

MINUTES
Board of Directors of the Embarcadero Municipal Improvement District
May 10, 2023

CALL TO ORDER

The Regular May meeting of the Board of Directors of the Embarcadero Municipal Improvement District was called to order at 7:00 PM by President Taylor.

ROLL CALL: Directors Bohley, Duncan, Defoort, Menna and Taylor were present. Also present was Susie Koesterer, Board Clerk.

PUBLIC COMMENT: Art Cockrum was present to express his concern about drainage within the District.

MINUTES: *The Board approved the April 12, 2023 regular meeting Minutes as presented on a motion made by Director DeFoort, seconded by Director Duncan, and passed (5-0).*

LEGAL MATTERS:

1. EMID attorney, Rick Battles, was present to discuss future current and future legal issues. As Mr. Battles is retiring June 30, 2023, EMID will need to find his replacement. Mr. Battles noted that he had spoken with Peter Candy of Hollister & Brace, who has 20 years experience in representing Special Districts with an emphasis on ground water law matters and state and local permitting authorities on the preparation and processing of environmental impact reports, negative declarations, and other environmental documents necessary to ensure compliance with CEQA (California Environmental Quality Act).

There were no other local attorneys that he could recommend who represent Special Districts. He recommended contacting California Special District Association.

A motion to begin such a search was made by Director Bohley, seconded by Director DeFoort and passed unanimously. (5-0)

2. Attorney Battles also offered that EMID/Mr. Battles could enter into a retainer contract for the next year or so to help with such a transition.
3. CC&Rs: A Special Meeting will be noticed and convened on Monday, May 5 to review, sign and notarized the CC&Rs approved by the Board. Once this document has been notarized, Mr. Battles will have it recorded, originals sent to EMID.

4. FLOOD CONTROL MATTERS: EMID has some authority to undertake certain storm drainage projects, pursuant to our Enabling Act, however LAFCo may deem those authorities as latent, since they have not been used in some twenty years. There must be established a clear nexus between EMID's authorized powers and how EMID spends its money, avoiding optics of gifts of public funds.

Attorney Battles suggested several avenues through which EMID could deal with said drainage problems:

- EMID could petition LAFCo to reinstate some drainage authorities and take on such responsibilities
- EMID could adopt an Ordinance stating that property owners be responsible for all drainage
- EMID could establish an Assessment District, putting liens on all properties to provide for such projects
- EMID could ask LAFCo to form a new Special District to explore different arrangements regarding long and short term debt.

Attorney Battles will discuss with LAFCo EMID's current authorized powers with and without other agency participation.

COMMITTEE REPORTS:

SAFETY COMMITTEE:

1. Firewise: Director Duncan reported that EMID has posted signs stating we are a Firewise Community.
 - There are grants available for Project Wildfire, Resilience and Riparian Corridors.
 - Hollister Ranch – Leadership Council
 - Vegetation clearance will be paid for by Firewise
 - On June 6, Firewise will hold a Press Conference at EMID.
2. Security Cameras: Secure Pro has installed solar panels to upgrade the power source. These panels will need to be fenced to discourage vandalism.
3. Community Center Back Up Generator: The permit has been issued. Bids have been solicited for the pad and wall. Annual maintenance will be added to future Budgets, as will a "place holder" line item should future Board's wish to install the E.V. Stations.

INFRASTRUCTURE COMMITTEE:

1. Underground Utilities Project: The Committee held a real time review discussions with the bidders.
2. Roads and Drainage: The Committee met with Public works and former Flood Control Deputy Supervisor, Maureen Spencer, to discuss working with the County on the drainage problem at 950 Vereda Del Ciervo and continuing the bike path on Calle Real to include the area between the 101 and EMID.

FACILITIES COMMITTEES: The Committee will review potential projects. The E.V. Stations will be removed from the scope of work.

I.T. COMMITTEE: The Board agreed with Director DeFoort that Streamline should be hired to renew and maintain the EMID website.

FIRST READING OF THE BUDGET FOR FISCAL YEAR 2023/2024: The First Reading was held, questions and comments were reviewed and will be included in the final budget. The Second Reading and Adoption of the Budget will be held at the June 14 regular meeting.

FINANCE OFFICER REPORT: Director Menna submitted his monthly report.

ALLOWANCE OF CLAIMS: *Upon a motion made by Director Taylor, seconded by Director Defoort, the claims to be paid in the amount of \$17,173.17 were approved unanimously (5-0).*

MANAGER'S REPORT: JUNE AGENDA ITEMS:

Legal Counsel Report
Safety Committee Report
Cameras and Lighting project updates
Generator project updates
Firewise update
Infrastructure Committee report
Budget Adoption Resolution No. 23-415
Finance Officer's report

President Taylor adjourned the meeting at 8:41 PM.

APPROVED:

President

(Seal)

Clerk of the Board