



TOWN OF DISCOVERY BAY CSD

President - Kevin Graves • Vice-President - Brian Dawson • Director - Mark Simon • Director - Chris Steele • Director - Ray Tetreault

**NOTICE OF REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY CSD**
Wednesday April 20, 2011
1800 Willow Lake Road, Discovery Bay, California
Website address: www.todb.ca.gov

REGULAR MEETING at 7:00p.m.

A. ROLL CALL

1. Call business meeting to order 7:00p.m.
2. Pledge of Allegiance

B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)

The public may address the Board on any issue in the District's jurisdiction, which is not on the agenda. The public may comment on any item on the agenda at the time that item is taken up. Any person wishing to speak must come up and speak from the podium. There will be no dialog between the Board and the commenter. Any clarifying questions from the Board must go through the Chair.

C. PRESENTATIONS

D. CHAIR REPORT AND DIRECTORS' COMMENTS

E. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Minutes of previous regular meeting dated April 6, 2011
2. Minutes of previous special meeting dated April 6, 2011
3. District Invoices

F. NEW BUSINESS AND ACTION ITEMS

1. Consideration and adoption of Resolution 2011-09 approving the Park Rules & Regulations and Reservation forms and fees for the Town of Discovery Bay CSD owned and maintained parks
2. Adopt Resolution 2011-08 amending the Town of Discovery Bay CSD's Bylaws
3. Appointment of Board Member to sit on the P6 Committee to address future funding relative to the continuation of the School Resources Officer position at the Byron Unified School District

G. VEOLIA REPORT

H. MANAGER'S REPORTS

1. Cherry Hills Sewer Rehab

I. GENERAL MANAGER'S REPORT

J. DISTRICT LEGAL COUNSEL REPORT

K. CORRESPONDENCE-Discussion and Possible Action

1. R – Letter from Supervisor Piepho regarding correspondence from the Department of Conservation and Development regarding the current status of the East Contra Costa Historical Society's land-use permit compliance dated March 29, 2011
2. R – Letter from Supervisor Piepho regarding correspondence from the Office of County Counsel regarding Public Records Act request from Mark Doran dated March 29, 2011
3. R – Letter from Supervisor Piepho regarding the 2010 Census dated April 4, 2011
4. R – Contra Costa County Aviation Advisory Committee Minutes for February 8, 2011
5. R – State Route 4 Bypass Authority Meeting Minutes for February 10, 2011
6. R – Transplan Committee Meeting Minutes for March 10, 2011

L. PUBLIC RECORD REQUESTS RECEIVED

M. FUTURE AGENDA ITEMS

N. ADJOURNMENT

Adjourn to the next Regular meeting of May 4, 2011 starting at 7:00pm at 1800 Willow Lake Road-Located in back of the Delta Community Presbyterian Church.

"This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the American with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the Town of Discovery Bay, at (925)634-1131, during regular business hours, at least twenty-four hours prior to the time of the meeting."

"Materials related to an item on the Agenda submitted to the Town of Discovery Bay CSD after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."



TOWN OF DISCOVERY BAY CSD

President - Kevin Graves • Vice-President - Brian Dawson • Director - Mark Simon • Director - Chris Steele • Director - Ray Tetreault

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY CSD
Wednesday April 6, 2011
1800 Willow Lake Road, Discovery Bay, California
REGULAR MEETING 7:00 P.M.
Website address: www.todb.ca.gov**

A. ROLL CALL

The meeting was called to order. President Graves led in the Pledge of Allegiance. Roll call was taken and all the Directors were present.

President Graves – Stated that Item G-6 will be pulled from the Agenda to be brought back at a later date. There are no other changes to the agenda.

B. PRESENTATION

None

C. PUBLIC COMMENTS. (Individual Public Comments will be limited to a 3-minute time limit)

Resident Gary Tucker – Stated that there is a small group of small dog owners, around ten (10) to fifteen (15) that meet at Cornell Park each day around an hour before sunset to walk their dogs. Lately there has been several pit bull dog attacks at Cornell Park and they do not feel safe. The pit bulls also attacked Resident Gary Tucker's wife while she was walking their dog. The owner of the pit bull provided phony contact information and the person will most likely not be found. Resident Gary Tucker would like to suggest that there be a dog park or a dog area within Cornell Park. The area that may be a good location is between Willow Lake Road and Beaver Lane, along that fence.

Resident Peggy Winegardner – Stated that she is part of the group that meets at Cornell Park and her dog has been attacked twice by the pit bulls that have been seen at the park. Peggy Winegardner would also like to see a dog park at the Cornell Park.

Resident Allen Rogers – Stated that he witnessed a pit bull fight that he had to break up and that it was horrible. The veterinarian bill was enormous. Also, Mr. Rogers was issued a subpoena.

General Manager Howard – Stated that the Director of Animal Control will be coming to the Board Meeting, dated May 4, 2011, to discuss animal control issues in Discovery Bay.

President Graves – Stated that the pit bull situation has been brought to the attention of the Board previously and there will be a plan for some type of Workshop or Board meeting to discuss the topic of a dog park.

D. AREA AGENCIES REPORTS / PRESENTATION

1. SHERIFF'S OFFICE REPORT

Lieutenant Burton – 51 Reports – Pointed out the incidents in the report. Lieutenant Burton stated that he will engage with the deputies of the problem with the pit bills and will provide extra patrol. Discovery Bay was hit with several robberies. Within a short amount of time, there was a group arrested for the robberies and they were juveniles. There were six (6) juveniles that have been charged and in custody with felony robbery. Also, there was a Craigslist fraud and that person lost \$21,000, so beware of the problems that can occur if a person is not cautious.

2. **CHP REPORT – No Report**
3. **FIRE DISTRICT REPORT**
4. **EAST CONTRA COSTA FIRE PROTECTION DISTRICT REPORT**

Chief Henderson – Provided the Incident Summary Report and explained the report in detail. Also he stated that the department is short one (1) Director representing the unincorporated area. The applications close on April 12, 2011 if anyone is interested in becoming a Director. The appointment of the Director will be during the May 3, 2011 Board of Supervisors meeting.

5. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT**

Karyn Cornell – Stated that there is a Town Hall Meeting on Saturday April 9, 2011 at 1:00p.m. to discuss the Aquatic Weeds. Also, the Delta Diablo Sanitation District is holding a free Household Hazardous Waste Collection Event in Discovery Bay on June 18, 2011 from 9:00a.m. to 2:00p.m. There was a reminder sent out regarding the Vasco Road delays.

E. COMMITTEE/LIAISON REPORTS

1. **Trans-Plan Report** – President Graves announced from Duane Steele, that there is no information to report on Trans-plan.

2. **County Planning Commission Report** – President Graves announced from Duane Steele, that the Planning Commission was canceled and the last item before us was an illegal shed, however, not an issue for Discovery Bay.

3. **Code Enforcement Priority Report – No Report**

General Manager Howard – Stated that Code Enforcement will be looking at Discovery Bay for trailers parked in driveways and also looking at homes that are unkempt. Code Enforcement will also be setting up areas within Discovery Bay to enforce the regulations.

4. **Special Districts Report** - No Report**

***These meetings are held Quarterly*

F. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Minutes of the Special meeting dated March 2, 2011
2. Minutes of the Regular meeting dated March 16, 2011
3. Minutes of the Special meeting dated March 28, 2011
4. District Invoices
5. District Financials

Motion made – by Director Simon to approve the Consent Calendar and seconded by Vice-President Dawson. Motion carried by the following vote: AYES: 5, NOES: 0.

G. NEW BUSINESS AND ACTION ITEMS

1. **Consideration, approval and adoption of Resolution 2011-05 for the Discovery Bay Landscape & Lighting Zone 8 2010-2011 Operating and Capital Improvement Budget Amendment**

General Manager Howard – Explained the Zone 8 Budget Amendment in detail.

Motion made – by Director Tetreault to approve Resolution 2011-05 and seconded by Director Simon.

There was discussion between the Board and the public regarding Clipper Drive and Cornell Park.

Motion carried by the following vote: AYES: 5, NOES: 0.

2. **Consideration, approval and adoption of Resolution 2011-07 for the Discovery Bay Landscape & Lighting Zone 9 2010-2011 Operating and Capital Improvement Budget Amendment**

General Manager Howard – Explained the Zone 9 Budget Amendment.

Motion made – by Director Tetreault to approve Resolution 2011-07 and seconded by Vice-President Dawson. Motion carried by the following vote: AYES: 5, NOES: 0.

3. **Review and discussion on Park Rules & Regulations and Reservation forms and fees for Town of Discovery Bay CSD owned and maintained parks**

Landscape Manager Perez – Explained the rules and regulations along with the forms and fees for the parks owned by the Town of Discovery Bay CSD.

There was discussion in regards to reserving the park, along with issues of cleaning up after the events that were reserved.

The Board commented on the Park rules and regulations forms and fees.

General Manager Howard – Announced that Staff will take the comments from the Board on the Park rules and regulations forms and fees and the item will be brought back to the Board for review and for formal adoption.

4. Contract for the Operation and Maintenance of Water, Wastewater, and associated facilities for the Town of Discovery Bay Community Services District

General Manager Howard – Provided details of the thorough evaluation process for the operation and maintenance of the Water and Wastewater for Discovery Bay. General Manager Howard provided information in regards to the proposed services agreement with Veolia Water. General Manager Howard also introduced the new Veolia Water Project Manager, Greg White.

There was a discussion in regards to the re-structure of the Staff within Veolia Water.

Motion made – by Director Tetreault to approve the Veolia Contract as a five (5) year contract and seconded by Director Simon.

Legal Counsel Schroeder – Stated that a point of clarification your motion is to also authorize the President to execute the Contract.

Motion made – by Director Tetreault to include the statement above and seconded by Director Simon.

Motion carried by the following vote: AYES: 5, NOES: 0.

5. Reconsideration of Board Action relative to Merchant Card Services Agreement with Banc Card of America Inc. for Credit Card/Debit Card Transactions

General Manager Howard – Provided details in regards to the reconsideration of the Merchant Card Services Agreement for credit and debit card transactions.

The discussion continued on other options to offer to the customers.

Motion made – by Director Tetreault to charge a \$1.00 fee for invoices up to \$50.00 and \$2.00 fee for anything above \$50.00 and to review the agreement in twelve (12) months and seconded by Director Simon. Motion carried by the following vote: AYES: 5, NOES: 0.

6. Agency Comment Request – Sandy Cove Shopping Center/Chase Bank

President Graves – Stated that Item G-6 will be pulled from the Agenda to be brought back at a later date

7. Appointment of Public Members to the FY2011-12 Budget Review Committee

General Manager Howard – Stated that the Budget Committee met just before the meeting tonight and the result of the meeting was to recommend to the Board Christeen Era, Gaylin Zeigler, and Michael McCleery to be appointed to the 2011-12 Budget Review Committee.

President Graves – Stated that the appointment for the Budget Review Committee consists of Christeen Era, Gaylin Zeigler, and Michael McCleery.

Motion made – by Director Tetreault to take the selection that the President stated above and seconded by Director Dawson. Motion carried by the following vote: AYES: 5, NOES: 0.

H. CHAIR REPORT AND DIRECTORS' COMMENTS

President Graves – Provided his report and stated that he attended the East Contra Costa Fire Protection District meeting on April 4, 2011 and reported on the discussion within the meeting, which consisted of the details on the Benefit Assessment Tax.

Vice-President Dawson – Provided other details on the Benefit Assessment Tax. Also, there were comments from the ECCFPD Directors that the process is going too quickly and that they need to rethink the Benefit Assessment Tax process.

Director Steele – Announced that there will be a Community Center Meeting on April 19, 2011 at the Town of Discovery Bay CSD office. More information to come and if there are any questions contact Director Steele.

I. MANAGER'S REPORT

1. Wetlands Update

Water and Wastewater Manger Koehne – Presented slides which provided an update on the Wetlands Project

2. Cherry Hills Drive update

Water and Wastewater Manger Koehne – Presented slides which provided the status of the Cherry Hills Sewer Pipe Replacement. Water and Wastewater Manager Koehne also gave an update on the situation within Lakeshore along with the water leak on Beaver. The discussion continued on the topics listed above.

J. GENERAL MANAGER'S REPORT

1. Emergency Preparedness

General Manager Howard – Provided information on the Emergency Preparedness Plan and there will be a more formal process brought back to the Board at a later date.

2. Internet Access WWTP II Status

General Manger Howard – Stated that the internet situation was caused by the wind. Several antennas needed alignment and during that alignment they discovered a frayed cable. The cable was replaced and there was an immediate improvement to the internet access at the location. The Ribbon Cutting Ceremony for the Ravenswood Splash Pad will be Saturday, April 30, 2011 at 11:00a.m.

K. DISTRICT LEGAL COUNSEL REPORT

None

L. CORRESPONDENCE – Discussion and Possible Action

1. R – Minutes of Contra Costa County Byron Municipal Advisory Council for February 17, 2011
2. R – Letter to Ken Jacopetti Superintendent of Byron Union School District regarding the improvements at the School dated March 21, 2011

M. PUBLIC RECORD REQUESTS RECEIVED

1. Request from Don Flint – PRRs for Brian Dawson and Bob Mankin for 1/1/2009 through 3/14/11 – Dated March 8, 2011 and clarified on March 14, 2011
2. Request from Mark Doran – Any and all follow up responses from County regarding his last PRR on submittals form AC reimbursements – Dated March 21, 2011
3. Request from Don Flint - Last Eight (8) outside audit reports and copies of transmission letters to the County Auditor Controller's office and State Controller – Dated March 28, 2011

N. FUTURE AGENDA ITEMS

Director Tetreault – Review of the District Representative Listing, changes of categories listed or to discuss ground rules.

Jeff Barber – Would like to see a planning and priority setting process for the Budget and a parks and recreation function for the Town of Discovery Bay

Marle Grant – Would like to see discussion on the limiting of bit pulls within Discovery Bay

O. ADJOURNMENT

The meeting was adjourned at 8:56p.m. to the next regular meeting on April 20, 2011 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

cmc – 04.12.11



TOWN OF DISCOVERY BAY CSD

President - Kevin Graves • Vice-President - Brian Dawson • Director - Mark Simon • Director - Chris Steele • Director - Ray Tetreault

MINUTES OF THE SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY CSD
Wednesday April 6, 2011
1800 Willow Lake Road, Discovery Bay, California
SPECIAL MEETING 8:00 P.M. or after the Regular Meeting
Website address: www.todb.ca.gov

The Audio was inadvertently turned off therefore; the audio did not capture the section of the meeting from Open Session to Closed Session.

A. **ROLL CALL**

The meeting was called to order at 9:05 P.M.

B. **PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)**

Resident Richardson – Asked if the District was going to be making an open session report regarding the closed session item.

Legal Counsel Schroeder - Stated yes and that he would be following the Brown Act.

Legal Counsel Schroeder – The Town of Discovery Bay CSD received a letter from William Richardson claiming that the District violated the Brown Act at its meeting on March 2, 2011 regarding the closed session item O. entitled: Initiation of Litigation, Government Code §54956.9(c). Mr. Richardson claims that the District was required to disclose information listed in another subsection, 54956.9(b), and demands that the District cure the alleged violation pursuant to Government Code §54960.1.

C. **CLOSED SESSION** - disclosure regarding Closed Session items pursuant to Government Code Section 54957.7.
CONFERENCE WITH LEGAL COUNSEL

- Anticipated litigation: significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One Case
- Public Disclosure of reportable actions taken in Closed Session

President Graves – The Closed Session has now ended and we are now reconvening into Open Session. Let us give a moment to see if there is any public that would like to be part of this section of the meeting.

Legal Counsel Schroeder – The Board of Directors has reconvened into Open Session from Closed Session regarding action item C. All five (5) Board Members were present during the duration of the Closed Session. By a unanimous vote I have been directed to make the following public report out of Closed Session that the Board has rejected the demand by Mr. Richardson to cure on the basis that it did not violate the Brown Act. I have been directed to send Mr. Richardson a letter to that extent.

D. **ADJOURNMENT**

The meeting was adjourned at 9:17p.m. to the next regular meeting on April 20, 2011 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

cmc – 4.12.11



Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

April 20, 2011

Prepared By: Liz Hardy, Accounts Assistant
Submitted By: Rick Howard, General Manager

Agenda Title

District Invoices

Recommended Action

Staff recommends that the Board approve the listed invoices for payment

Executive Summary

District invoices are paid on a regular basis, and must obtain Board authorization prior to payment. Staff recommends Board authorization in order that the District can continue to pay warrants in a timely manner.

Fiscal Impact:

Amount Requested \$422,185.33

Sufficient Budgeted Funds Available?: Yes (If no, see attached fiscal analysis)

Prog/Fund # See listing of invoices. Category: Operating Expenses and Capital Improvements

Previous Relevant Board Actions for This Item

Attachments

Request For Authorization to Pay Invoices for the Town of Discovery Bay CSD
Town of Discovery Bay CSD Operating and Capital Budgets
Staff Approved - \$5,000 to \$10,000 Pending Purchase Listing
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District #8
Discovery Bay Lighting & Landscape District #8 Operating and Capital Budgets
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District #9
Discovery Bay Lighting & Landscape District #9 Operating Budget

AGENDA ITEM: E-3

Request for authorization to pay invoices
For the Meeting on April 20, 2011
Town of Discovery Bay CSD
For Fiscal Year's 7/10 - 6/11

Acct Code				
1	7002	RellaStar Life Insurance Co.	Emp# JR52, ING Employer # JR52 457 (b) for Mar 16-30 for 4.06.11	Check \$683.97
	7003	RellaStar Life Insurance Co.	Emp# JR52, ING Employer # JR52 457 (b) for Mar 16-30 for 4.06.11	Check <u>\$350.00</u>
			Sub-Total	\$1,033.97
2	7003	SDRMA	Inv# 0007648-IN, dtd 04/05/11	Medical Benefits for May 2011 \$2,634.87
3	7003	SDRMA	Inv# 35819-IN, dtd 04/01/11	Property and Liability Program - prorated invoice/refund <u>\$39.92</u>
			Sub-Total	\$2,674.79
4	7005	Neumiller & Beardslee	Inv# 239672, dtd 4/12/11	General services performed thru 3/31/11, Inv#s 239673 & 239674 \$11,332.10
5	7010	Stantec	Inv# 482554, dtd 4/11/11	Disco Bay WWTP master plan engineering services \$30,131.00
6	7011	Veolia Water North America	Inv# 00002295, dtd 4/01/11	Operation Contract for month of April 2011 \$83,362.21
	7012	Veolia Water North America	Inv# 00002295, dtd 4/01/11	Prevention & Correction Fund for month of Apr 2011 <u>\$3,560.42</u>
			Sub-Total	\$86,922.63
7	7137	PG&E / Acct# 8343916134-6	Fern Ridge Circle/Hofmann	\$497.51
8	7300	American Retrofit Systems	Inv# 64, dtd 4/07/11	Check effluent control at plc. Re boot plc, run 1 Ox ditch aerators \$250.00
9	7300	American Retrofit Systems	Inv# 65, dtd 4/07/11	Reprogram Ras 3, VFD for WWTP2 to run manual speed control \$150.00
10	7300	American Retrofit Systems	Inv# 66, dtd 4/07/11	Document program from lakes 4 VFD. P.I. remove unit for outside repair \$200.00
11	7300	American Retrofit Systems	Inv# 67, dtd 4/07/11	Install new low level stop control float and calibrate at Decant WWTP1 \$150.00
12	7300	American Retrofit Systems	Inv# 68, dtd 4/13/11	Rework electrical problem on chamber A mole, wire spool both chamber \$250.00
13	7300-P	American Retrofit Systems	Inv# 69, dtd 4/13/11	Repair P1 contactor at LS/D. adjust reset for overload \$100.00
14	7630	American Retrofit Systems	Inv# 63, dtd 4/07/11	Replace 2 quartz light tubes <u>\$110.00</u>
			Sub-Total	\$1,210.00
15	7300-P	Kirby's Pump & Mechanical Inc.	Inv# 2469, dtd 4/4/11	Repair G/R pull pump repair, flygt sub insp \$5,414.70
16	7300	MCI Engineering, Inc	Inv# 01-580, dtd 4/8/11	Equipment, materials, and dump truck \$4,318.70
17	7300	R & B Company	Inv# S1249785.001, dtd 3/29/11	8 x 1 CC Mueller BR 2 B 0899, 1 Corp CCxComp Mue, brass hex bushing \$447.01
18	7420	Neopost	Acct# xxxx-xxxx-xxxx-4658, dtd 4/6/11	Postage \$2,400.00
19	7430	Office Depot	Inv# 556369133001, dtd 3/21/11	Office Supplies \$4.38
20	7430	Office Depot	Inv# 556369169001, dtd 3/21/11	Office Supplies \$5.40
21	7430	Office Depot	Inv# 557145605001, dtd 3/28/11	Office Supplies \$55.40
22	7430	Office Depot	Inv# 557504241001, dtd 3/30/11	Office Supplies \$45.56
23	7430	Office Depot	Inv# 557686686001, dtd 3/31/11	Office Supplies <u>\$141.00</u>
			Sub-Total	\$261.74
24	7510	Spectral Wireless	Inv# 3442, dtd 3/23/11	Monthly internet service - Qrtly payment Apr - Jun \$240.00
25	7520	Verizon Wireless	Inv# 0963396340, dtd 4/21/11	Monthly usage charges for Feb 27 - Mar 26, 2011 \$395.64
26	7550	AT&T	Acct # 925 513-8290 595 9, dtd 3/26/11	Monthly service from Mar 26 thru Apr 25, 2011 Evoltn system \$131.64
27	7550	AT&T	Acct # 925 513-8682 198 8, dtd 3/26/11	Monthly service from Mar 26 - Apr 25, 2011 scada phone line P1 <u>\$223.82</u>
			Sub-Total	\$355.46
28		<u>Petty Cash Reimbursement Receipts for Feb. 10 - Mar. 31, 2011</u>		
	7670	Office Equipment / Software		\$32.76
	7950	Miscellaneous		<u>\$33.36</u>
			Sub-Total	\$66.12
9	7690	Phil's Diesel Inc.	Inv# 52502, dtd 3/11/11	Service on 1994 IH Model 8200 Truck would not start \$325.14
0	7690	Phil's Diesel Inc.	Inv# 52551, dtd 3/25/11	Replace split air tank. Check lights and replaced bulbs & flasher <u>\$740.72</u>
			Sub-Total	\$1,065.86
1	7690	Thornberg Mobile Service,	Inv# 50235, dtd 4/6/11	Serviced Gehl CTL60 on 3 different dates \$245.00
2	7720	Chris Steele	Expenses for Meetings & Mileage, dtd 4/06/11	Mar 2011 \$535.19
3	7720	Frank Cramer	Expenses for Staff mileage, dtd 4/6/11	Mar 2011 \$29.07
4	7720	Kevin Graves	Expenses for Meetings & Mileage, dtd 4/11/11	Mar 2011 \$566.30
5	7720	Mark Simon	Expenses for Meetings, dtd 4/06/11	Mar 2011 \$300.00
3	7720	Ray Tetreault	Expenses for Meetings, dtd 4/06/11	Mar 2011 \$300.00

37	7825	CCC Public Works Dept	Inv# 915849, dtd 4/06/11	Encroachment permit inspection charges	\$1,712.99
38	7825	CCC Public Works Dept	Inv# 915851, dtd 4/06/11	Encroachment permit inspection charges	\$602.74
	7952	CCC Public Works Dept	Inv# 915851, dtd 4/06/11	Encroachment permit inspection charges***	\$418.27
39	7825	CCC Public Works Dept	Inv# 915852, dtd 4/06/11	Encroachment permit inspection charges	\$632.35
	7952	CCC Public Works Dept	Inv# 915852, dtd 4/06/11	Encroachment permit inspection charges***	\$500.18
		***To be Reimbursed by Zone #'s 35 & 61			
				Sub-Total	\$3,866.53
40	7950	UPS	Inv# 000012X417151, dtd 4/9/11	Late payment fee	\$4.02
41	7952	Costco	Dtd 3/31/11	Food for the Splash Pad Opening***	\$650.00
		***To be Reimbursed by Zone #61			
42	7952	Odyssey Landscape Co, Inc.	Inv# 36035531, dtd 3/21/11	Monthly contract***	\$7,130.00
43	7952	Odyssey Landscape Co, Inc.	Inv# 36035601, dtd 3/30/11	Irrig repair @ Regatta Park***	\$508.00
44	7952	Odyssey Landscape Co, Inc.	Inv# 36035602, dtd 3/30/11	Irrig repairs @ Hwy 4, Regatta & Bixler***	\$741.00
45	7952	Odyssey Landscape Co, Inc.	Inv# 36035603, dtd 3/30/11	Irrig repairs @ Park--Ride***	\$67.00
46	7952	Odyssey Landscape Co, Inc.	Inv# 36035604, dtd 3/30/11	Irrig repairs @ Newport Drive***	\$373.00
47	7952	Odyssey Landscape Co, Inc.	Inv# 36035605, dtd 3/30/11	Irrig repairs @ Slifer Park***	\$669.00
48	7952	Odyssey Landscape Co, Inc.	Inv# 36035607, dtd 3/30/11	Irrig repairs @ Point of Timber***	\$612.00
49	7952	Odyssey Landscape Co, Inc.	Inv# 36035608, dtd 3/30/11	Irrig repairs @ Bixler Road***	\$495.00
		***To be Reimbursed by Zones #'s 35, 57, and 61			
				Sub-Total	\$10,595.00
50	7952	Quick Crete Products	Inv# 0089306-IN, dtd 4/7/11	10" dia x 35" ht. fluted lite crete bollard, female/male locking device***	\$1,177.72
		***To be Reimbursed by Zone #35			
51	0910-006	Conco-West, Inc.	Inv# 128, dtd 4/13/11	Progress billing #1 for Cherry Hills Dr sewer replacement	\$31,909.50
		TODB TOTAL...			\$198,935.56

Payroll for 1/1/11 - 3/15/11

7001	General Manager Payroll	\$33,116.24
7002	District Staff Payroll and Payroll Processing Fees	\$121,268.97
	TOTAL PAYROLL...	\$154,385.21

Staff Approved - \$5000 to \$10,000 Pending Purchase Listing
For the Meeting on April 20, 2011
Town of Discovery Bay CSD
For Fiscal Year's 7/10 - 6/11

<u>Acct Code</u>			
1	7300	Kirby's Pump & Mechanical Inc. - PO for repairs to G/R pull pump, flygt sub insp	\$5,414.70
TODB TOTAL...			\$5,414.70

Acct. #	TOWN OF DISCOVERY BAY OSD OPERATING BUDGET 2010/2011 Approved at 06/18/10 Meeting	2009/2010 YTD ACTUALS	2009/2010 % of Budget YTD	2010/2011 Budget	33.33%	41.67%	50.00%	58.33%	Feb 11 Month to Date Expenses	75.00%	83.33%	91.67%	Pending Approval 04/20/11	2010/2011 YTD REIMB.	2010/2011 YTD ACTUALS	2010/2011 % of Budget YTD
7001	Contract Services	\$1,028,719	102%	\$130,000												
7002	General Manager	\$388,678	176%	\$270,000	\$3,596	\$4,276	\$2,906	\$4,398	\$55,264	\$223,951	\$684		\$33,116		\$66,099	51%
	District Staff														\$238,750	107%
	Staff Water Related															
	Landscapo Related (Reimb)															
7003	District Benefit's	\$0	0%	\$52,500												
7005	Local	\$37,417	146%	\$80,000	\$4,524	\$8,502		\$6,325	\$3,690		\$1,368		\$3,025		\$17,033	32%
7010	Consulting Services	\$104,787	44%	\$210,000	\$8,392	\$3,568	\$21,436	\$8,136	\$7,321	\$9,860	\$1,538		\$3,025		\$50,679	63%
7011	Voolia Operations	\$1,079,476	161%	\$1,173,000	\$3,986	\$3,986	\$27,763	\$33,051	\$23,828	\$25,257	\$1,820		\$498		\$277,368	85%
7012	Voolia Prov & Corroctive Fund	\$101,819	212%	\$80,000	\$10,266	\$10,266		\$166,724	\$250,066	\$88,434			\$83,382		\$168,015	79%
7013	NPDES Permit	\$0	0%	\$12,000				\$7,120	\$15,754	\$3,560			\$3,560		\$75,332	64%
	Staff Water Related														\$52,542	66%
7014	Outsource of Water Billing		0%	\$24,000											\$0	
7015	General Operating Expenses	\$21,025	111%	\$35,000											\$0	0%
7120	Audit	\$228,208	109%	\$209,000	\$3,480	\$3,376	\$1,800	\$20,550	\$13,890	\$15,931	\$1,538		\$11,366		\$23,380	57%
7135	Electrical Cost (water)	\$371,794	124%	\$225,000	\$39,233	\$32,386	\$27,763	\$33,051	\$23,828	\$22,447	\$1,820		\$498		\$274,550	92%
7137	Electrical Cost (sewer)	\$13,367	134%	\$5,000	\$5,000	\$5,000									\$277,368	85%
7201	Public Comm & Noticing	\$0	0%	\$12,000											\$2,208	44%
7220	Election Expenses	\$0	0%	\$500											\$5,281	44%
7230	Rent - Public Meetings	\$28,073	468%	\$16,000	\$1,098	\$327	\$4,141	\$100	\$237						\$0	0%
7280	Memberships	\$29,233	97%	\$50,000	\$14,786	\$5,929	\$6,929								\$5,023	36%
7285	NPDES NOV Fines (s)	\$1,716	48%	\$25,000	\$284										\$32,223	64%
7290	Staff Training	\$554,147	185%	\$350,000	\$39,043	\$32,737	\$41,035	\$165							\$0	0%
7300	General Repairs Water / Sewer	\$0	0%	\$15,000	\$550	\$5,041	\$6,109	\$30,302	\$27,444	\$25,739	\$1,200		\$5,766		\$466,093	139%
7310	NTR / SIP Testing	\$0	0%	\$3,000	\$158	\$425									\$68,486	46%
7320	Special Equipment/Signage	\$4,659	157%	\$3,000	\$12,701	\$4,443	\$6,498	\$4,154	\$2,394	\$4,289	\$6,910				\$688	23%
7330	Chemicals/Odor Materials	\$97,797	196%	\$65,000	\$12,701	\$4,443	\$6,498	\$4,154	\$2,394	\$4,289	\$6,910				\$71,513	110%
7410	Copier Maint	\$4,697	94%	\$4,500	\$440	\$289	\$289	\$428	\$284	\$271					\$2,120	47%
7420	Postage	\$17,497	250%	\$2,500	\$1,720	\$321	\$907	\$1,630	\$755	\$907	\$307		\$2,400		\$6,344	334%
7430	Office Supplies	\$30,035	601%	\$8,000	\$451	\$996	\$322	\$713	\$765	\$469	\$238		\$252		\$5,248	66%
7510	Web Site/Internet	\$29,109	970%	\$1,000	\$479	\$246	\$1,121	\$1,564	\$852	\$411	\$362		\$240		\$4,083	409%
7520	Wireless	\$4,849	162%	\$4,500	\$651	\$370	\$1,046	\$188	\$107	\$106			\$396		\$4,593	104%
7650	Telephone	\$5,371	255%	\$4,000	\$1,154	\$441							\$395		\$9,476	87%
7680	District Wide	\$23,652	236%	\$15,000	\$136	\$4,265	\$592	\$3,020	\$823	\$246			\$110		\$15,792	105%
7685	Office Bldg / Improvements	\$21,877	439%	\$10,000	\$2,141	\$6	\$419	\$105	\$120	\$150	\$192		\$33		\$3,022	30%
7870	Office Equipment / Software	\$30,456	146%	\$1,000	\$331	\$50	\$312	\$312	\$69	\$181			\$38		\$3,029	38%
7880	Office Furnishings	\$6,193	208%	\$3,500	\$1,027	\$2,999	\$102	\$78	\$594	\$248			\$397		\$3,984	40%
7885	Tools	\$25,923	141%	\$19,000	\$9,097	\$1,835	\$584	\$2,176	\$1,058	\$6	\$170		\$1,311		\$20,833	110%
7700	Directors Expense	\$25,038	70%	\$36,000	\$1,400	\$1,318	\$1,109	\$2,151	\$2,445	\$600			\$1,731		\$16,483	46%
7730	Training	\$161,203	16120%	\$12,000	\$5,222	\$127	\$196	\$684	\$385	\$37			\$37		\$10,482	27%
7951	Misc - Reimbursable	\$0	0%	\$100,000	\$10,275	\$12,204	\$7,181	\$11,976	\$19,022	\$11,162	\$4,035		\$12,923		\$374	4%
7952	Misc - Zones Reimbursable	\$0	0%	\$100,000											\$91,106	91%
7955	Reimbursement (Hoffmann)	\$0	0%	\$100,000											\$0	
7100	Insurance	\$102,503	171%	\$48,000											\$0	
7115	General Liability	\$0		\$6,000											\$0	
7120	Worker's Comp	\$5,153	172%	\$5,500											\$0	0%
7800	County Services	\$0		\$700											\$4,458	74%
7805	Revenue Collocation	\$0	0%	\$700											\$4,640	84%
7810-0810	Investment Fee	\$0		\$2,500											\$0	0%
7815-2315	Data Processing	\$0		\$6,000											\$0	0%
7820	Accounting (A/P, A/R, GL)	\$21,180	424%	\$6,000	\$655	\$655	\$5,392	\$789	\$789				\$3,366		\$11,623	194%
7825	Public Works - permits	(\$91,100)		(\$231,000)											\$0	0%
CREDITS	Reimbursements to Town of DB	\$3,714,273	127%	\$3,897,800	\$213,352	\$170,310	\$169,623	\$429,657	\$679,217	\$263,256	\$105,009	\$0	\$321,411	\$0	\$2,862,746	77%
	TOTAL															

Miscellaneous Adjustments:		
Date	Account #	Description
7/21/2010	7950	\$5,545.00 S/B in #7952
8/4/2010	7950	\$168.44 S/B in #7952
7/21/2010	7300	\$4,408.00 S/B in #1011-01

Acct. #	TOWN OF DISCOVERY BAY CSD OPERATING BUDGET 2010/2011 Approved at 06/16/10 Meeting	2009/2010 YTD ACTUALS	2009/2010 % of Budget YTD	2010/2011 Budget	Oct 10 Month to Date Expenses	Nov 10 Month to Date Expenses	Dec 10 Month to Date Expenses	Jan 11 Month to Date Expenses	Feb 11 Month to Date Expenses	Mar 11 Month to Date Expenses	Apr 11 Month to Date Expenses	May 11 Month to Date Expenses	Pending Approval 04/20/11	2010/2011 YTD REIMB.	2010/2011 YTD ACTUALS	2010/2011 % of Budget YTD
03/14/11 2629	DB L&L # 9	\$2,170.62							8/4/2010	7010	\$1,331.42	\$18,150.00				
03/14/11 2628	DB L&L # 8	\$6,265.52							8/4/2010	7300	\$23,805.08	\$18,150.00				
03/14/11 2634	DB L&L # 8	\$5,258.79							8/25/2010	7300	\$650.00	\$18,150.00				
03/14/11 2635	DB L&L # 9	\$2,002.98							8/25/2010	7300	\$225.00	\$18,150.00				
03/14/11 2640	DB L&L # 8	\$4,595.25							8/25/2010	7300	\$96.00	\$18,150.00				
03/14/11 2646	DB L&L # 8	\$4,573.38							8/25/2010	7320	\$177.99	\$18,150.00				
03/14/11 2647	DB L&L # 9	\$2,204.98							8/25/2010	7300	\$4,010.67	\$18,150.00				
03/14/11 2652	DB L&L # 8	\$3,492.52							8/25/2010	7530	\$731.00	\$18,150.00				
03/14/11 2653	DB L&L # 9	\$141.74							8/25/2010	7550	\$731.00	\$18,150.00				
Total Reimbursements for 10/11		\$37,885.52							8/25/2010	7952	\$8,944.00	\$18,150.00				
									9/15/2010	7300	\$1,444.52	\$18,150.00				
									10/6/2010	7300	\$550.00	\$18,150.00				
									11/3/2010	7300	\$4,040.70	\$18,150.00				
									11/17/2010	7300	\$1,000.00	\$18,150.00				
									12/1/2010	7300	\$3,028.68	\$18,150.00				
									12/15/2010	7300	\$3,080.55	\$18,150.00				
									12/1/2010	7720	\$6,821.83	\$18,150.00				
									1/5/2011	7951	\$9,183.00	\$18,150.00				
									1/5/2011	7950	\$1,226.80	\$18,150.00				

Acct. # SEWER	TOWN of DISCOVERY BAY CSD CAPITAL IMPROVEMENT PROGRAM 2010/2011 Approved at 6/16/10 Meeting Account Description	2009/2010 ACTUALS	2009/2010 % of Budget YTD	2010/2011 BUDGET	Dec 10 M-T-D Exp.	Jan 11 M-T-D Exp.	Feb 11 M-T-D Exp.	Mar 11 M-T-D Exp.	Apr 11 M-T-D Exp.	May 11 M-T-D Exp.	Plan to Approve 04/20/11	2010/2010 YTD REIMB.	2010/2011 ACTUALS	2010/2011 % of Budget YTD
0910-004	Rehab Manholes	\$0	0%	\$15,000			\$9,177						\$24,070	160%
0910-005	Landscape Plant #1	\$2,636	53%	\$5,000			\$16,810				\$31,910		\$0	0%
0910-006	Replace Sewer Main	\$0	0%				\$1,990		\$5,440				\$175,550	#DIV/0!
0910-007	UV System	\$457,297	114%		\$41,078	\$4,719	\$1,990	\$980					\$315,027	#DIV/0!
0910-008	Salinity Project	\$0	0%	\$200,000									\$0	0%
0910-009	Pumps / Motors Replacement	\$35,470	71%										\$0	0%
0910-010	Wetlands	\$8,304	1%	\$85,000									\$0	#DIV/0!
1011-001	By-Pass Pipeline	\$0		\$80,000	\$4,513			\$606					\$0	0%
1011-002	Replace PLC's	\$0		\$20,000									\$10,708	13%
1011-003	Bio-Solids Pumps (2) Wet Well	\$0		\$22,000									\$0	0%
1011-004	Rehab Lift Station W			\$60,000									\$500	1%
1011-005	Bypass Valve Lift Station S			\$12,000									\$0	0%
1011-006	Metal Cover for UV Area			\$125,000									\$0	0%
1011-007	Clarifier Cleaning Devices			\$25,000									\$0	0%
1011-008	Paving for Bio-Solids Area			\$15,000									\$0	0%
1011-009	New Motes (2)			\$80,000		\$9,750	\$1,625	\$3,250					\$0	0%
1011-010	Road Crossing Ramps			\$25,000									\$57,233	72%
	Water Sub Total	\$0		\$769,000	\$45,591	\$14,469	\$29,502	\$4,836	\$5,440	\$0	\$31,910	\$0	\$583,088	76%
0809-002	Well #6 Design & Drill Test Hole	\$475,615			\$9,689	\$10,173	\$3,202	\$4,370					\$36,199	0%
0910-011	Security Door Locks (12)	\$12,980	216%	\$6,000									\$0	0%
0910-012	Ladder Vandal Guard	\$0	0%	\$2,000									\$0	0%
0910-013	Pumps / Motors Replacement	\$2,972	20%										\$0	0%
0910-014	Water Meter Program	\$63,079	13%	\$500,000									\$21,360	4%
	Water Meter Program: Reimbursements			(\$500,000)									\$0	0%
1011-011	Filter Media Replacement			\$40,000			\$29,469						\$0	0%
1011-012	Stabilize Around Willow Lake						\$16,300						\$0	0%
1011-013	Rehab Well(s)			\$30,000			\$10,335						\$0	0%
1011-014	Replace Water Mains			\$50,000									\$10,335	34%
1011-015	Water Meter Trailer			\$20,000									\$0	0%
	Water Sub Total	\$555,237	106%	\$148,000	\$9,689	\$39,642	\$29,937	\$4,370	\$0	\$0	\$0	\$0	\$113,663	77%
1011-016	Pickup Truck (1)			\$20,000									\$0	0%
1011-017	K-Rail for Bulk Material			\$15,000									\$0	0%
1011-018	Portable Message Units			\$30,000									\$4,408	29%
1011-019	GPS Tracking Device			\$12,000									\$0	0%
1011-020	Replace Fence Near Marina			\$15,000									\$0	0%
1011-021	New Chairs for Board Room			\$6,000									\$0	0%
	Other Sub Total	\$7,251	19%	\$98,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,408	4%
0102-00	Pipeline Replace Reserve	\$0											\$0	#DIV/0!
CREDITS	Reimbursement to Town of DB	\$0											\$0	#DIV/0!
	Total CIP Budget	\$1,143,864	71%	\$1,015,000	\$55,280	\$54,110	\$59,339	\$9,206	\$5,440	\$0	\$31,910	\$0	\$701,158	#DIV/0!

Amount	Description
\$4,408.00	S/B in #1011-017
\$38,032.20	removed - paid on 7/28/10

Request for authorization to pay invoices
 For the Meeting on April 20, 2011
 Town of Discovery Bay, D.Bay L&L Park #8
 For Fiscal Year's 7/10 - 6/11

Acct Code			
1	2100	Office Depot Inv# 557504572001, dtd 3/31/11 Office Supplies	\$21.58
2	2120	Discovery Bay Disposal Inv# 17-0001966, dtd 4/1/11 Com 2 Yd Bin	\$272.00
3	2130	MMF Industries Order# S4010987, dtd 3/31/11 Cabinet key unitag 60 sand	\$57.52
4	2271	Brentwood Tire Co Inv# 21546, dtd 3/29/11 Steve's landscape Chevy truck tires	\$195.83
5	2271	Brentwood Tire Co Inv# 21557, dtd 3/30/11 Steve's landscape Chevy truck new rear brakes	<u>\$142.43</u>
		Sub-Total	\$338.26
6	2281	Jani-King of Ca Inv# OAK04110241, dtd 04/01/11 Monthly contract billing amount April 2011	\$350.00
7	2282	Henson Plumbing Inc. Inv# 35506, dtd 3/24/11 Plumbing labor for unplugging toilet	\$98.00
8	2282	Odyssey Landscape Co. Dtd 04-01-11 Provided pest control services at various locations	\$1,255.00
9	2282	ValleyCrest Landscape Inv# 3732109, dtd 3/31/11 Repairs at Cornell Park sports field	\$504.00
10	2282	ValleyCrest Landscape Inv# 3732108, dtd 3/31/11 Repairs, sod patching damage by gophers	\$570.00
11	2282	ValleyCrest Landscape Inv# 3996991, dtd 4/10/11 Landscape Maint for April 2011	<u>\$8,457.00</u>
		Sub-Total	\$9,531.00
12	2282	Watersavers Irrig Inc. Inv# 11036772, dtd 3/22/11 B-flow replcmnt @ Hwy 4/DB Blvd & Edgeview exit	\$594.66
13	2310	Neumiller & Beardslee Inv# 239672, dtd 4/12/11 General services performed thru 3/31/11	\$805.00
14	4829	Greenvalley Landscape Inv# 844, dtd 4/1/11 DB Blvd / Sand Pt Rd landscape improv	\$50,930.73
		TOTAL	\$64,253.75

County Acct#	Town of Discovery Bay/D Bay L&L Park #8 Operating Expense Budget 10/11 Approved at 6/16/10 Meeting	2009/2010 Budget	2009/2010 Actuals	2009/2010 % of Budget YTD	2010/2011 Budget	25.00% Sep 10 Month to Date Expenses	33.33% Oct 10 Month to Date Expenses	41.67% Nov 10 Month to Date Expenses	50.00% Dec 10 Month to Date Expenses	58.33% Jan 11 Month to Date Expenses	66.67% Feb 11 Month to Date Expenses	75.00% Mar 11 Month to Date Expenses	83.33% Apr 11 Month to Date Expenses	91.67% May 11 Month to Date Expenses	Plan to Approve 4/20/2011	2010/2011 Actuals	% of Budget YTD
2100	Office Expenses	\$500	\$1,076	215%	\$850	\$51	\$163	\$382	\$382	\$25	\$286	-\$57	\$22	\$22	\$22	\$955	112%
2102	Books, Periodicals & Subscriptions	\$50	\$25	49%	\$50	\$150		\$60	\$100			\$80				\$220	147%
2108	Postage	\$50	\$0	0%	\$50					\$11						\$11	22%
2110	Communications (Messenger, Radio, etc.)	\$50	\$1,140	76%	\$1,785	\$60										\$60	3%
2120	Utilities (Street Lights, Water, & Garbage)	\$105,000	\$9,858	86%	\$117,000	\$12,060	\$5,281	\$11,981	\$11,083	\$7,424	\$7,082	\$8,306	\$6,834		\$272	\$77,992	67%
2130	Small Tools & Instruments	\$1,000	\$875	87%	\$750	\$107	\$124	\$388	\$20		\$120	\$58			\$58	\$1,653	220%
2131	Minor Equipment, Furniture Less than \$1,000.	\$500	\$1,208	242%	\$975			\$75			\$24					\$99	10%
2170	Household Items	\$300	\$1,209	151%	\$900	\$879					\$210					\$1,089	121%
2190	Public Notices	\$100	\$633	633%	\$150											\$0	0%
2200	Memberships	\$200	\$0	0%	\$450		\$120				\$40	\$5				\$165	37%
2250	Rent & Lease of Equipment	\$100	\$95	95%	\$500	\$220										\$220	44%
2251	Computer Software	\$500	\$0	0%												\$0	0%
2270	Maintenance of Equipment	\$700	\$1,858	265%	\$950		\$80	\$9				\$6				\$95	10%
2271	Automotive Supplies & Repairs	\$1,300	\$9	1%	\$2,000		\$988				\$341				\$338	\$1,479	74%
2272	Gasoline/Fuel for Equipment	\$4,100	\$2,246	55%	\$4,000	\$368	\$181	\$249	\$78		\$300	\$235	\$93			\$1,715	43%
2281	Maintenance of Buildings	\$5,000	\$5,402	108%	\$5,300	\$350	\$350	\$372	\$700	\$350	\$350	\$350	\$350	\$350	\$350	\$3,172	60%
2282	Grounds Maintenance	\$280,000	\$189,315	76%	\$166,484	\$1,854	\$11,890	\$13,215	\$13,185	\$12,969	\$13,701	\$18,149	\$9,832		\$11,479	\$135,161	81%
2284	Requested Maintenance from County (3620)	\$500	\$0	0%												\$0	0%
2301	Auto Mileage/Employee Reimbursement	\$300	\$700	263%	\$100											\$0	0%
2303	Other Travel Employee Expenses	\$200	\$102	51%	\$1,500											\$221	221%
2310	Professional Services	\$10,000	\$11,116	111%	\$8,100	\$400	\$170				\$4,402	\$389	\$44			\$433	29%
2360	Staff Payroll	\$63,000	\$39,064	62%	\$72,000	\$726									\$805	\$5,338	66%
2390	Insurance	\$8,000	\$10,389	130%	\$5,200		\$528	\$497				\$20,693				\$33,587	47%
2479	Road/Construction Materials (Street Signs)	\$1,000	\$0	0%	\$500											\$0	0%
2490	Other Special Expenses	\$5,000	\$5,810	116%	\$3,500	\$59	\$78									\$1,630	31%
3530	Miscellaneous Services & Supplies	\$200	\$21	10%	\$300		\$27	\$172								\$0	0%
3530	Taxes & Assessments	\$4,500	\$0	0%												\$0	0%
3611	Interfund Exp - Gov/Gov (Investment Secs&Property Tax Adm. Costs)	\$500	\$0	0%	\$500						\$108					\$1,484	42%
5011	Reimbursement-Gov/Gov County Administration Chrgs	\$500	\$0	0%	\$500											\$307	102%
Misc.	Reserves	\$500	\$0	0%	\$500											\$0	0%
	Total Expenses:	\$485,100	\$362,238	78%	\$394,494	\$17,434	\$20,580	\$27,399	\$25,952	\$21,202	\$26,856	\$47,904	\$17,374	\$0	\$13,323	\$267,086	68%

Miscellaneous Adjustments:

3/11/11 \$60.00 was in acct 2100, S/B in 2102 (11/23/10).

County Acct#	Town of Discovery Bay/D.Bay L&L Zone #8 Capital / Asset Budget 10/11 Approved at 6/16/10 Meeting	2009/2010 Budget	2009/2010 Actuals	2009/2010 % of Budget YTD	2010/2011 Budget	50.00% Dec 10 Month to Date Expenses	58.33% Jan 11 Month to Date Expenses	66.67% Feb 11 Month to Date Expenses	75.00% Mar 11 Month to Date Expenses	83.33% Apr 11 Month to Date Expenses	91.67% 5/1/2011 Month to Date Expenses	Approve 4/20/2011	2010/2011 Actuals	2010/2011 % of Budget YTD
4265	Various Improvements	\$7,500	\$4,842	65%	\$7,500	\$665	\$3,294		\$103				\$4,062	54%
4546	Structure & Walkway Repairs	\$3,500	\$0	0%	\$3,500	\$830			\$830				\$830	24%
4789	DB L&L Zone #8 Playground Equipment	\$3,000	\$0	0%	\$115,000	\$7,627		\$616		\$11,129			\$22,452	20%
4829	DB L&L Zone #8 Landscape Master Plan Entrat	\$0	\$0		\$0	\$34	\$924	\$14,773	\$82,021			\$50,931	\$148,117	#DIV/0!
4834	DB L&L Zone #8 Misc. Projects (1)	\$233,100	\$9,314	4%	\$350,000	\$468							\$0	#DIV/0!
4953	Cornell Park - Discovery Bay	\$3,000	\$0	0%	\$7,500			\$815	\$2,686				\$39,440	11%
4956	Vehicle Purchase	\$1,000	\$26	3%	\$0								\$3,501	47%
	Tools & Sundry Equipment	\$1,000	\$26	3%	\$1,000			\$2,600					\$17,493	#DIV/0!
	Total	\$251,100	\$14,182	6%	\$484,500	\$8,793	\$4,217	\$18,804	\$35,639	\$11,129	\$0	\$50,931	\$2,600	260%
													\$238,495	49%

- ***
- 1 DB L&L Zone #8 Misc. Projects (1) |
- 2 Willow Lake Rd \$120,000
- Discovery Bay Blvd. (East) \$230,000
- \$350,000

Request for authorization to pay invoices
 For the Meeting on April 20, 2011
 Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)
 For Fiscal Year's 7/10 - 6/11

Acct Code

1	2100	Office Depot	Inv# 556369133001, dtd 3/21/11	Office Supplies	\$5.23
2	2100	Office Depot	Inv# 557145605001, dtd 3/28/11	Office Supplies	\$9.32
3	2100	Office Depot	Inv# 557038952001, dtd 3/25/11	Office Supplies	\$23.41
4	2479	Office Depot	Inv# 556369171001, dtd 3/22/11	Office Supplies	\$9.50
5	2479	Office Depot	Inv# 557038986001, dtd 3/25/11	Office Supplies	\$15.68
				Sub-Total	\$63.14
6	2130	MMF Industries	Order# S4010987 Inv# 3/31/11	Cabinet Key unitag 60 sand	\$57.53
7	2271	Brentwood Tire Co	Inv# 21546, dtd 3/29/11	Steve's landscape Chevy truck tires	\$150.00
8	2271	Brentwood Tire Co	Inv# 21557, dtd 3/30/11	Steve's Chevy truck new rear brakes	\$100.00
				Sub-Total	\$250.00
9	2282	Delta Fence Co.	Inv# 22593, dtd 4/1/11	Materials for safety rules sign @ splash pad	\$118.30
10	2282	Odyssey Landscape Co, Inc.	Inv# 36035531, dtd 3/21/11	Monthly contract	\$2,725.00
11	2282	Odyssey Landscape Co, Inc.	Inv# 36035606, dtd 3/30/11	Irrig repairs Ravenswd Park	\$182.00
12	2282	Odyssey Landscape Co, Inc.	Inv# 36035609, dtd 3/30/11	Irrig repairs Ravenswd Park	\$985.00
				Sub-Total	\$3,892.00
13	2282	Pacific Playground	Inv# 1392, dtd 4/4/11	Replcment slide/sit down bar in yellow	\$229.84
				TOTAL	\$4,610.81

2010/2011

County Acct#	Town of Discovery Bay/L&L #9 Ravenswood Operating Expense Budget Approved at 6/16/10 Meeting Account Description	2009/2010 Budget	2009/2010 YTD ACTUALS	2009/2010 % of Budget YTD	2010/2011 Budget	75.00% Mar 10 Month to Date Expenses	83.33% Apr 10 Month to Date Expenses	91.67% May 10 Month to Date Expenses	Planned to Pay 4/20/2011	2010/2011 YTD REIMB.	2010/2011 YTD ACTUALS	2010/2011 % of Budget YTD
2100	Office Expenses	\$150	80	54%	\$150				\$38		\$379	253%
2102	Books, Periodicals & Subscriptions	\$50	120	240%	\$50						\$24	49%
2103	Postage	\$50	12,379	24758%	\$50						\$80	161%
2110	Communications (Messenger, Radio, etc.)	\$100	625	625%	\$650						\$120	18%
2120	Utilities (Street Lights, Water, & Garbage)	\$5,000	103	2%	\$12,500	\$1,369	\$577				\$12,379	99%
2130	Small Tools & Instruments	\$100	274	274%	\$100	\$48	\$356		\$68		\$625	625%
2131	Minor Equipment, Furniture Less than \$1000.	\$100	253	253%	\$500						\$103	21%
2170	Household Items	\$0	581	#DIV/0!	\$700	\$35					\$274	39%
2190	Public Notices	\$50	38	76%	\$150						\$253	169%
2200	Memberships	\$50	0	0%	\$165						\$40	24%
2250	Rent & Lease of Equipment	\$500	0	0%							\$0	0%
2251	Computer Software	\$500	0	#DIV/0!	\$500						\$0	0%
2270	Maintenance of Equipment	\$200	109	55%	\$200						\$80	40%
2271	Automotive Supplies & Repairs	\$300	0	0%	\$300				\$250		\$87	29%
2272	Gasoline/Fuel for Equipment	\$300	0	0%	\$500	\$75					\$858	172%
2282	Grounds Maintenance	\$54,000	32,593	60%	\$48,540	\$3,765	\$1,054		\$4,240		\$28,392	58%
2301	Auto Mileage/Employee Reimbursement	\$100	129	129%							\$0	0%
2303	Other Travel/Employee Expenses		46	#DIV/0!	\$250						\$0	0%
2310	Professional Services	\$5,000	2,890	58%	\$2,000	\$6,379					\$10,170	509%
2310	Staff Payroll	\$13,000	356	3%	\$25,500	\$3,073					\$6,227	24%
2360	Insurance	\$5,000	0	0%	\$1,850						\$490	27%
2470	Road/Construction Materials (Street Signs)		0	#DIV/0!							\$0	0%
2479	Other Special Expenses		1,249	#DIV/0!	\$500				\$25		\$343	69%
2490	Miscellaneous Services & Supplies		0	#DIV/0!	\$300						\$0	0%
3530	Taxes & Assessments	\$1,000	0	0%	\$500						\$0	0%
5011	Reimbursement-Gov/Gov County Admin. Chrgs	\$100	0	0%							\$0	0%
Misc.	Reserves		0	#DIV/0!							\$0	0%
	Total Expenses	\$85,150	\$1,824	61%	\$95,955	\$14,743	\$1,988	\$0	\$4,611		\$60,924	63%

Reserves=
Total Reserves
* Maintenance includes bioswales/mitigation areas.
* Future budget for utilities etc. to be based on actuals.

Town of Discovery Bay/L&L #9 Ravenswood
Capital / Asset

For 2007/08 there is no planned Capital Improvement Plans
Miscellaneous Adjustments:
3/11/11 \$34,779 was in 2282, S/B in acct 2170



Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

April 20, 2011

Prepared By: Fairin Perez, Landscape Manager
Submitted By: Rick Howard, General Manager *RH*

Agenda Title

Consideration and adoption of Resolution 2011-09 approving the Park Rules & Regulations and Reservation forms and fees for the Town of Discovery Bay CSD owned and maintained parks.

Recommended Action

Adopt Resolution 2011-09 approving the Park Rules & Regulations and Reservation forms and fees for the Town of Discovery Bay CSD owned and maintained parks.

Executive Summary

The Town of Discovery Bay Community Services District (District) has no existing resolution on the Park Rules & Regulations which would apply to District owned and maintained parks (Cornell Park, Roberta Fuss Tot Lot, and Ravenswood Park). While, Park Rules and Regulations were discussed in 2004, no resolution was presented or adopted. On October 3, 2007 the Board of Directors approved Large Group Park Permit and Fees by motion; however, a fee schedule for reservation rates and available areas has not been adopted.

On April 4, 2011 staff presented the following draft documents for Board consideration; (1) Park Rules and Regulations, (2) Park Usage and Rental Policy, (3) Park Reservation & Rental Fee Schedule, (4) Park Reservation & Use Permit Application. Comments and/or concerns received were minimal. The minor modifications which were made to the draft forms, other than formatting, have been highlighted for review.

Staff is requesting that the Board review, approve, and adopt Park Rules, Regulations and Reservation procedures and fee schedule.

Fiscal Impact:

Minimal increase in revenue

Previous Relevant Board Actions for This Item

October 3, 2007 Board action implementing the Large Group Permit
April 4, 2011 Board discussion of the Park Rules & Regulations and Reservation forms and fees

Attachments

1. Town of Discovery Bay CSD Park Reservation & Use Permit Application, dated 04.13.11
2. Town of Discovery Bay CSD Park Reservation & Rental Fee Schedule, dated 04.13.11
3. Town of Discovery Bay CSD Park Usage & Rental Policy, dated 04.13.11
4. Town of Discovery Bay CSD Park Rules & Regulations, dated 04.13.11
5. Resolution 2011-09

AGENDA ITEM: F-1



TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT

PARK RESERVATION & USE PERMIT
APPLICATION

REQUESTED LOCATION

CORNELL PARK – Tennis Courts

CORNELL PARK – Baseball Field

CORNELL PARK – Soccer Field

CORNELL PARK – Shaded Picnic Area

CORNELL PARK – Horse Shoe Pits

RAVENSWOOD PARK – Covered Picnic Area #1

RAVENSWOOD PARK – Covered Picnic Area #2

RAVENSWOOD PARK – Soccer Field

Date Submitted: _____

Event Date: _____

Event Type: _____

Start Time: _____

Estimated Attendance: _____

End Time: _____

CONTACT INFORMATION

Name/ Organization: _____

Address: _____

Main Contact: _____ Phone Number: _____

Secondary Contact: _____ Phone Number: _____

FEE(S) & DEPOSIT(S)

The rental fee is due a minimum of five (5) days before the rental. The fee may be paid by check or money order. The damage deposit is required to be paid separately from the rental fee by check or money order made payable to "The Town of Discovery Bay CSD."

Requested Time: _____ Rental Rate: _____ Deposit: _____

Waiver, Release and Indemnity Agreement: The person signing this Agreement warrants that he/she has the authority to execute this Agreement or on behalf of the Organization/Group and that he/she or the Organization/Group will be bound to the terms of the Agreement by such signature. I hereby understand this application is to request usage of a Park area and accept personal responsibility for damage sustained and/or cost incurred by the Town of Discovery Bay CSD because of the occupancy of said premises by myself or my Organization/Group. I, or my Organization/Group, agree to fully reimburse the Town of Discovery Bay CSD for any damage arising from the use of said Park, and costs and/or attorneys' fees, if any, incurred in collection. I have received, read and fully understand the rules, regulations and policies for use of the Park area. I agree to abide by, inform my Organization/Group, and enforce the rules, regulations and policies of the Town of Discovery Bay CSD governing the use of the Park area. I understand and agree that failure to abide by the rules, regulations and policies of the Town of Discovery Bay CSD shall result in the immediate loss of privileges of use of the Park area and/or privileges for future use. I also agree to hold the Town of Discovery Bay CSD, its officers, employees, the individual members thereof, agents, and volunteers, harmless from any damage, liability, cost or legal expense that may arise during or be caused in any way by such use or occupancy of the Park area. I agree that this Waiver, Release and Indemnity Agreement is binding on my heirs and assigns.

Applicant Signature: _____ Date: _____

Staff Signature: _____ Date: _____



TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT

PARK RESERVATION & USE PERMIT
APPLICATION

FOR ACCOUNTING USE ONLY

Deposit Fee Due: _____ Date Paid: _____ Received By: _____
Rental Fee Due: _____ Date Paid: _____ Received By: _____
Insurance Required? _____ Date Received: _____ Received By: _____

FOR PARKS/LANDSCAPE STAFF ONLY

Date Reservation Schedule Posted: _____ By: _____
Note any Pre-existing damage to the area: _____

POST EVENT INSPECTION

Note any damage or cleaning needed to the premises: _____

Deposit Amount: _____
Cost on Damages: _____
Cost on Cleaning: _____
Deposit Returned: _____

Staff Signature: _____ Date: _____

Renter Signature: _____ Date: _____



TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT

PARK RESERVATION & RENTAL
FEE SCHEDULE

Park Area	Hourly	Half Day (6 Hr)	Daily (Operating Hours)	Deposit
Cornell Park – Tennis Courts	Resident: \$5.00 Non-Resident: \$7.50 Organization/League: \$7.50 Non-Profit: \$5.00	Resident: \$25.00 Non-Resident: \$37.50 Organization/League: \$37.50 Non-Profit: \$25.00	Resident: \$50.00 Non-Resident: \$75.00 Organization/League: \$75.00 Non-Profit: \$50.00	\$50.00*
Cornell Park – Baseball Field	Resident: \$5.00 Non-Resident: \$7.50 Organization/League: \$7.50 Non-Profit: \$5.00	Resident: \$25.00 Non-Resident: \$37.50 Organization/League: \$37.50 Non-Profit: \$25.00	Resident: \$50.00 Non-Resident: \$75.00 Organization/League: \$75.00 Non-Profit: \$50.00	\$100.00
Cornell Park – Soccer Field	Resident: \$3.50 Non-Resident: \$5.25 Organization/League: \$5.25 Non-Profit: \$3.50	Resident: \$17.50 Non-Resident: \$26.25 Organization/League: \$26.25 Non-Profit: \$17.50	Resident: \$35.00 Non-Resident: \$50.00 Organization/League: \$50.00 Non-Profit: \$35.00	\$50.00
Cornell Park – Shaded Picnic Area	Resident: \$7.50 Non-Resident: \$10.00 Organization/League: \$10.00 Non-Profit: \$7.50	Resident: \$37.50 Non-Resident: \$50.00 Organization/League: \$50.00 Non-Profit: \$37.50	Resident: \$75.00 Non-Resident: \$100.00 Organization/League: \$100.00 Non-Profit: \$75.00	\$50.00
Cornell Park – Horse Shoe Pits	Resident: \$3.50 Non-Resident: \$5.25 Organization/League: \$5.25 Non-Profit: \$3.50	Resident: \$17.50 Non-Resident: \$26.25 Organization/League: \$26.25 Non-Profit: \$17.50	Resident: \$35.00 Non-Resident: \$50.00 Organization/League: \$50.00 Non-Profit: \$35.00	\$25.00*
Ravenswood Park - Covered Picnic Area 1	Resident: \$6.00 Non-Resident: \$8.50 Organization/League: \$8.50 Non-Profit: \$6.00	Resident: \$30.00 Non-Resident: \$42.50 Organization/League: \$42.50 Non-Profit: \$30.00	Resident: \$60.00 Non-Resident: \$85.00 Organization/League: \$85.00 Non-Profit: \$60.00	\$50.00
Ravenswood Park - Covered Picnic Area 2	Resident: \$50.00 Non-Resident: \$75.00 Organization/League: \$75.00 Non-Profit: \$50.00	Resident: \$30.00 Non-Resident: \$42.50 Organization/League: \$42.50 Non-Profit: \$30.00	Resident: \$60.00 Non-Resident: \$85.00 Organization/League: \$85.00 Non-Profit: \$60.00	\$50.00

Park use is on a first come, first served basis. Reservations are strongly encouraged and are required by Sports Leagues/Organizations (regardless if use is for organized practice or game play), for groups over 50, and any time a user intends to bring inflatable play equipment into the park.

Any user who has made a reservation has priority over a user that has not made a reservation.

Residents must show proof of residency at time of reservation request.

Non-Profit groups shall present verified and current 501(c)(3) non-profit status at the time of the reservation request.

Long-term rentals for Sports Organizations or Leagues: Fees and other terms will be outlined in a separate Memorandum of Understanding.

“Organization” shall include those individuals and groups which operate trainings, lessons or games for profit.

* Deposits on Horse Shoe Pits and Tennis Courts shall be waived if reserved for less than 3 hours.



TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT PARK USAGE & RENTAL POLICY

I. GENERAL INFORMATION

The Park Usage and Rental Policy outlines specific regulations and requirements associated with the permitted rental of a public facility and/or area within the Town of Discovery Bay Community Services District (District) owned or operated park. Obtaining a permit shall grant the user basic usage and access rights for the approved purpose and time only. Any fees or deposits established by the District Board of Directors shall be paid by the applicant before the effective date of the permit. All users shall comply with County, State and Federal laws.

The District reserves the right to cancel, revoke or suspend any and all reservations, permits and applications if deemed inappropriate, flagrantly disrespectful or if harmful activities are taking place in the park. No notice is required and, in some cases, the Sheriff will be notified and enforcement action will be requested. Violations of this policy may result in forfeiture of fees and/or deposit.

Facilities and parks available for rental include:

1. Cornell Park, Tennis Courts
2. Cornell Park, Baseball Field
3. Cornell Park, Soccer Field
4. Cornell Park, Shaded Picnic Area
5. Cornell Park, Horse Shoe Pits
6. Ravenswood Park, Covered Picnic Area 1
7. Ravenswood Park, Covered Picnic Area 2
8. Ravenswood Park, Soccer Field

II. ELIGIBILITY & PRIORITY

The District reserves the right to exclude or remove activities it deems inappropriate for public use. District business will take precedence over any and all other meetings. Groups that have a reservation in advance are subject to cancellations, in rare circumstances, to accommodate this priority. All fees will be returned to the user if the District requires a cancellation or relocation of the reserved event.

In issuing permits, priority shall be given to Discovery Bay residents and events serving the Discovery Bay community.

III. RESERVATION REQUIREMENTS

The renter must be over 18 years of age, and submit a complete Reservation Form to the District offices, a refundable damage deposit, and all applicable user fees and insurance as described in Insurance Requirements. Renters are required to provide the name and phone number of the principal contact person and a secondary contact. This person must be present onsite during the approved rental period and will be the emergency contact, and is responsible for ensuring compliance with the policies outlined. A copy of the permit must be onsite and available upon request by District staff or representatives during approved rental period.

III. RESERVATION REQUIREMENTS (CONT.)

Single day reservation may be made up to ninety (90) days in advance. Long-term league reservations may be made up to four (4) months in advance, unless previously approved by the Town of Discovery Bay CSD Board of Directors.

No reservation or agreement will be issued or signed until the requesting user has paid the applicable deposits and fees.

Insurance Requirements: All sports leagues, organizations, groups over 50, or inflatable play equipment operators are required to provide the District with a valid Certificate of Liability Insurance (in the amount of \$1,000,000.00), with the Town of Discovery Bay Community Services District listed as an additionally insured. Insurance Certificates must be submitted to the District at least five (5) days prior to the scheduled reservation.

Cancellations: Cancellations occurring five (5) business days or more prior to the event will be refunded all fees and deposits. Cancellations occurring four (4) business days or less prior to the event will forfeit all applicable fees but be refunded all of the deposit.

Clean Up: Renters are required to clean up and return the park or area to the original condition. Trash must be placed in the receptacles provided. Trash that does not fit in the trash receptacle must be disposed of properly by the renter.

Reasonable party decorations are permitted. However, users may not put staples or nails into any tree, sign, or table for any purpose. All decorations must be taken down and removed from the facility.

Deposit Forfeiture: Renter agrees to take full responsibility for the behavior of their guests during the rental period. Children must be supervised at all times by adults. Any charges for damage to the park or facility or its furnishings will be deducted from the deposit. Rentals that exceed the reserved time period will be charged the hourly rate to be deducted from the deposit. Failure to leave the rented area in satisfactory condition will result in deposit forfeiture. Upon a satisfactory inspection of the premises by District staff, the deposit check will be destroyed or returned to the applicant.

Prohibited Activities: No person shall consume, possess, sell, serve or cause to be served, any alcoholic beverage of any kind within any park area. Fires and barbecues (BBQ) shall be permitted only in grills already provided in the park.

Exhibitions, Events, Festivals, Meeting and Assemblies: Any person, group, society, club or organization wishing to set up or maintain any exhibition, place of amusement, concert, picture show, bandstand, performance, entertainment or other form of amusement or function where the expected attendance is fifty (50) people or more occupying the park at any one time, must first obtain written authorization from the District's General Manager. These types of requests must be submitted no less than sixty (60) days prior to the event.

IV. MISCELLANEOUS

Any policy listed herein may be waived or modified as deemed appropriate by the District's General Manager or his/her designee.

END



TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT PARK RULES & REGULATIONS

I. GENERAL INFORMATION

These Rules and Regulations shall apply to all Town of Discovery Bay Community Services District's (District) owned or maintained Parks and common areas.

II. PARK HOURS

Park hours shall be based upon the amount of light available for the safety of park users. Closing hours are one-half hour after sunset to one-half hour before sunrise on the following day.

When the parks are closed, lighted pathways may be used for traveling from one location to another; however, loitering on any pathway after the park is closed is prohibited.

No person may enter, loiter or remain, or allow or maintain a motorized vehicles, bike or skateboard, in any park after the park is closed for public use. No vehicle may be left overnight for any reason, without the authorization of the General Manager or his/her designee.

III. PARK USE

In general, park use is on a first come, first served basis. However, reservations are strongly encouraged and are required for all sports leagues, organizations, groups over 50, or any time a user intends to bring inflatable play equipment into any Park.

Any user who has made a reservation has priority over a user that has not made a reservation.

Individuals or groups wishing to make a reservation must be at least 18 years of age. Applications must be submitted to the District office a minimum of five (5) days in advance of their scheduled event.

To reserve an area in one of the Parks, the following process must be followed:

1. The user must obtain a packet from the Town office which includes the following:
 - a. Park Usage & Rental Policy
 - b. Park Reservation & Rental Fee Schedule
 - c. Park Reservation & Use Permit Application
2. All Fees and Deposits must be paid to the District office a minimum of five (5) days in advance of their scheduled event.

All terms and regulations of the "Park Usage & Rental Policy" shall apply to reservations.

IV. ATHLETIC FIELDS (BASEBALL & SOCCER)

In general, the use of all baseball and soccer fields will be governed by "Memorandum of Understanding (MOU)" which is negotiated annually with specific user groups.

When a field is not scheduled for use under a League or Organization agreement (MOU), it is available for public use. Reservations for day use can be made at the District office.

IV. ATHLETIC FIELDS (BASEBALL & SOCCER) – Cont.

All users will adhere to the "Rainy Day" policy where if it has rained anytime in the three-hour period prior to scheduled field use, all activity shall be canceled. If rain begins during field use and continues for thirty minutes, all activity shall be canceled. Additionally, if the field is obviously too wet or in a condition where practice or active play would damage the field or turf, such practice play shall be postponed until the field has dried out to a point where footprints will not make a lasting impression. Users may reschedule their event or receive a refund if they have been rained out.

Users may not use fences for backstops, goals, or the like, which may cause damage.

V. BASKETBALL COURTS

For safety reasons, open-toe shoes or sandals are not permitted.

Hanging from the basketball rims and slam dunking is not permitted.

All disputes and disagreements shall be handled in a calm manner. Fighting or loud, abusive language is prohibited and will lead to removal from the courts.

When players are waiting, the following rules apply:

1. Games are played to 11 points, with each basket being worth 1 point.
2. Winning teams may remain on the court until they lose.
3. Full court games take precedence over half-court games; however, if a half-court game is in progress, full court games must wait for the current game to finish before taking court.
4. If the winning team of a half-court game does not wish to play full-court, they must leave the court.

VI. TENNIS COURT

For safety reason, tennis shoes must be worn at all times.

Courts are to be used for Tennis or Tennis like sports, ONLY. All other equipment is strictly prohibited.

Tennis courts may be reserved at the District office on a first come, first served basis.

Players holding reservations have priority use of the Tennis Courts; however, if the reservation holder arrives late (20 minutes) or more, the reservation is forfeited.

When operating on a first come, first serve basis, one user can not hold a court while waiting for another. All users must be present to secure a court.

When players are waiting, the following rules apply (except in the circumstance of a reservation):

1. Users already in play on the court may finish their match.
2. Singles matches may not exceed 1 hour.
3. Doubles matches may not exceed 1 ½ hours.
4. Once a match has been completed, the players must give use of the court to waiting users.

No animals are allowed on the court or inside the tennis area.

Persons not abiding by the above rules may be denied permission to use tennis courts in the future.

VII. SPLASH PAD

The Splash Pad is unsupervised. All persons using the facility do so at their own risk.
All children must have adult supervision at all times.
Swim suits and/or appropriate attire must be worn at all times.
Footwear/sandals are strongly recommended.
Food and/or beverages of any kind are not allowed on the Splash Pad.
No glass containers or breakable objects are allowed on the Splash Pad.
No skateboards, roller blades, bicycles, and/ or scooters are allowed on the Splash Pad.
Dogs/pets are not allowed on the Splash Pad.
Swim diapers are required for all non toilet-trained users
Roughhousing or violent play is prohibited.

The Splash Pad is not available for reservation.

Operations Hours will vary depending on temperature, time of year, budget availability and safety concerns.

VIII. ANIMALS WITHIN THE PARK

No person owning, possessing, harboring or controlling any animal shall allow such animal to be at large. In the case of a dog, at large means "not under effective restraint by a leash". In the case of animals other than dogs, at large means "not in the immediate presence or under their effective control of such person, in any place or position with the capacity to injure persons or property, or fights, bites or causes harm to any other animal or person".

It shall be the responsibility of persons having charge of any animal to collect and dispose of excrement deposited in any public park.

No animal may enter or remain within any park area reserved for children or enter any play apparatus area.

No animal may be left unattended.

With the authorization from the District's General Manager, or his/her designee, animals may be brought onto public parks or facilities for the purpose of animal shows, exhibits, festivals and the like.

All park users are subject to Contra Costa County Ordinances relating to animal control services. Violations may be reported directly to Contra Costa County Animal Services at (925) 335-8398.

IX. AUTOMOBILES, BICYCLES AND OTHER CONVEYANCES

Unless specifically authorized, no person shall drive or propel any automobile, truck, motorcycle, motor scooter, motorized skate boards or scooter, or any other motor powered vehicle within any park, except on the roads, driveways and/or parking lots provided and designated by the District General Manager or his/her designee for such use.

Parking overnight in any park parking lot is prohibited.

No person shall park any vehicle on any lawn or planted area in any park, unless specifically authorized by the District's General Manager or his/her designee.

No person shall wash, grease, service or repair any vehicle in public park areas unless authorized by the District's General Manager.

IX. AUTOMOBILES, BICYCLES AND OTHER CONVEYANCES (CONT.)

No motor vehicle or other conveyance shall be parked in any other area than an established or designated parking area.

Persons shall not ride or drive any horse or other animal within parks or common areas, unless authorized to do so by the District's General Manager or his/her designee.

Persons riding bicycles, skateboards, skates may ride upon the designated improved park road or pathway (asphalt or concrete) only, and then only when operated in a safe manner and yielding to pedestrians. Trick and exhibitions, including grinding, jumping starts and rails on benches, are strictly prohibited.

Caution and courtesy shall be followed when riding bicycles, skateboards or roller skates within any public park.

X. FIRES, CAMPFIRES AND BARBEQUES

Fires, campfires, and barbecues (BBQ) shall be permitted only in grills already provided in the park and may not be left unattended. Fuel shall be of such types and fires kindled in such a manner as to prevent the danger of fire in the surrounding vegetation. No personal BBQ's are allowed unless specifically authorized by the District's General Manager or his/her designee.

Before leaving the premises, a park user starting a fire in an authorized place shall be responsible for assuring that the fire is thoroughly extinguished. Used coals, fuel or other flammable material used to cook should be left on the grill provided in the park and should not be dumped into garbage receptacles, bushes or on any lawn area.

XI. USE OF INFLATABLE PLAY EQUIPMENT

The District requires any user or operator who intend to bring inflatable play equipment into the park provide the District with a certificate of liability insurance for one million dollars (\$1,000,000.00) with the Town of Discovery Bay Community Services District named as an additional insured. The certificate must be on file with the District office at least five (5) business days prior to the event. Proof of insurance may be faxed to (925) 513-2705.

Inflatable play equipment may only be operated in areas specifically designated by the District.

Power sources are not available at Ravenswood Park. Generators may be used only with District authorization, and only between the hours of 10am and 6pm.

XII. GOLF, ARCHERY AND HORSESHOES

No person shall play or practice golf, archery or horseshoes, except in designated areas.

XIII. MODEL AIRPLANES, CARS AND OTHER SIMILAR DEVICES

No person shall fly model airplanes or operate gas powered model cars, vehicles, or other similar gas powered remote controlled devices within the grounds of any District park.

Battery powered remote controlled vehicles or devices may be used, but in a courteous manner, yielding to pedestrians and other park users.

XIV. RESTROOM USE

No person shall use restrooms designated for the opposite sex, except children (age 6 and under) accompanied by an adult.

All persons shall cooperate in maintaining restrooms in a neat and sanitary condition.

XV. ALCOHOL

No person shall consume, possess, sell, serve or cause to be served, any alcoholic beverage of any kind within a park area (reserved or not).

Violation of this regulation shall be grounds for immediate removal from any park area, citation by the Contra Costa County Sheriff's Department, and revocation of future use and reservation privileges.

XVI. DISORDERLY CONDUCT PROHIBITED

Public parks are for the enjoyment and benefit of those persons who desire to use the facilities in an orderly manner. Disorderly conduct, including the following, is prohibited:

1. Use of language which is offensive and likely to provoke an immediate violent reaction, including playing music which would do the same.
2. Throwing of rocks, stones or other missiles, likely to cause damage to any person, property, or animal. Use of typical play equipment, such as a Frisbee or baseball, shall be allowed so long as it does not endanger other park users.
3. Carrying firearms or other dangerous weapons in the park, that is potentially dangerous to human safety and wildlife, other than police officers in the discharge of their duties. Weapons prohibited under this section include, but are not limited to, firearms, any gun, pistol, bow and arrow, slingshot, or any type of object or device capable of propelling a projectile, knives (other than pocket or kitchen knives for the purpose of preparing or serving food), daggers, and martial arts weaponry, axes or machetes.
3. Possess, sell, display or discharge any fireworks or firecracker of any sort, except with explicit written authorization from the District General Manager and the East Contra Costa Fire Protection District.
4. Playing any game of chance, or operating any gaming table or instrument, or equipment designed for such game of chance.
5. Aggressive behavior, such as pushing, shoving, or intentionally walking/riding close to another while walking, running, riding a bicycle, scootering, skateboarding, or roller/in-line skating.
7. Begging or soliciting contributions or subscriptions.
8. Climbing upon or tending to damage any wall, fence, shelter, building, structure or other public facility or equipment.
9. Appearing unclothed or in such attire, costume or clothing as to be exposed to public view.

Persons who are disorderly or publicly offensive to other park users or nearby residents shall be asked to cease such activity, and upon failure to do so, may be required to leave the park.

XVII. EXCESSIVE NOISE PROHIBITED

No person shall make excessive noise that distracts or disturbs park patrons or nearby residents.

XVIII. SELLING AND ADVERTISING

No person shall sell, offer for sale, or give away any goods, wares or merchandise, or services (including training courses) within any park without having obtained authorization from the District's General Manager or his/her designee.

No person shall affix, cause to be posted or affixed to any tree, shrub, plant, fence, building, structure, monument, wall apparatus, post, bridge, bench, gate or other physical object, any handbill, circular, booklet, card, pamphlet, sheet, poster or written or printed notice advertising any commodity, article, merchandise, business activity, person, or thing within any public park without the prior authorization of the District's General Manager or his/her designee.

XIX. EMERGENCIES

In an emergency or when the District's Board of Directors shall determine that the public interest, or public health, or public safety demands such action, any park, or any part or portion thereof, may be closed to the public and all persons may be excluded there from until the District's Board of Directors or emergency personnel shall determine that public use of the park or the portion thereof may be properly resumed and orders the park or portion of thereof reopened to public use.

XX. EXHIBITIONS, EVENTS, FESTIVALS, MEETINGS & ASSEMBLIES

Any person group, society, club or organization wishing to set up or maintain any exhibition, place of amusement, concert, picture show, bandstand, performance, entertainment or other form of amusement, or a function, business meeting, assembly, demonstration or any large gathering (with the exception of a parade) where the expected attendance is fifty (50) people or more occupying the park at any one time, must first obtain permission from the District's General Manager or his/her designee.

All requests for authorization under this section must be submitted no less than 45 days prior to the event to allow District staff time to prepare for the event.

Groups of any size requiring the assistance from the District (i.e. street barricades, etc.) must make a request in writing to the District at least 30 days prior to the event and may be required to reimburse the District for costs incurred as a result of the event. The District's General Manager or his/her designee may waive these requirements on a case-by-case basis.

Users wishing to stage or disperse a parade in a park and who have the necessary permit from the District are exempt from the requirements of this section.

XXI. CAMPING

No person shall camp, lodge, erect a tent, or other temporary structure overnight in any public park without the authorization of the District's General Manager or his/her designee.

XXII. CARE AND MAINTENANCE OF THE PROPERTY

All refuse and debris within the park area shall be deposited within the appropriate can or receptacle provided. When a can or receptacle is not provided or is full, users must remove their refuse or trash from the park and properly dispose of it elsewhere.

No person shall cut, break, injure, tamper with, deface, remove or disturb any tree, shrub, plant, rock, building, wall, fence, bench, sign, regulations, structure, apparatus or property; or climb any tree or wall, stand or sit upon monuments, bases, fountains, railings, fences, or any other property not designated for such purposes, nor shall persons hitch a horse or other animal to any tree or structure.

No person shall construct or erect any building, run or string any public service utility except by special written authorization.

No person shall wear footwear that will damage, injure, or create the need for excessive maintenance on any field, court, deck, floor, turf, or specialized surface prepared for particular games or activities.

XXII. CARE AND MAINTENANCE OF THE PROPERTY (CONT.)

Only persons authorized by the District shall perform any work in or upon the park. Work, such as taking up or replacing soil, turf, ground, pavement, structures, trees, shrubs, plants, or flowers, shall be performed solely under the authorization of the District's General Manager or his/her designee.

No person shall use a park or any portion of the park when posted by the District as being closed for any reason, including, but not limited to when the park or portion thereof is closed for repairs or maintenance.

No user may engage in graffiti, tagging, or other defacing of District property or the property of others.

No person shall place or dump any foreign material like dirt, rocks, grass clippings, building materials, bottles, cans or anything similar on or within all parks and common areas.

XXIII. CONDITIONS AND LIMITATIONS

Entry into the parks including reservations issued under the provisions of this chapter are subject to such reasonable conditions as the issuing body may deem necessary, in order to ensure that the proposed use will be compatible with the general use of the park. Such conditions may include, but are not limited to the following:

1. Limitations on the times during which the proposed use will be permitted;
2. Limitations on the locations at which the use will be permitted;
3. Limitations on the number of people that will be permitted to participate in a use given a location;
4. Requirement that the applicant furnishes proof of insurance for one million dollars (\$1,000,000.00), naming the District as an additional insured when the event poses serious liability to the District, its agents and/or employees;
5. Requirement that the applicants furnish private patrol or security where the nature of the use will impose undue burdens on the police services of the District;
6. Requirement that the applicants provide temporary sanitary facilities, trash containers, etc.
7. Require that the applicant post fees, deposits, or other security to cover the extraordinary costs which may be incurred by the District as a result of the proposed use.

No conditions imposed under these Rules and Regulations shall unreasonably interfere with the rights of individuals to express themselves or assemble, provided, however, that such activities shall be subject to such reasonable regulations so as to ensure the rights of the people to use their public parks shall not be unreasonably impaired. All users shall comply with all park rules and regulations unless otherwise specifically exempted there from.

END



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2011-09**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT ESTABLISHING FEES FOR PARK RESERVATION AND USE**

WHEREAS, Town of Discovery Bay Community Services District owns and maintains parks located within Discovery Bay; and

WHEREAS, it is necessary to adopt a park reservation system and fee schedule for park usage.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Board adopt the Park Reservation and Rental Fee Schedule, attached.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 20th DAY OF APRIL 2011.

J. Kevin Graves
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on April 20, 2011, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Richard J. Howard
Board Secretary



Town of Discovery Bay CSD AGENDA REPORT

Meeting Date

April 20, 2011

Prepared By: Dan Schroeder, Legal Counsel
Submitted By: Rick Howard, General Manager *RH*

Agenda Title

Adopt Resolution 2011-08 amending the Town of Discovery Bay CSD's Bylaws

Recommended Action

Adopt Resolution 2011-08 amending Articles VIII, IV.3.A.1, and VI.D of the Town of Discovery Bay CSD's By-Laws to replace Robert's Rules of Order with Rosenberg's Rules of Order, authorize the President to call for a recess, and requiring a second on all motions.

Executive Summary

At the Board of Directors ("Board") March 16, 2011 meeting, the Board directed the District's Counsel to prepare an amended Town of Discovery Bay CSD's By-Laws ("By-Laws") adopting Rosenberg's Rules of Order in place of Robert's Rules of Order. In addition, the Board also directed District Counsel to amend the By-Laws authorizing the President to call for a recess subject to objection by the majority of the Board present at the meeting and that all motions require a second to the motion before any Board vote.

In accordance with that direction, adoption of Resolution 2011-08 will amend the Town's By-Laws as follows:

1. Article VIII of the Bylaws is amended to read in full as follows:
"Rosenberg's Rules of Order, current edition or such other authority as may be subsequently adopted by resolution of the Board is to apply to all questions of procedure and parliamentary law not specified in these Bylaws or otherwise by law."
2. Article IV, Section 3.A.1 of the Bylaws is amended to read as follows:
"Shall preside at all meetings of the board and such other meetings approved by the Board, and have authority to call for short recesses during meetings unless a majority of the Directors by vote oppose a recess."
3. Article VI, Section A of the Bylaws is amended by adding subsection D to read as follows:
"All motions made at Board meetings shall require a second to the motion prior to the Directors voting."

It is recommended that Resolution 2011-08 be approved.

Fiscal Impact: N/A

Amount Requested \$N/A

Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)

Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

Previous Relevant Board Actions for This Item

Action to be Taken Following Board Approval

The District Counsel will prepare Amended By-Laws incorporating the changes. The General Manager will distribute the new copies to the Board.

Attachments

1. Proposed Town of Discovery Bay CSD Bylaws
2. Rosenberg's Rules of Order
3. Resolution 2011-08

AGENDA ITEM: F-2

DRAFT

**REVISED
BYLAWS
OF THE
TOWN OF DISCOVERY BAY**

Revised April 20, 2011

REVISED BYLAWS
OF THE
TOWN OF DISCOVERY BAY

ARTICLE I

NAME

This unit of local government shall be known as the Town of Discovery Bay, with powers and territorial boundaries as prescribed in Resolution No. 97/295 of the Board of Supervisors of Contra Costa County, State of California, dated June 10, 1997, and as provided by law.

ARTICLE II

PURPOSE

The purposes of the Town of Discovery Bay, as approved by the Local Agency Formation Commission and by law, are

- A. To provide for those exercise of those powers set forth in Government Code § 61600 approved by the electors of the Town;
- B. To continue the advisory responsibilities of the Discovery Bay Municipal Advisory Council;
- C. To serve the residents of the Town of Discovery Bay, in the manner provided by law.

ARTICLE III

BOARD OF DIRECTORS

Section 1. Number.

The governing body of the District shall consist of five (5) elected Directors, each of whom shall serve for a term of four (4) years. Such terms of office to be established on a staggered basis. Initially two (2) Directors will serve a two year term and three (3) members will serve a four year term. Thereafter, all terms shall be four years.

The initial Directors, their terms and term expirations, are:

William Slifer	4 years	Expires December 1, 2001
Mike Dohren	4 years	Expires December 1, 2001
David Piepho	4 years	Expires December 1, 2001
Virgil Koehne	2 years	Expires December 1, 1999
Chet Loveland	2 years	Expires December 1, 1999

Section 2. Compensation.

The Board may authorize each Director to receive compensation of One Hundred Dollars (\$100.00) for each meeting of the Board attended by him/her, and One Hundred Dollars (\$100.00) for each day's service performing duties for the District other than attending meetings, subject to the following limitation: Total compensation shall not exceed Six Hundred Dollars (\$600) per month. Traveling and such other necessary expenses actually incurred by him/her in performing District Duties shall be reimbursed, and such reimbursement shall be in addition to the compensation specified herein.

Section 3. Vacancies.

- A. Vacancies on the Board shall be filled in accordance with Government Code § 1780.
- B. Vacancies shall be deemed to exist as provided in Government Code § 1770.

Section 4. Resignation.

A Director may resign at any time by giving written notice to the Board, to the President, or to the Secretary of the Board. Any such resignation shall take effect at the date of the receipt of such notice or at any later time specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

ARTICLE IV

OFFICERS

Section 1. Elected Officers.

The elected officers shall be chosen by the Board from among the five (5) members of the Board and shall consist of a President (who may be called "Chair"), a Vice-President (who may be called "Vice-Chair"), and a Treasurer.

Section 2. Terms of Elected Officers.

Elected Officers of the Board, as provided in Article IV, Sec. 1, shall be elected by the Board at the January meeting and shall serve for one (1) year, said term to commence upon election. All elected officers shall be eligible to serve successive terms, except that the President shall be eligible to serve not more than two (2) full successive terms as President.

Section 3. Duties of Elected Officers.

A. President.

1. Shall preside at all meetings of the board and such other meetings approved by the Board, and have authority to call for short recesses during meetings unless a majority of the Directors by vote oppose a recess.
2. Shall serve as official spokesperson for the Board.
3. Shall appoint such committees and other working groups as prescribed by the Board.
4. Shall designate Directors or others to represent the Board at various meetings, hearings, and conferences.
5. Shall co-sign all checks for warrants drawn by the Treasurer and approved by the Board.
6. Shall perform such other duties as necessary to carry out the work of the Board.
7. Shall perform such duties as prescribed by law.

B. Vice-President.

1. Shall serve in the absence of the President.

C. Board Treasurer.

1. Shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of all financial transactions of the District, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, and capital surplus, and assure that Town funds are properly secured. The books of the account shall at all reasonable times be open to inspection by any Director.

2. Shall prepare, or cause to be prepared, and supervise the preparation of an annual budget, together with reliable estimates of income and a publicly announced semi-annual report of expenditures.
3. Shall deposit all moneys and other valuables in the name of and to the credit of the District with such depositories and in such accounts as may be designated by the Board.
4. Shall provide all records and documents necessary for, and shall supervise, an annual, independent audit of expenditures.
5. Shall disburse the funds of the District as may be ordered by the Board and co-sign all warrants authorized by the Board; shall ensure that all bills, invoices and vouchers are paid in a timely manner; render to the Board, whenever they request it, an account of all his/her transactions as Board Treasurer and of the financial condition of the District; and shall have such other powers and perform such other duties as may be prescribed by the Board or the Bylaws.
6. In the absence of the Board Treasurer, another Director shall be designated by the Board as a temporary Board Treasurer, and he or she shall perform the duties of Board Treasurer in the Board Treasurer's absence, except as provided in Article VII, Section 1.

ARTICLE V

APPOINTED OFFICERS

Section 1. Appointed Officers:

- A. The appointed officers of the District shall be General Manager, and a Secretary, who may be the same person, but neither of whom shall be a Director. The duties of the appointed officers shall be as specified in law, and as directed by the Board.
- B. Pursuant to Government Code section 61050(b), the treasurer of the County of Contra Costa shall serve as the District Treasurer, and shall be the depository and have the custody of all of the district's money except those pre-existing accounts that were authorized under the Community Services District laws in effect prior to January 1, 2006.
- C. The Board may appoint such other officers as it deems necessary.

Section 2. General Manager Duties.

The general manager is employed by the board to run the day-to-day business of the Town of Discovery Bay.

Duties of the general manager (GM) include, but are not limited to:

- A. Prepare a detailed job description of the general manager.
- B. Prepare detailed job descriptions for all employees of the District. These must be updated and reviewed by the Board as any new functions are added.
- C. In preparation for Board review, do an annual evaluation of employees.
- D. Spend the major portion of his/her time on the items in the detailed job description of the GM.
- E. Dispatch the contractor hired for operations on all water and wastewater problems in Town of Discovery Bay that require fieldwork. The GM will respond only if the situation is too complicated for the contractor hired for operations to handle.
- F. Prepare and maintain a current timeline for all major projects, such as, but not limited to, potable water treatment, wastewater plants, land acquisitions, modular meeting building, pipe replacements, repairs or additions in the parks, Sandy Cove Shopping Center, Lake View Business Park, community center, water reclamation and conservation.
- G. Establish regular office hours and ensure that there is at least one person in the office during those hours.
- H. Such other duties as may from time to time be assigned by the Board.

ARTICLE VI

MEETINGS

Section 1. Regular and Special Meetings.

- A. The Board shall hold a regular meeting on the first (1st) and third (3rd) Wednesdays of each month, at the District Office located at 1800 Willow Lake Drive, Discovery Bay, California 94505. Such regular meetings shall be for considering reports of the affairs of the District and for transacting such other business as may be properly brought before the meeting. Such meetings may be altered as to date, time and place, as provided for in a Resolution adopted by the Board.
- B. Special meetings may be called in accordance with the California Ralph M. Brown Act.
- C. All meetings shall be conducted in accordance with the Ralph M. Brown Act.

- D. All motions made at Board meetings shall require a second to the motion prior to the Directors voting.

Section 2. Quorum.

The Board shall be empowered to conduct the business of the District whenever there is present at a properly called meeting, a quorum, as defined as comprising a majority of the existing Directors; normally three (3); except as otherwise provided by law. Pursuant to Government Code §61225, the affirmative votes of three members of the Board are required for action to be taken.

Section 3. Voting.

- A. Voting shall only be conducted at proper noticed meeting where a quorum has been established and members are physically present.
- B. Voting shall be by voice, show of hands, or roll call vote.

Section 4. Notice of Regular and Special Meetings

- A. Notices of regular meetings shall be sent in writing to each Director at his/her home address at least four calendar (4) days prior to such meetings. Such notices shall specify the place, the day, and the hour of the meeting and accompanying the notice shall be a copy of the agenda for that meeting.
- B. In the case of special meetings, the notice, written or by telephone, shall specify the specific nature of the business to be transacted.

ARTICLE VII

PAYMENTS, CONTRACTS, AND REPORTS

Section 1. Payments.

All checks, warrants, drafts, or other orders for payment of money, notes, or other evidences of indebtedness issued in the name of, or payable to, the District, shall be signed or endorsed by both the President and Treasurer, or by the Treasurer, and one other Director, or, in the absence of the Treasurer, any two Directors.

Section 2. Contracts.

The Board, except as in the Bylaws otherwise provided, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of, and

on behalf of, the District. Such authority may be general or confined to specific instances. Unless so authorized by the Board, no officer, agent, or employee shall have any power or authority to bind the District by any contract or engagement, to pledge its credit, or to render it liable for any purpose or to any amount.

Section 3. Reports.

The Board shall prepare and cause to be sent an annual quality report to the residents of the District.

ARTICLE VIII

PARLIAMENTARY AUTHORITY

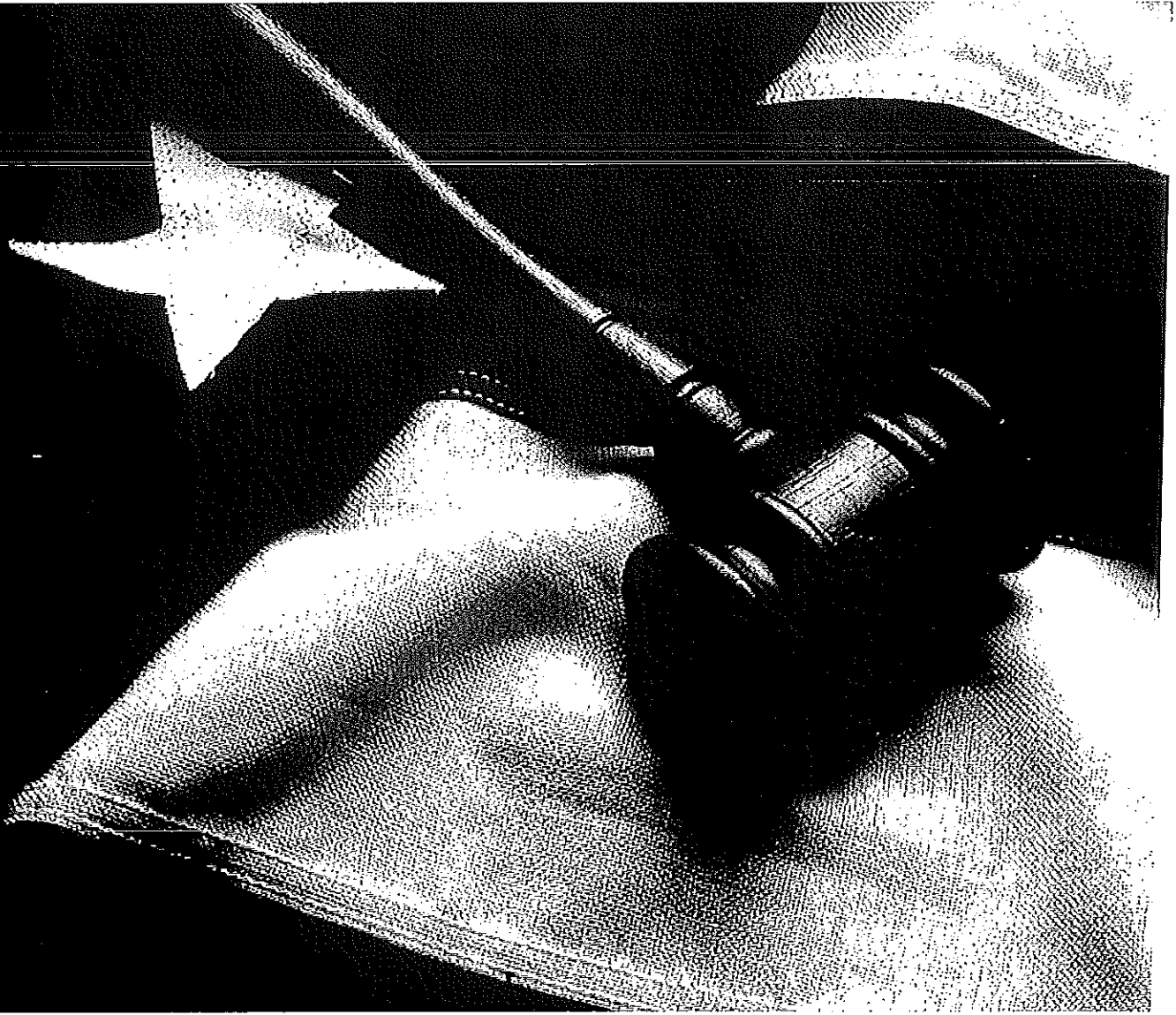
Rosenberg's Robert's Rules of Order, current edition or such other authority as may be subsequently adopted by resolution of the Board is to apply to all questions of procedure and parliamentary law not specified in these Bylaws or otherwise by law.

ARTICLE IX

AMENDMENTS

The Bylaws may be repealed or amended; or new Bylaws may be proposed, by resolution and the affirmative vote of the majority of the Board at any regular meeting of the Board, provided notice of such proposal shall have been mailed to each Director at least four (4) days prior to the meeting at which the matter is to be acted upon.

Rosenberg's Rules of Order:
Simple Parliamentary
Procedures for the 21st Century

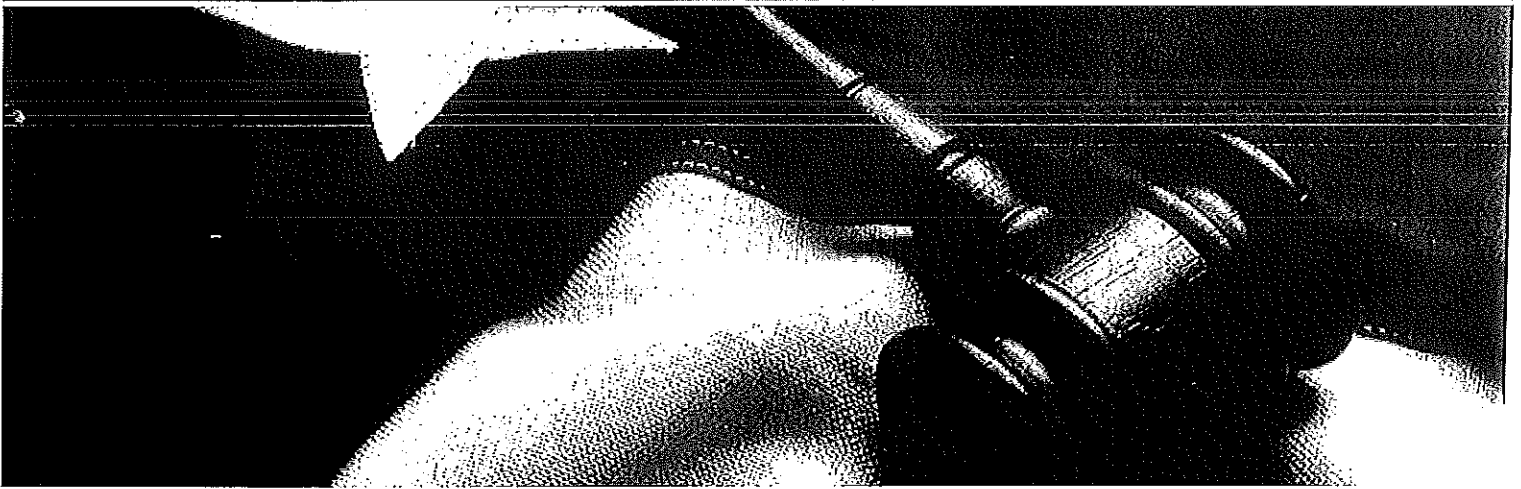


MISSION:

To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION:

To be recognized and respected as the leading advocate for the common interests of California cities.



About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *Western City* magazine.

About *Western City* Magazine

Western City is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerncity.com.

"Rosenberg's Rules of Order" first appeared in *Western City* magazine in August and September 2003.

About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. **Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
3. **Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then the "nays" is normally sufficient. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this governing body."

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member's desired approach with the words: "I move ..." A typical motion might be: "I move that we give 10 days' notice in the future for all our meetings."

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."

2. Suggesting a motion to the members: "A motion would be in order that we give 10-days' notice in the future for all our meetings."
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would "move a substitute motion." A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook.

motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

SKU 1533

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**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2011-08**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT AMENDING BYLAWS**

WHEREAS, the Board of Directors ("Board") of the Town of Discovery Bay Community Services District ("Town") desires to amend Article VIII of the Town of Discovery Bay Community Services District By-Laws ("By-Laws") to replace Robert's Rules of Order with Rosenberg's Rules of Order as its parliamentary;

WHEREAS, the Board desires to amend Article IV, Section 3.A.1 of the By-Laws to allow the President of the Board authority to call for short recesses during meetings unless a majority of the Directors by vote oppose a recess; and

WHEREAS, the Board desires to amend Article VI of the By-Laws by adding subsection D to require that all motions made at Board meetings shall require a second to the motion prior to the Directors voting motions;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Article VIII of the By-Laws is amended to read in full as follows:

"Rosenberg's Robert's Rules of Order, current edition or such other authority as may be subsequently adopted by resolution of the Board is to apply to all questions of procedure and parliamentary law not specified in these By-Laws or otherwise by law."

2. Article IV, Section 3.A.1 of the By-Laws is amended to read as follows:

"Shall preside at all meetings of the board and such other meetings approved by the Board, and have authority to call for short recesses during meetings unless a majority of the Directors by vote oppose a recess."

3. Article VI, Section A of the By-Laws is amended by adding subsection D to read as follows:

"All motions made at Board meetings shall require a second to the motion prior to the Directors voting."

PASSED, APPROVED AND ADOPTED THIS 20th DAY OF April, 2011.

J. Kevin Graves
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on April 20, 2011, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Richard J. Howard
Board Secretary



Town of Discovery Bay CSD AGENDA REPORT

Meeting Date

April 20, 2011

Prepared By: Rick Howard, General Manager

Submitted By: Rick Howard, General Manager *RHW*

Agenda Title

Appointment of Board Member to sit on the P6 Committee to address future funding relative to the continuation of the School Resources Officer position at the Byron Unified School District.

Recommended Action

It is recommended that the Board appoint a member of the Board to sit on the P6 School Resource Officer Sub-Committee to address future funding issues relative to the continuation of the School Resources Officer position.

Executive Summary

At the P6 meeting on Tuesday April 12, the Discovery Bay P6 Committee established a Sub-Committee to address future funding relative to the continuation of the School Resources Officer position. At this time, funding for the SRO position ends at the end of the current school year. The School District, as well as the P6 Committee is trying to find a way to maintain this vital position.

The P6 Committee would like to obtain community support for assisting the School District in obtaining the funds necessary to fund the position for the coming, and future school years. As a consequence, the P6 has included a position on the Sub-Committee and has requested that a member of the Town of Discovery Bay CSD be appointed by the District's Board to the Sub-Committee. This would be a non-stipend appointment.

The Sub-Committee, as proposed, consists of two (2) members each from the P6 Committee and the Byron Unified School Board, and one (1) member from the Community Services District.

Presently, Director Tetreault and Vice-President Dawson are the primary and secondary representatives to the P6, respectively.

Fiscal Impact:

Amount Requested \$

Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)

Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

Previous Relevant Board Actions for This Item

N/A

Attachments

N/A

The Veolia Report

Will be distributed

Prior to the Meeting

AGENDA ITEM # G

NO BACK UP
DOCUMENTATION
FOR THIS AGENDA
ITEM # H

NO BACK UP
DOCUMENTATION
FOR THIS AGENDA
ITEM # I

NO BACK UP
DOCUMENTATION
FOR THIS AGENDA
ITEM # J

emailed to BOB... 4/1/11

TOWN OF DISCOVERY BAY

RECEIVED

4-1-11



County Supervisor Mary Nejedly Piepho, District III

CONTRA COSTA COUNTY BOARD OF SUPERVISORS

COMMITTEES

Internal Operations Committee

Debris Protection Commission

Transportation, Water & Infrastructure Committee

Tri Valley Transportation Committee

Local Agency Formation Commission

Central Contra Costa Solid Waste Authority

Airport Committee

Association of Bay Area Governments

Contra Costa Regional Medical Center Joint Services Committee

Dougherty Valley Oversight Committee

South West Area Transportation

March 29, 2011

Kevin Graves, President
Town of Discovery Bay CSD
1800 Willow Lake Road
Discovery Bay, CA 94505

Dear President *Kevin* Graves and Members,

Please find enclosed herewith correspondence from the Department of Conservation and Development regarding the current status of the East Contra Costa Historical Society's land-use permit compliance that I believe will be of interest to the Town of Discovery Bay Community Services District.

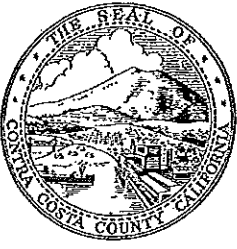
Please feel free to contact my office regarding this or any additional matter at (925) 240-7260.

As always, it is an honor to serve you on the Contra Costa County Board of Supervisors.

Sincerely,

[Handwritten Signature]
MARY NEJEDLY PIEPHO
County Supervisor, District III

MNP: kc



CONTRA COSTA COUNTY
Department of Conservation & Development
Community Development Division
651 Pine Street, North Wing – 4th Floor
Martinez, CA 94553-1229
Telephone: 335-1219 Fax: 335-1250

TO: Karyn Cornell – East County Field Representative
District III

FROM: Aruna Bhat, Deputy Director

DATE: March 18, 2011

SUBJECT: **Status of East Contra Costa Historical Society Land Use Permit Compliance, County File #LP08-2041**

In response to the March 2011 East Contra Costa Historical Society and Museum newsletter, Community Development Division would like to provide the following update regarding County File #LP08-2041.

Project Update

Since obtaining approval of their land use permit application on November 16, 2009, the East Contra Costa Historical Society (ECCHS) has taken various steps towards satisfying the conditions of approval for County File #LP08-2041.

Since approval of the land use permit a new septic system was designed for the property, and those design plans were approved by the County Environmental Health Division in November of 2009. Community Development staff spoke with a representative of the Environmental Health Division on March 17, 2011, and has confirmed that the new septic system has been installed and fully inspected by Environmental Health staff.

On March 16, 2011, the applicant's architect advised staff that the ECCHS has made minor changes to the project design from what was previously reviewed and approved by the Zoning Administrator. Instead of converting an existing mobile office trailer (resource building) into a permanent structure and removing three (3) existing storage containers as approved under the land use permit, the ECCHS is proposing to remove both the resource building and storage containers, and replacing them with a new 1,585 square foot resource/storage building. Also, they wish to relocate a 303 square foot gazebo to the subject property. Within the past week Environmental Health Division staff has reviewed plans showing these proposed changes, and has confirmed

that the changes comply with Environmental Health regulations and that they can be accommodated by the newly installed septic system. Community Development Division believes that the new resource/storage building and gazebo can be approved administratively under the current land use entitlement.

Remaining Matters To Be Reviewed For Condition of Approval Compliance

- The conditions of approval for County File #LP08-2041 require the project's compliance with the Public Works Department, which includes drainage improvements, roadway/access improvements, and the submittal of an Area of Benefit Fee. Public Works staff has advised that revised plans were submitted for their review as recently as February 2011, and that updated comments on those plans will be available shortly. The project is being reviewed by Ken Dahl. He may be reached at (925) 313-2351.
- Once the revised project plans have been approved by the Public Works Department and the Community Development Division, the applicant must obtain building permits for the as-built structures as well as for the proposed resource/storage building and gazebo.
- Condition of approval #10 of County File #LP08-2041 requires that all unpaid balances related to the land use permit application review be paid prior to Community Development approval being granted for the ECCHS to submit for building permits. County Records indicate that an outstanding balance of \$10,975.75 remains to be paid for application review administered by the Community Development Division and Public Works Department to date. This amount may increase due to the ongoing need for plan review.

4-1-11



County Supervisor Mary Nejedly Piepho, District III

CONTRA COSTA COUNTY BOARD OF SUPERVISORS

COMMITTEES

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Delta Protection Commission

Transportation, Water & Infrastructure Committee

Tri Valley Transportation Committee

Local Agency Formation Commission

Central Contra Costa Solid Waste Authority

Airport Committee

Association of Bay Area Governments

Contra Costa Regional Medical Center Joint Services Committee

Dougherty Valley Oversight Committee

South West Area Transportation

March 29, 2011

Kevin Graves, President
Town of Discovery Bay CSD
1800 Willow Lake Road
Discovery Bay, CA 94505

Dear President Graves and Members,

Please find here within recent correspondence from the Office of County Counsel for Contra Costa County to Discovery Bay resident Mark Doran regarding his Public Records Act request of February 20, 2011.

Please feel free to contact my office regarding this or any future matter at (925) 240-7260.

As always, it is an honor to serve you on the Contra Costa County Board of Supervisors.

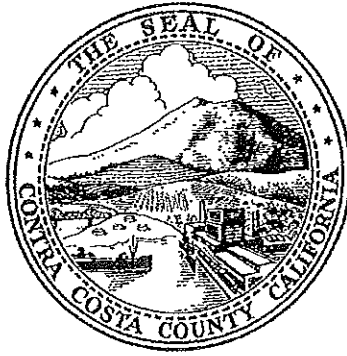
Sincerely,

MARY NEJEDLY PIEPHO
County Supervisor, District III

MNP: kc

OFFICE OF THE COUNTY COUNSEL
COUNTY OF CONTRA COSTA
Administration Building
651 Pine Street, 9th Floor
Martinez, California 94553-1229

(925) 335-1800
(925) 646-1078 (fax)



SHARON L. ANDERSON
COUNTY COUNSEL

MARY ANN MCNETT MASON
VALERIE J. RANCHE
ASSISTANTS

March 1, 2011

Mark Doran
doran_family@comcast.net

RE: Your Public Records Request dated February 20, 2011

Dear Mr. Doran:

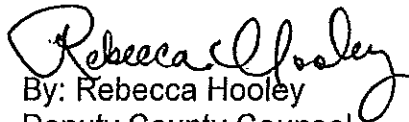
This is to inform you that Contra Costa County needs to extend its time to respond to your Public Records Act request of February 20, 2011. Your request involves examining a voluminous amount of separate and distinct records. Accordingly, due to these circumstances and pursuant to Government Code section 6253(c), the County must extend the time to respond to your request to March 15, 2011.

I also would like to clarify that the notes you attached to your Public Records Act request identified as "County Counsel's notes" are those of Lara DeLaney, Senior Management Analyst with the County Administrator's Office.

Please contact me at (925) 335-1800 if you have any questions.

Very truly yours,

Sharon L. Anderson
County Counsel


By: Rebecca Hooley
Deputy County Counsel

RJH/rjh

From: "Doran " [doran_family@comcast.net]
Sent: 02/20/2011 08:48 AM PST
To: Sharon Anderson; Mark Peterson; <Samuel.Johnson@doj.ca.gov>; Steve Bolen
Cc: Elizabeth Verigin; Tom Lanfranki; Bob Campbell; Lou Ann Texeira; <dborenstein@bayareanewsgroup.com>;
"Vorderbrueggen, Lisa" <lvorderbrueggen@bayareanewsgroup.com>; "Sivok, Susan K."
<Susan.Sivok@ic.fbi.gov>
Subject: Public Records request

Sharon Anderson (County Counsel)

My name is Mark Doran and I have several Public Records Requests I need help with. The subject matter is the formation of the DBCSD and the termination of the DBMAC. There seems to be some confusion regarding

the validity of funding and if LAFCO and the BOS had the jurisdiction to assign MAC duties to the newly formed CSD.

I will attach some hand written notes from Mary Ann Mason in a illegal meeting in Mary Peipho's office on 9-18-2008 that goes into some detail with the problems. In that meeting as well was Lou Ann Texeira, John Stovall for the DBCSD, David Peipho, Catherine Kutsuris and several staff members of Mary. I will also attach a letter from DBCSD counsel that has detail of the unresolved issues. There are several other letters from the DBCSD counsel that suggest the DBCSD take some action to avoid using rate payer funds for AC duties and seeks some direction for county counsel. Counsel even tries to use the "Validation Act" to forgive past sins but spins the past actions OK because he thinks the actions were not unconstitutional.

There is plenty of even recent case law that disputes his claim because the Validation Act can't make an illegal action legal. I don't think any of these errors were deliberate but there needs to be some direction and clarity for all parties.

It is my belief that the DBCSD has never had proper funding or proper authorization for AC duties, thus operating out of their defined jurisdictions. The research that the Auditor Controller's office completed last July supports my beliefs but has no authority to resolve the issues. The original charter from the Keller Canyon Mitigation agreement has strict guidelines on what the funds were designed for even though the BOS has in most recent years passed resolutions to expand the scope on what the funds can be used for.

Even more important to stop using mitigation funds illegally and define AC duties and expenses so the County can put consistent guidelines in place. Part of the MAC normalization program was to clean up the MACS but as you see the DBCSD is still a standalone exception with very little fiscal oversight. The Town's financials have not properly shown each revenue source and the related expenses for years.

The DBCSD board has adamantly refused to enact their latent powers with LAFCO. According to DB-CSD General Manager Rick Howard, the board will continue to resist activating their latent powers and seeking the creation of a MAC to avoid any oversight from the county. As past director

David Piepho has said on many occasions, "We don't need to do that; we have the best of both worlds." So we are left with an independent special district performing AC functions without funding, or county oversight for funds spent on AC duties. If the DB-CSD is going to continue performing advisory roles for the county it should be willing to do so under the oversight (financial, legal and operational) of the county. DBCSD has never separated those functions in their agendas or financial reporting and is most likely using rate payer funds illegally.

The Controller's office, County Counsel, John Stovall have all suggested that the DBCSD enact their latent powers to fund those county duties as one solution. There has never been any public reasoning for not doing it so it suggests that leaving the DBCSD loose is very deliberate. There is an opportunity to do a new MSR done by LAFCO to ensure additional oversight and compliance in several areas. We can't wait until 2013 for that based on what has been discovered by the Controller's office along with the overpaid stipends to directors without any regulatory agency auditing those findings.

My records requests are;

1. Any and all correspondence with DBCSD and DBCSD counsel, County counsel, DA's Office, County Supervisors, LAFCO, County agencies, state agencies and federal agencies regarding DBCSD / MAC formation and funding. To include email, letters, forms, handwritten notes and any other form of communication.
2. Any and all supporting documentation on legal precedence supporting the formation of the DBCSD from LAFCO and Contra Costa County BOS and assigning AC duties from a MAC to a CSD.
3. Any and all supporting documentation to validate AC funding for DBCSD, any and all documentation to use the Keller Canyon Funds for any MAC functions.
4. Any legal findings to support no change in the DBCSD formation and or latent powers.

Best regards

Mark Doran

925-628-4657 begin_of_the_skype_highlighting
end_of_the_skype_highlighting cell

925-628-4657



~~County Counsel's Notes.pdf~~ Fwd CSD MAC issues.txt

*Lara Delaney's
Notes*

Lara Delaney's Notes

Mary's MAC / CSD Meeting 9/10/08

Mary, Virgil Brehm, John Stovall (attorney DBCSD),
John Ann Terebin, Mary Ann Mason, Kara Conolly,
me, Catherine Kutzma, Lisa, Mary, David Depto.

David: Concerns of CSD / C @ opposite ends,
need to tie up loose ends.

What does CO & CSD care about?

From David's perspective, doing housekeeping
on all MAC's & draft in bet.

Little bumps in road... all on same page...

* BBO & How it applies to CSD / MAC.
Does it conflict w/ CSD statutes.

Why DBCSD different? LAFCO & BOS Resolution (1971)
to dissolve the MAC & transfer duties
to CSD. It has been 4 years, nobody
acts.

* Funding: From Keller Canyon funds. Want
to keep getting funded.

Operating under CSD & Brown Act law - not B6
not holding separate MAC meetings

May Ann: Govt Code gives authorization
to create MAC. Not to give duties to CSD

Can CSD perform the duties of a MAC?

2006 CSD Law permits MAC process - David ^{gives} _{not} _{not} _{free}
John: "OK" for the CSD Direct to Review
on Basis of MAC & economic
patent process of funding.

Validity Act: regularity those things
done irregularly that
are not unconstitutional

TR: Not a MAC

no source of financing then CSD on its own -
Shop NB for all services

Pull out DBCSD -
why different, what relationships

except CSD MAC hybrids by consent to RSO

No Internal funding to concept of these
funding comes from me beg.

Should not be funding (S) from MAC funds

How do you want to call it?
Text or stand alone.

Put in separate paragraph in Bill

Fwd CSD MAC issues.txt

From: Doran_Family@comcast.net
Sent: Friday, August 06, 2010 2:21 PM
To: doran_family@comcast.net
Subject: Fwd: CSD / MAC issues

----- Forwarded Message -----

From: "Doran Family" <Doran_Family@comcast.net>
To: "William Richardson" <wrrichardson@earthlink.net>
Sent: Saturday, February 14, 2009 3:12:16 PM
Subject: Fwd: CSD / MAC issues

----- Forwarded Message -----

From: "David Dove" <ddove@sbcglobal.net>
To: "Mark Doran" <Doran_Family@comcast.net>
Cc: "Bill Richardson" <wrrichardson@earthlink.net>
Sent: Wednesday, July 30, 2008 9:00:50 AM GMT -08:00 Tijuana / Baja California
Subject: Fw: CSD / MAC issues
Good morning Gentlemen,

I am forwarding this e-mail to you as I feel it is relivent to Mark's research. Interesting, to my knowledge no additional direction has been given to John S.
\Dave

----- Forwarded Message -----

From: "Stovall, John" <jstovall@neumiller.com>
To: Virgil Koehne <vk1800tod@sbcglobal.net>
Cc: Shannon Murphy Teixeira <sdm@cheerful.com>; ddove@sbcglobal.net; David <Dapiepho@sbcglobal.net>; plhewitt@us.ibm.com; dbredbob@sbcglobal.net
Sent: Tuesday, July 15, 2008 10:49:47 AM
Subject:

Virgil and Directors, at a recent Board meeting, one of the items on the agenda was consideration of a "Final Draft MAC Policy Recommendations anf templates for the Agenda and Record of Actions", (hereinafter the Policy) relative to the MACs in Contra Costa County, issued by the County of Contra Costa Office of the County Administrator. Among other things, it discussed establishing MAC boundaries, reports by the MAC, agenda formats, etc. At the meeting, it was noted that much of this policy report, if not all, did not apply to the Town, because, when the Town was formed, the MAC was dissolved, and there is no Discovery Bay MAC. Instead, the DUTIES of the MAC were assigned to the Board of the Town.

At that meeting, I was directed to "contact the County Counsel {Silvano Marchesi} and get clarification from County staff."

I did attempt to contact silvano; I got a voice mail, briefly outlined the issue, and asked for a call back. Instead, I got a call from his secretary, asking that I fax all the appropriate documents to him.

I started putting together the documents, including the LAFCO and Board resolutions, a memo that Nicole Tutt had done for me, etc, when I had a few thoughts. I sm not sure we want to stir up this question/issue, without a plan of action. Let me explain.

Organizational issues:

1. When the Town was formed, the LAFCO conditions of approval stated: "The Discovery Bay Municipal Advisory Council shall be terminated upon the effective date of the reorganization, that date being July 1, 1998, AND THOSE ADVISORY RESPONSIBILITIES SHALL BE ASSUMED BY THE NEWLY

FORMED
CSD."

(The emphasis was in the original.) First question: Did LAFCO have the power to impose that as a condition? This may have been an ultra vires act.

Probably it was ultra vires: LAFCO law at the time of formation of the Town provided that LAFCO could condition a formation on the "The establishment, continuation, or termination of any office, department, or board, or the transfer, combining, consolidation, or deparation of any office, departments, or boards, or any of the functions of those, departments, or boards, if, and to the extent that, any of those matters IS AUTHORIZED BY THE PRINCIPAL ACT." (Emphasis added). At the time of the Town's formation, the principal act for CSDs and that for MACs, did not contemplate such a thing.

Next, the Board of Supervisors, by its resolution (at the time, the BOS was the conducting authority) did the same thing: I.e., it states "In order to create a smoothe transition of "in-progress" advisory functions to the newly-created DBCSD, the Discovery Bay Municipal Advisory Council shall be terminated on December 1, 1998, and its advisroy responsibilities sahl be assumed by the DBCSD Board of Directors."

The BOS clearly has the power to terminate the MAC (Government Code 31010); it COULD have provided that the Town's Board of Directors would, ex officio, be the Board of the MAC...but it didn't. However, there is nothing to provide that the BOS could have "assigned" the duties of the MAC to the Town. In fact, the Policy we got at the meeting the other night states "The Board of Supervisors does not have the authority to merge a MAC and a CSD, and entity separate and independent from the County, into a sigle public entity.", which is essentially what the BOS did.

This is not a tempest in a teapot...our actions to date have been based on the fact that, since there is no Discovery Bay MAC, and its duties have been assigned to us, we need not hold separate meetings, (one meeting as the CSD, and one as the MAC), need not have separate agendas, etc, and don't worry about the County's rules for MACs, at least as for such procedural things as number of MAC meetings, training requirements, form of agenda, etc.

And, there are passed each year, validation acts by the State Legislature, essentially validating things done by public agencies, so long as they are not unconstitutional, which were not done correctly (More complicated than that, but it means essentially that what LAFCO, BOS, and we have done in past is ok.)

Financial issues:

The Policy states "The current MAC establishing resolutions atate that no funding will be provided by the Board for MAC operations." So, assuming this is correct, no MAC should be getting money from the County. The recommendation of the Policy is that each MAC should be paid \$3,000 annually, for "clerical support, telephone expenses, post office box expenses, postage, print and mailing services, and community meeting expenses>"

Now, the Town, as a CSD, has no money to spend on MAC duties, even if those duties are assigned to them, since our water and sewer revenue go to operation of the water and sewer and of the CSD, not to the MAC.

Fwd CSD MAC issues.txt

According to my conversation with Virgil, what has been happening is that, in spite of what is apparently the County's policy of no money to MACs, he just takes the expenses he associates with the MAC (generally the second meeting each month), and takes them once a quarter to the County, and they reimburse him.

The Policy notes that, if the Board of Directors of a CSD is, ex officio, the Board of Directors of a MAC, the CSD can, under Government Code sections 61100(ad) and 61106, go to LAFCO, and get approval of the activation of the latent power of "being a MAC" and then, pursuant to the aforementioned 61100(ad), "finance the operations of municipal advisory councils formed pursuant to Section 31010".

Well, that doesn't help much....we would therefore have the power to finance the MAC, but where would the money come from? It would be a violation of Propositions 218 to use the water and/or sewer fund. The legislature does not specifically tell us how to "finance the MAC". That means, either we get money from the County, and/or we have an assessment, or fee, or special tax, somehow levied on our constituents. This would, however, NOT be a Proposition 218 fee, since it is not "property-related". Government Code 61115 allows us to "By resolution or ordinance, do the following: (1) Establish rates or other charges for services and facilities that the district provides. (2) Provide for the collection and enforcement of those rates or other charges." Among other methods of collection, we can add it onto the water and sewer bill. Thus, if we imposed a \$10 annual charge on each present bill-payer for MAC duties, that would be about \$62,000 per year.

I am reluctant to go further with County Counsel, without having a specific plan approved by the Board, since it is all too possible that if we go to the County, and say "There is no MAC", they are just as likely as not to say "OK, no money for you, since you are not a MAC". That then leaves us with no money to pay for our MAC activities.

I respectfully suggest a plan of action similar to the following:

We should take the position that the action of LAFCO and the BOS was intended to, or is the functional equivalent of, appointing our directors, ex officio, as MAC directors.

To normalize this, the BOS should reestablish the MAC, appointing our directors, ex officio, as MAC directors.

We should make arrangements to see that money comes from the County (either informally as it is now, or by implementation of the recommendation in the Policy), but, long-term, should establish a charge as indicated above.

Prior to implementing a charge, we need to get LAFCO approval to "exercise our latent power of financing a MAC".

We will need to separate our MAC matters on a separate agenda, although the meetings could be held back to back on the same night.

This should probably be a discussion/direction action for the Board, but I think staff should co-ordinate with our local Supervisor first, and then have legal co-ordinate with County Counsel.

Please advise. Thanks, John

Fwd CSD MAC issues.txt

Calista Anderson

From: District3 [Supervisor_Piepho@bos.cccounty.us]
Sent: Monday, April 04, 2011 1:50 PM
Subject: From Supervisor Mary Nejedly Piepho - 2010 Census

TOWN OF DISCOVERY
RECEIVED
4-5-11
Emailed to GM, Beverly
Staff



**FROM SUPERVISOR MARY NEJEDLY
PIEPHO**

For your information...

Mary Nejedly Piepho

April 4, 2011

District Offices

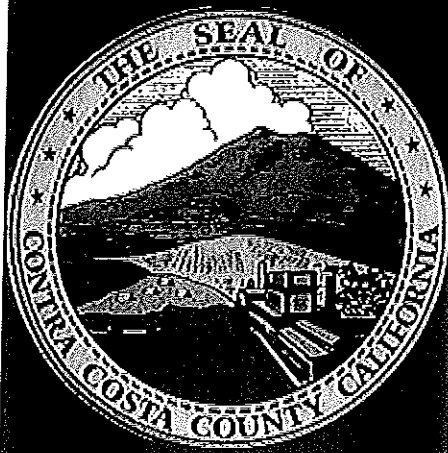
Danville
309 Diablo Road
Danville, CA 94526
Phone: 925.820.8683
Fax: 925.820.6627

2010 CENSUS

Please see the attached information from the Contra Costa County Department of Conservation and Development regarding the 2010 Census.

Brentwood
181 Sand Creek Road
Suite L
Brentwood, CA 94513
Phone: 925.240.7260
Fax: 925.240.7261

Email
Dist3@BOS.CCCounty.us



If you would like to change your subscription settings, please reply to this email. Thank you.

Supervisory Staff

Karen Basting, Chief of Staff

Lea Castleberry, Deputy Chief of Staff

Alison Olsen, Scheduler and Office Operations

Karyn Cornell, East County Field Representative

Jennifer Quallick, South County Field Representative

Department of
Conservation &
Development

Community Development Division

County Administration Building
651 Pine Street
North Wing, Fourth Floor
Martinez, CA 94553-1229

Phone:

Contra
Costa
County



YOUNG OF DISCOVERY
RECEIVED

Catherine O. Kutsuris
Director

Aruna Bhat
Deputy Director
Community Development Division

For Immediate Release, March 8, 2011:

U.S. Census Bureau Releases California Data

Contra Costa County Population Surpasses One Million

The U.S. Census Bureau released its local 2010 Census data for California counties on Tuesday, March 8, 2011, confirming the expectation that Contra Costa County is now home to more than one million residents. The census data was first sent to state authorities March 7, and then delivered to all 58 counties, and can be located on the U.S. Census Bureau's website. Data made available to the public includes summaries of population totals and detailed breakdowns of the population by race, voting age and many other factors.

Contra Costa County is very eager to get a closer look at the new 2010 Census figures, which will clarify how the population has shifted over the past decade. U.S. Census data is used every ten years to draw district lines for the Board of Supervisors. "We're always eager to solicit broad feedback from county residents during the redistricting process that follows the national count," notes Catherine Kutsuris, Conservation and Development Department Director. Kutsuris leads the county department assigned by the Board of Supervisors to develop data and mapping for redistricting this year. "Many people may not be aware of how critical this data is to us in terms of funding, and simply allowing us to realign our supervisorial districts to meet our changing demographics."

Contra Costa County will be holding workshops in the community to generate input and feedback, launch a website (www.CCRedistricting.org) with information and tools to help residents make their own suggestions, and televise meetings over the next few months to encourage participation by constituents.

{ more on next page }

U.S. Census data allows the county to adjust supervisorial district lines every ten years so that each of the five districts in Contra Costa County is roughly equal in population. "Given some of housing growth over the past ten years in the southern and eastern parts of the county, we expect our new boundaries to look a bit different once the process is complete," said Kutsuris. "We'll be working extensively to get the word out on workshops, meetings and other events where we can gather input directly from our residents on their thoughts regarding the drawing of lines." The district boundaries that are drawn as a result of this census will be used for elections of the Board of Supervisors for the next ten years.

Equally important is the fact that data derived from the U.S. Census allows the county to receive all the federal funding to which Contra Costa is entitled. "Not only has our population shifted within the County, but we know from state demographic numbers that our population overall has increased in the past decade," adds Kutsuris. "Every person counts as we look for help in financing the programs and services we offer to our residents."

Contact: Patrick Roche, Principal Planner, Department of Conservation & Development,
Phone: (925) 335-1242; Email: patrick.roche@dcd.cccounty.us

Betsy Burkhart, Director, Office of Communications & Media, Contra Costa
County, Phone: (925) 313-1183; Email: betsy.burkhart@contracostatv.org

PRESENTATION/SPECIAL REPORTS:

a. Airport Fiscal Year 2010/11 50% Budget

Keith gave a presentation on the Airports' Fiscal Year 2010/11 50% budget. Keith commented:

- Numbers look on target but cautioned that the revenue shows what is billed and not what has been received. Those adjustments are made at end of year.
- Revenue areas that are down were highlighted. Silver Pacific was included in the revenues for Buchanan, but will be added as a loss at the end of the year.
- Byron Airport fueling is down, however, since the County owns the fueling facility less fuel is purchased which balances out the numbers better.

Keith highlighted costs areas that are higher.

Geoff Logan questioned if the use of airport cars and all other equipment (Aircraft Rescue and Fire Fighting (ARFF) truck, mower, striper, etc.) were included in the Use of County Vehicles/Equipment category. Keith Freitas responded they were.

Keith stated that professional services at the Byron Airport are over budget due to the Department of Water Resources legal issue, requesting unlimited access to the property.

David Pfeiffer questioned what was included in the Byron Central Garage Gas/Oil category. Keith responded it was fuel the Airport buys for the facilities and other things needed.

Keith Freitas also mentioned the base station radio equipment was bought for Byron Airport.

DISCUSSION/ACTION ITEMS:

a. Items Pulled from Consent

None

b. Security/Access Control Considerations

Keith Freitas explained the notice included in the packet.

- Airport staff is looking for feedback
- Airport staff is researching what other airports are doing; little consistency among local airports.

Dave Dolter questions if any of the Airport tenants have their own security patrol. Keith Freitas responded that they are responsible for their own security with gate access, have staff watch premises and train staff accordingly.

Russ Roe questioned if any of the security equipment had been spec'd yet. Keith Freitas responded the specifications are in final stages for the project and that he would like Russ's input, as was provided earlier in the project. Specifications include a standalone system and proximity cards (HID style), etc.

Keith Freitas further stated:

- Security/Access Control considerations will be brought back to the AAC for discussion in March and likely again in April.
- This item will also be discussed at a future Airport Committee meeting.
- Airport staff is planning to meet with pilot groups to broaden tenant knowledge and gather comments on the program.
- For the protection of all assets, security should be tightened.

c. Midair Collision Avoidance – Travis AFB

Travis Air Force Base (AFB) is concerned about windmills near Travis AFB as they obscure aircraft on their radar. There is a need to educate pilots to minimize mixing small planes with military aircraft that are also training in the area.

d. Change of AAC Meeting Schedule

Tom Weber stated that Supervisor Mitchoff has requested the AAC change their meeting days. Having the AAC meetings on Tuesdays prevents the Supervisor's staff members from attending due to it being on the same day as the Board of Supervisors meeting. Tom reported that the Airport Committee will be meeting the fourth Thursday of the month starting in April. Tom proposed moving the AAC to the second Thursday of the month starting in April with the exception of May which would be the 1st Tuesday due to the Airport Tenant Appreciation lunch being already planned for May 12th (second Thursday).

Derek Mims commented that Tuesdays were better for him.

Mike Bruno commented that he would not be opposed to meeting at Byron Airport providing there is benefit (if others show and can get a quorum).

Tom Weber stated that he would like to collaborate with the Byron Municipal Advisory Committee and the AAC should consider Byron meetings especially since the Airport Committee is looking to hold some of their meetings there.

UPDATES/ANNOUNCEMENTS

a. Airport Committee Update

Tom Weber stated the Airport Committee proposed going to the Byron Airport for meetings periodically. Tom commented that he gave an update on the AAC using the annual report. The update included a list of items on the agenda for the year and an announcement that there were currently no vacancies on the AAC.

Airport Committee items of interest were:

1. Future budget reports
2. Foreign Trade Zone designation for Byron Airport
3. Part 139 Certificate impacts pro's and con's, etc.

Beth Lee gave a quick update on the Foreign Trade Zone (FTZ) process and what the next steps will be. Rudi Raab asked numerous questions related to the FTZ. How the Airport can reasonably approach a FTZ concept will be discussed at an upcoming meeting.

Russ Roe questioned how many manufacturing and other companies are knocking on our doors. The response was none at this time.

Dave Dolter stated that statewide, city/counties are either drastically reducing and/or have temporarily eliminated promotion of economic development. There is no way a developer can afford 30 plus million dollars to put in infrastructure at the Byron Airport.

Tom Weber stated the Supervisors want the job benefit and potential to access State and Federal money. The Airport needs to be careful not to spend money for something that will not provide a return on investment.

FTZ will come back for discussion.

b. What is happening at Buchanan Field & Byron Airports/Other Airports

Keith Freitas showed pictures of the access gates and enhanced markings. The enhanced markings were completed on time and Airport staff is now working on some other required programs. Current costs for the enhanced markings are \$100,000 but other items will add to the final cost.

Keith Freitas also announced the Experimental Aircraft Association (EAA) B-17 is scheduled to be here May 2 – 5, 2011. The event will be held at Pacific States Aviation and the hotel has agreed to post a sign. The EAA hopes reporters will come take a ride and help generate more interest. The EAA will be raffling a seat on the B-17 for \$10 a ticket.

e. Airport Business Association Update

Mike Bruno commented there does not appear to be anything good on the horizon and all the businesses are struggling to stay afloat. High fuel costs are not helping the situation.

c. AAC Announcements

Tom Weber reported:

- Four (4) member terms are due to expire on March 1, 2011. Members who have terms expiring are: Rich Spatz, Tom Weber, Rudi Raab and David Pfeiffer.
- AAC Officer Elections are in April.

Geoff Logan reported the Airport Land Use Commission (ALUC) is not meeting in February. Phil Day has decided not to seek reappointment and that Geoff thought it may be an At-Large position.

d. Airport Staff Announcements

None

e. **Byron Development Plan**

This item was briefly discussed under the Airport Committee Update section while discussing the Foreign Trade Zone. Rudi Raab's questions were addressed about where the FTZ would be located and how big the designation area would be.

FUTURE AGENDA ITEMS

- Part 139 Certificate
- Foreign Trade Zone
- Security/Access Control Considerations
- Minimum Standards (Mike Bruno would be the AAC liaison)
- At-Large Selection Process
- AAC Tenant Recognition 2011

ADJOURNMENT: The meeting was adjourned by the Chair at 1:04 p.m.

4-12-11

**STATE ROUTE 4 BYPASS AUTHORITY
Antioch - Brentwood - Oakley and Contra Costa County**

A JOINT EXERCISE OF POWERS AGENCY

**MINUTES
February 10, 2011**

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Tri Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California by Chair Jim Frazier at 6:30 P.M.

ROLL CALL

PRESENT: Federal Glover (Contra Costa County), Gary Agopian (Alternate for Brian Kalinowski) (Antioch), Robert Taylor (Brentwood), and Chair Jim Frazier (Oakley)

ABSENT: None

STAFF: Dale Dennis, Program Manager
David Schmidt, Legal Counsel

PUBLIC COMMENT

Doug Tokes, Antioch, referred to major roadway connections, particularly those connecting to State Route 4, and requested consideration of traffic metering to avoid what had become heavy traffic stacking in those and other areas, especially at Sand Creek Road, Balfour Road, and Lone Tree Way. Aware that there was no metering on the freeway, he suggested that the roads entering the freeway be metered or that the traffic signals be rotated quicker to space out traffic to relieve what had become a mass of congestion.

Chair Frazier advised Mr. Tokes that staff would refer him to the appropriate parties at the Contra Costa Transportation Authority (CCTA) to speak to his concerns.

CONSENT ITEMS

On motion by Director Taylor, seconded by Director Glover, the Authority unanimously adopted the Consent Items, as follows:

- A. APPROVED Minutes of January 13, 2011 meeting
- B. THE BOARD TOOK THE FOLLOWING ACTIONS:

1. ADOPTED Resolution No. 2011/04 to convey real properties associated with Segment 1 of the State Route 4 Bypass to the City of Antioch.
2. DIRECTED the Real Property Division to cause the Grant Deed delivery to the grantee for acceptance and recording.

C. THE BOARD TOOK THE FOLLOWING ACTIONS:

1. DETERMINED that conveyance of utility easements to the City of Antioch is in the public interest and will not substantially conflict or interfere with the Authority's use of the property.
2. APPROVED the conveyance of said easements, pursuant to Government Code Section 25526.6
3. AUTHORIZED the Secretary or Designee to execute the easements when fee title to the property has been transferred from the Contra Costa County Flood Control and Water Conservation District to the Authority.
4. DIRECTED the Real Property Division to deliver the easements to the City of Antioch for acceptance and recording.

D. THE BOARD TOOK THE FOLLOWING ACTIONS:

1. DETERMINED that assignment of slope easement to the City of Antioch is in accordance with the Joint Exercise of Powers Agreement (JEPA) dated September 14, 2004.
2. APPROVED the assignment of said easement, pursuant to Government Code Section 25526.6.
3. AUTHORIZED the Secretary or Designee to execute the Assignment of Easement.
4. DIRECTED the Real Property Division to deliver the easement to the City of Antioch for acceptance and recording.

E. THE BOARD TOOK THE FOLLOWING ACTIONS:

1. APPROVED Contract Change Orders No. 8 and No. 9 with Ghilotti Construction Company for an estimated net cost increase of \$230,000 for the replacement of the signals at the Sand Creek Road and SR4 Bypass intersection, and AUTHORIZED the Secretary or Designee to sign the change orders on behalf of the Authority.

2. APPROVED an increase in the project budget of \$318,000 to \$2,195,756 to cover the above contract change orders and to maintain an adequate project contingency.
- F. APPROVED a Memorandum of Understanding (MOU) with the City of Clayton that provides for the exchange of \$80,095 of American Reinvestment and Recovery Act (ARRA) funds with an equivalent amount of local funds to be used for the Marsh Creek Road Rubberized Asphalt Concrete (RAC) Project, and AUTHORIZED the Secretary or Designee to sign the MOU on behalf of the Authority.
- G. APPROVED the Mid-Year FY 2010/2011 Work Plan and Budget.

DETERMINATION ITEMS

- A. RECEIVE Status Report on the SR4 Bypass Projects

Program Manager Dale Dennis identified the closeout of the Segment 3 Overlay Project and noted that the action taken with the approval of the Consent Calendar would pay the Contra Costa County Flood Control and Water Conservation District \$7.5 million, which was a key component of the transfer and relinquishment process with Caltrans. He added that prior to that transfer the temporary signal at Sand Creek Road would have to be replaced with a permanent signal in compliance with Caltrans standards. The new signal would be installed as one of the last items prior to the transfer to Caltrans.

BOARDMEMBER COMMENTS

Director Taylor commented about traffic safety on the Bypass and asked about an extension of the safety barriers (delineators). He noted that the speed signs had helped to address the speed of traffic but commented that other measures may warrant consideration.

Mr. Dennis explained that a soft barrier was being considered similar to what had been provided from Balfour Road to Marsh Creek Road.

In response to Director Agopian as to the status of extending the Bypass to SR160, Mr. Dennis highlighted the status of that work and noted the issue of funding and the work with the CCTA and the Metropolitan Transportation Commission (MTC) to secure funding, along with efforts to secure funding for the Sand Creek Road Interchange and the 4 Lanes from Sand Creek Road.

CORRESPONDENCE

There was no correspondence.

ADJOURNMENT

With no further business to come before the State Route 4 Bypass Authority, Chair Frazier adjourned the meeting at 6:43 P.M. to the next meeting scheduled for Thursday, March 10, 2011.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

4-12-11

TRANSPLAN COMMITTEE
Antioch - Brentwood - Pittsburg - Oakley and Contra Costa County

MINUTES
March 10, 2011

The meeting of the TRANSPLAN Committee was called to order in the Tri Delta Transit Board Room, 801 Wilbur Avenue, Antioch, California by Chair Brian Kalinowski at 6:30 P.M.

ROLL CALL

PRESENT: Gil Azevedo (Antioch), Jim Frazier (Oakley), Ben Johnson (Pittsburg), Bruce Ohlson (Pittsburg), Kevin Romick (Oakley), Duane Steele (Contra Costa County Planning Commission), Robert Taylor (Brentwood), and Chair Brian Kalinowski (Antioch)

ABSENT: Carmen Gaddis (Alternate, Contra Costa County Board of Supervisors), Federal Glover (Contra Costa County – excused), Joe Weber (Brentwood)

STAFF: John Cunningham, TRANSPLAN Staff
David Schmidt, Legal Counsel

PUBLIC COMMENT

There were no comments from the public.

CONSENT ITEMS

On motion by Kevin Romick, seconded by Jim Frazier, TRANSPLAN Committee members unanimously adopted the Consent Calendar, as follows:

- 3. Adopted Minutes from February 17, 2011 TRANSPLAN Special meeting.
- 4. Accepted Correspondence.
- 5. Accepted Status Report on Major Projects
- 6. Accepted Environmental Register
- 7. Received overview of the 511 Contra Costa TRANSPLAN / TRANSPAC school-based programs for Central and East County.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to Section 54956.9(c): One case.

The closed session was moved to the end of the agenda.

RECEIVE REPORT ON eBART PROJECT (HILLCREST STATION DESIGN) AND TAKE ACTION AS APPROPRIATE

The item was moved to later on the agenda.

APPOINT TECHNICAL COORDINATING COMMITTEE REPRESENTATIVES AND ALTERNATES

Mr. Cunningham advised that the TRANSPLAN Committee appoints three members to the Contra Costa Transportation Authority's (CCTA's) Technical Coordinating Committee (TCC). The current appointments would expire on March 31, 2011 and the CCTA had requested reappointment of the existing members or appointment of new TRANSPLAN representatives. The TRANSPLAN Technical Advisory Committee (TAC) had discussed the request and had recommended the appointment of Paul Reinders (Pittsburg), Allen Bourgeois (Oakley) with Jason Vogan (Oakley) as alternate, and Tina Wehrmeister (Antioch) with Leigha Schmidt (Pittsburg) as alternate. No alternate had been recommended for Paul Reinders.

On motion by Ben Johnson, seconded by Jim Frazier, TRANSPLAN Committee members unanimously approved the recommendations from the TRANSPLAN TAC, as follows:

Paul Reinders (Pittsburg)	
Allen Bourgeois (Oakley)	Alternate: Jason Vogan (Oakley)
Tina Wehrmeister (Antioch)	Alternate: Leigha Schmidt (Pittsburg)

RECEIVE STATUS REPORT: REGIONAL TRANSPORTATION PLAN (RTP) CALL FOR PROJECTS

Mr. Cunningham advised that the Metropolitan Transportation Commission's (MTC's) call for projects had been discussed by the TRANSPLAN TAC. He noted that there would be a more substantive discussion by the TAC next month when a recommendation would be formulated for presentation to the TRANSPLAN Committee.

Amin AbuAmara, Associate Transportation Engineer with the CCTA, explained that MTC updated the Regional Transportation Plan (RTP), a comprehensive project for the area, every four years. RTP 2035 had been approved in 2009. A new RTP 2040 was proposed for completion in 2013. During the RTP update process in working with congestion management agencies (CMAs) and project sponsors, the project list would be constrained based on discretionary funding projects to be available during the period of the 2013 RTP. For the CCTA, most discretionary funding would come from the State Transportation Improvement Program (STIP).

Projects must be included in the RTP committed or financially constrained list if they are expected to impact the capacity of the transportation system and air quality, such as adding lanes to freeways and roadways, rail extensions, or Park and Ride lots, or if they expected to receive state and/or federal funding or action such as National Environmental Policy Act (NEPA) clearance.

Mr. AbuAmara explained that before the 2009 RTP, each county had the discretion to determine its priorities; a committed project list, a financially constrained list, or a vision list. The committed list would be currently fully funded; the financially constrained list was expected to request discretionary funding during the RTP period with such funds as STIP funds, and transportation enhancement; those projects that would not make it would fall into the vision list. He stated that the CMAAs were only asked to coordinate the submittal of projects to MTC. MTC would determine financially constrained projects based on a combination of qualitative and quantitative analysis built around sustainability community and SB 375 requirements. Projects would now be subjected to MTC performance analyses and all projects would be subject to the evaluation even if locally funded.

Stating that the CCTA was playing a proactive role for Contra Costa County and had a good idea of the actual discretionary fund sources available, Mr. AbuAmara recommended the same approach taken in the 2009 RTP to refine the project list from the last RTP and place a project in the three lists before submitting to MTC. For the financially constrained list he identified the target of a \$400 million STIP share for the next 25 years, with backup projects to be added to the vision list. The TAC had been asked to look at the project list included in the packet for committed projects, delete what had been completed and or no longer supported, shift projects without funding into the financially constrained list if there was room or into the vision list, then update the project costs in the financially constrained and committed lists to the year of construction with 2.2 percent constrained each year.

Mr. AbuAmara stated that the TAC had been asked to use completion of Measure J projects and project readiness as co-criteria in completing the list and then include projects that met MTC goals. All projects were due to be submitted to MTC on April 29. The project database developed for that purpose was available from March 1 to March 29, although he stated that the CCTA wanted the list by April 14 in order to bring it to staff. He also stated that the public outreach requirement from MTC and CCTA would be a joint effort in marketing the call for projects into existing communications with mass e-mailing to the contact list to identify the effort. Non-governmental projects needed to be sponsored to be included on the list.

Speaking to the public outreach effort, Mr. Cunningham stated that MTC wanted a much more comprehensive and robust outreach on the requirements that had been placed on local jurisdictions. Most responsibility would fall on MTC and CCTA, although the CCTA asked that local jurisdictions provide contact lists that would assist the CCTA and MTC in a more comprehensive outreach targeting "communities of concern" such as low income populations.

Mr. Cunningham added that the CCTA had conducted several robust outreach efforts in the past and were prepared to have the expanded outreach although they asked local jurisdictions to provide non-profits and non-governmentals to assist. He stated that the next meeting would be the subject of that effort and there might need to be a different venue in that case if more space was needed.

Bruce Ohlson advised that the East Bay Bicycle Coalition, of which he was a member, wanted the Mokelumne Bicycle/Pedestrian Overcrossing to be added to the financially constrained list, noting that the State Route 4 Bypass Authority had been required to build the overcrossing as part of the Environmental Impact Report (EIR).

Mr. AbuAmara stated that was a good example of a bicycle project that would be included in the programmatic category. If there was funding for the project the project could qualify because of the programmatic category.

Bruce Ohlson noted that every person riding a bicycle did not drive a car which seriously affected air quality in a positive way and which could be considered in that regard as well, and Mr. AbuAmara explained that the project would be exempt from air quality because it would offer a positive effect.

Chair Kalinowski asked that the item be referred to the TRANSPLAN TAC to make sure that action could be taken next month.

Kevin Romick referred to RTP ID No. 22378 on the vision list, I-80 and I-580 Traffic Operation System (TOS) and questioned why it had been shown as a TRANSPLAN project. He was advised by Mr. AbuAmara that was a typo that would be corrected.

Mr. Romick also referred to RTP ID No. 230188, Purchase Land in Oakley for use as a Park and Ride lot, and stated that Tri Delta Transit had already done that and was in the process of building the Park and Ride lot.

Chair Kalinowski agreed and asked staff to clarify that item.

Mr. AbuAmara explained that there were no restrictions for the committed list as long as there was full funding.

David Schmidt, Legal Counsel, recommended deferring the next two items until after the closed session.

RECEIVE UPDATE ON THE CITY OF PITTSBURG'S COMPLIANCE WITH THE EAST COUNTY ACTION PLAN AND TAKE ACTION AS APPROPRIATE

RECEIVE REPORT ON MARCH 2, 2011 LETTER FROM CITY OF PITTSBURG AND CONSIDER RESPONSE PURSUANT TO GOVERNMENT CODE SECTION 54960.1.

RECEIVE UPDATE: STATE ROUTE 4 INTEGRATED CORRIDOR ANALYSIS (SR4ICA)

Mr. Cunningham reported that the study was in the early stages and the study sheet did not include substantive policy related issues that required discussion at this time. A policy meeting would be held next week and another discussion would result. Information from the TRANSPLAN TAC would be forthcoming. He added that the Policy Advisory Committee (PAC) for the Integrated Corridor Analysis would meet on March 22. The item would be returned to the TRANSPLAN Committee at its next meeting in April.

RECEIVE REPORT ON eBART PROJECT (HILLCREST STATION DESIGN) AND TAKE ACTION AS APPROPRIATE

Victor Carniglia, consultant to the City of Antioch, stated that the item had been included to solicit feedback given the impact of the Hillcrest Station eBART design to the City of Antioch. He referred to a letter related to the design of the station and the issue of restrooms, escalator, and fare gates. He explained that since the letter had been sent there had been a series of meetings with BART staff, and while a number of issues had been resolved, a few remained to be resolved.

Mr. Carniglia stated that the issue of fare gates appears to have been resolved in that the question of fare gates and where they would be located at the station would no longer be an issue. With respect to the escalator, he stated that the issue had been discussed and BART had taken a position that the ridership initially did not warrant an escalator. There would be an elevator for the physically impaired. The City of Antioch's current position was that BART had modified the station plans to show where an escalator could be located and installed in the future if warranted by the ridership.

As to the issue of restrooms and station agents, Mr. Carniglia stated in terms of restrooms that BART's original position was that restrooms would be plumbed but not constructed. He noted that every existing BART station had a restroom. From a necessity standpoint, restrooms from the City of Antioch point of view were essential. He explained that the issue had been discussed with BART staff and BART was now going to build the restrooms. As such, three out of the four issues had been addressed which left the issue of station agent and overall security for the station. In this case, BART did not propose station agents which the City of Antioch suggested would create a concern given the fact that there would be no BART personnel on site to look out for the facility and look out for the restrooms. He stated that issue remained unresolved.

Mr. Carniglia described a meeting where City of Antioch staff including Antioch Police Chief and Assistant Chief, along with BART staff and BART police, had discussed a situation where fares for parking could be used by the City to handle security for the station although that had been found not to be viable. He stated that the City was still trying to work through that issue with BART.

Essentially, Mr. Carniglia noted that the station agent created a cost issue that BART did not feel it could handle. The City of Antioch had been advised that a station agent would represent the equivalent of six and a half full time positions, or \$750,000 annually, and BART did not feel that was sustainable given the ridership and other issues.

Mr. Carniglia emphasized that with or without a station agent, the Hillcrest Station would be an end-of-the-line station and out of the way of the current patrol area. Noting the maintenance yard a quarter mile to the east, he stated that BART proposed security cameras at the station proper and suggested that someone at the maintenance facility could call for assistance, if needed. Since 60 percent of the ridership would be from Antioch, he emphasized that was a concern for the City of Antioch.

When asked by Bruce Ohlson, Mr. Carniglia noted BART's intent to run eBART the equivalent hours of existing BART service or longer, to be able to meet the first and last trains.

In response to Ben Johnson as to the number of stations manned at this point, Mr. Carniglia explained that in other stations the facilities for an agent were available and a station agent was present.

Chair Kalinowski explained that the issue had been agendaized with the TRANSPLAN Committee since there was no eBART Partnership Policy Advisory Committee (ePPAC) meeting scheduled and this was the only way to raise the issue for discussion.

James Hyde, Police Chief of the City of Antioch, advised that he was familiar with an end-of-the-line BART station given that he had been an intern with the City of Concord. He stated that end-of-the-line stations posed some problems and it was imperative that a station agent be at an end-of-the-line station. Responding to the suggestion of using security cameras instead of a station agent he suggested was not as good as a live person who was a deterrent. He had spoken with the BART Police Chief regarding security issues, recognized the budgeting constraints, but stated that an enforcement agreement would allow the City of Antioch and BART Police to respond and cooperate as was done with the BART Park and Ride location on Hillcrest Avenue. He remained concerned when the bathrooms would not be open full time given issues with people using the outside area as a private bathroom with no other options, which would detract from the use of the BART system.

Bob Taylor asked if there was an opportunity for contracted private security as opposed to actual BART security. He commented that if there was a serious issue of crime at the site it would be a serious situation negatively affecting BART and other systems, and he asked whether private or rotating agents could be rotated from one area to another given that it would be in BART's best interest to provide that presence.

Gil Azevedo asked if there was data related to calls for service to BART stations based on ridership, to which Chief Hyde explained that research had not been done; usually mutual aid was an isolated incident. Mr. Azevedo asked if BART had those types of incident reports and if so that they be provided to advise of what to expect.

Kevin Romick asked whether something less than 20 hours could be provided, with someone available during evening hours, to which Chief Hyde explained that several scenarios had been considered, potentially with parking fees assessed and having the City of Antioch hire someone to handle those kinds of issues. The Chief noted, however, that in considering the City of Hercules agreement that was more of a maintenance issue and would not fund an agent. As to whether less coverage as opposed to no coverage had been proposed, the Chief stated that had not been discussed given the six and a half position equivalent issue.

Rick Radtree, eBART Project Phase Coordinator, presented drawings of the station to facilitate the discussion and explained that while there was a perception that BART was not doing what the City of Antioch wanted, BART was working to make the station respond to issues related to the City, local officials, bicycle users, developers, and the like to meet everyone's expectations. He stated that there had been meetings last summer over several months laying out the scope that provided the circulation elements and the participation to make it all happen. Those meetings involved BART, the City of Antioch, and the station developer.

Mr. Radtree highlighted the color coded drawing to identify the maintenance facility and noted the issues involved in that case along with the savings considered in a realignment of that facility. What had been provided was additional right-of-way to allow and stay clear of Slatten Ranch Road. He explained how the grade had been raised to allow the future Vierra Road to cross the railroad tracks and tie into the parking lot, all to save \$10 million in costs. He referred to the proposed access road to the parking lot which would be built to City of Antioch standards and dedicated to the City. The plan also allowed for the future expansion of Slatten Ranch Road to a full four-lane road construction. The parties were in agreement although there was no word from the developer at this time.

Mr. Keller handed out the proposed station site architectural plans for the Antioch station and stated that the station would not be insignificant in that it was a fairly important part of the infrastructure in the area.

Mr. Keller pointed out the average weekday ridership forecast and noted that the bulk of ridership would be between 6:00 and 8:00 A.M. and 4:00 and 6:00 P.M., when the station opened in 2015 and immediately afterward, which times were when the most people were expected to be at the site. He referred to security cameras and reiterated that there would be a large number of people at the station, the bridge over the freeway, the platform, and the parking lot and there was an interest in ensuring the safety of the riders.

Mr. Keller added that BART was very proud of its brand name and would do nothing to jeopardize its name to the public. He also noted that people were looking for environmentally clean, green alternatives to driving a vehicle from their home, which was a regional phenomenon.

Mr. Keller sought feedback from the TRANSPLAN Committee and expressed his belief that there was agreement on the fare gates which was no longer an issue, that there was agreement to leave a footprint for a future escalator, that eBART would be a start and if additional improvements were needed based on ridership BART would attend to those improvements. He emphasized the tight, fiscally constrained project and reiterated that BART was expanding the entry, putting in a footprint for an escalator, and intended to install a bathroom at the station as a result of comments at the Antioch City Council meeting. Further, that BART was working on a resolution of the final issue; the issue of a station agent. He clarified that there would be elevators at the station in compliance with Americans with Disabilities Act (ADA) requirements.

Mr. Keller stated that BART's vision for the station was that there would be someone available in the control center to monitor the 32 cameras in the station allowing eyes on the station, and there would be a kiosk where anyone interested in learning how to use the facility could get information from the control center. He stated that having unsupervised restrooms open would be more of a problem than a benefit and BART was looking to have someone open the bathrooms at 6:00 A.M. and close them at approximately 8:00 P.M. He added that the \$750,000 cost for a station agent would be difficult to commit to at this time. He noted that eBART would already cost \$400 million, subsidized through BART funds, and to add \$750,000 more would be difficult. He acknowledged that was the one last issue of importance, and emphasized that if the facility wasn't safe people would not use it. As such, BART would do what it took to keep riders safe.

Mr. Keller reported that MTC's Program and Allocations Committee had programmed \$19 million to eBART on March 9, BART had awarded its first eBART contract to build a transit station east of the Pittsburg/Bay Point BART Station, it was BART's intention to operate the service to meet the BART trains, and it was BART's intention to meet the trains and ensure that East County riders had the same level and comfort as any other rider in the BART System.

Bob Taylor expressed his appreciation for the comments and for what had been accomplished so far. Recognizing that trouble could occur at the Hillcrest Station, he expressed concern with a station agent a quarter mile away and questioned the response time in that case. He added that locked bathrooms would be a problem and he urged some attention to that issue. He suggested that at the very beginning there was a need for security and after some time if that security was not needed that issue could be addressed. He emphasized the need that the station open with security in place.

Duane Steele referred to a recent report that BART ridership had increased so much that over the next five months there would be a \$4 million surplus in the BART budget, which he suggested would offer funds to at least start security. He suggested that security at the Hillcrest Station was one place that should be considered for the overage.

Bruce Ohlson requested access to the bathrooms from inside the paid area given that there would be no security to watch the facilities. He suggested that skimping on the agent and the restrooms would create an initial problem wasting the half billion dollar cost of building the whole system if a bad reputation was created at the outset.

Gil Azevedo noted the perception of reduced service for East County, that East County residents had paid for service for more than 40 years, and that East County residents felt they were getting a smaller station, eBART and not real BART, and with no security being offered. While it might be a great station he would not want his family to use it without security.

Jim Frazier expressed his hope that the escalator would be installed as proposed if there were cost savings. For a station agent, he stated that the TRANSPLAN Committee had given up its program money for several years to help fund the project. He emphasized the need for a solution so that riders would feel safe. He wanted information about end-of-the-line issues from the applicable police departments. He requested some security at the site and noted that he had utilized the services of a BART station agent on occasion. He stated it was imperative to address that situation.

Chair Kalinowski explained that the issue had been discussed by the Antioch City Council when four concerns had been outlined with most addressed since then. He had asked that bid documents allow the bidding of the facilities to address the building of a station agent hut. He noted that not all the people in and around the station would be on eBART but would be in the hub, a primary hub for Tri Delta Transit, and there were other concerns which provided an opportunity for a partnership. He emphasized that the issue was serious enough to address. After the presentation to the Antioch City Council by BART, numerous comments and phone calls had supported the City of Antioch's decision related to a station agent and restroom facilities. He reiterated the request for crime statistics or BART's determination of station staffing and what that would mean in Antioch.

Bob Taylor recognized that as only one vote, Mr. Keller would have to ask the BART Board of Directors about the issue. He asked Mr. Keller if East County officials were to appear before the BART Board whether or not that would help address the issue.

Mr. Keller verified that East County residents had been paying for BART for a long time but noted that the Pittsburg/Bay Point Station had been dedicated in 1996 and the North Concord/Martinez Station in 1994. The investment in the East County transit corridor was unprecedented in the Bay region with nearly one billion dollars to extend BART from its terminus in Concord to Antioch over a period of 30 years.

Mr. Keller suggested that level of investment was an indication of the success of a half cent sales tax in Contra Costa County in partnership with the CCTA.

With respect to station agents, Mr. Keller clarified that station agents would not intervene and would instead dial 911 and call a police officer to the scene where the officer closest would be dispatched. Station agents were not security personnel. Even with the work rule concessions in the last negotiation, he stated it was not possible in the area given that the Police Officer's Association would claim the area for its work. He emphasized that collective bargaining agreements remained.

Mr. Keller reiterated that information from the cameras in the station to the control center a quarter mile away would allow a live-time monitoring of the station which would allow a response. He stated that BART did not want a dangerous situation and believed it could provide a safe environment with live-time monitoring. He had talked to the BART Chief of Police and suggested that something might be done initially so that there was a police presence. He added that police would patrol Antioch as it currently did and while not there 24 hours a day the best possible would be done with the limited resources to ensure that the facility did not become a failure because of a perception that it was not safe.

Mr. Keller referred to Mr. Steele's question with respect to the \$4 million "surplus" and noted that BART staff had asked the BART Board for direction with respect to its budget. He explained that several of his colleagues had indicated that if the Governor's plan did not succeed and could not get the public's vote to extend taxes in place, BART would lose \$15.6 million, and would pass through money to Tri Delta and other local bus providers and could lose another \$2.6 million in that case. As such, the amount of money available next year was unknown. He was proud of a balanced BART budget but emphasized that there was no certainty given the fiscal constraints.

Mr. Keller commented that he was prepared to place the issue directly before the BART Board of Directors and he would advocate for the allocation of additional funds on behalf of the TRANSPLAN Committee. He offered that as a possibility, stated that he was working with BART staff, noted that eBART was Phase 1 of the extension to Eastern Contra Costa County, and stated that he was allocating funds for Phase 2 for an extension in the vicinity of Laurel Avenue. If getting support from the Board, he would reconvene ePPAC and re-engage community leaders to see what the next extension of Eastern Contra Costa County would look like.

Chair Kalinowski advised that BART had been asked to include a station agent hut in the bid documents. He noted that there were other potential uses if the hut was not being used for a station agent. The station was expected to open in 2015 and given the potential for different individuals involved, he supported a request to the BART Board for station agents. He reiterated the request to specify the bid to include the station agent facility, get it built, and then determine how to make the operation work. He asked Mr. Keller to take the station agent hut to the BART Board for inclusion in the bid document.

Mr. Keller expressed a willingness to submit the two items to the BART Board and stated that he would advocate for the items, although if the Board did not support the request for fiscal reasons, he asked that be the end of the issue at this point to be able to move forward.

Chair Kalinowski suggested that the \$500,000 referenced for the Phase 2 extension be used to satisfy the request for a station agent.

In response, Mr. Radtree advised that the hut referenced would cost close to \$500,000 given the electronics and the security pieces involved. He added that because of collective bargaining, once planned the hut would require a station agent regardless.

Chair Kalinowski expressed concern with the Catch 22 with respect to the hut for a station agent and urged some way to cover the cost through some other funding source or transit agency.

Mr. Keller explained that significant money had been saved by obtaining concessions from employees to operate the station more effectively. He reiterated that all of the subsidy came out of BART's operating budget. In order to move forward with applications for capital funding at BART, the Board had to adopt a resolution that it would be responsible for the subsidy. He got that resolution through the BART Board of Directors because every Director knew that something else had to go away in order to pay for the service and something had to be traded out. While complicated, he would like to find a way to bring the matter to a conclusion to allow them to move on. He added that the money involved was one-time money and something had to be traded out. In addition, he was looking for one-time capital funds to look at programming money to do an extension in the vicinity of Laurel Avenue.

Jim Frazier asked if it would be possible to add to the plans an option for a station agent hut designed on the plans but not budgeted, with the cost of construction potentially accomplished elsewhere through the CCTA or Tri Delta Transit, to move the issue forward.

Noting that the budget was \$525 million in 2007 and now it was \$463 million, Ben Johnson verified with Mr. Radtree that the cost had been reduced in anticipation of all the bid savings and to reflect the current economic conditions.

Mr. Radtree added that it was the implication of capital costs which had driven the collective bargaining and work rule concessions, one of which was no station agents.

Mr. Keller suggested that members of the TRANSPLAN Committee come to a BART Board of Directors meeting at which time BART Human Resources staff could explain the serious implications of the relationship between operational funds and capital funds. He noted that the rules sometimes got in the way of the goal.

Mr. Keller added that union leaders might also be available to speak to that issue. He suggested that collectively they all needed to understand what that decision would mean. He reiterated his willingness to ask the President of the BART Board to place an item on the agenda and that the report from BART staff be presented to allow an opportunity to address legitimate concerns and potentially Board approval of the request.

Chair Kalinowski asked the timeline involved and whether there were time constraints with respect to the bid document. He suggested that the issue be discussed at the next meeting of the TRANSPLAN Committee.

Mr. Keller clarified that the request was also for the crime stats of incidents and ridership at end-of-the-line stations system wide. He stated that they would have a representative from BART PD with that information and he advised that crime at BART stations reflected the crime in the community in which the station was located.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(c): One case

Mr. Schmidt advised that the general subject of the anticipated litigation was with the City of Pittsburg.

Ben Johnson took this opportunity to read a prepared statement and stated that in discussions with the Pittsburg City Attorney it had been determined that the Joint Powers Agreement (JPA) limited the role of the TRANSPLAN Committee, which was a planning committee responsible for developing the East Contra Costa County transportation plan, and was to provide a regional forum for the discussion and resolution of regional transportation planning and related issues. He encouraged the Committee to focus upon the goal of regional transportation planning efforts and not on non-productive litigation adding that the funds and time spent on preparing for potential litigation reduced the amount of funds available for development of regional transportation projects.

Mr. Johnson stated that the City of Pittsburg remained committed to regional planning efforts and was willing to negotiate the integration of its regional fee with the regional fee of the East Contra Costa Regional Fee and Financing Authority (ECCRFFA). He added that he chose not to participate in what he believed to be an illegal closed session for the reasons set forth in the letter sent to TRANSPLAN staff from the Pittsburg City Attorney.

In response to Mr. Johnson's statement, Mr. Schmidt stated that his office had received letters from the City of Pittsburg.

Chair Kalinowski adjourned into closed session at 8:32 P.M. Ben Johnson and Bruce Ohlson did not participate in the closed session. Chair Kalinowski reconvened into open session at 9:05 P.M.

Mr. Schmidt advised that there was no reportable action from the closed session. He stated that on February 17, an announcement had been made that the TRANSPLAN Committee had authorized litigation against the City of Pittsburg and nothing had changed in terms of that authorization.

The items previously deferred pending the closed session were considered at this time.

RECEIVE UPDATE ON THE CITY OF PITTSBURG'S COMPLIANCE WITH THE EAST COUNTY ACTION PLAN AND TAKE ACTION AS APPROPRIATE

RECEIVE REPORT ON MARCH 2, 2011 LETTER FROM CITY OF PITTSBURG AND CONSIDER RESPONSE PURSUANT TO GOVERNMENT CODE SECTION 54960.1.

Mr. Schmidt reported that the TRANSPLAN Committee had offered the City of Pittsburg a March 4 deadline to rejoin ECCRFFA, which had not been done and the City was not in compliance with the conditions stipulated. He acknowledged the letters submitted by the Pittsburg City Attorney, advised that the TRANSPLAN Committee was not a JPA, stated that the letter had asked TRANSPLAN to correct the action taken at the previous closed session and asked that any documents or writings produced, discussed, or related to the closed session be turned over to the City. He advised that if there was a compliance issue, under the Brown Act ECCRFFA would have 30 days to respond to the request; to agree and correct action, or to disagree and deny the request and the letter.

Jonathan Calegari, Assistant City Attorney for the City of Pittsburg, noted that Mr. Schmidt had referenced a JPA although not all JPAs created joint power agencies. He stated that each participating jurisdiction had conferred upon standing committees certain powers assigned, although that did not create a JPA. He added that while Section 4(a) of the ECCRFFA document created a separate legal entity, ECCRFFA, there was no such language in the TRANSPLAN JPA. As such, the TRANSPLAN Committee was violating the Brown Act. He requested that the actions be cured and corrected.

On motion by Kevin Romick, seconded by Jim Frazier, TRANSPLAN Committee members disagreed with the March 2, 2011 letter from the City of Pittsburg and denied the request by the following vote:

Ayes: Azevedo, Frazier, Romick, Steele, Taylor, Kalinowski
Noes: Johnson, Ohlson
Absent: Gaddis, Glover (excused), Weber

ADJOURNMENT

Chair Kalinowski adjourned the TRANSPLAN Committee meeting at 9:10 P.M. to April 14, 2011 at 6:30 P.M. or other day/time as deemed appropriate by the Committee.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

Meeting Handouts:

Architectural Plan and Renderings for the eBART Hillcrest Station
Letter from City of Pittsburg to CCTA dated March 3, 2011
Memo from TRANSPLAN staff to TRANSPLAN Committee dated March 8, 2011
Letter from Meyers Nave to Deputy County Counsel dated March 10, 2011