised to participate and help support.

4. After identifying the necessary funding, reclamation districts should consider adding a “training module” for new and re-elected Board members to their required governance training (i.e. Brown Act and Ethics). This “module” or

session should cover the district's levee regulations and protocols, the consequences of noncompliance with regulations and protocols, flood preparedness, and emergency response training – or at a minimum a “back to basics” session with the consulting engineer to cover these concerns.

The recommendation will not be implemented because it is not warranted or is not reasonable.

This District already provides newly elected Board members with a “training manual” of sorts, which includes all of the District's ordinances (notably the ordinance related to levee regulations and protocols), flood preparedness, etc. Additionally, this District hosts a flood fight class every two years (at a minimum). All District Staff are required to attend the flood fight class, and the Board of Directors, interested island residents, and neighboring districts are also invited to attend. And Board members and key staff members are also required to comply with AB 1234's ethics training, and are also provided the opportunity for online Brown Act training.

5. Reclamation districts should formalize, or at a minimum, document, all “Mutual Aid” agreements for future reference as reclamation district personnel change over time.

The recommendation has not yet been implemented, but will be implemented in the future.

As explained earlier, this District is currently working on formalizing a Mutual Aid agreement with several neighboring districts. As these agreements are finalized, it is the intention of this District to keep a master file of all Mutual Aid agreements for future reference.

As an additional note, even though there may not be a formal agreement in place, in the event of an actual emergency, this District would offer aid to any district with a need, as long as resources were available. Not only does this District consider itself good stewards of Bethel Island, but of the entire Delta region.

Please also note a correction in the table on page 10 as to the total miles of levee on Bethel Island. The 11.5 Agriculture figure is correct; however, the Urban (i.e. Delta Coves Subdivision's portion) figure is closer to 2.6 miles, which it appears may have been rounded to the 3 miles indicated in the table. We just wanted to make sure you have the accurate baseline information.

Thank you for your service, and for the opportunity to directly participate in this important public process through our review and comment of your Report, which we hope has been of benefit to you. Please let us know if there's any more you may need us to do, or any additional information you may wish us to provide.

Sincerely,



Bruce Smith
President