



**TOWN OF DISCOVERY BAY**  
*A COMMUNITY SERVICES DISTRICT*



President – Chris Steele • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Mark Simon

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**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
AGENDA PACKET**

For the Regular Meeting of Wednesday  
April 1, 2015

7:00 P.M. Regular Meeting

District Office  
1800 Willow Lake Road



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Chris Steele • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Mark Simon

**NOTICE OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY  
Wednesday April 1, 2015  
REGULAR MEETING 7:00 P.M.  
1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)**

**REGULAR MEETING 7:00 P.M.**

**A. ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

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

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the agenda. The public may comment on any item on the Agenda at the time the item is before the Board for consideration. 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. AREA AGENCIES REPORTS / PRESENTATION**

1. Sheriff's Office Report
2. CHP Report
3. East Contra Costa Fire Protection District Report
4. Supervisor Mary Piepho, District III Report

**D. COMMITTEE/LIAISON REPORTS**

1. Trans-Plan Report
2. County Planning Commission Report
3. Code Enforcement Report
4. Special Districts Report\*\*

\*\*These meetings are held Quarterly

**E. PRESENTATIONS**

**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. Approval of DRAFT minutes of special meeting for March 18, 2015
2. Approval of DRAFT minutes of regular meeting for March 18, 2015
3. Approve Register of District Invoices

**G. BUSINESS AND ACTION ITEMS**

1. East Contra Costa Fire Protection District Benefit Assessment Official Ballot
2. Storage Space Lease Agreement between the Town of Discovery Bay and the Discovery Bay Lion's Club and the Discovery Bay Community Foundation

**H. INFORMATIONAL ITEMS ONLY (NO ACTION NECESSARY)**

1. State Water Resources Control Board Proposed Emergency Water Conservation Regulations

**I. PRESIDENT REPORT AND DIRECTORS' COMMENTS**

**J. MANAGER'S REPORT – Discussion and Possible Action**

**K. GENERAL MANAGER'S REPORT – Discussion and Possible Action**

1. Discuss Urban Water Management Plan – Schedule Workshop
2. Employee Medical Benefit Update

**L. DISTRICT LEGAL COUNSEL REPORT**

**M. COMMITTEE UPDATES – Discussion and Possible Action**

**N. CORRESPONDENCE – Discussion and Possible Action**

1. R - Letter from Department of Transportation responding to Parking on Hwy 4

**O. PUBLIC RECORD REQUESTS RECEIVED**

1. Request for Listing of Water & Sewer Permits in the Last 24 Months received March 12, 2015 from Valbridge Property Advisors

**P. FUTURE AGENDA ITEMS**

**Q. ADJOURNMENT**

1. Adjourn to the next regular meeting dated April 15, 2015 starting at 7:00 p.m. on 1800 Willow Lake Rd – Located behind 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 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**  
*A COMMUNITY SERVICES DISTRICT*



President – Chris Steele • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Mark Simon

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No Back Up  
Documentation  
For Agenda Item C



**TOWN OF DISCOVERY BAY**  
*A COMMUNITY SERVICES DISTRICT*



President – Chris Steele • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Mark Simon

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No Back Up  
Documentation  
For Agenda Item D



**TOWN OF DISCOVERY BAY**  
*A COMMUNITY SERVICES DISTRICT*



President – Chris Steele • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Mark Simon

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No Back Up  
Documentation  
For Agenda Item E



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Chris Steele • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Mark Simon

**MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY CSD  
Wednesday March 18, 2015  
1800 Willow Lake Road, Discovery Bay, California  
SPECIAL MEETING 6:30 P.M.  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)**

**SPECIAL MEETING AT 6:30 P.M.**

**A. ROLL CALL**

Call business meeting to order – 6:30 p.m. by President Steele  
Roll Call – All Present

**B. PUBLIC COMMENT**

None

**C. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA**

(Government Code Section 54957.7)

**Legal Counsel Attebery** – The Board is now adjourning into closed session regarding items D-1 and D-2.

**D. CLOSED SESSION:**

1. Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(a)  
Case Number: ADJ 8921802
2. Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9(b)  
One potential Case

**E. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION**

(Government Code Section 54957.1)

**Legal Counsel Attebery** – The Board has reconvened from closed session and there is no reportable action.

**F. ADJOURNMENT**

The meeting adjourned at 6:49 p.m. to the Regular Meeting on March 18, 2015 at 7:00 p.m. on 1800 Willow Lake Road.

//cmc – 03-20-15

<http://www.todb.ca.gov/content/agenda-and-minutes/>



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



President – Chris Steele • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Mark Simon

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY  
Wednesday March 18, 2015  
REGULAR MEETING 7:00 P.M.  
1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)**

**REGULAR MEETING 7:00 P.M.**

**A. ROLL CALL AND PLEDGE OF ALLEGIANCE**

**Call business meeting to order** – 7:00 p.m. by President Steele  
**Pledge of Allegiance** – Led by Director Graves  
**Roll Call** – All Present

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

None

**C. PRESENTATIONS**

**1. Discovery Bay AOB (Area of Benefit) - John Honey/Contra Costa County Public Works**

**General Manager Howard** – Provided the details of item C-1 and introduced the representatives for Contra Costa Public Works.

**Associate Civil Engineer Mary Halle** – Provided additional details for item C-1. There was discussion between County Public Works and the Board. The Board accepted the comments from the AOB Staff Report with the additional recommendation.

**D. PRESIDENT REPORT AND DIRECTORS' COMMENTS**

**President Steele** – Provided details of his presentation to the Sons of Retirement meeting on March 10, 2015

**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. Approval of DRAFT minutes of special meeting dated March 4, 2015

2. Approve Register of District Invoices

**Motion by:** Director Simon to approve the Consent Calendar

**Second by:** Vice-President Pease

**Vote:** Motion Carried – AYES: 5, NOES: 0

**F. BUSINESS AND ACTION ITEMS**

**1. Radio System Upgrade and Survey for the Town of Discovery Bay Supervisory Control and Data Acquisition (SCADA) system**

**General Manager Howard** – Provided the details of item F-1.

**District Engineer Harris** – Provided additional details of item F-1. There was discussion between the General Manager, the District Engineer and the Board.



**Motion by:** Director Simon to approve contract to TELSTAR Instruments for a radio survey and upgrade of the Town of Discovery Bay's SCADA system with the change to the amount from \$86,995.00 to \$106,995.00 to include the concrete stand; and authorize the General Manager to execute all contract documents.

**Second by:** Vice-President Pease

**Vote:** Motion Carried – AYES: 5, NOES: 0

**2. Purchase of Return Activated Sludge (RAS) control panel for Wastewater Treatment Plant #1**

**District Engineer Harris** – Provided the details for item F-2. There was discussion between the

**Motion by:** Director Graves to authorize purchase of RAS Control Panel from Veolia Water in the amount of \$12,500 and direct staff to issue a purchase order to facilitate the transaction

**Second by:** Director Simon

**Vote:** Motion Carried – AYES: 5, NOES: 0

**3. DRAFT Storage Space Lease Agreement**

**General Manager Howard** – Provided the details of item F-3. There was discussion between the General Manager, Legal, and the Board. The applicants – Lions Club representative and the Discovery Bay Community Foundation representative provided their needs in regards to the storage space. There were two Public Comment Speakers. The Storage Space Lease Agreement will be brought back to the Board at the April 1, 2015 Regular Board meeting with adding the language with respect to the container not being visible, matching the surrounding building and nothing else being stored; storing of hazardous material not being allowed; that a container, trailer, or any other items can be stored on the outside area; removing all personal property, to include the container at the termination of the lease; rental amount of \$100.00/month paid in advance upfront on a yearly basis (still a month to month lease); and that the Lions Club will occupy Well No. 4 and the Discovery Bay Community Foundation to occupy Well No. 3.

**4. Approve Resolution No. 2015-05 for Measure WW Local Grant Program Project Application for Community Center Swimming Pool and Tennis Court Renovation Projects**

**General Manager Howard** – Provided the details of item F-4. There was discussion between the General Manager and the Board.

**Motion by:** Vice-President Pease to approve Resolution No. 2015-05 authorizing staff to complete, execute and file the WW Grant Project Application and supporting documents for the Swimming Pool Replaster Renovation and Tennis Court Renovation Projects

**Second by:** Director Leete

**Vote:** Motion Carried – AYES: 5, NOES: 0

**5. Approve Town of Discovery Bay Community Services District Lifeguard Job Class and Recreation Leader Class Job Descriptions**

**General Manager Howard** – Provided the details of item F-5. There was discussion between the General Manager and the Board.

**Motion by:** Vice-President Pease to approve the Job Descriptions for the Lifeguard position Class and Recreation Leader position Class Job Descriptions

**Second by:** Director Graves

**Vote:** Motion Carried – AYES: 5, NOES: 0

**G. INFORMATIONAL ITEMS ONLY (NO ACTION NECESSARY)**

**1. State Water Resources Control Board Proposed Emergency Water Conservation Regulations**

**General Manager Howard** – Provided the details of item G-1. There was discussion between the General Manager and the Board.

**H. VEOLIA REPORT**

**1. Veolia Report – Month of February 2015**

**Project Manager Berney Sadler** – Provided the details of the February 2015 Monthly Operations Report. There was discussion between the Project Manager, the General Manager, and the Board.

**I. MANAGER'S REPORTS – Discussion and Possible Action**

None

**J. GENERAL MANAGER'S REPORT – Discussion and Possible Action**

**1. Discuss Urban Water Management Plan – Schedule Workshop**

Did not discuss

**K. DISTRICT LEGAL COUNSEL REPORT**

None

**L. COMMITTEE UPDATES – Discussion and Possible Action**

None

**M. CORRESPONDENCE – Discussion and Possible Action**

1. S - Ltr Caltrans re Highway 4 at Regatta - Commercial Vehicle Parking
2. S - Ltr to Supervisor Piepho re Dog Park Donation
3. S - Ltr to USDA-ARS re Invasive Weeds
4. R- Ltr from Supervisor Piepho re: additional no parking signs on Highway 4 and hazard abatement requested

**N. PUBLIC RECORD REQUESTS RECEIVED**

None

**O. FUTURE AGENDA ITEMS**

1. Delta/Dam Letter

**P. ADJOURNMENT**

The meeting adjourned at 8:17 p.m. to the next Regular meeting dated April 1, 2015 starting at 7:00 p.m. on 1800 Willow Lake Road.

//cmc – 03-19-15

<http://www.todb.ca.gov/content/agenda-and-minutes/>



# Town of Discovery Bay

*"A Community Services District"*

## AGENDA REPORT

Meeting Date

April 1, 2015

**Prepared By:** Dina Breitstein, Finance Manager & Lesley Marable, Sr. Accounts Clerk  
**Submitted By:** Rick Howard, General Manager

*RH*

### Agenda Title

Approve Register of 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** \$ 218,271.60

**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 2014/2015  
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 8 2014/2015  
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 9 2014/2015

AGENDA ITEM: F-3

**Request For Authorization To Pay Invoices (RFA)  
For The Meeting On April 1, 2015  
Town of Discovery Bay CSD  
For Fiscal Year's 7/14 - 6/15**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
<b>Administration</b>				
U.S. Bank Corporate Payment System	4246044555703473/215	Landscape Reimb (Z35,Z57,Z61)	02/25/15	\$39.71
Watersavers Irrigation Inc.	1552702-00	Landscape Maintenance (Z57,Z61)	03/18/15	\$182.48
		<b>Administration</b>	<b>Sub-Total</b>	<b>\$222.19</b>
<b>Water</b>				
Aflac	419867	Supplemental Insurance March 2015	03/25/15	\$202.37
All Bay Custom Cabinets & Millwork	2104	Board Room Relocation	03/24/15	\$1,392.30
American Retrofit Systems	1067	Replace Light Switch	03/10/15	\$40.00
Bill Pease	Mar 2015	Expense Report Mar 2015	03/26/15	\$138.00
BlueReview	12787	Annual Subscription	02/27/15	\$5,000.00
Caselle, Inc.	63848	Support & Maintenance Apr 2015	03/01/15	\$364.00
Chris Steele	Mar 2015	Expense Report Mar 2015	03/26/15	\$92.00
Cintas	185502946	Uniforms	03/04/15	\$8.64
Cintas	185503752	Uniforms	03/11/15	\$8.64
Cintas	185504562	Uniforms	03/18/15	\$8.64
County of Contra Costa Public Works Dept	918306	Encroachment Permits	03/09/15	\$3,151.17
Du-All Safety	16724	Safety Support and Training for	02/27/15	\$1,160.00
Ergodirect, Inc.	C758712	Board Room Relocation	03/19/15	\$1,158.26
Freedom Mailing Service, Inc	26343	Water Bills Feb 2015	03/13/15	\$1,035.47
Gemini Group L.L.C.	115-12074	Water Quality Report	03/19/15	\$861.00
Golden State Flow Measurement, Inc	I-043513	Security Socket	03/18/15	\$95.06
J.W. Backhoe & Construction, Inc.	2289	Hauled Asphalt and Cutback	03/03/15	\$477.87
J.W. Backhoe & Construction, Inc.	2291	Paved Bodega Ct and Wayfare Ct	03/09/15	\$5,258.48
J.W. Backhoe & Construction, Inc.	2292	Remove Cutback and Rock Bodega Ct	03/09/15	\$316.00
J.W. Backhoe & Construction, Inc.	2293	Applied Crack Filler 5 Locations	03/09/15	\$1,204.05
J.W. Backhoe & Construction, Inc.	2294	Dug Out Cutback and Poured Concrete Marina Cir	03/09/15	\$1,983.40
J.W. Backhoe & Construction, Inc.	2295	Fix Blow Off Wayfare Ct	03/11/15	\$4,527.02
J.W. Backhoe & Construction, Inc.	2296	Water Leak Bodega Ct	03/11/15	\$4,775.28
J.W. Backhoe & Construction, Inc.	2297	Paved Discovery Bay Blvd	03/11/15	\$5,726.09
J.W. Backhoe & Construction, Inc.	2298	Clean Up Clipper Dr Fire Hydrant	03/11/15	\$1,314.20
J.W. Backhoe & Construction, Inc.	2300	Water Leak Sand Point Rd	03/18/15	\$6,448.04
J.W. Backhoe & Construction, Inc.	2301	Install Manifold Discovery Bay Bvd	03/18/15	\$2,695.63
J.W. Backhoe & Construction, Inc.	2302	Install Fire Hydrant Clipper Dr	03/18/15	\$10,330.07
J.W. Backhoe & Construction, Inc.	2303	Cut And Plug Fire Hydrant Clipper Dr	03/18/15	\$5,053.76
Luhdorff & Scalmanini	30548	Well 5A Testing and Evaluation	02/28/15	\$275.00
Luhdorff & Scalmanini	30552	General Engineering Services	02/28/15	\$1,970.25
Luhdorff & Scalmanini	30553	Preparation of Urban Water Management Plan	02/28/15	\$10,335.00
Mark Simon	Mar 2015	Expense Report Mar 2015	03/26/15	\$138.00
McMaster-Carr	25259493	Fire Extinguisher Cabinet	03/12/15	\$30.56
National Meter & Automation, Inc.	S1059430.001	Badger Connectors	03/03/15	\$9,027.20
Neopost (Postage Account)	7900044908384658/315	Postage	03/08/15	\$122.78
Office Depot	757710553001	Office Supplies	02/26/15	\$24.83
Pacific Gas & Electric	2943721807-5/031215	Electric and Gas Bill 02/10/15-03/11/15	03/12/15	\$14,199.46
R & B Company	S1469919.001	Gasket	03/19/15	\$23.64
R.C. Kleppe Roofing	20415	Board Room Relocation Repair	02/04/15	\$720.00
ReliaStar Life Insurance Company	#JR52 457(B) 033115	457(b) 03/15/15-03/31/15	03/31/15	\$458.04
Robert Leete	Mar 2015	Expense Report Mar 2015	03/26/15	\$138.00
SDRMA	16723	Ancillary Benefits April 2015	03/25/15	\$470.78
Some Gave All	Mar 2015	Expense Report Mar 2015	03/26/15	\$244.64
TASC	450775312003/0415	Flexible Spending April 2015	03/24/15	\$241.66
U.S. Bank Corporate Payment System	4246044555703473/215	Health Insurance	02/25/15	\$4,049.07
U.S. Bank Corporate Payment System	4246044555703473/215	Travel & Meetings	02/25/15	\$168.02
U.S. Bank Corporate Payment System	4246044555703473/215	Training & Education	02/25/15	\$70.00
U.S. Bank Corporate Payment System	4246044555703473/215	Telephone General	02/25/15	\$517.81
U.S. Bank Corporate Payment System	4246044555703473/215	Telecom Networking	02/25/15	\$96.00
U.S. Bank Corporate Payment System	4246044555703473/215	Vehicle & Equipment Fuel	02/25/15	\$446.19
U.S. Bank Corporate Payment System	4246044555703473/215	Automotive Supplies & Repairs	02/25/15	\$157.04
U.S. Bank Corporate Payment System	4246044555703473/215	General Repair	02/25/15	\$24.30
U.S. Bank Corporate Payment System	4246044555703473/215	Special Equipment	02/25/15	\$366.39
U.S. Bank Corporate Payment System	4246044555703473/215	Info System Maintenance	02/25/15	\$92.80
U.S. Bank Corporate Payment System	4246044555703473/215	Computer Equipment & Supplies	02/25/15	\$862.83

U.S. Bank Corporate Payment System	4246044555703473/215	Small Tools	02/25/15	\$180.61
U.S. Bank Corporate Payment System	4246044555703473/215	Equipment Repair	02/25/15	\$49.29
U.S. Bank Corporate Payment System	4246044555703473/215	Computer Software	02/25/15	\$179.99
U.S. Bank Corporate Payment System	4246044555703473/215	Office Supplies	02/25/15	\$164.88
U.S. Bank Corporate Payment System	4246044555703473/215	Building Maintenance	02/25/15	\$777.24
U.S. Bank Corporate Payment System	4246044555703473/215	Safety Equipment & Supplies	02/25/15	\$213.82
U.S. Bank Corporate Payment System	4246044555703473/215	Special Expense	02/25/15	\$490.60
United States Postal Services	PI/15 2015	Permit Renewal	03/20/15	\$88.00
Univar	SJ670800	Chemicals Delivered 02/27/15	02/27/15	\$253.70
Univar	SJ670801	Chemicals Delivered 02/27/15	02/27/15	\$289.94
Van De Pol Enterprises, Inc.	0420630-IN	Diesel Fuel	03/17/15	\$241.02
Veolia Water North America	46586	Monthly R&M Feb 2015	03/13/15	\$1,191.80
Verizon Wireless	9741309462	Cell Phone Bill Feb 2015	02/26/15	\$149.23
Watersavers Irrigation Inc.	1552702-00	Landscape Maintenance	03/18/15	\$72.99

**Water      Sub-Total      \$114,438.84**

**Wastewater**

Aflac	419867	Supplemental Insurance March 2015	03/25/15	\$303.55
All Bay Custom Cabinets & Millwork	2104	Board Room Relocation	03/24/15	\$2,088.45
American Retrofit Systems	1059	Electrical Power Door Lift WWTP#2	03/04/15	\$470.00
American Retrofit Systems	1062	Office At WWTP#2	03/10/15	\$4,000.00
American Retrofit Systems	1064	Electrical Underground Wire Repair WWTP#2	03/05/15	\$1,000.00
American Retrofit Systems	1065	Relocate Motion Sensor	03/09/15	\$100.00
American Retrofit Systems	1066	Install Outlets	03/09/15	\$100.00
American Retrofit Systems	1067	Replace Light Switch	03/10/15	\$60.00
American Retrofit Systems	1068	Generator Repair WWTP#1	03/16/15	\$100.00
American Retrofit Systems	1070	Generator Repair	03/16/15	\$400.00
Bill Pease	Mar 2015	Expense Report Mar 2015	03/26/15	\$207.00
Caselle, Inc.	63848	Support & Maintenance Apr 2015	03/01/15	\$546.00
Chris Steele	Mar 2015	Expense Report Mar 2015	03/26/15	\$138.00
Cintas	185502946	Uniforms	03/04/15	\$12.97
Cintas	185503752	Uniforms	03/11/15	\$12.97
Cintas	185504562	Uniforms	03/18/15	\$12.97
Comcast	8155400350232938/315	Internet Service WWTP#2	03/03/15	\$114.00
Comcast	8155400350232946/315	Internet Service WWTP#1	03/03/15	\$88.95
Conco West Inc.	798	Trench Plates	02/28/15	\$5,716.31
Contra Costa Health Services	IN0159543	Health Permit WWTP#1	03/17/15	\$562.00
Du-All Safety	16724	Safety Support and Training for 2014-2015	02/27/15	\$1,740.00
Ergodirect, Inc.	C758712	Board Room Relocation	03/19/15	\$1,737.40
Gemini Group L.L.C.	115-12074	Water Quality Report	03/19/15	\$1,291.50
J.W. Backhoe & Construction, Inc.	2289	Hauled Asphalt and Cutback	03/03/15	\$716.81
Mark Simon	Mar 2015	Expense Report Mar 2015	03/26/15	\$207.00
McMaster-Carr	25259493	Fire Extinguisher Cabinet	03/12/15	\$45.84
Neopost (Postage Account)	7900044908384658/315	Postage	03/08/15	\$184.17
Office Depot	757710553001	Office Supplies	02/26/15	\$37.25
Pacific Gas & Electric	1181942262-4/031115	Electric and Gas Bill 02/09/15-03/10/15	03/11/15	\$5,629.69
Pacific Gas & Electric	7312115758-7/031715	Electric and Gas Bill 02/11/15-03/12/15	03/17/15	\$18,642.99
R.C. Kleppe Roofing	20415	Board Room Relocation Repair	02/04/15	\$1,080.00
ReliaStar Life Insurance Company	#JR52 457(B) 033115	457(b) 03/15/15-03/31/15	03/31/15	\$687.06
Robert Leete	Mar 2015	Expense Report Mar 2015	03/26/15	\$207.00
SDRMA	16723	Ancillary Benefits April 2015	03/25/15	\$706.18
Some Gave All	Mar 2015	Expense Report Mar 2015	03/26/15	\$366.98
TASC	450775312003/0415	Flexible Spending April 2015	03/24/15	\$362.48
U.S. Bank Corporate Payment System	4246044555703473/215	Health Insurance	02/25/15	\$6,073.60
U.S. Bank Corporate Payment System	4246044555703473/215	Travel & Meetings	02/25/15	\$252.04
U.S. Bank Corporate Payment System	4246044555703473/215	Training & Education	02/25/15	\$105.00
U.S. Bank Corporate Payment System	4246044555703473/215	Telephone General	02/25/15	\$855.47
U.S. Bank Corporate Payment System	4246044555703473/215	Telecom Networking	02/25/15	\$144.00
U.S. Bank Corporate Payment System	4246044555703473/215	Vehicle & Equipment Fuel	02/25/15	\$304.53
U.S. Bank Corporate Payment System	4246044555703473/215	Automotive Supplies & Repairs	02/25/15	\$470.57
U.S. Bank Corporate Payment System	4246044555703473/215	Special Equipment	02/25/15	\$549.58
U.S. Bank Corporate Payment System	4246044555703473/215	Info System Maintenance	02/25/15	\$139.20
U.S. Bank Corporate Payment System	4246044555703473/215	Computer Equipment & Repair	02/25/15	\$1,294.24
U.S. Bank Corporate Payment System	4246044555703473/215	Small Tools	02/25/15	\$289.11
U.S. Bank Corporate Payment System	4246044555703473/215	Special Equipment	02/25/15	\$73.93
U.S. Bank Corporate Payment System	4246044555703473/215	Computer Software	02/25/15	\$356.78
U.S. Bank Corporate Payment System	4246044555703473/215	Office Supplies	02/25/15	\$320.04
U.S. Bank Corporate Payment System	4246044555703473/215	Building Maintenance	02/25/15	\$1,165.86
U.S. Bank Corporate Payment System	4246044555703473/215	Safety Equipment & Supplies	02/25/15	\$320.74
U.S. Bank Corporate Payment System	4246044555703473/215	Special Expense	02/25/15	\$780.91
United States Postal Services	PI/15 2015	Permit Renewal	03/20/15	\$132.00

Van De Pol Enterprises, Inc.	0420630-IN	Diesel Fuel	03/17/15	\$361.54
Veolia Water North America	46441	Vehicle & Equipment Maintenance	03/13/15	\$682.10
Veolia Water North America	46444	Large Replacement	03/13/15	\$14,081.00
Veolia Water North America	46586	Monthly R&M Feb 2015	03/13/15	\$3,554.69
Verizon Wireless	9741309462	Cell Phone Bill Feb 2015	02/26/15	\$223.85
Watersavers Irrigation Inc.	1552702-00	Landscape Maintenance	03/18/15	\$109.49

**Wastewater Sub-Total** \$82,315.79

**Community Center**

**Community Center Sub-Total** \$0.00

**Grand Total** \$196,976.82

**Request For Authorization To Pay Invoices (RFA)**  
**For The Meeting On April 1, 2015**  
**Town of Discovery Bay, D.Bay L&L Park #8**  
**For Fiscal Year's 7/14 - 6/15**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
American Retrofit Systems	1063	Power System For Irrigation	03/05/15	\$100.00
Big Dog Computer	BDC33104	Community Center-Internet And Phone Repair	03/03/15	\$585.00
Cintas	185502946	Uniforms	03/04/15	\$33.88
Cintas	185502946	Community Center-Mats	03/04/15	\$20.75
Cintas	185503752	Uniforms	03/11/15	\$57.11
Cintas	185503752	Community Center-Mats	03/11/15	\$25.75
Cintas	185504562	Uniforms	03/18/15	\$17.18
Cintas	185504562	Community Center-Mats	03/18/15	\$25.75
Discovery Bay Designs	1084	Uniforms	03/13/15	\$631.18
Discovery Bay Designs	1084	Community Center-Uniforms	03/13/15	\$631.17
Discovery Bay River Otters Booster Club	2015	Community Center-Swim Team	03/10/15	\$4,000.00
Discovery Locks & More, Inc.	1201	Community Center-Door Repair	02/03/15	\$227.92
Karina Dugand	18	Community Center-Program Fees	02/27/15	\$958.50
Monica Rollins	Mar 2015	Expense Report	03/06/15	\$9.20
Monica Rollins	Mar 2015	Community Center-Expense Report	03/06/15	\$38.53
Pacific Gas & Electric	0869258994-1/031115	Electric and Gas Bill 02/10/15-03/11/15	03/11/15	\$389.51
Pacific Gas & Electric	5702839598-6/031215	Community Center-Electric and Gas Bill 02/10/15-03/11/15	03/12/15	\$660.20
Pacific Gas & Electric	5939734421-5/031815	Electric and Gas Bill	03/18/15	\$6,762.90
Town of Discovery Bay, CSD	9-900-000-002-6.02	Community Center-Water Bill 02/01/15-02/28/15	02/28/15	\$531.08
Town of Discovery Bay, CSD	9-900-000-002-7.02	Water Bill 02/01/15-02/28/15	02/28/15	\$2.90
Town of Discovery Bay, CSD	9-900-000-004-2.01	Water Bill 02/01/15-02/28/15	02/28/15	\$191.05
Town of Discovery Bay, CSD	9-900-000-004-2.02	Water Bill 02/01/15-02/28/15	02/28/15	\$5.81
Town of Discovery Bay, CSD	9-900-000-004-2.03	Water Bill 02/01/15-02/28/15	02/28/15	\$31.11
Town of Discovery Bay, CSD	9-900-000-004-2.04	Water Bill 02/01/15-02/28/15	02/28/15	\$26.17
Town of Discovery Bay, CSD	9-900-000-004-2.05	Water Bill 02/01/15-02/28/15	02/28/15	\$5.81
Town of Discovery Bay, CSD	9-900-000-004-2.06	Water Bill 02/01/15-02/28/15	02/28/15	\$63.97
Town of Discovery Bay, CSD	9-900-000-004-2.07	Water Bill 02/01/15-02/28/15	02/28/15	\$9.30
Town of Discovery Bay, CSD	9-900-000-004-2.08	Water Bill 02/01/15-02/28/15	02/28/15	\$9.30
Town of Discovery Bay, CSD	9-900-000-004-2.09	Water Bill 02/01/15-02/28/15	02/28/15	\$10.75
Town of Discovery Bay, CSD	9-900-000-004-2.10	Water Bill 02/01/15-02/28/15	02/28/15	\$29.66
Town of Discovery Bay, CSD	9-900-000-004-4.01	Water Bill 02/01/15-02/28/15	02/28/15	\$2.90
Town of Discovery Bay, CSD	9-900-000-004-4.02	Water Bill 02/01/15-02/28/15	02/28/15	\$9.30
Town of Discovery Bay, CSD	9-900-000-004-4.03	Water Bill 02/01/15-02/28/15	02/28/15	\$170.69
Town of Discovery Bay, CSD	9-900-000-004-4.04	Water Bill 02/01/15-02/28/15	02/28/15	\$2.90
Town of Discovery Bay, CSD	9-900-000-004-4.05	Water Bill 02/01/15-02/28/15	02/28/15	\$5.81
Town of Discovery Bay, CSD	9-900-000-012-0.01	Water Bill 02/01/15-02/28/15	02/28/15	\$5.81
U.S. Bank Corporate Payment System	4246044555703473/215	Equipment	02/25/15	\$302.72
U.S. Bank Corporate Payment System	4246044555703473/215	Meetings & Travels	02/25/15	\$70.02
U.S. Bank Corporate Payment System	4246044555703473/215	Training & Education	02/25/15	\$72.90
U.S. Bank Corporate Payment System	4246044555703473/215	Telephone General	02/25/15	\$97.07
U.S. Bank Corporate Payment System	4246044555703473/215	Telephone Cellular	02/25/15	\$81.31
U.S. Bank Corporate Payment System	4246044555703473/215	Vehicle & Equipment Fuel	02/25/15	\$234.37
U.S. Bank Corporate Payment System	4246044555703473/215	Equipment Maintenance	02/25/15	\$376.08
U.S. Bank Corporate Payment System	4246044555703473/215	Office Supplies	02/25/15	\$172.61
U.S. Bank Corporate Payment System	4246044555703473/215	Personal Protective Equipment	02/25/15	\$502.03
U.S. Bank Corporate Payment System	4246044555703473/215	Special Expense	02/25/15	\$74.00
U.S. Bank Corporate Payment System	4246044555703473/215	Community Center-Events	02/25/15	\$53.60
U.S. Bank Corporate Payment System	4246044555703473/215	Community Center-Telephone General	02/25/15	\$97.07
U.S. Bank Corporate Payment System	4246044555703473/215	Community Center-Computer Software	02/25/15	\$360.95
U.S. Bank Corporate Payment System	4246044555703473/215	Building Repair	02/25/15	\$3.79
U.S. Bank Corporate Payment System	4246044555703473/215	Community Center-Memberships	02/25/15	\$165.00
UPS	000012X417105	Shipping Cost Soil Samples	03/07/15	\$11.55
Verizon Wireless	9741309462	Cell Phone Bill Feb 2015	02/26/15	\$152.54
Verizon Wireless	9741309462	Community Center-Cell Phone Bill Feb 2015	02/26/15	\$152.54
Watersavers Irrigation Inc.	1549256-00	Misc. Small Tools	03/10/15	\$32.38
Watersavers Irrigation Inc.	1549256-00	Landscape Maintenance	03/10/15	\$19.87
Watersavers Irrigation Inc.	1552702-00	Landscape Maintenance	03/18/15	\$182.48
<b>Total</b>				<b>\$19,503.73</b>

**Request For Authorization To Pay Invoices (RFA)**  
**For The Meeting On April 1, 2015**  
**Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)**  
**For Fiscal Year's 7/14 - 6/15**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
Cintas	185502946	Uniforms	03/04/15	\$33.88
Cintas	185503752	Uniforms	03/11/15	\$57.11
Cintas	185504562	Uniforms	03/18/15	\$17.18
Discovery Bay Designs	1084	Uniforms	03/13/15	\$631.18
Pacific Gas & Electric	0403377952-3/031115	Electric and Gas Bill 02/09/15-03/10/15	03/11/15	\$42.96
Town of Discovery Bay, CSD	9-900-000-004-3.01	Water Bill 02/01/15-02/28/15	02/28/15	\$45.07
Town of Discovery Bay, CSD	9-900-000-004-3.02	Water Bill 02/01/15-02/28/15	02/28/15	\$102.36
Town of Discovery Bay, CSD	9-900-000-004-3.03	Water Bill 02/01/15-02/28/15	02/28/15	\$44.20
U.S. Bank Corporate Payment System	4246044555703473/215	Telephone General	02/25/15	\$104.08
U.S. Bank Corporate Payment System	4246044555703473/215	Vehicle & Equipment Fuel	02/25/15	\$304.03
U.S. Bank Corporate Payment System	4246044555703473/215	Special Expense	02/25/15	\$74.00
Verizon Wireless	9741309462	Cell Phone Bill Feb 2015	02/26/15	\$152.54
Watersavers Irrigation Inc.	1552702-00	Landscape Maintenance	03/18/15	\$182.46
			<b>Total</b>	<b>\$1,791.05</b>





# Town of Discovery Bay

*"A Community Services District"*

## AGENDA REPORT

Meeting Date

April 1, 2015

**Prepared By:** Rick Howard, General Manager  
**Submitted By:** Rick Howard, General Manager

### Agenda Title

East Contra Costa Fire Protection District Benefit Assessment Official Ballot

### Recommended Action

As Necessary

### Executive Summary

This item was presented to the Board at the September 3, 2014 regular meeting and the item was pulled because of an error within the ballot.

As the Board is well aware, the ECCFPD has a number of fiscal concerns that have resulted in the ECCFPD Board of Directors to seek an annual property assessment on properties located within ECCFPD's boundary.

The current fiscal crisis confronting the ECCFPD has resulted in the closure of three of the eight stations ECCFPD operates, including Station 58 on Discovery Bay Boulevard (closed July 2010). It should be noted that even if the assessment passes, Station 58 will not be opened. If the assessment does not pass, another two stations will be forced to close. However, Station 59 (on Bixler to remain open) and will continue to serve Discovery Bay residents.

Staff is seeking Board direction on how to vote on thirty-seven (39) district owned parcels. The ballot question is as follows:

**YES** Support the Fire Suppression assessment in the amount of \$. (The annual cost will be determined based upon the size of parcel owned by the Town, with an amount ranging from \$81.08 to \$125.07 annually).

**NO** Support the Fire Suppression assessment in the amount of \$. (The annual cost will be determined based upon the size of parcel owned by the Town, with an amount ranging from \$81.08 to \$125.07 annually).

The Town owns 39 parcels and the total annual cost to the Town of Discovery Bay would be \$ 3,786.08 beginning in FY 2015-16 and continuing through FY 2019-20.

### Fiscal Impact:

**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

September 3, 2014 Regular Board Meeting

### Attachments

ECCFPD Ballot Materials and supporting information

AGENDA ITEM: G-1

# NOTICE OF PUBLIC HEARING AND ASSESSMENT BALLOT PROCEDURE

## EAST CONTRA COSTA FIRE PROTECTION DISTRICT EAST COUNTY EMERGENCY FIRE RESPONSE AND PREVENTION ASSESSMENT

### NOTICE OF PUBLIC HEARING

This notice informs you, as the record owner of property within the proposed East County Emergency Fire Response and Prevention Assessment (the "Fire Suppression Assessment District"), that the East Contra Costa Fire Protection District will be conducting a Public Hearing pursuant to the provisions of the Fire Suppression Assessment Law, Article XIII D of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act.

The Public Hearing is hereby scheduled to be held at the City of Oakley City Council Chambers, 3231 Main Street, Oakley, California on:

**April 27, 2015, at 10:00 a.m.**

or as soon thereafter as the matter may be heard. All interested persons are invited to attend and express opinions on the matter of the proposed Fire Suppression Assessment District.

### RIGHT TO SUBMIT ASSESSMENT BALLOT

Property Owners of record who desire to submit an assessment ballot must mail or personally deliver a completed assessment ballot, provided, however, all assessment ballots must be received by the Board of Directors prior to the close of the Public Hearing to be counted. An assessment ballot and return envelope are enclosed with this Notice.

**All assessment ballots must be received by the Board of Directors before the conclusion of the Public Hearing shown above. The mailing address is:**

ECCFPD Ballot Proceeding  
c/o TrueBallot, Inc.  
P .O. Box 1990  
Brentwood, CA 94513-9700

### ASSESSMENT INFORMATION

**Boundaries of the District:** The Fire Suppression Assessment District is located in eastern Contra Costa County. The boundaries of the District include all property within the East Contra Costa Fire Protection District ("ECCFPD") boundary. A copy of the Assessment Diagram for the Fire Suppression Assessment District is included in the Engineer's Report, a copy of which is available at the office of the Secretary of the District or online at [www.eccfpd.org](http://www.eccfpd.org).

**Total Proposed Fiscal Year 2015/16 Maximum Assessment for the Entire District:** \$ 4,277,939.00

**Your Proposed Maximum Assessment for Fiscal Year 2015/16:** The proposed maximum Fiscal Year 2015/16 assessment for your property is shown on the enclosed assessment ballot.

**Duration of Proposed Assessment:** The proposed assessment for the Fire Suppression Assessment District will be levied for a period of five years beginning with Fiscal Year 2015/16 and will continue through Fiscal Year 2019/20.

**Cost of Living Inflator:** The Maximum Fire Suppression Assessment is not subject to a cost of living inflator.

**Reasons for the Proposed Assessment:** The proposed assessment will generate revenue for ECCFPD to operate five fire stations (numbers 52, 59, 93, 54 and 94) with forty-eight operational personnel and two administrative personnel, along with funding Cal Fire staff at the Sunshine Station beyond the state-supported fire season.

**Basis of Proposed Assessment:** The method of apportionment of the proposed assessment is based upon the proportionate special benefit received from the services and conferred upon the property within the Fire Suppression Assessment District over and above the general benefit conferred upon the public at large. All assessable parcels within the proposed Fire Suppression Assessment District receive special and direct benefit from the services provided. Only parcels that receive direct special benefit are assessed, and each parcel is assessed in proportion to the estimated benefit received.



The factors which determine the proportional Fire Suppression Assessment for each parcel within the Fire Suppression Assessment District are Fire Flow (the amount of water available at a specific pressure to put out a fire, based on building square footage, existence of fire sprinklers and property use), Flow Duration (the number of hours Fire Flow is required, based on building square footage and property use) and Protection (determined by the distance each parcel is from a fire station and a fire hydrant). Adjustments are made for parcels in the Sunshine Station response area and wildland parcels in a State Responsibility Area.

Fire Flow Benefit Points	+	Flow Duration Benefit Points	+	Increase to Fire Flow Benefit Points based on Land Use	+	Protection Benefit Points	=	Benefit Points Subtotal
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Benefit Points Subtotal	X	Special Benefit Adjustment	=	Total Benefit Points
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A complete description of the method of assessment is described in the Engineer's Report, a copy of which is available at the office of the Secretary of the District or online at [www.eccfpd.org](http://www.eccfpd.org).

**ASSESSMENT BALLOTING PROCEDURES**

Upon completion, please fold and insert the assessment ballot into the return envelope and seal the envelope. Make sure that you mark your assessment ballot and sign the detachable portion at the bottom of the ballot (the "stub"). Mail the completed ballot and signed stub in the enclosed postage paid envelope to the address shown on the stub pursuant to the enclosed instructions regarding submission of assessment ballots. You may also deliver your completed, signed and sealed ballot(s) during the Public Hearing scheduled for April 27 at 10:00 a.m., as set forth above.

The Board of Directors will consider approving the Fire Suppression Assessment District and imposing the annual assessment as described above and on the enclosed assessment ballot if there is no majority protest. A majority protest exists if the assessments represented by ballots submitted in opposition exceed those submitted in favor of the assessment. All returned ballots are tabulated and weighted according to the financial obligation of each particular parcel.

**THE PROPOSED ANNUAL ASSESSMENT AS DESCRIBED IN THIS NOTICE, IF APPROVED, WILL APPEAR EACH YEAR ON YOUR PROPERTY TAX BILL.**

**QUESTIONS REGARDING THESE PROCEEDINGS**

For information relating to the proposed assessment, the public hearing or the ballot procedure, or to request a replacement ballot, please contact:

TrueBallot or Fire Chief Hugh Henderson at 888-854-3190

Requests for replacement ballots must be received by TrueBallot by April 22, 2015 at 3PM. A replacement ballot may also be obtained at the Public Hearing on April 27, 2015.





# INFORMATION ABOUT THE FIRE SUPPRESSION ASSESSMENT

On March 2, 2015, the Board of Directors of the East Contra Costa Fire Protection District voted to ask property owners to authorize the levy of a Fire Suppression Assessment. According to the engineer's report preliminarily approved by the District, the assessment would fund fire service by five District fire stations and one station staffed by the State's CalFire, rather than three District stations plus the one CalFire station. If you received and returned an assessment ballot last summer, it was not counted as that balloting process was cancelled due to incomplete data, and no assessment was enacted. The new ballot enclosed here replaces the ballot you received last summer and reflects updated fire protection data for many parcels in the East County area.

## **Ongoing Budget Challenges**

The recent recession, housing crisis and property value downturn reduced funding for fire protection in East County by 40%. These funding challenges, plus the recent expiration of a federal grant that cannot be renewed or extended, have led ECCFPD to close fire stations and make various budget cuts. In recent years, ECCFPD permanently closed three fire stations and last September temporarily closed Fire Station 54 in Brentwood.

In addition to closing four of the eight local fire stations that once served East County, ECCFPD has reduced fire suppression employees from 57 to 48; froze salaries from 2007 until 2012; reduced administrative employees from four to two; sold its surplus equipment; and reduced budgeted expenditures. Additionally, local firefighter/EMTs' take-home salaries are reduced by up to 25% by contributions they make to fund their own pensions and healthcare. The Board has done everything it is legally authorized to do to control District pension costs.

## **Further Service Reductions Would Impact Emergency Response Times in East County**

If the District permanently closes the Brentwood station and closes another station, nine on-duty District firefighter/EMTs will serve East County's 249 square miles and more than 100,000 residents. As set forth in the assessment engineer's report, having three District fire stations to cover the Cities of Brentwood and Oakley, the Town of Discovery Bay, the communities of Byron, Bethel Island and Knightsen, the Marsh Creek/Morgan Territory area, and all other areas within unincorporated Contra Costa County to the east of Antioch and to the southeast of Clayton, will increase average emergency fire response times in the District.

New delays in response to 9-1-1 emergencies and closed fire stations would compromise public safety in the event of brush and house fires, which can double in size every 30 seconds. With potential new service reductions, firefighters may need to shift their emphasis from saving a home on fire to merely protecting neighboring houses from a spreading fire. The District's ability to respond to multiple emergencies at the same time would be especially hampered.

## **It Is Now Time To Decide**

Property owners in the District are asked to submit a ballot indicating whether they support or oppose the proposed Fire Suppression Assessment to pay for the continued operation of one fire station and the reopening of another that was temporarily closed last fall. If authorized by the District's property owners and enacted by the Board of Directors, the assessments collected could only be used to fight and prevent fires in East County, and could not be taken by the state or federal governments or be used for any other purposes.

A YES mark on the enclosed ballot would support the District's fire suppression assessment to prevent the permanent closure of two out of five fire stations and allow the District to maintain a staff of 48 firefighters.

A NO mark on the enclosed ballot would oppose the District's fire suppression assessment, leading to the permanent closure of two fire stations and elimination of 18 firefighter positions.

Your completed ballot must be received by Monday, April 27 in order for it to be counted.





# QUESTIONS AND ANSWERS ABOUT A FIRE ASSESSMENT

## **How was the East Contra Costa Fire Protection District impacted by the recession?**

The District relies primarily on property tax revenue to fund operations. The recent recession and associated decrease in local property values led to a 40% decrease in funding for 9-1-1 emergency fire response in East County.

## **Why is the District proposing this Fire Suppression Assessment?**

A temporary federal grant that kept two of our local fire stations open every day expired in November 2014. The grant cannot be renewed or extended. Even with recent growth in property values, property tax revenue has not yet returned to pre-recession levels. The Fire District Board of Directors has made various budget cuts and has evaluated all options for funding. Unless new revenue is secured, ECCFPD will likely make the recent Brentwood station closure permanent and will likely be required to close an additional station. This will leave 249 square miles and 105,000 residents in East County with 3 fire stations and 9 on-duty firefighter/EMTs to keep us safe.

## **What has the District done so far to live within its means?**

ECCFPD has closed four of the eight local fire stations that once served East County, including the recent temporary closure of Station 54 in Brentwood. The number of firefighters/EMTs and related fire suppression employees were reduced from 57 to 48 as of July 1, 2014. Salaries were frozen from 2007 until 2012, administrative employees were reduced from 4 to 2, surplus equipment has been sold, and budgeted expenditures are at a minimum. Additionally, local firefighter/EMTs contribute up to 25% of their salaries to pay for pensions and healthcare and are already paid 40% less than those in nearby fire departments. The Board has done everything it is legally authorized to do to control District pension costs.

## **How would further service reductions impact emergency response times?**

If two more fire stations close permanently and 18 firefighter/EMT positions are eliminated, 9-1-1 emergency fire response times to portions of East County could increase to 15 minutes or more. Fires can double in size every 30 seconds.

## **What would this Fire Suppression Assessment fund?**

- Re-opening one fire station and preventing the closure of another
- Staffing five fire stations with 15 on-duty personnel

## **How can I be sure these funds will be spent wisely?**

The proposed Fire Suppression Assessment would include fiscal accountability features:

- All funds can only be spent on fire suppression and prevention in East County
- No funds can be taken by the state or other agencies or be spent on any other purposes
- Annual audits and reports to the community

## **What is different about this ballot and proposed assessment from what I received last summer?**

Assessment ballots were sent to local property owners last summer but the balloting process was cancelled due to incomplete data, ballots were not counted and no assessment was enacted. These new ballots reflect updated fire data for the East County region. Over the past several months, the District was able to secure new, updated information related to many parcels in East County, including fire hydrant locations in newly developed areas. This is one of many criteria used to determine the special benefit created for a specific property as a result of improved fire service, which determines the assessment for each property.

## **What if I have other questions?**

For more information about this proposed assessment please call (888) 854-3190.





Type

# East Contra Costa Fire Protection District Official Ballot

P 01

303-15-01



Weight 12507

## East County Emergency Fire Response and Prevention Assessment

East Contra Costa Fire Protection District proposes to levy a fire suppression assessment on properties within the district's boundaries. The assessment will generate revenue to allow ECCFPD to operate five district fire stations (numbers 52, 59, 93, 54 and 94) with forty-eight operational personnel and two administrative personnel, and fund Cal Fire staff at the Sunshine Station beyond the state-supported fire season. The assessment revenue will enable ECCFPD to support fire suppression and fire prevention services and response times for fire emergency calls and avoid additional permanent fire station closures and firefighter layoffs. This local funding source cannot be taken by the state or county and is to be reviewed annually by mandatory audits and an independent citizens' oversight committee.

In order to calculate the assessment for parcels within ECCFPD, property data has been evaluated and the method of assessment detailed in the Engineer's Report and summarized in the enclosed Notice has been applied with Benefit Points assigned to each parcel. The Maximum Allowable Benefit Assessment Rate per Benefit Point is \$14.7140 and is proposed to be levied for a period of five years with no annual increase. Based on the 2015/16 Benefit Point assignments, the proposed annual assessment for Assessor's Parcel Number 011-600-060-5 is \$125.07.

- Yes Support the Maximum Allowable Benefit Assessment Rate per Benefit Point of \$14.7140, proposed to be levied for a period of five years with no annual increase. Based on 2015/16 Benefit Point assignments, the proposed annual assessment is \$125.07 for APN 011-600-060-5
- No Oppose the Maximum Allowable Benefit Assessment Rate per Benefit Point of \$14.7140, proposed to be levied for a period of five years with no annual increase. Based on 2015/16 Benefit Point assignments, the proposed annual assessment is \$125.07 for APN 011-600-060-5

### MARK YOUR BALLOT LIKE THIS: ■

Your ballot must be marked, signed and received by the close of the Public Hearing on April 27, 2015 or it will not be counted.

#### SEE REVERSE SIDE FOR INSTRUCTIONS

DETACH HERE BEFORE ENCLOSING BALLOT PORTION IN ENVELOPE -- DO NOT DISCARD THIS PORTION

I declare under penalty of perjury under the laws of the State of California that I am entitled to complete and submit this ballot.

. DISCOVERY BAY COMM SERV DIST



Parcel Number 011-600-060-5

THIS ADDRESS SHOWS IN THE WINDOW OF THE RETURN ENVELOPE:

ECCFPD Ballot Proceeding  
c/o TrueBallot, Inc.  
P.O. Box 1990  
Brentwood, CA 94513-9700



. DISCOVERY BAY COMM SERV DIST  
TOWN OF DISCOVERY BAY CSD  
1800 WILLOW LAKE RD  
DISCOVERY BAY, CA 94505-9376

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT  
EAST COUNTY EMERGENCY FIRE RESPONSE AND PREVENTION ASSESSMENT**

**2015 MAIL BALLOT PROCEEDING**

**INSTRUCTIONS FOR FILLING OUT THIS BALLOT**

1. Remove your ballot from the outer envelope, and review the enclosed materials.
2. After removing your ballot, and reviewing the enclosed materials, mark the appropriate box next to your choice on the ballot by completely filling in the box like this: ■. Mark either yes or no.
3. When you have finished marking your ballot, separate it from the stub on the bottom of the ballot along the dotted lines where indicated. Fold the ballot such that the marked side faces in.
4. Sign your name in the designated area on the top left of the now separated stub. **Your ballot cannot be counted unless the stub is signed.**
5. Take the signed stub that was on the bottom of the ballot, and place it into the double window return envelope **SO THAT THE ADDRESS AND BAR CODE SHOW IN THE WINDOW** (as with a utility bill). Place the folded ballot behind the stub.
6. Seal the double window envelope. No postage is necessary if mailed in the United States.
7. All ballots **must** be received prior to the close of the Public Hearing scheduled for **Monday, April 27, 2015 at 10:00 am**, or they will not be counted.
8. If you lose your return envelope, you may return the ballot and stub using any stamped envelope to:

ECCFPD Ballot Proceeding  
c/o TrueBallot, Inc.  
P.O. Box 1990  
Brentwood, CA 94513-9700

9. Ballots may be hand-delivered to the Board of Directors during the Public Hearing which will be held on Monday, April 27, 2015 at 10:00 am at the following address:

City of Oakley City Council Chambers  
3231 Main Street, Oakley, California

10. If you do not receive a ballot, or lose or destroy your ballot, you may request a replacement ballot by calling TrueBallot at 888-854-3190 by April 22, 2015 at 3PM. A replacement ballot may also be obtained at the Public Hearing on April 27, 2015.
11. If you received multiple ballots for multiple parcels which have the same ownership and you wish to receive a consolidated ballot for those parcels, you may request a consolidated ballot by calling TrueBallot at 888-854-3190 by April 22, 2015 at 3PM.

**TrueBallot Election 3031501**



**10880711.1**



# Town of Discovery Bay

*"A Community Services District"*

## AGENDA REPORT

Meeting Date

April 1, 2015

**Prepared By:** Rick Howard, General Manager  
**Submitted By:** Rick Howard, General Manager *RH*

### Agenda Title

Storage Space Lease Agreement between the Town of Discovery Bay and the Discovery Bay Lion's Club and the Discovery Bay Community Foundation.

### Recommended Action

Approve 1) Storage Lease Agreement between the Town of Discovery Bay and the Discovery Bay Lion's Club for use of Town of Discovery Bay property located on Firwood Dr. at gate on Discovery Bay Blvd (AKA Well Site 4); and 2) Storage Lease Agreement between the Town of Discovery Bay and the Discovery Bay Community Foundation for use of Town of Discovery Bay property located on Edgeview Drive at gate on Discovery Bay Blvd (AKA Well Site 3).

### Executive Summary

On February 18, 2015 the Board was presented with a request by two separate Discovery Bay based non-profits (Discovery Bay Lion's Club and the Discovery Bay Community Foundation) that support local schools, other local organizations, and community events (including the Town of Discovery Bay and its recreation programs) to rent or lease one or both of former Well Site 3 and/or 4. The sites are both located on Discovery Bay Blvd and are shown on the attached parcel map. At the March 18, 2015 Board meeting, staff presented a draft of a potential agreement for consideration. At the meeting, the Board directed staff to return to the next meeting with a final agreement adding the following additional terms:

1. Any container located on the property shall be the same color as the surrounding building or painted the same color. All items stored outside the container or the building shall be kept neat and orderly and at no time shall be visible above the fence line to others outside the property.
2. The storing of hazardous material is strictly prohibited either inside or outside of the storage building.
3. That upon vacating the premises all personal property, including any containers or accessory structures are to be removed.
4. That the rental rate shall be \$100.00/month paid in advance upfront on a yearly basis.
5. That Lions Club will occupy the Well No. 4 site and the Discovery Bay Community Foundation will occupy Well No. 3 site.

Attached for Board consideration is the final draft of the individual lease agreements between the Town and the two parties. Both the Lion's Club and Community Foundation have been provided with a copy of the lease agreement prior to tonight's meeting for review and comment.

### Fiscal Impact:

**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

February 18, 2015 Board meeting directing staff to return with a draft lease agreement.

### Attachments

1. Location Maps for Well House 3 and Well House 4
2. Town of Discovery Bay Warehouse Storage Space Lease - Well No. 3 Discovery Bay Community Foundation
3. Town of Discovery Bay Warehouse Storage Space Lease - Well No. 4 Lion's Club

**AGENDA ITEM: G-2**







**TOWN OF DISCOVERY BAY  
STORAGE SPACE AGREEMENT**

This LEASE AGREEMENT (“Lease”) is made and entered into as of \_\_\_\_\_, 20115, by and between the Town of Discovery Bay, a community services district organized under the laws of the State of California (“Lessor”), and Discovery Bay Community Foundation (“Lessee”).

**AGREEMENT**

1. Premises. Lessor hereby leases and lets to Lessee, and Lessee hereby takes and leases from Lessor, subject to the terms and conditions contained herein, the “storage” area (the “Premises”) including the building located on Edgeview Drive at the gate on Discovery Bay Blvd, in Discovery Bay, California APN 008-220-018-9 (the “Building”), more commonly referred to as Well Site 3, and as outlined on the attached Exhibit “A.”

1.1. Lessee is granted the right at all times during the Lease Term to the nonexclusive use of common corridors and hallways, and nonexclusive use of other common areas located within the confines of the Building and on the property where the Building is located. Lessor however, has the sole discretion to determine the manner in which those public and common areas are maintained and operated, and the use of those areas shall be subject to the Rules and Regulations, which may be amended at Lessor’s sole discretion from time to time, attached hereto as Exhibit “B”. Lessor shall enforce the Rules and Regulations in a consistent and nondiscriminatory manner regarding all tenants and occupants in the Building, including their respective officers, agents, employees, independent contractors, and invitees. Lessee shall comply with all such rules and regulations as published, revised, and promulgated. Lessee acknowledges that the Building may have additional tenants occupying designated portions of the Building from time to time.

1.2. Lessor may, from time to time, use the area outside the Building for deliveries of materials and supplies as necessary to conduct the business of the Town of Discovery Bay.

1.3. Lessee may, from time to time, place storage containers outside of the existing Building which containers shall be in the same color or painted in the same color as the existing Building. All items stored outside the container or the building shall be kept neat and orderly and at no time shall be visible above the fence line to others outside the property.

2. Term. The term of this Lease shall be a month-to-month tenancy (“Term”) scheduled to commence on \_\_\_\_\_, 201\_\_ (the “Commencement Date”).

2.1. The term of this Lease may be extended for additional periods upon the mutual written consent of the parties.

3. Rent. Lessee shall pay monthly rent (the "Rent") in the amount of \$100.00 and by logging visitors in and out of the Building during the periods of time they are present in the Building. All electrical costs are to be paid by Lessor. Lessee shall pay the Rent annually, and in advance, on January 1<sup>st</sup> of each year. For 2015, Rent shall be paid prorated based upon the date of execution of this Lease and invoice shall be paid within ten calendar days of receipt of such invoice. All rent shall be paid by Lessee to Lessor at Town of Discovery Bay, 1800 Willow Lake Road, Discovery Bay, CA 94505-9376, or any other place or places that Lessor may from time to time designate by written notice given to Lessee. Rent for any partial month shall be prorated for that month based on a thirty (30) day month.

3.1. No security deposit is required for Lessee.

3.2. In no event will the Lessor accept any ownership interest in the Lessee or other business entity, nor take any interest in any property, whether real, personal, or intellectual, in lieu of rent.

4. Use. Lessee shall have the right to use the Premises solely for storage purposes.

4.1. If during the Term of this Lease, or any extension hereof, the application of any statute, code or ordinance of any government, authority, agency, official or officer applicable to the Building or Premises shall make it impossible or not economical for Lessee to operate in the Premises in accordance with Paragraph 4, then Lessee or Lessor, at its option, may terminate this Lease, whereupon the Rent and all other charges payable hereunder by Lessee shall be prorated in accordance with Paragraph 3 as of such date of termination.

5. Subletting or Assignment. Lessee may not sublet or assign this Lease.

6. Lessor's Representations and Warranties. Lessor represents and warrants that:

6.1. Lessor shall maintain Premises in the manner in the same or better condition in which it was at the time Lessee initially began occupancy. The Lessee accepts the Building and Premises in an "As Is" condition. Lessee may make necessary repairs as deemed necessary by Lessee.

7. Lessee's Covenants. Lessee covenants and agrees it shall:

7.1. Pay rent when due without notice or demand;

7.2. Maintain the Premises in a clean, safe and good condition and return the Premises to Lessor at the Termination Date in accordance with Paragraph 10 hereof;

7.3. Comply with all statutes, codes, ordinances, rules and regulations applicable to the Premises;

7.4. Give Lessor prompt notice of any accident, damage, destruction, or occurrence affecting the Premises;

7.5. At its sole cost and expense, promptly perform all maintenance and repairs to the Premises ; and

7.6. Lessor shall have access to the Premises for inspection and necessary maintenance.

8. Insurance. Lessee, at its discretion, may purchase insurance for this Lease. Lessor recommends that Lessee purchase liability insurance to insure them against loss. Any insurance purchased by the Lessor covering the Premises or its contents will not provide any coverage for any property belonging to the Lessee. If the Lessee wishes such coverage for its property or for loss of Premises as a result of fire or other casualty, then Lessee will be solely responsible for purchasing same.

9. Cancellation. Notwithstanding the provisions set forth in Paragraphs 2 and 2.1 herein, Lessee and Lessor shall have the right to cancel this Lease upon giving sixty (60) days written notice of its intent to cancel to the other party.

10. Surrender. Upon the expiration or earlier termination of the Lease, Lessee shall surrender the Premises to Lessor in good order, condition, and repair, ordinary wear and tear excepted. Lessee shall, at its sole cost and expense, remove any and all of Lessee's personal property stored in the Premises, including furniture, furnishings, movable partitions and other fixtures, and improvements or alterations approved by Lessor. All fixtures and improvements not removed shall become the property of the Lessor.

11. Notice. All notice, demands, requests, consents, approvals, offers, statements, and other instruments or communications required or permitted to be given hereunder in writing shall be deemed to have been given when delivered or when mailed by first class mail, postage prepaid, addressed to Lessor or Lessee as follows

As to Lessor:           Town of Discovery Bay  
                                  Attention: General Manager  
                                  Town of Discovery Bay CSD  
                                  1800 Willow Lake Road  
                                  Discovery Bay, CA 94505-9376

As to Lessee:           Discovery Bay Community Foundation

12. Amendments. This Lease may not be amended, modified, or terminated, nor may any obligation hereunder be waived orally, and no such amendment, modification, termination, or waiver shall be effective for any purposes unless it is in writing and signed by the party against whom enforcement thereof is sought.

13. Severability. If any provision of the Lease or any application thereof shall be invalid or unenforceable, the remainder of the Lease and any other application of such provision shall not be affected thereby.

14. Governing Law. This lease shall be governed by and construed in accordance with the laws of the Town of Discovery Bay and the State of California.

15. Indemnification. Lessee shall hold harmless and indemnify Lessor from and against any and all damage or claims that may arise during normal operation of Lessee's business, except loss or damage arising from any negligent act by Lessor, its agents or employees.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the day and year set forth above.

**LESSOR:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rick Howard, General Manager  
Town of Discovery Bay Community  
Services District

**LESSEE:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title: \_\_\_\_\_  
Discovery Bay Community Foundation



**EXHIBIT “B”**  
**RULES AND REGULATIONS**

All terms not otherwise defined herein shall have the same meaning as set forth in the Lease.

1. Lessor shall provide Lessee with two keys for each locked gate and exterior door lock. No additional locks shall be placed upon any doors of the premises by Lessee and Lessee agrees not to have any duplicate keys made nor have the locks changed without the consent of the Lessor. All keys shall be keyed to allow Lessor’s master key access to the Premises.
2. Lessee, its invitees, guests, employees, or agents shall not disturb other occupants of the Building by making any undue or unseemly noise, or otherwise. Lessee shall not, without Lessor's written consent, install or operate in or upon the Premises any machine or machinery causing noise or vibration perceptible outside the Premises. All combustible material must be kept in OSHA approved containers. In no event shall hazardous materials be stored on the Premises or in the Building.
3. Lessee shall not mark or drive nails or screws into the woodwork or walls, or paint or in any way deface the Building or any part thereof, or the Premises or any part thereof, or fixtures therein without consent of Lessor. The expense of remedying any breakage, damage or stoppage resulting from a violation of this rule shall be borne by Lessee.
4. Lessee shall have the non-exclusive right, along with other lessees of the Building, to use the parking area, or driveway apron, located on the land upon which the building is located, except for portions of the parking area necessary for entrances, exits, driveways, walkways, loading, and unloading areas. Lessor shall have the authority at any time to designate portions of the parking area for exclusive use by certain tenants in the Building, or to regulate the use of the parking areas in general.
5. Lessor assumes no responsibility for and shall not be liable for any damages resulting from any error in regard to any identification of Lessee or its employees from admission to or exclusion from the Building.
6. The Lessor shall have no responsibility for janitorial and other custodial services. Reasonable care and caution shall be used by Lessee to keep all shared facilities by tenants and administrators clean.



7. Lessor reserves the right to exclude or expel from the Building any person who, in the judgment of the Lessor is under the influence of alcohol or drugs, or someone who brings in or stores any drugs on the Premises, or who is in the judgment of Lessor, disturbing other Lessees or Lessor in any way or who shall in any manner do any act in violation of any city, state, or federal law or any of the rules and regulations of the Building.
8. Lessor shall not be responsible to Lessee for the non-observance or violation of any of these Rules and Regulations by any other tenant. Lessor reserves the right to make such other reasonable rules and regulations as may be necessary or appropriate, in Lessor's sole judgment, for the safety, care and cleanliness of the Building, and for the preservation of good order therein. Subsequent rules and regulations shall be binding upon the parties hereto the same as if inserted in this Lease at the time of execution.
9. Lessee agrees not to store any merchandise crates, goods, supplies or other materials of any kind outside the gates of the leased Premises without special permission. Lessee further agrees to remove all trash and debris from the Premises at Lessee's expense and not to burn trash or other substances in or on the exterior of, the leased Premises.
10. No sweepings, rubbish, rags, or other substances shall be thrown therein. All damages resulting from any misuse of the Premises shall be borne by Lessee who, or whose servants, employees, agents, visitors, or licensees, shall have caused the same.

\_\_\_\_\_  
(Discovery Bay Community Foundation)

By: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

**TOWN OF DISCOVERY BAY  
STORAGE SPACE AGREEMENT**

This LEASE AGREEMENT (“Lease”) is made and entered into as of \_\_\_\_\_, 2015, by and between the Town of Discovery Bay, a community services district organized under the laws of the State of California (“Lessor”), and Lion’s Club (“Lessee”).

**AGREEMENT**

1. Premises. Lessor hereby leases and lets to Lessee, and Lessee hereby takes and leases from Lessor, subject to the terms and conditions contained herein, the “storage” area (the “Premises”) including the building located on Firwood Drive at the gate on Discovery Bay Blvd., Discovery Bay, California APN 008-230-037-7 (the “Building”), more commonly referred to as Well Site 4, and as outlined on the attached Exhibit “A.”

1.1. Lessee is granted the right at all times during the Lease Term to the nonexclusive use of common corridors and hallways, and nonexclusive use of other common areas located within the confines of the Building and on the property where the Building is located. Lessor however, has the sole discretion to determine the manner in which those public and common areas are maintained and operated, and the use of those areas shall be subject to the Rules and Regulations, which may be amended at Lessor’s sole discretion from time to time, attached hereto as Exhibit “B”. Lessor shall enforce the Rules and Regulations in a consistent and nondiscriminatory manner regarding all tenants and occupants in the Building, including their respective officers, agents, employees, independent contractors, and invitees. Lessee shall comply with all such rules and regulations as published, revised, and promulgated. Lessee acknowledges that the Building may have additional tenants occupying designated portions of the Building from time to time.

1.2. Lessor may, from time to time, use the area outside the Building for deliveries of materials and supplies as necessary to conduct the business of the Town of Discovery Bay.

1.3. Lessee may, from time to time, place storage containers outside of the existing Building which containers shall be in the same color or painted in the same color as the existing Building. All items stored outside the container or the building shall be kept neat and orderly and at no time shall be visible above the fence line to others outside the property.

2. Term. The term of this Lease shall be a month-to-month tenancy (“Term”) scheduled to commence on \_\_\_\_\_, 2015 (the “Commencement Date”).

2.1. The term of this Lease may be extended for additional periods upon the mutual written consent of the parties.

3. Rent. Lessee shall pay monthly rent (the "Rent") in the amount of \$100.00 and by logging visitors in and out of the Building during the periods of time they are present in the Building. All electrical costs are to be paid by Lessor. Lessee shall pay the Rent annually, and in advance, on January 1<sup>st</sup> of each year. For 2015, Rent shall be paid prorated based upon the date of execution of this Lease and invoice shall be paid within ten calendar days of receipt of such invoice. All rent shall be paid by Lessee to Lessor at Town of Discovery Bay, 1800 Willow Lake Road, Discovery Bay, CA 94505-9376, or any other place or places that Lessor may from time to time designate by written notice given to Lessee. Rent for any partial month shall be prorated for that month based on a thirty (30) day month.

3.1. No security deposit is required for Lessee.

3.2. In no event will the Lessor accept any ownership interest in the Lessee or other business entity, nor take any interest in any property, whether real, personal, or intellectual, in lieu of rent.

4. Use. Lessee shall have the right to use the Premises solely for storage purposes.

4.1. If during the Term of this Lease, or any extension hereof, the application of any statute, code or ordinance of any government, authority, agency, official or officer applicable to the Building or Premises shall make it impossible or not economical for Lessee to operate in the Premises in accordance with Paragraph 4, then Lessee or Lessor, at its option, may terminate this Lease, whereupon the Rent and all other charges payable hereunder by Lessee shall be prorated in accordance with Paragraph 3 as of such date of termination.

5. Subletting or Assignment. Lessee may not sublet or assign this Lease.

6. Lessor's Representations and Warranties. Lessor represents and warrants that:

6.1. Lessor shall maintain Premises in the manner in the same or better condition in which it was at the time Lessee initially began occupancy. The Lessee accepts the Building and Premises in an "As Is" condition. Lessee may make necessary repairs as deemed necessary by Lessee.

7. Lessee's Covenants. Lessee covenants and agrees it shall:

7.1. Pay rent when due without notice or demand;

7.2. Maintain the Premises in a clean, safe and good condition and return the Premises to Lessor at the Termination Date in accordance with Paragraph 10 hereof;

7.3. Comply with all statutes, codes, ordinances, rules and regulations applicable to the Premises;

7.4. Give Lessor prompt notice of any accident, damage, destruction, or occurrence affecting the Premises;

7.5. At its sole cost and expense, promptly perform all maintenance and repairs to the Premises ; and

7.6. Lessor shall have access to the Premises for inspection and necessary maintenance.

8. Insurance. Lessee, at its discretion, may purchase insurance for this Lease. Lessor recommends that Lessee purchase liability insurance to insure them against loss. Any insurance purchased by the Lessor covering the Premises or its contents will not provide any coverage for any property belonging to the Lessee. If the Lessee wishes such coverage for its property or for loss of Premises as a result of fire or other casualty, then Lessee will be solely responsible for purchasing same.

9. Cancellation. Notwithstanding the provisions set forth in Paragraphs 2 and 2.1 herein, Lessee and Lessor shall have the right to cancel this Lease upon giving sixty (60) days written notice of its intent to cancel to the other party.

10. Surrender. Upon the expiration or earlier termination of the Lease, Lessee shall surrender the Premises to Lessor in good order, condition, and repair, ordinary wear and tear excepted. Lessee shall, at its sole cost and expense, remove any and all of Lessee's personal property stored in the Premises, including furniture, furnishings, movable partitions and other fixtures, and improvements or alterations approved by Lessor. All fixtures and improvements not removed shall become the property of the Lessor.

11. Notice. All notice, demands, requests, consents, approvals, offers, statements, and other instruments or communications required or permitted to be given hereunder in writing shall be deemed to have been given when delivered or when mailed by first class mail, postage prepaid, addressed to Lessor or Lessee as follows

As to Lessor:           Town of Discovery Bay  
                                  Attention: General Manager  
                                  Town of Discovery Bay CSD  
                                  1800 Willow Lake Road  
                                  Discovery Bay, CA 94505-9376

As to Lessee:           Discovery Bay Lion's Club

12. Amendments. This Lease may not be amended, modified, or terminated, nor may any obligation hereunder be waived orally, and no such amendment, modification, termination, or waiver shall be effective for any purposes unless it is in writing and signed by the party against whom enforcement thereof is sought.

13. Severability. If any provision of the Lease or any application thereof shall be invalid or unenforceable, the remainder of the Lease and any other application of such provision shall not be affected thereby.

14. Governing Law. This lease shall be governed by and construed in accordance with the laws of the Town of Discovery Bay and the State of California.

15. Indemnification. Lessee shall hold harmless and indemnify Lessor from and against any and all damage or claims that may arise during normal operation of Lessee's business, except loss or damage arising from any negligent act by Lessor, its agents or employees.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the day and year set forth above.

**LESSOR:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rick Howard, General Manager  
Town of Discovery Bay Community  
Services District

**LESSEE:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title: \_\_\_\_\_  
Discovery Bay Lion's Club

Exhibit "A"  
Premises Map



**EXHIBIT “B”**  
**RULES AND REGULATIONS**

All terms not otherwise defined herein shall have the same meaning as set forth in the Lease.

1. Lessor shall provide Lessee with two keys for each locked gate and exterior door lock. No additional locks shall be placed upon any doors of the premises by Lessee and Lessee agrees not to have any duplicate keys made nor have the locks changed without the consent of the Lessor. All keys shall be keyed to allow Lessor’s master key access to the Premises.
2. Lessee, its invitees, guests, employees, or agents shall not disturb other occupants of the Building by making any undue or unseemly noise, or otherwise. Lessee shall not, without Lessor's written consent, install or operate in or upon the Premises any machine or machinery causing noise or vibration perceptible outside the Premises. All combustible material must be kept in OSHA approved containers. In no event shall hazardous materials be stored on the Premises or in the Building.
3. Lessee shall not mark or drive nails or screws into the woodwork or walls, or paint or in any way deface the Building or any part thereof, or the Premises or any part thereof, or fixtures therein without consent of Lessor. The expense of remedying any breakage, damage or stoppage resulting from a violation of this rule shall be borne by Lessee.
4. Lessee shall have the non-exclusive right, along with other lessees of the Building, to use the parking area, or driveway apron, located on the land upon which the building is located, except for portions of the parking area necessary for entrances, exits, driveways, walkways, loading, and unloading areas. Lessor shall have the authority at any time to designate portions of the parking area for exclusive use by certain tenants in the Building, or to regulate the use of the parking areas in general.
5. Lessor assumes no responsibility for and shall not be liable for any damages resulting from any error in regard to any identification of Lessee or its employees from admission to or exclusion from the Building.
6. The Lessor shall have no responsibility for janitorial and other custodial services. Reasonable care and caution shall be used by Lessee to keep all shared facilities by tenants and administrators clean.

7. Lessor reserves the right to exclude or expel from the Building any person who, in the judgment of the Lessor is under the influence of alcohol or drugs, or someone who brings in or stores any drugs on the Premises, or who is in the judgment of Lessor, disturbing other Lessees or Lessor in any way or who shall in any manner do any act in violation of any city, state, or federal law or any of the rules and regulations of the Building.
8. Lessor shall not be responsible to Lessee for the non-observance or violation of any of these Rules and Regulations by any other tenant. Lessor reserves the right to make such other reasonable rules and regulations as may be necessary or appropriate, in Lessor's sole judgment, for the safety, care and cleanliness of the Building, and for the preservation of good order therein. Subsequent rules and regulations shall be binding upon the parties hereto the same as if inserted in this Lease at the time of execution.
9. Lessee agrees not to store any merchandise crates, goods, supplies or other materials of any kind outside the gates of the leased Premises without special permission. Lessee further agrees to remove all trash and debris from the Premises at Lessee's expense and not to burn trash or other substances in or on the exterior of, the leased Premises.
10. No sweepings, rubbish, rags, or other substances shall be thrown therein. All damages resulting from any misuse of the Premises shall be borne by Lessee who, or whose servants, employees, agents, visitors, or licensees, shall have caused the same.

\_\_\_\_\_  
(Discovery Bay Lion's Club)

By: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_





# Town of Discovery Bay

*"A Community Services District"*

## AGENDA REPORT

Meeting Date

April 1, 2015

**Prepared By:** Rick Howard, General Manager  
**Submitted By:** Rick Howard, General Manager *RH*

**Agenda Title**

State Water Resources Control Board Proposed Emergency Water Conservation Regulations

**Recommended Action**

Information Item Only

**Executive Summary**

On July 28, 2014 new emergency drought regulations became effective. In compliance with those regulations, the Town of Discovery Bay adopted Ordinance 25 on September 3, 2014, which became effective on October 3, 2014. Those regulations are set to expire on April 25, 2015.

On March 17, 2015, the State Water Resources Control Board (SWRCB) took action to extend the emergency drought regulations that are currently in effect throughout California for an additional 270 days. In addition to the existing regulations, the new regulations also include the following impacts to the Town of Discovery Bay:

- A prohibition on irrigation of turf or ornamental landscapes during and 48 hours following measurable precipitation;
- The State Water Board directs staff to condition funding upon compliance with the emergency regulation, to the extent feasible;
- Additional reporting requirements for urban water suppliers on compliance and enforcement efforts being undertaken within their service areas.

These additional policy directives are not included in Ordinance #25. The state Office of Administrative Law (AOL) has not finalized the new regulations (as of March 27, 2015), but once final, will be brought back to the Board for consideration of amending Ordinance #25.

As more information evolves staff will keep the Board informed on those actions.

**Fiscal Impact:**

**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**

September 3, 2014 Adoption of Ordinance #25 implementing Emergency Drought Regulation

**Attachments**

TODB Ordinance #25

Proposed SWRCB Proposed ongoing Emergency Drought Regulations and Rulemaking

**AGENDA ITEM: H-1**



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 25**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY,  
A CALIFORNIA COMMUNITY SERVICES DISTRICT,  
ESTABLISHING EMERGENCY DROUGHT REGULATIONS**

Be it ordained by the Board of Directors of the Town of Discovery Bay Community Services District as follows:

**SECTION 1. Short Title**

This Ordinance shall be known and may be cited as Town of Discovery Bay Drought Emergency Regulation Ordinance.

**SECTION 2. Purpose**

The purpose of this Ordinance is to protect the health, safety, and welfare of residents of the Town of Discovery Bay Community Services District; to respond to the current drought crisis and other possible crises in the future; to authorize the Board of Directors to declare a water shortage emergency; and to regulate water usage with the District for the purpose of conserving severely limited water resources.

**SECTION 3. Water Shortage Emergency Declaration**

The Board of Directors may declare a water shortage emergency by resolution and upon finding that additional water use restrictions are necessary for the immediate protection of health and safety or are required by State law.

A water shortage emergency declaration shall remain in effect until the Board of Directors finds and declares by resolution that the water shortage emergency condition has abated, has changed in degree, or no longer exists.

**SECTION 4. Regulations**

While a water shortage emergency declaration is in effect, the following activities shall be prohibited except where necessary to address an immediate health and safety need:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
2. The use of a hose that dispenses potable water to wash a motor vehicle except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
3. The application of potable water to driveways and sidewalks;
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;
5. Outdoor irrigation of lawns, ornamental landscapes, or turf with potable water, except as follows:
  - a. Dwellings or establishments with odd numbered street addresses may use outdoor water before 1 p.m. and after 7 p.m. on Wednesdays and Sundays only;

- b. Dwellings or establishments with even numbered street addresses may use outdoor water before 1p.m. and after 7 p.m. on Tuesdays and Saturdays only.
- c. All dwellings, establishments, businesses, associations, parks or open spaces that are connected to an outdoor irrigation system which provides outdoor irrigation to multiple addresses, units and/or areas with or without an address may use outdoor water not more than two days per week for each zone or area controlled by that irrigation system.

**SECTION 5. Enforcement**

The General Manager of the District shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to persons acting in the beneficial interest of or in the employ of the District.

**SECTION 6. Violation**

The General Manager, or his/her designee, may issue a Notice of Violation to any person, business, association, or other party who fails to comply with any condition of this Ordinance. Failure to comply with any condition of this Ordinance after the issuance of a Notice of Violation shall be punishable by a fine of \$25 for a first violation, a fine of \$50 for a second violation, a fine of \$100 for a third violation, and a fine of \$500 for a fourth violation and any subsequent violation thereafter. Each day upon which any condition of this Ordinance is violated shall constitute a separate violation.

Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The District Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent, abate, or restrain the violation. All costs, fees and expenses in connection with such action shall be assessed as damages against the violation.

**SECTION 7. Severability**

The various parts, paragraphs, section, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**SECTION 8. Adoption and Effective Date**

This Ordinance is hereby declared to have been adopted by the District Board at a meeting thereof duly called and held on the 3rd day of September, 2014, and ordered to be given effect thirty (30) days after its first publication as mandated by statute.

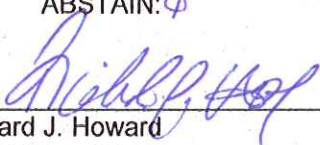
**CERTIFICATION**

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay Community Services District held on September 3, 2014 by the following vote:



Mark Simon  
Board President

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0



Richard J. Howard  
Board Secretary



# Media Release

## State Water Board Expands and Extends Emergency Water Conservation Regulation

For Immediate Release  
March 17, 2015

Contact: George Kostyrko  
gkostyrko@waterboards.ca.gov

SACRAMENTO -- As California enters a fourth year of severe drought, the State Water Resources Control Board Tuesday adopted an expanded emergency regulation to safeguard the state's remaining water supplies. While Californians have made great strides to conserve water, more effort is needed.

"We are experiencing the lowest snowpack and the driest January in recorded history, and communities around the state are already suffering severely from the prior three years of drought," said State Water Board Chair Felicia Marcus. "If the drought continues through next winter and we do not conserve more -- the consequences could be even more catastrophic than they already are. Today's action is just a tune-up and a reminder to act, and we will consider more significant actions in the weeks to come."

While communities and water suppliers have saved substantial amounts of water since the water conservation [emergency regulation](#) was first adopted in July 2014, there are many more opportunities for Californians to conserve in even greater amounts. The expanded emergency regulation captures some of these opportunities while continuing to give urban water suppliers flexibility to take actions that reflect their local conditions as long as they meet the minimum requirements. The State Water Board strongly encourages water suppliers to do much more than the minimum required by the regulation.

Today's action incorporates lessons learned from implementation of the emergency regulation approved in 2014 and feedback from urban water suppliers and the public.

### Prohibited Water Use

Under today's action, the prohibitions on potable water use, first adopted in 2014, will continue, and new prohibitions will go into effect. All Californians are now prohibited from:

- washing down sidewalks and driveways;
- watering outdoor landscapes in a manner that causes excess runoff;
- washing a motor vehicle with a hose, unless the hose is fitted with a shut-off nozzle;
- operating a fountain or decorative water feature, unless the water is part of a recirculating system; and



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
1001 I Street, Sacramento, CA 95814 • 916-341-5254 • Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 • [www.waterboards.ca.gov](http://www.waterboards.ca.gov)



- irrigating turf or ornamental landscapes during and 48 hours following measurable precipitation (new).

**(New) Prohibitions affecting commercial businesses include:**

- restaurants and other food service establishments can only serve water to customers on request; and
- operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option.

### **Water Agency Requirements**

The biggest change for urban water suppliers is the creation of a floor, or minimum standard, for outdoor irrigation restrictions. Outdoor irrigation represents 50 to 80 percent of all water use for some communities in the state. Irrigating outdoor ornamental landscapes is a questionable use of a limited resource when some communities are running out of water in this fourth consecutive year of drought. Urban water suppliers must now limit the number of days per week that customers can irrigate outdoors. The limit must either be specified in their drought contingency plans; or if their plan contains no specific limit, irrigation is limited to no more than two days per week.

Water agencies will also be required to notify customers when they are aware of leaks that are within the customer's control. Finally, monthly reporting requirements will be expanded to include the limit on days for outdoor irrigation and a description of compliance and enforcement efforts.

For smaller water suppliers, the expanded regulation clarifies that if they choose to implement alternate mandatory measures, in lieu of limiting outdoor irrigation to twice a week; those measures should be designed to achieve a 20 percent reduction in water consumption.

Local agencies can fine property owners up to \$500 a day for failure to implement conservation requirements and the State Water Board can issue cease and desist orders against water agencies that don't impose mandatory conservation measures upon their retail customers. Water agencies that violate cease and desist orders are subject to civil liability of up to \$10,000 a day.

"In a drought this severe, we need to think differently about our daily water use, and need to sacrifice emerald green lawns and other water use luxuries," Marcus said. "At a time when hundreds of thousands of acres of farmland lie fallow, thousands are out of work, communities are running out of water, and fish and wildlife are devastated, and when locally stored urban water supplies are shrinking, we need to step up the pace of conservation. Water agencies should be motivating customers to take even more responsibility for the amount of water used in homes, backyards, businesses, parks and everywhere else."

Following Board adoption, the regulation will be submitted to the Office of Administrative Law, which has 10 days to approve or deny the regulation. If approved by the Office of



## Media Release

Administrative Law, the regulation will take effect immediately and remain in effect for 270 days from that date.

For more information, please visit the [Emergency Water Conservation](#) website.

Governor Brown has called on all Californians to reduce their water use by 20 percent and prevent water waste – visit [SaveOurWater.com](#) to find out how everyone can do their part, and visit [Drought.CA.Gov](#) to learn more about how California is dealing with the effects of the drought.

###

# EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2015-0320-01EE</b>
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For use by Office of Administrative Law (OAL) only

2015 MAR 20 AM 8:42  
 OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY  
 State Water Resources Control Board

AGENCY FILE NUMBER (if any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Drought Emergency Water Conservation	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) OAL File No. 2014-0718-01-E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 863, 864, 865
TITLE(S) 23	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(f))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON David Rose	TELEPHONE NUMBER 916-341-5196	FAX NUMBER (Optional) 916-341-5199	E-MAIL ADDRESS (Optional) david.rose@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Thomas Howard</i>	DATE 3/18/15
TYPED NAME AND TITLE OF SIGNATORY Thomas Howard, Executive Director, State Water Resources Control Board	

## ADOPTED TEXT OF EMERGENCY REGULATION

### Article 22.5. Drought Emergency Water Conservation

#### Sec. 863 Findings of Drought Emergency

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

#### Sec. 864 ~~Prohibited Activities~~ End-User Requirements in Promotion of Water Conservation

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;

(5) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall; and

(6) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

(b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.



~~(b)~~(c) The taking of any action prohibited in subdivision (a) or the failure to take any action required in subdivision (b) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Authority: Wat. Code, § 1058.5.  
References: Wat. Code, §§ 102, 104, 105.

#### Sec. 865 Mandatory Actions by Water Suppliers

(a) The term "urban water supplier," when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that ~~imposes~~ includes mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed, or shall amend its water shortage contingency plan to include mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed and implement these restrictions within forty-five (45) days. Urban water suppliers with approved alternate plans as described in subdivision (b)(2) are exempted from this requirement.

(2) ~~As an alternative to subdivision (b)(1), a~~An urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan that restricts the number of days that outdoor irrigation of ornamental landscapes and turf with potable water is allowed, or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, ~~within thirty-fourty-five (3045)~~ within thirty-fourty-five (3045) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week ~~or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.~~

(d) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-users exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15<sup>th</sup> of each month a monitoring report on forms provided by the Board. The monitoring report

shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. ~~Beginning October 15, 2014,~~ The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, and the number of days that outdoor irrigation is allowed. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. ~~In its initial monitoring report, each urban water supplier shall state the number of persons it serves.~~

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within ~~thirty~~ forty-five (45) days, take one or more of the following actions:

- (1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or
- (2) Implement another mandatory conservation measure or measures intended to achieve a ~~comparable~~ 20 percent reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105; 350; 10617; 10632.

## Emergency Regulations Digest (Gov. Code , § 11346.1, subd. (b))

### Prohibition of Activities and Mandatory Actions During Drought Emergency

#### FINDING OF EMERGENCY

The State Water Resources Control Board (State Water Board or Board) finds that an emergency exists due to severe drought conditions and that adoption of the proposed emergency regulation is necessary to address the emergency. California is currently in the fourth year of a significant drought resulting in severe impacts to California's water supplies and its ability to meet all of the demands for water in the State. On January 17, 2014, Governor Edmund G. Brown, Jr. declared a drought state of emergency. On April 25, 2014, the Governor signed an Executive Order (April 2014 Proclamation) stating, among things, "...that severe drought conditions continue to present urgent challenges: water shortages in communities across the state, greatly increased wildfire activity, diminished water for agricultural production, degraded habitat for many fish and wildlife species, threat of saltwater contamination of large fresh water supplies conveyed through the Sacramento-San Joaquin Bay Delta, and additional water scarcity if drought conditions continue into 2015." Due to these concerns, the April 2014 Proclamation, directs the State Water Board to adopt emergency regulations as it deems necessary, pursuant to Water Code section 1058.5, to ensure that urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices. The April 2014 Proclamation suspended the requirement for review under the California Environmental Quality Act (CEQA) for certain activities, including adoption of emergency regulations by the State Water Board pursuant to Water Code Section 1058.5. On December 22, 2014, Governor Brown issued Executive Order B-28-14, which extended the suspension of the CEQA for certain activities contained in the January 2014 and April 2014 Proclamations, including the State Water Board adoption of emergency regulations pursuant to Water Code section 1058.5, through May 31, 2016.

On July 15, 2014, the State Water Board approved an emergency regulation for urban water conservation. On July 28, 2014, the emergency regulation became effective upon approval by the Office of Administrative Law (OAL). Absent further action, the emergency regulation will expire on April 25, 2015. Continued action is, however, needed to ensure urban water suppliers and all Californians are taking sufficient actions to conserve water and preserve the State's water supply.

#### Authority for Emergency Regulations

Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations during a period when the Governor has issued a proclamation of emergency based upon drought conditions or in response to drought conditions that exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years. The State Water Board may adopt regulations under such circumstances to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of

## **Emergency Regulations Digest (Gov. Code , § 11346.1, subd. (b))**

any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports."

Emergency regulations adopted under Water Code section 1058.5 may remain in effect for up to 270 days. Per Water Code section 1058.5, subdivision (b), any findings of emergency the State Water Board makes in connection with the adoption of an emergency regulation under the section are not subject to review by OAL.

Government Code section 11346.1, subdivision (a)(2) requires that, at least five working days prior to submission of the proposed emergency action to OAL, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency regulations to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code Section 11349.6.

The information contained within this finding of emergency provides the information necessary to support the State Water Board's emergency rulemaking under Water Code section 1058.5 and also meets the emergency regulation criteria of Government Code section 11346.1 and the applicable requirements of section 11346.5.

### **Evidence of Emergency**

The U.S. Drought Monitor currently classifies almost the entire state of California as experiencing severe to exceptional drought conditions. In most years, California receives about half of its precipitation in the months of December, January and February, with much of that precipitation falling as snow in the Sierra. Only a handful of large winter storms can make the difference between a wet year and a dry one. In normal years, the snowpack stores water during the winter months and releases it through melting in the spring and summer to replenish rivers and reservoirs. However, warm and relatively dry weather conditions this year have reduced the amount of snowpack in California's mountains. As of March 3, 2015, Sacramento Region cumulative precipitation was 87 percent of average for that date (8-Station Index). However, most of that precipitation fell as rain; and Northern Sierra snow water content remained extremely low, at 16 percent of average for that date. Similarly, Central and Southern Sierra snowpack is at 20 and 21 percent of average, respectively. Without significant March snowfall, the Sierra snow water content will be the lowest in recorded history. Due to the dry conditions, on January 23, 2015, the State Water Board issued a Notice of Surface Water Shortage and Potential for Curtailment of Water Right Diversions.

Due to these drought conditions and dry conditions for the past several years, storage in California's reservoirs is also at below average levels. Current storage levels in key reservoirs reflect this trend. Shasta Lake, California's and the Central Valley Project's (CVP) largest reservoir, is at 58 percent of its 4.5 million acre-feet (MAF) capacity (78 percent of its historical average for this date). Lake Oroville, the State Water Project's (SWP) principal reservoir, is at 49 percent of its 3.5 MAF capacity (70 percent of its historical average for the date). Folsom Reservoir is at 58 percent of its 1 MAF capacity (103 percent of average for this date). New Melones Reservoir is at 25 percent of its 2.4 MAF capacity (41 percent of average for this date).

## **Emergency Regulations Digest (Gov. Code , § 11346.1; subd. (b))**

New Don Pedro Reservoir is at 43 percent of its 2 MAF capacity (60 percent of average for this date).

Local, state, and federal water agencies across California have limited supplies due to the drought. In response, those agencies have taken various actions, including reducing or eliminating contract water deliveries and implementing mandatory and voluntary conservation efforts.

### **Need for the Regulation**

Immediate action is needed to effectively increase water conservation so that remaining supplies are maintained to address the present drought emergency. Data collected by the State Water Board under the existing emergency regulation demonstrated that urban water conservation efforts could be augmented to minimize the risk of severe supply shortages should drought conditions persist. Without adequate reserves, water suppliers will be unable to address the drought emergency. The emergency regulation improves the State Water Board's and local agencies' abilities to quickly and effectively implement and enforce mandatory water conservation measures during the current drought to help preserve the State's supplies during the ongoing drought emergency.

### **Description and Effect of Proposed Regulation**

The proposed regulation, as updated, consists of four main types of requirements: a prohibition on certain irrigation practices, restrictions on certain commercial activities, an order for all urban water suppliers to implement mandatory restrictions on outdoor irrigation, and an order for water suppliers with 3,000 or more service connections to provide monthly data on water production, compliance actions, and outdoor water conservation measures being implemented. The proposed regulation also includes reporting requirements. All of these requirements are intended to safeguard urban water supplies in the event of continued drought. It is both reasonable and prudent to maintain urban water supplies to the maximum extent feasible to provide local agencies with the necessary flexibility to meet the health and safety needs of Californians during the drought emergency. California has been subject to multi-year droughts in the past and there is minimal likelihood that precipitation this spring will lift the state out of the current drought conditions. Moreover, climate change science indicates that the Southwestern United States are becoming drier, increasing the likelihood of prolonged droughts. In addition, drought conditions have already forced the State Water Board to curtail surface water diversions, and many groundwater basins around the state are already in overdraft conditions that will likely worsen due to groundwater pumping this summer. Many water supply systems face a present or threatened risk of inadequate supply. Should drought conditions persist into 2016, more water supply systems will be at risk of depleting supplies, presenting a great risk to the health and safety of the people supplied by those systems. Maintaining urban water supplies through enhanced conservation will reduce the risks to health and safety, and reduce negative impacts to the State's economy.

Each of the specific prohibitions on water uses and other end user requirements are necessary to promote water conservation to maintain an adequate supply during the drought emergency,

**Emergency Regulations Digest (Gov. Code , § 11346.1, subd. (b))**

which cannot be done if water is being used in an excessive or wasteful manner. These requirements affect practices that use excessive amounts of water or where more efficient and less wasteful alternatives are available. These practices are particularly unreasonable during a drought due to the need to conserve limited water supplies to meet health and safety needs. Exceptions to meet immediate health and safety concerns or to comply with state or federal permit requirements are available, however.

A prohibition on runoff of outdoor irrigation water is necessary to promote water conservation to address the drought emergency. Irrigating residential, commercial, industrial, and recreational landscapes to the point of visible runoff is an excessive use of water and more efficient alternatives are available. This practice depletes water supplies, whose maintenance is critical during a drought for health, safety, and, in some cases, operational flexibility. Runoff enters the storm drain system or evaporates, and does not provide for domestic use, sanitation, or fire protection, which are the primary needs that public water supply distributors must meet during drought periods (Water Code Section 354).

A prohibition on vehicle washing with a running hose (i.e., a hose that is not equipped with a shut-off nozzle) promotes water conservation to address the drought emergency through the use of more efficient and effective washing techniques and options. Washing cars at commercial car wash establishments--which are widely distributed throughout the state--or manual washing with a small amount of water in a bucket or with a hose equipped with a shut-off nozzle are efficient and reasonable techniques for those with a need to wash vehicles.

A prohibition on watering of hardscapes, such as driveways, sidewalks, and asphalt, promotes water conservation to address the drought emergency through the use of more efficient and effective cleaning methods for hardscapes. For example, many hardscapes can be cleaned with a broom, thus conserving water for other uses during a time of extreme scarcity.

A prohibition on the use of potable water without recirculation pumps for fountains and other decorative water fixtures promotes water conservation to address the drought emergency through saving water that would evaporate, leak, or not be reused. In addition, water fixtures do not provide for domestic use, sanitation, or fire protection, and therefore do not promote a use of paramount importance during the drought emergency.

A new prohibition on outdoor irrigation of turf and ornamental landscapes during and shortly after measurable precipitation events promotes water conservation to address the drought emergency by forgoing irrigation during times when landscape water requirements are met by rain.

A new requirement that water only be served on request in restaurants and other food and beverage service establishments promotes water conservation to address the drought emergency by saving water that might otherwise not be consumed and reduces water used in commercial dishwashing. Similarly, requirements on the operators of hotels and motels to provide guests with the option of choosing not to have towels and linens laundered daily promotes water conservation to address the drought emergency by reducing the wasteful use of water associated with unnecessarily washing towels and linens. These high visibility

## **Emergency Regulations Digest (Gov. Code, § 11346.1, subd. (b))**

commercial sector requirements will also increase public awareness of the ongoing drought and the need to conserve water.

The proposed update to the regulation to require urban water suppliers with 3,000 or more service connections to implement their Water Shortage Contingency Plans (WSCPs) at a level that includes mandatory restrictions on the number of days per week that outdoor landscape watering with potable water is allowed, and water suppliers without WSCPs and water suppliers which have fewer than 3,000 service connections to implement mandatory restrictions, is necessary to promote conservation to address the drought emergency because mandatory restrictions have proven to be effective at reducing water use. Data collected by the State Water Board under the existing emergency regulation indicate that more than 90 percent of California's large urban water suppliers (those with more than 3,000 service connections) have now formally invoked a stage of their WSCPs that requires mandatory restriction on outdoor water use. However, the mandatory outdoor water use restrictions being implemented vary widely by supplier. For example, some urban water suppliers require limits on the number of days per week that watering is allowed and have limits on the number of minutes that watering is allowed, while other urban water suppliers only have restrictions on the time of day that watering is allowed. The emergency regulation is therefore being updated to limit outdoor watering to two days per week for urban water suppliers that do not already have limits on the number of days per that outdoor watering is allowed. This addition will promote enhanced water conservation by reducing the number of days some residents and businesses irrigate outdoor landscapes.

These limits on outdoor water use are necessary to promote conservation to address the drought emergency because outdoor irrigation accounts for 44 percent of urban water use (see Table 1 below), outdoor irrigation is generally more discretionary than other types of use, and because studies have shown that urban landscapes are often over-watered. Limiting the number of days per week of outdoor irrigation increases conservation and reduces the likelihood of over-irrigation and visible runoff.

The proposed regulation to require urban water suppliers with 3,000 or more service connections to provide the State Water Board with monthly potable water production figures, estimates of residential gallons per capita per day (R-GPCD), details of outdoor use restrictions and local compliance and enforcement actions is necessary so that the State Water Board can track the effectiveness of the proposed regulation and urban water conservation actions. Such monitoring reports will promote the conservation necessary to address the drought emergency.

### **Estimate of Water Savings from Proposed Regulation**

According to the Department of Water Resources' (DWR) Public Review Draft Water Plan Update 2013, total urban water use between 1998 and 2005 was 8.8million acre-feet. The breakdown of the urban use by customer class is provided in Table 1.

**Emergency Regulations Digest (Gov. Code , § 11346.1, subd. (b))**

**Table 1: Urban Water Use by Sector in Million Acre-Feet (MAF)**

Sector	Volume (MAF)
Residential landscape	3
Large landscape	0.9
Indoor residential	2.7
Commercial, institutional, and industrial	1.7
Other	0.5
<b>Total</b>	<b>8.8</b>

*Source: DWR Public Review Draft Water Plan Update 2013*

Outdoor irrigation represents 44 percent of the total urban water use (3 MAF for residential landscape and 0.9 MAF for large landscapes). The proposed regulation prohibiting visible runoff affects the 44 percent of statewide urban use dedicated to outdoor irrigation. The proposed regulation to require implementation of WSCPs at a mandatory level by urban water suppliers would, in some cases, entail restrictions on use by other customer classes, including residential indoor use in instances where mandatory restrictions include rationing of residential use. However, a review of the State Water Board's May 2014 Urban Water Conservation Survey results and a select group of WSCPs indicates that water suppliers with significant supply shortages have already implemented mandatory restrictions and are therefore already in compliance with the proposed updated emergency regulation, while those that will need to invoke their WSCPs at a mandatory level to comply do not include restrictions on water use by the non-residential classes at the first level of mandatory restrictions. Thus, the State Water Board anticipates that the proposed updated regulation will have a minimal impact on the 56 percent of urban water used for purposes other than outdoor irrigation. As discussed below, the State Water Board is unable to make a definitive estimate of commercial use savings due to the use restrictions on the food service and hospitality sectors.

At the time that the State Water Board adopted the existing water conservation emergency regulation, many California urban water suppliers were already implementing water conservation measures commensurate with those required by the proposed regulation and therefore conservation savings attained by their customers are not attributable to the proposed regulation. Data collected from the State Water Board's May 2014 Urban Water Conservation Survey indicates that 53 of the 268 urban water suppliers who responded to the survey indicated that they had already formally invoked their drought shortage contingency plans and have implemented both mandatory restrictions on outdoor water use and prohibitions on runoff into streets and gutters. These 53 urban water suppliers represent approximately 10 million retail customers, which accounts for about 38 percent of the survey response by retail population. The State Water Board assumes that these 53 urban water suppliers are already implementing conservation measures that are commensurate with the requirements of the proposed updated emergency regulation. The State Water Board also assumes that all 268 of the survey respondents collectively are representative of the urban water conservation actions being taken at that time statewide. Based upon these assumptions, 62 percent of urban water use would continue to be affected by the State Water Board's adoption of the proposed updated



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regulation, while 38 percent of urban water use would not be affected (i.e., they are already implementing the required conservation measures at the time the existing regulation was approved).

Various studies have analyzed the response of urban populations to mandatory use restrictions imposed during drought conditions. Multiple studies conclude that mandatory use restrictions are more effective than voluntary conservation measures because areas that have imposed mandatory use restrictions have achieved greater use reductions than areas that imposed only voluntary measures, controlling for other variables. The amount of conservation achievable through mandatory restrictions varies. Conservation savings of up to 29 percent have been observed. For example, a study conducted on the effects of water demand management policies of eight California water agencies during the period from 1989-1996, which included 3 years of drought (1989-1991), found that rationing and use restrictions were correlated with use reductions of 19 percent and 29 percent, respectively. The study's authors concluded:

In general, relatively moderate (5-15%) reductions in aggregate demand can be achieved through modest price increases and "voluntary" alternative [Demand-Side Management] policy instruments, such as public information campaigns. However, to achieve larger reductions in demand (greater than 15%), policymakers will likely need to consider either relatively large price increases, more stringent mandatory policy instruments (such as use restrictions), or a package of policy instruments.

A recent study from UCLA on use reductions in Los Angeles during the 2007-2009 drought reached similar conclusions:

Our results indicate that mandatory restrictions are most effective at reducing water consumption for [Single-Family Residential] households. The greatest impact of measures resulted from the combination of mandatory watering restrictions and the price increase, which led to a water reduction of 23% in July/August 2009, while voluntary restrictions led to only a 6% reduction in water use.

In addition, a study of Virginia's severe 2002 drought found that mandatory use restrictions, coupled with an aggressive information and enforcement campaign, led to a 22 percent reduction in use. At the time of adoption of the existing emergency regulation, the State Water Board anticipated up to a 20 percent reduction in outdoor water use, totaling 0.48 million acre-feet, as calculated below.

Total urban water use for outdoor irrigation: 3.9 MAF

Urban water use for outdoor irrigation affected by the proposed regulation:  $3.9 \times 0.62 = 2.4$  MAF

Estimated conservation savings from adoption of the proposed regulation:  $2.4 \times 0.2 = 0.48$  MAF

Based on data collected pursuant to the existing emergency regulation, approximately 0.37 MAF of water was actually saved between August 2014 and January 2015 as compared to the same period in 2013. This savings, however, was realized by all urban water suppliers, including those that were not required to make changes pursuant to the regulation (i.e., those that already had the same or similar requirements in place at the time the regulation was adopted). Thus, it is reasonable to attribute only approximately 62 percent of the 0.37 MAF of water savings to actions associated with the existing emergency regulation. This equates to

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approximately 0.23 MAF of water saved through January 2015 as a result of adoption of the existing water conservation emergency regulation. The State Water Board anticipates another 0.02 to 0.1 MAF of conservation due to the existing emergency regulation through the end of March 2015.<sup>1</sup> This level of water savings is expected to continue during the next 270-day period that the updated regulation will be in effect. In addition, new provisions are included in the updated regulation that are expected to result in even greater savings. These new provisions include:

- Prohibiting irrigation of turf or ornamental landscapes during and 48-hours following measurable precipitation.
- Hospitality sector restrictions requiring that water only be served on request in restaurants and bars and requiring the operators of hotels and motels to offer patrons the option of not having their towels and linens washed each day of their stay.
- Requiring urban water suppliers, which do not have an existing limit on the number of days that outdoor watering is allowed, to limit outdoor irrigation of turf or ornamental landscapes to no more than two days per week.
- Requiring urban water suppliers to promptly notify their customers when they are aware of leaks within the customer's control.
- Additional reporting requirements for urban water suppliers on the number of days and duration that outdoor irrigation is allowed and the compliance and enforcement efforts being undertaken within their service areas.

Calculation of additional water savings as a result of these new requirements is not feasible for the following reasons:

- Reliable data is not available on the water savings that will be realized as result of the new hospitality sector restrictions.
- Many California restaurants and hotels already have similar restrictions in place.
- Many urban water suppliers already limit the number of days that watering is allowed and/or prohibit watering during and after precipitation.

It is therefore not possible to finely calculate the water saving resulting from new versus existing conservation actions. Given these uncertainties the State Water Board estimates that the potential water savings that could be achieved pursuant to the proposed updated emergency regulation is consistent with its original estimate of 0.48 MAF.

### **Additional Benefits of Proposed Regulation**

The State Water Board has determined that additional benefits will be realized should it adopt the proposed updated regulation. These benefits include the following:

<sup>1</sup> The current emergency regulation is set to expire on April 25, 2014, but should the State Water Board adopt the proposed updated emergency regulation on March 17, 2015, it will go into effect on or about March 28, 2015, upon approval by OAL.

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- Reduced water bills for customers that reduce water use (some of these savings will generate additional economic activity, such as investments in drought-tolerant landscaping).
- Increased water quality in receiving waters due to lower runoff volumes.
- Increased drought awareness and shared sense of responsibility among urban water users as well as out-of-state guests at California hotels, motels, restaurants and bars.
- More effective tracking of total urban water use.
- Reduced potential for severe economic disruption if 2016 is another dry year.

These benefits will offset some of the fiscal impacts to water suppliers when benefits and costs are viewed from a statewide perspective. Therefore, these benefits provide additional justification for adopting the proposed regulations.

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**Emergency Regulations Digest (Gov. Code , § 11346.1, subd. (b))**

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**Summary of Existing Laws and Regulations**

Absent the existing emergency regulation, there is no statewide prohibition on specific water uses to promote conservation. There is also no law or regulation requiring urban water suppliers to affirmatively adopt drought shortage contingency plans, implement specific stages of their drought shortage contingency plans, or report the amount of water they produce to the state. There is also no law or regulation requiring distributors of public water supplies who are not urban water suppliers to adopt water shortage contingency plans, limit outdoor irrigation by their customers, or implement other mandatory conservation measures. The existing emergency regulation constitutes the first statewide directive to individuals and to urban water

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suppliers to undertake specific actions to respond to the drought emergency; consequently, the proposed regulation is consistent and compatible with existing regulations on this subject. The proposed regulation neither differs from nor conflicts with an existing comparable federal statute or regulation.

### **Description and Effect of Proposed Regulation**

The proposed emergency adoption of section 863 sets forth the State Water Resources Control Board's (State Water Board) findings of drought emergency. The proposed emergency adoption of section 864 directs individuals statewide to refrain from engaging in certain activities and contains other commercial sector restrictions to promote conservation to meet the drought emergency. The proposed emergency adoption of section 865 directs urban water suppliers to report information to the State Water Board and to take actions to promote conservation and directs all other water suppliers to take actions to promote conservation.

#### **Proposed Emergency Regulation Section 863**

Proposed section 863 sets forth the State Water Board's findings of drought emergency, noting the Governor's adoption of two emergency proclamations pertaining to drought conditions, the persistence of drought conditions, the dry nature of the preceding two years, and the likelihood that drought conditions will continue.

#### **Proposed Emergency Regulation Section 864**

Proposed section 864 prohibits several activities, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency, to promote conservation. The section prohibits the application of water to outdoor landscapes in a manner that causes visible runoff, the use of a hose to wash an automobile except where the hose is equipped with a shut-off nozzle, the application of water to hardscapes, the use of potable water in non-recirculating ornamental fountains, and the application of potable water to outdoor landscapes during or within 48-hours after measurable rainfall. This section also prohibits serving water except when requested in restaurants and bars and requires the operators of hotels and motels to offer patrons the option of not having their towels and linens washed daily.

#### **Proposed Emergency Regulation Section 865**

Proposed section 865 directs urban water suppliers to implement the stage of their water shortage contingency plan that imposes mandatory restrictions on the number of days that outdoor irrigation is allowed, requires those urban water suppliers without adequate drought shortage contingency plans to adopt them or other measures to promote conservation within thirty days, and report monthly water production information to the State Water Board. This section also requires urban water suppliers that don't already impose a limit on the number of days that outdoor watering is allowed to limit outdoor irrigation of turf and ornamental landscapes to no more than two days per week. This section also requires urban water suppliers to notify their customers when suppliers are aware of leaks within the customer's control. The section also directs distributors of public water supplies that are not urban water

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suppliers to either limit outdoor irrigation or implement another mandatory conservation measure or measures to achieve conservation.

**Authority and Reference Citations**

For Section 863

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

For Section 864

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

For Section 865

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105; 350; 10617; 10632.

**Mandate on Local Agencies or School Districts**

The State Water Board has determined that adoption of sections X and X.1 does not impose a new mandate on local agencies or school districts. The sections are generally applicable law.

The State Water Board has further determined that adoption of section X.2 does not impose a new mandate on local agencies or school districts, because the local agencies affected by the section have the authority to levy service charges, fees, or assessments sufficient to pay for the mandate program or increased level of service. (See Gov. Code, § 17556.)

**Suspension of California Environmental Quality Act**

On April 24, 2014, the Governor issued an executive order addressing the drought emergency, which, among other things, suspended the California Environmental Quality Act (CEQA) as applied to the State Water Resources Control Board's adoption of emergency regulations to "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, to promote water recycling or water conservation, and to require curtailment of diversions when water is not available under the diverter's priority of right." On December 22, 2014, Governor Brown issued Executive Order B-28-14, which extended the suspension of CEQA and Water Code section 13247 contained in the January 17, 2014 and April 25 Proclamation through May 31, 2016. The proposed emergency regulation falls under this suspension.

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### **Appendix ##: Public Agency and Government Fiscal Impact Analysis**

#### **Summary**

Ongoing and increased urban water conservation will result in reduced water use by the customer, which in turn will result in reduced water sales and lost revenue for urban water suppliers. This loss in revenue will be a function of the amount of water conserved (and therefore not sold) and the unit price that water would have sold for. California Urban Water Supplier water rates are primarily comprised of a fixed and a variable component. The variable portion of the rate is based on the volume of water used by the customer and generally the fixed portion does not change with use. The variable portion of the rate therefore represents the unit cost of lost revenue.

In addition to lost revenue from reduced water sales, urban water suppliers will also incur costs associated with water production reporting as required by the proposed emergency regulation.

Implementation of the proposed updated emergency regulation will result in additional workload for the State Water Board and to a lesser extent for the Department of Water Resources (DWR). Based on experience implementing the existing emergency regulation, the State Water Board estimates that one additional PY (at a cost of \$127,000) will be needed to implement the updated emergency regulation. It is anticipated that any additional workload for DWR will be accomplished through redirection of existing resources.

#### **Fiscal Impacts to Public Water Supply Agencies**

Fiscal impacts to urban water agencies are assumed to result primarily from changes in water sale revenues. These are calculated below by developing a statewide average variable rate for water and multiplying it by the estimate of water sales reduction resulting from the proposed regulation.

#### **Determination of Average Water Rates**

Data was compiled from a 2013 Water Rate Survey prepared and published by Raftelis Financial Consultants, Inc. and the California-Nevada Section of the American Water Works Association to develop a statewide average estimate for the variable portion of urban water rates. The 2013 Rate Survey included information on the average fixed and variable water rates for 46 California Counties based on survey responses from 216 urban water suppliers statewide. The average rate (variable portion only) for each represented county was weighted by county population to determine a statewide average rate of \$1,086.77 per acre foot of water sold.

#### **Estimate of Water Savings from the Proposed Emergency Regulation**

According to DWR's Public Review Draft Water Plan Update 2013, total urban water use between 1998 and 2005 was 8.8 million acre-feet (MAF). Outdoor irrigation represents 44 percent of the total urban water use (3 MAF for residential landscape and 0.9 MAF for large landscapes). The portions of the proposed regulation relating to outdoor irrigation therefore

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affect the 44 percent of statewide urban use dedicated to outdoor irrigation. The portions of the proposed regulation that require implementation of WSCPs at a mandatory level by urban water suppliers would, in some cases, entail restrictions on use by other customer classes, including residential indoor use in instances where mandatory restrictions include rationing of residential use. However, a review of the State Water Board's May 2014 survey results and a select group of WSCPs indicates that water suppliers with significant supply shortages have already implemented mandatory restrictions and are therefore already in compliance with the proposed regulation, while those that will need to invoke their WSCPs at a mandatory level to comply generally do not include restrictions on water use by the non-residential classes at the first level of mandatory restrictions. Thus, the State Water Board estimates that the proposed regulation will have a minimal impact on the 56 percent of water used for purposes other than outdoor irrigation.

At the time that the State Water Board adopted the existing water conservation emergency regulation, many California urban water suppliers were already implementing water conservation measures commensurate with those required by the existing regulation and the proposed updated regulation and therefore conservation savings attained by their customers are not attributable to the regulations. Data collected from the State Water Board's May 2014 Urban Water Conservation Survey indicates that 53 of the 268 urban water suppliers who responded to the survey indicated that they had already formally invoked their drought shortage contingency plans and have implemented both mandatory restrictions on outdoor water use and prohibitions on runoff into streets and gutters. These 53 urban water suppliers represent approximately 10 million retail customers, which accounts for about 38 percent of the survey response by retail population. The State Water Board assumes that these 53 urban water suppliers are already implementing conservation measures that are commensurate with the requirements of the proposed updated regulation. The State Water Board also assumes that all 268 of the survey respondents collectively are representative of the urban water conservation actions being taken at that time statewide. Based upon these assumptions, 62 percent of urban water use would continue to be affected by Board's adoption of the proposed updated regulation, while 38 percent of urban water use would not be required to make changes (i.e., they are already implementing the required conservation measures at the time the existing regulation was approved).

Various studies have analyzed the response of urban populations to mandatory use restrictions imposed during drought conditions. Multiple studies conclude that mandatory use restrictions are more effective than voluntary conservation measures because areas that have imposed mandatory use restrictions have achieved greater use reductions than areas that imposed only voluntary measures, controlling for other variables. The amount of conservation achievable through mandatory restrictions varies. Conservation savings of up to 29 percent have been observed. For example, a study conducted on the effects of water demand management policies of eight California water agencies during the period from 1989-1996, which included 3 years of drought (1989-1991), found that rationing and use restrictions were correlated with use reductions of 19 percent and 29 percent, respectively. The study's authors concluded:



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In general, relatively moderate (5-15%) reductions in aggregate demand can be achieved through modest price increases and "voluntary" alternative [Demand-Side Management] policy instruments, such as public information campaigns. However, to achieve larger reductions in demand (greater than 15%), policymakers will likely need to consider either relatively large price increases, more stringent mandatory policy instruments (such as use restrictions), or a package of policy instruments.

A recent study from UCLA on use reductions in Los Angeles during the 2007-2009 drought reached similar conclusions:

Our results indicate that mandatory restrictions are most effective at reducing water consumption for [Single-Family Residential] households. The greatest impact of measures resulted from the combination of mandatory watering restrictions and the price increase, which led to a water reduction of 23% in July/August 2009, while voluntary restrictions led to only a 6% reduction in water use.

In addition, a study of Virginia's severe 2002 drought found that mandatory use restrictions coupled with an aggressive information and enforcement campaign led to a 22 percent reduction in use. At the time of adoption of the existing emergency regulation, the State Water Board anticipated up to a 20 percent reduction in outdoor water use, totaling 0.48 million acre-feet, as calculated below.

Total urban water use for outdoor irrigation: 3.9 MAF

Urban water use for outdoor irrigation affected by the proposed regulation:  $3.9 \times 0.62 = 2.4$  MAF

Estimated conservation savings from adoption of the proposed regulation:  $2.4 \times 0.2 = 0.48$  MAF

Based on data collected pursuant to the existing emergency regulation, approximately 0.37 MAF of water was actually saved between August 2014 and January 2015 as compared to the same period in 2013. This savings, however, was realized by all urban water suppliers, including those that were not required to make changes pursuant to the regulation (i.e., those that already had the same or similar requirements in place at the time the regulation was adopted). Thus, it is reasonable to attribute only approximately 62 percent of the 0.37 MAF of water savings to actions associated with the existing emergency regulation. This equates to approximately 0.23 MAF of water saved through January 2015 as a result of adoption of the existing water conservation emergency regulation. The State Water Board anticipates another 0.02 to 0.1 MAF of conservation due to the existing emergency regulation through the end of March 2015.<sup>2</sup> This level of water savings is expected to continue during the next 270-day period that the updated regulation will be in effect. In addition, new provisions are included in the proposed updated regulation that are expected to result in even greater savings. These new provisions include:

- Prohibiting irrigation of turf or ornamental landscapes during and 48 hours following measurable precipitation.

<sup>2</sup> The existing emergency regulation is set to expire on April 25, 2014, but should the State Water Board adopt the proposed updated emergency regulation on March 17, 2015, it will go into effect on or about March 28, 2015 upon approval by OAL.

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- Hospitality sector restrictions requiring that water only be served on request in restaurants and bars and requiring the operators of hotels and motels to offer patrons the option of not having their towels and linens washed each day of their stay.
- Requiring urban water suppliers that don't already have a limit on the number of days that outdoor watering is allowed to limit outdoor irrigation of turf or ornamental landscapes to no more than two days per week.
- Requiring urban water suppliers to promptly notify their customers when they are aware of leaks within the customer's control.
- Additional reporting requirements for urban water suppliers on the number of days and duration that outdoor irrigation is allowed and the compliance and enforcement efforts being undertaken within their service areas.

Calculation of additional water savings as a result of these new requirements is not feasible for the following reasons:

- Reliable data is not available on the water savings that will be realized as result of the new hospitality sector restrictions.
- Many California restaurants and hotels already have similar restrictions in place.
- Many urban water suppliers already limit the number of days that watering is allowed and /or prohibit watering during and after precipitation.

It is therefore not possible to finely calculate the water saving resulting from new versus existing conservation actions. Given these uncertainties the State Water Board estimates that the potential water savings that could be achieved pursuant to the proposed updated regulation is consistent with its original estimate of 0.48 MAF.

### Reduction in Public Water Supplier Water Sales Volume

As described above, urban water use for outdoor irrigation affected by the proposed regulation is estimated to be up to 2.4 MAF per year. Urban Water suppliers in California, however, are comprised of both governmental agencies and investor owned utilities that are regulated by the California Public Utilities Commission (CPUC). Costs to investor owned utilities need not be considered for the purposes of estimating the costs of the proposed regulation on local agencies. The CPUC indicates that "there are 116 investor-owned water utilities under the CPUC's jurisdiction providing water service to about 16 percent of California's residents." The estimated 2.4 MAF per year of water used for outdoor irrigation can therefore be reduced by 16 percent for the purpose of determining the amount of conservation and corresponding revenue impact to local government resulting from adoption of the proposed regulation. This brings the total volume of outdoor irrigation water use down to approximately 2.016 MAF per year. Since the proposed regulation is estimated to achieve as much as a 20 percent reduction in water use it can be assumed that the proposed regulation could result in a reduction in water sales by local government agencies of 403,200 acre-feet per year (i.e., 20% of 2.016 MAF).

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**Calculation of Decreased Public Water Supplier Sales Revenues**

The estimated decreased sales revenues are a function of the average variable water rate and the amount of decreased sales volume. The estimate of decreased sales revenues due to the proposed regulation is \$438,185,664, as calculated below.

Average statewide variable water rate: \$1,086.77 per acre-foot

Estimated conservation savings (local government portion) from proposed regulation: 403,200 acre-feet

Total revenue impact:  $\$1086.77 \times 403,200 = \$438,185,664$

**Note on calculation methodology**

This methodology likely overstates the fiscal impact of decreased revenues for several reasons. First, it does not account for the savings in energy and chemical costs water suppliers will realize due to decreased water production. Second, it does not account for the avoided cost of supply augmentation that could be necessary if not for the conservation savings generated by the proposed regulation.

**Reporting Costs**

The estimated cost of reporting as would be required by the proposed emergency regulation was determined by multiplying the total number of urban water suppliers that would be required to submit monthly water production reports by the estimated average time to compile and submit water production information and by an average staff cost per hour. Based on information collected by the State Water Board pursuant to the existing emergency regulation there are 411 urban water suppliers that are subject to the reporting requirements. The maximum amount of time to prepare and submit the water production data is estimated to be 4 hours per urban water supplier per month. The estimated average total hourly staff costs of urban water supplier staff required to complete the certification form is \$65 per hour or \$260 per monthly report. If adopted, the term of the proposed emergency regulation would be 270 days or almost 9 months. Therefore, the total maximum reporting costs to urban water suppliers as a result of the proposed regulation is estimated at \$961,740 (411 urban water suppliers multiplied by the \$260 cost per monthly report multiplied by 9 months).

**Total Implementation Cost**

The total estimated cost of implementing the proposed regulation is \$439,147,404, which is the sum of estimated lost revenues to urban water suppliers and the estimated reporting costs as described above.

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**TOWN OF DISCOVERY BAY**  
*A COMMUNITY SERVICES DISTRICT*



President – Chris Steele • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Mark Simon

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**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P.O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5900  
FAX (510) 286-5903  
TTY 711  
www.dot.ca.gov



Serious drought.  
Help save water!

TOWN OF DISCOVERY BAY CSFD  
Received  
MAR 23 2015

March 11, 2015

Mr. Chris Steele  
President  
Town of Discovery Bay Board of Directors  
1800 Willow Lake Road  
Discovery Bay, CA 94505

Dear Mr. Steele:

This is in response to your recent letter in which you expressed concern regarding large commercial tractor/trailer vehicles parking overnight on the right shoulder of State Route 4 in the westbound direction between the Town's eastern boundary and Discovery Bay Boulevard.

We will coordinate with the County staff and request a County resolution to prohibit parking along this highway segment. Once we receive the approved resolution, we will issue a work order for installation of "No Parking" signs.

Thank you for your interest in enhancing traffic safety on State highways. If you have any questions, please do not hesitate to contact Mr. Sean Nozzari, Deputy District Director, Operations, at 510-286-6345, or Mr. Roland Au-Yeung, Chief, Office of Traffic Safety, at (510) 286-4560.

Sincerely,

Handwritten signature of Bijan Sartipi in blue ink.

BIJAN SARTIPI  
District Director

c: Ms. Mary N. Peipho, Contra Costa County District III Supervisor



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