



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



President – Bill Pease • Vice-President – Bryon Gutow • Director – Kevin Graves • Director – Robert Leete • Director – Bill Mayer

NOTICE OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY

Wednesday March 4, 2020

REGULAR MEETING 7:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: 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 by filling out a comment form. The public will be called to comment in the order the comment forms are received. Any person wishing to speak must come up and speak from the podium and will have 3 minutes to make their comment. There is a device on the podium with a green, yellow, and red light. The yellow light will come on 30 seconds before the end of the 3 minutes. There will be no dialog between the Board and the commenter as the law strictly limits the ability of Board members to discuss matters not on the agenda. We ask that you refrain from personal attacks during comment, and that you address all comments to the Board only. Any clarifying questions from the Board must go through the President. Comments from the public do not necessarily reflect the view point of the Directors.

C. 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. Approve DRAFT minutes of regular meeting for February 19, 2020.
2. Approve Register of District Invoices.
3. Approve 2020 Program, Activities, and Event Fee Waivers.
4. Approve 2020 Parks and Recreation Public Event Calendar.
5. Accept \$6000 Donation from Veolia North America to the Community Center.
6. Authorize Board President to Sign Letter to Superintendent Burgis Regarding Fence Ordinance.

D. AREA AGENCIES REPORTS / PRESENTATION

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

E. LIAISON REPORTS

F. PRESENTATIONS

G. BUSINESS AND ACTION ITEMS

1. Discussion and Possible Action Regarding Amendment to the Emergency Spending Clause in the Purchasing and Procurement Policy.
2. Discussion and Possible Action Regarding Amendment to the Disposition of Surplus Property Policy.

H. MANAGER'S REPORT

I. DIRECTORS' REPORTS

1. Standing Committee Reports.
 - a. Communications Committee Meeting (Committee Members Bill Pease and Bryon Gutow)
March 4, 2020.
 - b. Parks and Recreation Committee Meeting (Committee Members Kevin Graves and Bryon Gutow)
March 4, 2020.
 - c. Water and Wastewater Committee Meeting (Committee Members Bill Pease and Bill Mayer)
March 4, 2020.
2. Other Reportable Items.

J. GENERAL MANAGER'S REPORT

K. CORRESPONDENCE RECEIVED (Information Only)

L. FUTURE AGENDA ITEMS

M. ADJOURNMENT

1. Adjourn to the next regular meeting of March 18, 2020 beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

"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 forty-eight 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

SDLF Platinum-Level of Governance



President – Bill Pease • Vice-President – Bryon Gutow • Director – Kevin Graves • Director – Robert Leete • Director – Bill Mayer

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY

Wednesday February 19, 2020
REGULAR MEETING 7:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: 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.-By President Mayer
2. Pledge of Allegiance- Led by President Mayer
3. Roll Call.- All Present with the exception of Director Graves. Director Graves arrived at 7:03 p.m.

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

Public comment regarding:

- Concrete for pool, combination of zones for landscaping and parks districts

C. 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. Approve DRAFT minutes of regular meeting for February 5, 2020.
2. Approve Register of District Invoices.
3. Approve Resolution No. 2020-03 to Execute an Amended and Restated Memorandum of Understanding to Develop a Groundwater Sustainability Plan.

Motion by: President Pease to approve the Consent Calendar.

Second by: Vice President Gutow

Motion Carried- AYES:4- President Pease, Vice President Gutow, Director Leete, Director Mayer, NOES: 0, ABSENT- 1- Director Graves

D. PRESENTATIONS

1. Employee Recognition.

General Manager Davies introduction to new Administrative Assistant, Yesenia Monarrez

Honoring of dedication to service, Carol McCool by President Pease.

Honoring of dedication to service, Sue Heintl by President Pease.

E. MONTHLY WATER AND WASTEWATER REPORT – VEOLIA

1. Veolia Report – Month of January.

Power Point presentation conducted by Berney Sadler, Project Manager.

F. BUSINESS AND ACTION ITEMS

1. Discussion and Possible Action to Approve Terracon Invoice No. TC97603 in the Amount of \$9,600.00. General Manager Davies discussed progress with Terracon. Invoices were held until checklist for planned pool construction was completed by Terracon. Checklist has been received. Discussion regarding timeframe for turnaround from Environmental Health brought up by Director Graves. General Manager Davies indicated no timeframe has been mentioned thus far.

Motion by: Director Mayer to proceed with payment for Terracon Invoice No. TC97603 in the amount of \$9,600.00.

Second by: Director Graves
Motion Carried: AYES: 5, NOES 0

2. Discussion and Possible Action Regarding Forwarding a Nomination for Special District Representation on LAFCo.

General Manager Davies inquired if there are any interested Board Members who would like to seek nomination for Special District seat with LAFCo replacing Mike McGill as current Chair. All Board Members declined.

G. DIRECTORS' REPORTS

1. Standing Committee Reports.
2. Other Reportable Items.

Director Mayer recommended public attendance at monthly Fire District meetings. Director Mayer would like to encourage more public representation whereas issues concerning the community are discussed.

Director Graves mentioned a meeting on Thursday, February 20, 2020 in Brentwood City Hall. Stated he encourages the community to attend.

H. MANAGER'S REPORT

None

I. GENERAL MANAGER'S REPORT

Appreciation to Sue Heintz for her efforts. Thanked Sue for her hard work and diligence.

J. CORRESPONDENCE RECEIVED

None

K. FUTURE AGENDA ITEMS

None

L. ADJOURNMENT

1. The meeting adjourned at 7:13 p.m. to the next regular meeting on March 4, 2020 beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

//ym-02/28/2020

<https://www.todb.ca.gov/agendas-minute>



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

March 4, 2020

Prepared By: Julie Carter, Finance Manager & Lesley Marable, Accountant
Submitted By: Michael R. Davies, General Manager

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 \$ 166,126.18

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 2019/2020

AGENDA ITEM: C-2

For The Meeting On March 4, 2020
Town of Discovery Bay CSD
Fiscal Year 7/19 - 6/20

| | |
|-----------------------------------|--------------|
| Pacific Gas & Electric | \$65,174.36 |
| Town of Discovery Bay CSD | \$29,300.13 |
| Veolia Water North America | \$17,590.93 |
| Neumiller & Beardslee | \$13,872.30 |
| Pacific Display, Inc. | \$6,800.00 |
| J.W. Backhoe & Construction, Inc. | \$5,997.22 |
| Precision IT Consulting | \$5,426.98 |
| Terracon Consultants, Inc. | \$4,650.00 |
| Luhdorff & Scalmanini | \$3,765.00 |
| Mt. Diablo Resource Recovery | \$2,243.76 |
| Tee Janitorial & Maintenance | \$2,054.00 |
| SDRMA | \$1,368.42 |
| Matrix Trust | \$1,087.64 |
| Language People, Inc. | \$1,072.88 |
| TASC | \$995.83 |
| Alhambra | \$641.48 |
| Office Depot | \$634.92 |
| Aflac | \$580.08 |
| Stantec Consulting Services Inc | \$488.00 |
| Univar Solutions USA Inc. | \$472.30 |
| ReliaStar Life Insurance Company | \$325.00 |
| Neopost | \$300.00 |
| Watersavers Irrigation Inc. | \$245.95 |
| Bill Brandt Ford | \$145.26 |
| Cintas | \$131.86 |
| UniFirst Corporation | \$109.54 |
| Costco | \$109.45 |
| Boat Safe America | \$101.25 |
| Brentwood Press & Publishing | \$100.00 |
| Concentra | \$98.00 |
| Discovery Bay Designs | \$90.99 |
| Shred-It USA-Concord | \$71.28 |
| Julie Carter | \$56.35 |
| Verizon Wireless | \$25.02 |
| | \$166,126.18 |



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

March 4, 2020

Prepared By: Monica Gallo, Recreation Programs Supervisor

Submitted By: Michael R Davies, General Manager

Agenda Title

Approval of Park and Recreation 2020 Program, Activities, and Event Fee Waivers.

Recommended Action

Acceptance of Fees Waivers approved by the General Manager for the following Park and Recreation 2020 Programs, Activities, and Events.

Executive Summary

The Town of Discovery Bay Community Services District Board of Directors (Board) adopted the Park & Facility Usage and Rental Policy #13 on April 20, 2011 and it was Revised on May 3, 2017.

Requirements in the Policy, except those identified as "prohibited", may now be waived or modified on a case-by-case basis by the General Manager, or his/her designee, upon the finding of public interest; and any such modification (including modification to fees) shall be summarized on the next available Board Agenda.

Staff is submitting for Board acceptance the following 2020 Programs, Activities, and Events whose "Fees" are being waived by the General Manager upon the finding of public interest per the Park & Facility Usage and Rental Policy #13.

"Bridge on the Lake" Senior Duplicate Bridge games held every Saturday throughout the year at the Discovery Bay Community Center from 11:30AM to 4:30PM for a fee waiver total amount of \$7,350. The fee for 2020 is lower due to the group utilizing the Multi-purpose room instead of the Board room, which is billed at a lower hourly rate. Effective July 2017, the Town entered into a Memorandum of Understanding with the "Bridge on the Lake" duplicate bridge participants, requiring a fee of \$1 per person/per week in an effort to offset this direct cost to the Town. For calendar year 2019 the Town recovered a total of \$1,020 from the "Bridge on the Lake" group that reduced the actual total fee waiver in 2019 to \$7,170. The expected fee waiver for 2020 will be \$6,330.

"Hand and Foot" Senior Duplicate Bridge games held every Wednesday throughout the year at the Discovery Bay Community Center from 12:00PM to 4:00PM for a fee waiver total amount of \$5,200.

"Boy Scouts of America Troop 514" weekly Monday meetings held throughout the year at the Discovery Bay Community Center from 6:00PM to 8:00PM for a fee total waiver amount of \$1,550. The Boy Scouts Troop 514 annually provides an agreed upon in-kind service project for the Town.

A Contra Costa County Library Program for children utilizing the Discovery Bay Community Center on a Wednesday afternoon from 3:00PM-6:00PM once in June and once in October. The fee waiver total amount is \$150.

"Resisting Aggression Defensively (R.A.D.) Kids" is a Contra Costa County Sheriff's program to be held at the Discovery Bay Community Center July 13-17 from 8:00AM to 3:30PM. This free community event for children, provides safety topics that include: Home Safety, School Safety, Out and About Safety, Good and Bad Strangers, What to Do in an Emergency – including How to React. This is a one-week program for a total fee waiver amount of \$1,875.

"Annual Easter Egg Hunt" conducted by the Discovery Bay Lions Club scheduled for April 11 at the Discovery Bay Community Center from 7:00AM to 12:00PM for a fee waiver total amount of \$50.

"Holiday Parade" conducted by the Delta Sun Times and the Discovery Bay Lions Club utilizing the parking lot in front of the Discovery Bay Community Center. There is currently no fee schedule for the use of just the parking lot in front of the Community Center.

Staff recommends acceptance of the above 2020 Programs, Activities, and Event Fee Waivers by the General Manager for a total amount of \$15,155.


Previous Relevant Board Actions for This Item

None.

Attachments

Parks & Facility Usage & Rental Policy.

AGENDA ITEM C-3

| | | |
|---|--|-------------------------------|
|  <h2 style="margin: 0;">Town of Discovery Bay</h2> | | |
| Program Area: Parks and Landscaping | Policy Name: Park & Facility Usage & Rental Policy | Policy Number: 013 |
| Date Established: April 20, 2011 | Date Amended: May 3, 2017 | Resolution: 2016-17 |

I. GENERAL INFORMATION

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

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

Facilities and parks available for rental include:

1. Cornell Park, Tennis Court
2. Cornell Park, Pickle Ball Courts
3. Cornell Park, Baseball Field
4. Cornell Park, Soccer Field
5. Cornell Park, Shaded Picnic Area
6. Cornell Park, Horse Shoe Pits or Bocce Courts
7. Ravenswood Park, Covered Picnic Area 1
8. Ravenswood Park, Covered Picnic Area 2
9. Ravenswood Park, Soccer Field
10. Community Center, Tennis Court(s)
11. Community Center, BBQ Area
12. Community Center, Reception Area
13. Community Center, Arts and Crafts/Meeting Room
14. Community Center, Multi-Purpose Room
15. Community Center, Event lawn
16. Community Center, Swimming Pool

II. ELIGIBILITY & PRIORITY

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

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

III. RESERVATION REQUIREMENTS

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

Single day reservation may be made up to one (1) year in advance. Long-term league reservations may be made up to four (4) months in advance, unless previously approved by the Town of Discovery Bay CSD Board of Directors.

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

Insurance Requirements: All sports leagues, organizations, or inflatable play equipment operators are required to provide the District with a CERTIFICATE OF LIABILITY INSURANCE showing valid liability coverage in the amount of \$1,000,000. A separate ADDITIONAL INSURED ENDORSEMENT must be submitted listing the "Town of Discovery Bay CSD, its officers, officials, employees, and volunteers" as additional insured on the policy. Insurance Certificates must be submitted to the District at least five (5) days prior to the scheduled reservation.

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

Cancellation for Indoor Facility Rentals at the Community Center occurring sixty (60) days or more prior to the event will be refunded all fees and deposits. Cancellations less than sixty (60) days, but more than thirty (30) days prior to the event date will forfeit 25% of the total fees. Cancellations less than thirty (30) days prior to the event date, but more than fifteen (15) days prior to the event date will forfeit 50% of the total fees. Cancellations occurring less than fifteen (15) days prior to the event date will forfeit all applicable fees. In all cases of cancellation, the deposit shall be returned.

Cancellation fees above do not reflect any cancellation processing fees. Processing fees are in addition to the cancellation fees described here.

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

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

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

Prohibited Activities: No person shall consume, possess, sell, serve or cause to be served, any alcoholic beverage of any kind within any park area, unless expressly authorized in advance of the event by the Board of Directors. The General Manager, or designee, is authorized to approve service of alcoholic beverages for private events taking place at the Discovery Bay Community Center once a complete and approved application is received and all insurance requirements and other conditions of approval are approved. See Special Conditions regarding the serving and or/sale of Alcoholic beverages, below. Fires and barbecues (BBQ) shall be permitted only in grills already provided in the park. There shall be no overnight events or camping at any Discovery Bay park facility unless expressly authorized in advance of the event by the Board of Directors.

Gambling activities are expressly prohibited at all Town of Discovery Bay Parks and Recreation facilities. Individuals or groups of individuals in violation of this prohibited activity shall immediately cease the prohibited activity. Failure to cease shall result in the immediate notification of local law enforcement authorities.

Renter agrees that they will comply with all state and local laws including but not limited to activities that require a state or local permit. At the discretion of the General Manager, or designee, security may be required on a case by case basis.

Special Conditions regarding the serving and or/sale of Alcoholic beverages:

If alcohol is to be served or sold, it must be indicated on the rental application. The General Manager or Board of Directors, as identified above, must approve any application which includes consumption or sale of alcohol. Once approved, it is the responsibility and liability of the Renter and/or organization renting the facility. At the discretion of the General Manager, or designee, security may be required on a case by case basis.

To sell alcoholic beverages at your event, a valid alcohol permit from the California Department of Alcoholic Beverage Control Board (A.B.C.) must be obtained. The permit must be on file with the District offices at least ten (10) days prior to your event.

Food and Alcohol may be consumed without an Alcohol permit from the A.B.C. when there is no monetary exchange for the food, beverages or admission charged for the event.

Violation of any of these requirements will result in immediate termination of Renter's event and will result in forfeiture of the damage deposit.

The District may require additional deposits, insurance and/or security for events where alcohol is served. These additional requirements will be determined by the circumstances of each rental request.

Food Preparation: Food and non-alcoholic beverages may be served, but not prepared on site for any indoor facility rentals at the Community Center.

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

IV. MISCELLANEOUS

Any policy listed herein may be waived or modified on a case-by-case basis and at the discretion of the Board of Directors.

Requirements listed herein, except those identified as "prohibited", may be waived or modified on a case-by-case basis by the General Manager, or designee, upon the finding of public interest; any such modification (including modification to fees) shall be summarized on the next available board agenda.

Policy Established:

April 20, 2011

Policy Amended:

July 16, 2013

January 8, 2014

December 16, 2015

October 19, 2016

May 3, 2017



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

March 4, 2020

Prepared By: Monica Gallo, Recreation Programs Supervisor
Submitted By: Michael R. Davies, General Manager

Agenda Title

2020 Parks and Recreation Public Event Calendar.

Recommended Action

Approve Parks and Recreation Public Event Calendar for 2020.

Executive Summary

The Community Center proudly opened its doors in January 2014 and 2020 will represent the 7th full year of event programming for the Town of Discovery Bay. The Community Center continues to offer a variety of programming for all age groups, not only at the Community Center itself, but also at other Town facilities.

The Community Center continues to develop as a hub of activity and staff continues to offer or partner with various community groups to provide a variety of free as well as paid programming throughout the year. There also continues to be a variety of private parties that occur year-round including birthdays, family reunions, and many others that schedule the Center for their events.

Staff has developed the attached event calendar for Board consideration. The events listed are those which have been held in the past, for a total of 14 events. If the schedule is approved, these events will not come back before the Board for further authorization. Once each date and event type is accepted by the Board, Staff will then block those times and provide the event sponsor approval to proceed with their event planning.

All other events are subject to the terms and conditions in the Park Usage Rental Policy (Policy #013) and District Recreation Facilities Alcohol Policy (Policy #022). Both Policies are attached.

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

N/A

Attachments

Proposed 2020 Parks and Recreation Public Event Calendar.
Board Policies #013 and #022.


AGENDA ITEM: C-4

2020 Parks and Recreation Public Event Calendar

| 2020 Event Dates | Times | Location | Event Title | Event Description | Approximate Attendance Numbers | Event Sponsors | Vendors on site | Food on site | Alcohol on site | Town/County Licenses Required | Fees Charged/Waived |
|------------------|------------------|--------------|-----------------------------------|---|--------------------------------|-----------------------------------|-----------------|--------------|-----------------|----------------------------------|--|
| April 11 | 8AM-1PM | DBCC | Easter Egg Hunt | DB Lions Club Easter Egg Hunt | 500+ | DB Lions Club | No | No | No | TODB Special Event Permit | Fees Waived |
| April 18 | 9AM-12PM | DBCC | Paws on Parade | Family friendly event for dogs | 100-200 | Town & DB Lions Joint Event | Yes | No | No | N/A | Fees Waived/proceeds back for dog park improvements |
| May 30-31 | 7AM-5PM | Cornell Park | Fundraising Pickleball Tournament | Pickleball Tournament to raise funding for Tennis Court conversion | 100 | Discovery Bay Recreation & Sports | No | Yes | No | TODB Special Event Permit | Fees Waived |
| May 30 | 8AM-10PM | DBCC | Summer Jam | Family friendly event featuring live music, food and alcohol in partnership with the DB Lions Club. | 1,000-1,500 | Town & DB Lions Joint Event | Yes | Yes | Yes | CCC Health Permit ABC License | Fees Waived/50% of net proceeds back to Community Center |
| June 12 | 7PM-10:30PM | DBCC | Friday Night Movie in the Park | Family friendly movies on the event lawn at the Community Center | 50-75 | Town Event | No | No | No | Movie Licensing | N/A Town Event |
| June 19 | 7PM-10:30PM | DBCC | Friday Night Movie in the Park | Family friendly movies on the event lawn at the Community Center | 50-75 | Town Event | No | No | No | Movie Licensing | N/A Town Event |
| June 24 | 3:00PM-6:00PM | DBCC | Library Program | Family friendly event with a focus on childrens entertainment | 80 | Town & CCC Library | No | No | No | TODB Facility Permit | Fees Waived |
| July 17 | 7PM-10:30PM | DBCC | Friday Night Movie in the Park | Family friendly movies on the event lawn at the Community Center | 50-75 | Town Event | No | No | No | Movie Licensing | N/A Town Event |
| July 13-17 | 8:00-3:30PM | DBCC | R.A.D. Program | This is a free Contra Costa County Sheriff's program for children that provides education on personal safety. | 20-40 | CCC Sheriff | No | Yes | No | TODB Facility Permit | Fees Waived |
| July 25 | 8:00AM - 10:00PM | DBCC | Summer Jam | Family friendly event featuring live music, food and alcohol in partnership with the DB Lions Club. | 1,000-1,500 | Town & DB Lions Joint Event | Yes | Yes | Yes | CCC Health Permit ABC License | Fees Waived/50% of net proceeds back to Community Center |
| August 17 | 7PM-10:30PM | DBCC | Friday Night Movie in the Park | Family friendly movies on the event lawn at the Community Center | 50-75 | Town Event | No | No | No | Movie Licensing | N/A Town Event |
| September 12 | 8:00AM - 10:00PM | DBCC | Summer Jam | Family friendly event featuring live music, food and alcohol in partnership with the DB Lions Club. | 1,000-1,500 | Town & DB Lions Joint Event | No | Yes | No | CCC Health Permit ABC License | Fees Waived/50% of net proceeds back to Community Center |

2020 Parks and Recreation Public Event Calendar

| Month | Time | Location | Event Name | Purpose | Capacity | Discovery Bay Recreation & Sports | No | Yes | No | TODB Special Event Permit | Fees Waived |
|--------------|---------------|--------------|-----------------------------------|--|----------|--|----|-----|----|--|--|
| October | 7AM-5PM | Cornell Park | Fundraising Pickleball Tournament | Pickleball Tournament to raise funding for Tennis Court conversion | 100 | | No | Yes | No | TODB Special Event Permit | Fees Waived |
| October 28 | 3:00PM-6:00PM | DBCC | Library Program | Family friendly event with a focus on childrens entertainment | 80 | Town & CCC Library | No | No | No | TODB Facility Permit | Fees Waived |
| December 4-7 | 8:00AM-8:00AM | DBCC | Holiday Parade | Judging tent located in the CC parking lot | 1000+ | Delta Sun Times & Discovery Bay Lions Club | No | Yes | No | TODB Facility Permit CCC Health Permit ECCRPD Event Permit | No fee schedule for use of parking lot |

| | | |
|---|--|-------------------------------|
|  <h2 style="margin: 0;">Town of Discovery Bay</h2> | | |
| Program Area: Parks and Landscaping | Policy Name: Park & Facility Usage & Rental Policy | Policy Number: 013 |
| Date Established: April 20, 2011 | Date Amended: May 3, 2017 | Resolution: 2016-17 |

I. GENERAL INFORMATION

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

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

Facilities and parks available for rental include:

1. Cornell Park, Tennis Court
2. Cornell Park, Pickle Ball Courts
3. Cornell Park, Baseball Field
4. Cornell Park, Soccer Field
5. Cornell Park, Shaded Picnic Area
6. Cornell Park, Horse Shoe Pits or Bocce Courts
7. Ravenswood Park, Covered Picnic Area 1
8. Ravenswood Park, Covered Picnic Area 2
9. Ravenswood Park, Soccer Field
10. Community Center, Tennis Court(s)
11. Community Center, BBQ Area
12. Community Center, Reception Area
13. Community Center, Arts and Crafts/Meeting Room
14. Community Center, Multi-Purpose Room
15. Community Center, Event lawn
16. Community Center, Swimming Pool

II. ELIGIBILITY & PRIORITY

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

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

III. RESERVATION REQUIREMENTS

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

Single day reservation may be made up to one (1) year in advance. Long-term league reservations may be made up to four (4) months in advance, unless previously approved by the Town of Discovery Bay CSD Board of Directors.

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

Insurance Requirements: All sports leagues, organizations, or inflatable play equipment operators are required to provide the District with a CERTIFICATE OF LIABILITY INSURANCE showing valid liability coverage in the amount of \$1,000,000. A separate ADDITIONAL INSURED ENDORSEMENT must be submitted listing the "Town of Discovery Bay CSD, its officers, officials, employees, and volunteers" as additional insured on the policy. Insurance Certificates must be submitted to the District at least five (5) days prior to the scheduled reservation.

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

Cancellation for Indoor Facility Rentals at the Community Center occurring sixty (60) days or more prior to the event will be refunded all fees and deposits. Cancellations less than sixty (60) days, but more than thirty (30) days prior to the event date will forfeit 25% of the total fees. Cancellations less than thirty (30) days prior to the event date, but more than fifteen (15) days prior to the event date will forfeit 50% of the total fees. Cancellations occurring less than fifteen (15) days prior to the event date will forfeit all applicable fees. In all cases of cancellation, the deposit shall be returned.

Cancellation fees above do not reflect any cancellation processing fees. Processing fees are in addition to the cancellation fees described here.

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

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

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

Prohibited Activities: No person shall consume, possess, sell, serve or cause to be served, any alcoholic beverage of any kind within any park area, unless expressly authorized in advance of the event by the Board of Directors. The General Manager, or designee, is authorized to approve service of alcoholic beverages for private events taking place at the Discovery Bay Community Center once a complete and approved application is received and all insurance requirements and other conditions of approval are approved. See Special Conditions regarding the serving and or/sale of Alcoholic beverages, below. Fires and barbecues (BBQ) shall be permitted only in grills already provided in the park. There shall be no overnight events or camping at any Discovery Bay park facility unless expressly authorized in advance of the event by the Board of Directors.

Gambling activities are expressly prohibited at all Town of Discovery Bay Parks and Recreation facilities. Individuals or groups of individuals in violation of this prohibited activity shall immediately cease the prohibited activity. Failure to cease shall result in the immediate notification of local law enforcement authorities.

Renter agrees that they will comply with all state and local laws including but not limited to activities that require a state or local permit. At the discretion of the General Manager, or designee, security may be required on a case by case basis.

Special Conditions regarding the serving and or/sale of Alcoholic beverages:

If alcohol is to be served or sold, it must be indicated on the rental application. The General Manager or Board of Directors, as identified above, must approve any application which includes consumption or sale of alcohol. Once approved, it is the responsibility and liability of the Renter and/or organization renting the facility. At the discretion of the General Manager, or designee, security may be required on a case by case basis.

To sell alcoholic beverages at your event, a valid alcohol permit from the California Department of Alcoholic Beverage Control Board (A.B.C.) must be obtained. The permit must be on file with the District offices at least ten (10) days prior to your event.

Food and Alcohol may be consumed without an Alcohol permit from the A.B.C. when there is no monetary exchange for the food, beverages or admission charged for the event.

Violation of any of these requirements will result in immediate termination of Renter's event and will result in forfeiture of the damage deposit.

The District may require additional deposits, insurance and/or security for events where alcohol is served. These additional requirements will be determined by the circumstances of each rental request.

Food Preparation: Food and non-alcoholic beverages may be served, but not prepared on site for any indoor facility rentals at the Community Center.

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

IV. MISCELLANEOUS

Any policy listed herein may be waived or modified on a case-by-case basis and at the discretion of the Board of Directors.

Requirements listed herein, except those identified as "prohibited", may be waived or modified on a case-by-case basis by the General Manager, or designee, upon the finding of public interest; any such modification (including modification to fees) shall be summarized on the next available board agenda.

Policy Established:

April 20, 2011

Policy Amended:

July 16, 2013

January 8, 2014

December 16, 2015

October 19, 2016

May 3, 2017



Town of Discovery Bay

| | | |
|---|---------------------------------------|-------------------------------|
| Program Area: Parks & Recreation | Policy Name: Alcohol Policy | Policy Number: 022 |
| Date Established: September 3, 2014 | Date Amended: 09/18/2019 | Resolution: 2014-21 |

POLICY STATEMENT

The Town of Discovery Bay Community Services District supports the ability to allow renters of District facilities the ability to host private parties and to serve or consume alcohol during facility rentals when it is determined by staff to be feasible and age appropriate. This policy provides the framework to guide renters in the process to be able to serve or consume alcohol for private parties and events. The Policy outlines the procedural structure that adjusts to the different types of facility rentals based on the number of planned attendees. Management within the District must determine the appropriateness for alcohol consumption during all potential rentals to maintain consistency with this policy.

APPLICATION, AGREEMENT, & SPECIAL ALCOHOL PERMIT

Each potential renter that would like to serve or consume alcohol during a facility rental must fill out the appropriate application and agreement as well as the special alcohol permit. The rental applicant must also meet all guidelines listed in the agreement. The District reserves the right to accept or reject an individual or group's offer to serve or consume alcohol. It is strictly prohibited to sell or barter alcohol, and will be cause for immediate revocation of the permit and the cancellation of the event.

SPECIAL ALCOHOL PERMIT QUALIFICATIONS

- **Age** - Any person seeking to rent a District facility who intends on serving or consuming alcohol must be 21 years of age with a valid ID, and anyone who wishes to serve or consume alcohol during the rental must be 21 years of age and have a valid ID. Special Alcohol permits will not be issued if the guest of honor is a minor or if the majority of the attendees are minors.
- **Applications & Fees** - All applicants must fill out a rental application for the facility they would like to rent. All rental fees and deposits must be paid in full prior to the event. The Special Alcohol permit must be filled out completely and submitted at least (2) weeks prior to the rental. The alcohol permit fee for the Special Alcohol Permit is based on the number of attendees who will be present during the rental period.

1-50 Attendees - \$50
51-100 Attendees - \$75
100+ Attendees - \$100
- **Insurance** - Applicants shall provide a Certificate of Insurance that names the "Town of Discovery Bay CSD" as the certificate holder, additional insured and include the Additional Insured Endorsement. Must provide proof of commercial general liability insurance in an amount of not less than \$1,000,000 each occurrence and \$1,000,000 general aggregate at least (10) business days prior to the event.

DETERMINING AND APPROVAL – SPECIAL ALCOHOL PERMIT

Once the District has received a Special Alcohol permit application, the Department Manager will review the permit and make sure that all qualifications have been met. Completed forms will be reviewed for approval by the General Manager, or designee, prior to issuance of a Special Alcohol Permit.

FACILITIES

The following are the District facilities at which serving or consumption of alcohol may be approved during facility rentals with the required permits and fees

Indoor Facilities

Discovery Bay Community Center's Multi-purpose Room
Discovery Bay Community Center's Art Room

Outdoor Facilities

Discovery Bay Community Center's Event Lawn
Discovery Bay Community Center's BBQ Area

RULES AND REGULATIONS

1. District facility attendant(s) shall be required by the District for rentals with 35 or more attendees. An added fee of \$20.00/hour per attendant will be charged and due at time of reservation. Generally, the District will require one facility attendant up to 35 participants, a second attendant up to 70 participants, and a third facility attendant for events with 70+. The actual number of facility attendants required may be higher and/or lower and is at the sole discretion of the District.
2. All guests who will be served alcohol must be at least 21 years old and be able to provide a valid ID. Guests who cannot provide a valid ID will be acknowledged as a minor. There are No Exceptions.
3. Alcohol service includes beer, wine, & champagne. Liquor and other distilled spirits are prohibited (Glass beer bottles are prohibited).
4. Alcohol may only be brought in by the person or organization responsible for the rental or a licensed caterer. Guests may not bring their own beverages to the event. Non-Compliance may result in the cancellation of the event and/or forfeiture of deposit at the discretion of Town staff.
5. Alcohol is not to be consumed outside of the rental area(s) and shall not be consumed in entry ways or parking lots.
6. All rentals that request alcohol must have a certificate of insurance that names Town of Discovery Bay as an additional insured, as described above.
7. Alcohol will not be permitted when the guest of honor is a minor, or when a majority of the attendees are minors.
8. Alcohol service must stop (30) minutes before the designated end time of the rental.
9. There may be additional requirements for rentals with more than (50) attendees including but not limited to necessity of security at the expense of the renter, at the discretion of Town staff.
10. Alcohol service or consumption that has not been approved or fails to comply with all requirements of the agreement will result in termination of rental, and forfeiture of rental deposit.
11. The event host is responsible to fulfill all requirements of the agreement. The District is not responsible for any loss of the rental expense due to the requirements not being met.



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

March 4, 2020

Prepared By: Michael R. Davies, General Manager
Submitted By: Michael R. Davies, General Manager

Agenda Title:

Approve \$6000 Donation from Veolia North America to the Community Center.

Recommended Action

Approve and Accept \$6000 Donation from Veolia North America to the Community Center.

Executive Summary

Veolia North America ("Veolia") is the contract operator of the Town's water and wastewater plants. Veolia has annually donated \$6000 to the Community Center. This year, Veolia is again making a \$6000 donation that will be directed to the Community Center. Staff's recommendation is to approve and accept the donation.

Previous Relevant Board Actions for This Item

Attachments

AGENDA ITEM: C-5



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



President – Bill Pease • Vice-President – Bryon Gutow • Director – Kevin Graves • Director – Robert Leete • Director – Bill Mayer

Supervisor Diane Burgis
3361 Walnut Boulevard, Ste. 140
Brentwood, CA 94513

March 4, 2020

Dear Supervisor Burgis:

As you are aware, perimeter fencing surrounds many residential and commercial developments in Discovery Bay. Most of the fencing consists of precast concrete walls or wood slat. Recently, a residential backyard precast concrete wall-fence toppled and crumbled onto Town of Discovery Bay ("Town") landscaping. The resulting debris created a potentially dangerous condition to our landscapers as well as to pedestrians on the abutting sidewalk. The toppled wall panels run the entire length of the backyard, which now allows free trespass for children and others to gain access to the backyard swimming pool. This backyard borders Discovery Bay Boulevard - a major thoroughfare into and out of Discovery Bay. Numerous residents have complained to the Town to fix this problem.

The housing development Homeowners Association ("HOA") has informed the Town that the fence does not sit on HOA common property and is therefore the private property of the homeowner. The HOA's position is that they will not replace this fence, nor will they maintain or replace any of the other perimeter fencing in the development (that is not on common HOA property). The homeowner has not, thus far, replaced the fence.

The Town sought assistance from Contra Costa County ("County") staff and your office to require the fence be replaced with like or similar material and color. We have learned that the County has no Ordinance or other legal mechanism for requiring homeowners or HOAs to replace or maintain residential or commercial perimeter fencing that is open to view and physical access from surrounding roads and pedestrian ways.

A quick tour of Discovery Bay will show that perimeter fencing to many developments, installed many years ago as a condition of approval by the County, are dilapidated, unsightly, in disrepair, and in a potentially dangerous condition. In some cases, the County never required the original developer to include covenants that would ensure fences be properly maintained and/or replaced. Without a legal mechanism for requiring maintenance and replacement of existing fencing, fence owners are legally free to install fencing that is incompatible with other fencing in the development or to not replace the fence at all. This becomes a recipe for uncontrollable blight, diminished quality of life, and lower property values. It makes sense that the County have an Ordinance or other legal mechanism to ensure conditions of approval are upheld into the future. If there is no Ordinance to uphold the conditions of approval, then why have conditions in the first place?

On behalf of the Town Board of Directors, we request that an Ordinance or other suitable legal mechanism be adopted as soon as possible to address this serious problem. The Town General Manager, Michael Davies, is available as needed to assist County staff resolve this issue.

Sincerely,

Bill Pease
President

[Type text]



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

March 4, 2020

Prepared By: Dina Breitstein, Assistant General Manager
Submitted By: Michael R. Davies, General Manager

Agenda Title

Discussion and Possible Action Regarding Amendment to the Emergency Spending Clause in the Purchasing and Procurement Policy.

Recommended Action

Approve Resolution No. 2020-05 and the proposed revisions to the District's Purchasing and Procurement Policy.

Executive Summary

The Town of Discovery Bay CSD spends millions of dollars each year on the procurement of goods and services. A functional and efficient Purchasing and Procurement Policy is essential to maintaining a system that manages the District's approach to acquiring goods and services.

On August 18, 1998, the Discovery Bay Community Services District Board of Directors adopted Resolution 98-31, which implemented a purchasing system for the District. This policy was amended on November 3, 2010, to reflect the current business practices and updated laws and requirements at the time.

Once again, staff has reviewed the District's Purchasing and Procurement Policy to update and ensure compliance with evolving law. The proposed revision to the Purchasing and Procurement Policy enables the District to maintain and support the Town's ongoing operations while keeping up with current economic increases for procuring goods, services, and emergency response.

On February 24, 2020, staff presented the proposed Purchasing and Procurement Policy to the Finance Committee for their review and comments. Attached is a copy of the Adopted Purchasing and Procurement Policy approved on November 3, 2010 to compare against the proposed updated policy for your approval. Revisions in the proposed policy are highlighted in yellow.


Previous Relevant Board Actions for This Item:

Resolution 98-31 dated August 19, 1998, Establishing a Purchasing System
Purchasing and Procurement Policy dated November 3, 2010

Attachments

Purchasing and Procurement Policy dated November 3, 2010
Draft Resolution Number 2020-05
Draft Purchasing and Procurement Policy-Proposed Revision

AGENDA ITEM: G-1

| | | |
|---|---|-------------------------------|
|  <h2 style="margin: 0;">Town of Discovery Bay</h2> | | |
| Program Area: Finance | Policy Name: Purchasing & Procurement | Policy Number: 011 |
| Date Established: November 3, 2010 | Date Amended: N/A | Resolution: 2010-15 |

PURCHASING AND CONTRACTING

A purchasing system is adopted in order to establish efficient procedures for the purchase or procurement of supplies, services and equipment at the lowest possible cost commensurate with the level of quality required, to exercise financial control over the purchase or procurement, and to clearly define authority for the purchasing function.

I. Purchasing Agent Designated;

a. The General Manager is the designated Purchasing Agent. The Purchasing Agent may delegate all or a portion of the purchasing duties to any District staff member. The Purchasing Agent shall have the authority to:

- Purchase or contract for supplies, services and equipment required by the District, in accordance with purchasing procedures outlined in this policy;
- Negotiate and recommend execution of contracts for the purchase of supplies, services and equipment;
- Act to procure for the District the necessary quality in supplies, services and equipment at the lowest responsible cost to the district;
- Prepare and recommend to the Board of Directors revisions and amendments to the purchasing rules;
- Establish and maintain such forms as reasonably necessary to the operation of purchasing guidelines;
- Supervise the inspection of all supplies, services and equipment purchased to insure conformance with required specifications;
- Recommend the sale or disposal of all supplies and equipment which cannot be used by the District, or which are no longer suitable for District use;

- Maintain a bidder's list and other records necessary for the efficient acquisition of goods and services.
- b. The General Manager (or designee) is hereby authorized to sign all contracts for the purchase of goods or services awarded pursuant to this section or separately approved by the Board of Directors.

Purchase or Procurement of Goods or Services Exceeding \$25,000

- a. When the amount or value involved is at least \$25,000, the purchase shall be made by the Board of Directors through competitive bid as outlined below:
- Notice inviting bids shall include a general description of the services and/or articles to be purchased or sold, where bid blanks and specifications may be obtained, the time and place for bid openings, and whether bid deposit or bond and faithful performance bond will be required
 - Notice inviting bids shall be posted on the Districts website at www.todb.ca.gov and in at least two public places in the District that have been designated as the location for posting public notices, at least 10 days before the date of opening the bids.
 - The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidder's list and may advertise the notice inviting bids in applicable publications.
 - When deemed necessary by the Purchasing Agent or Board of Directors, any bidder may be required to submit a bid deposit or bond in an amount determined by the Purchasing Agent or Board of Directors. A successful bidder (and the bidder's surety, if a bond is furnished) shall be liable for any damages upon the bidder's failure to enter into a contract with the District or upon the failure to perform in accordance with the tenor of their bid.
 - When deemed necessary by the Purchasing Agent or Board of Directors, any person or entity entering into a contract with the District may be required to furnish a faithful performance deposit or bond in an amount determined by the Purchasing Agent or Board.
 - Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than 30 calendar days after the bid opening.
 - At its discretion, the Board of Directors may reject all bids presented and re-advertises for bids.

- Contracts shall be awarded by the Board of Directors to the lowest responsible bidder, except as otherwise provided herein.
- All contracts shall be processed with a tracking Purchase Order and all funds encumbered at the contract value.
- If two or more bids received from responsible bidders are for the same total amount or unit price, quality and service being equal, preference shall be given to the local vendor, or the Board of Directors may accept the lowest bid made by negotiation with the tie bidders and the Purchasing Agent at the time of the bid opening.

II. Award of Bid

- a. Purchase or Procurement or Contracts shall be awarded after consideration of the following factors:
 - The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 - The ability of the bidder to perform the contract or provide the service promptly or within the time specified, without delay or interface;
 - The reputation and experience of the bidder;
 - The previous experience of the District with the bidder;
 - The previous existing compliance by the bidder with federal, state, and local laws and ordinances;
 - The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
 - The ability of the bidder to provide future maintenance and service of the use of the subject of the contract;
 - The number and scope of conditions attached to the bid.

- b. The provisions of this section requiring competitive bidding shall not apply to the following:
- Contracts involving the acquisition of professional or specialized services, such as, but not limited to, services rendered by architects, attorneys, engineers, and other specialized consultants;
 - When the District's requirements can be met solely by a single patented article or process;
 - When no bids have been received following bid announcements under other provisions of this section;
 - When the amount involved is less than \$25,000;
 - When an emergency requires that an order is placed with the nearest source of supply;
 - When a purchase involves goods of a technical nature, and it would be difficult for a vendor to bid on a standard set of specifications, the Purchasing Agent shall undertake a thorough review of known products and a comparison of features which would most closely meet the District's needs at the least cost;
 - For janitorial services for District buildings and facilities;
 - When another agency has administered a competitive bidding process within the past two years for the same or substantially similar supplies, services or equipment and the District desires to utilize that other agency's bidding process.
- c. When the procurement falls into any of the categories listed above, and the amount does not exceed \$25,000, the Purchasing Agent may authorize the use of the other purchasing procedures set forth in this section, depending on the value of the goods or services. When the procurement falls into one of the categories listed above, and the amount exceeds \$25,000, procurement without competitive bidding must be authorized by the Board of Directors by simple majority, except as otherwise provided above.
- d. Any request for an exception under this section shall include the nature of the contract, amount of the contract, and the reasons why competitive bidding is not feasible.

III. Purchase or Procurement of Goods or Services between \$10,000 and \$25,000

- a. All purchases or procurement for goods or services that exceed \$10,000 shall be authorized by the Board of Directors at a Regular or Special Meeting thereof.
- The provisions of this section requiring Board authorization shall not apply for maintenance and repair of District owned buildings or facilities.

- b. If the amount or value involved in a purchase is \$10,000 or more, but less than \$25,000, the Purchasing Agent may allow the purchase without written bid, by informal price checking through telephone or mail inquiry, comparison of prices on file or otherwise, subject to Board authorization.
- c. Every attempt shall be made to receive at least three price quotations.
- d. At the discretion of the Purchasing Agent, the acquisition of goods and services the value of which is at least \$10,000, but less than \$25,000, the formal competitive bid process may be used.

IV. Purchase or Procurement between \$101 and \$10,000

If the amount or value involved in a purchase is at least \$100, but less than \$10,000, the Purchasing Agent may make the purchase, without written bid, by using purchase orders or by direct purchase and through comparison pricing from at least 3 sources via telephone, internet, written price proposal or using on site information.

- a. A summary of all purchases authorized by the Purchasing Agent (or designee) between \$5,000 and \$10,000 shall be provided to the Board of Directors on a monthly basis.

V. Purchase or Procurement Up To \$100

If the amount or value involved in a purchase is \$100 or less, the Purchasing Agent may make the purchase, without written bid, by using direct purchase, including by using available petty cash.

VI. Credit card purchases.

It is recognized that certain authorized employees are issued a District Credit card for incidental purchases. Incidental purchases include fuel for vehicles, small supplies such as hardware, and online purchases where a credit card is the only method of payment. In addition, while traveling on District business, credit cards may be used for transportation, hotel, and meals when applicable and authorized by the General Manager. All credit card purchases shall be authorized by the General Manager. Credit Card purchases shall not be used for the purpose of evading the competitive bidding provisions of this Policy.

VII. Purchase Orders.

All Purchase or Procurement over \$1,000 shall be documented by a purchase order prepared by the Purchasing Agent. The original copy shall be directed to the vendor and one copy shall be retained for the purchase order file. The final copy shall be directed to the department for whose benefit the purchase is being made to be used as a receiving report.

VIII. Availability of Sufficient Funds.

No purchase order shall be issued until it has been ascertained that there is to the credit of the department of the District for whose benefit such purchase is to be made a sufficient unappropriated balance in excess of all unpaid obligations to defray the amount of such order.

IX. Inspect and Review.

The Purchasing Agent shall require the inspection of supplies and equipment delivered, and contractual services performed, to determine their conformance with the specifications and requirements set forth in the order or contract.

X. Surplus Supplies and Equipment.

At such times as determined by the Purchasing Agent, reports shall be prepared showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The Purchasing Agent shall have the authority to sell trade or exchange all said supplies and equipment. The manner of disposing of surplus property shall be consistent with the procedures for Purchase or Procurement set forth in this section, depending on the value of the property.

XI. Splitting Orders Prohibited.

It is unlawful to split or separate into smaller orders the purchase of supplies, materials, equipment or services for the purpose of evading the competitive bidding provisions of this Policy.

XII. Exceptions – Public Projects.

This Policy is expressly made inapplicable to bids for public projects as defined by Public Contracts Code Section 20680 and where the expenditure required for the public project exceeds the limit set by Public Contracts Code Section 20682. The provisions contained in Public Contracts Code Section 20680 et seq.

XIII. Exceptions – Contracting during Declared Emergencies, Emergency Cleanup, or Emergency Cleanup of Hazardous Materials or Waste.

When, in the discretion of the General manager, or designee, it is determined that a declared Emergency exists, or a hazardous spill has occurred and that immediate cleanup is required to prevent the spill from entering the storm drain system or any watercourse, the General Manager, or designee, may contract for the cleanup of the spill. Any such contract in the amount of \$10,000 or less may be entered into on behalf of the District by the General Manager, or designee, without prior Board of Directors approval; however, a contract in excess \$10,000 shall be ratified by the Board of Directors at the next regular or special meeting of the Town of Discovery Bay Board of Directors.

XIV. Protest Procedure.

After the award of any contract, any unsuccessful bidder may challenge the bid procedure by filing a written protest with the General Manager. The protest must set forth the reasons for the challenge and must be filed within 10 days of the award of the contract. The General Manager shall review the protest and provide a written reply in an expeditious manner. The decision of the awarding authority with respect to the protest shall be final. Failure to file a timely protest shall be deemed a waiver of any challenge to the procedure or award of contract.



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2020-05

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
ESTABLISHING AN UPDATED
PURCHASING AND PROCUREMENT POLICY**

WHEREAS, The Town of Discovery Bay Community Services District adopted Resolution 98-31 on August 19, 1998 establishing a Purchasing System for the District; and,

WHEREAS, the Purchasing System authorized by Resolution 98-31 was rescinded; and,

WHEREAS, The Purchasing and Procurement Policy for the District was amended and approved by resolution No. 2010-15; and,

WHEREAS, the proposed Purchasing and Procurement Policy, which is attached and made a part of this Resolution, is consistent with District purchasing practices and complies with state law and regulations that are in place at the time this Resolution was approved.

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

SECTION 1. That the Purchasing and Procurement Policy is hereby adopted and is attached and made a part of this Resolution.

SECTION 2. That this action is effective immediately.

SECTION 3. The Board Secretary shall certify the adoption of this Resolution

PASSED, APPROVED AND ADOPTED THIS 4th Day Of March 2020.

William Pease
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on March 4, 2020, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Michael Davies
Board Secretary



Town of Discovery Bay

| | | |
|--|---|--|
| Program Area: Finance | Policy Name: Purchasing & Procurement | Policy Number: 011- Proposed |
| Date Established: November 3, 2010 | Date Amended: March 4, 2020 | Resolution: 2020-05 |

PURCHASING AND CONTRACTING

A purchasing system is adopted in order to establish efficient procedures for the purchase or procurement of supplies, services and equipment at the lowest possible cost commensurate with the level of quality required, to exercise financial control over the purchase or procurement, and to clearly define authority for the purchasing function.

I. Purchasing Agent Designated;

a. The General Manager is the designated Purchasing Agent. The Purchasing Agent may delegate all or a portion of the purchasing duties to any District staff member. The Purchasing Agent shall have the authority to:

- Purchase or contract for supplies, services and equipment required by the District, in accordance with purchasing procedures outlined in this policy;
- Negotiate and recommend execution of contracts for the purchase of supplies, services and equipment;
- Act to procure for the District the necessary quality in supplies, services and equipment at the lowest responsible cost to the district;
- Prepare and recommend to the Board of Directors revisions and amendments to the purchasing rules;
- Establish and maintain such forms as reasonably necessary to the operation of purchasing guidelines;
- Supervise the inspection of all supplies, services and equipment purchased to insure conformance with required specifications;
- Recommend the sale or disposal of all supplies and equipment which cannot be used by the District, or which are no longer suitable for District use;

- Maintain a bidder's list and other records necessary for the efficient acquisition of goods and services.

- b. The General Manager (or designee) is hereby authorized to sign all contracts for the purchase of goods or services awarded pursuant to this section or separately approved by the Board of Directors.

Purchase or Procurement of Goods or Services Exceeding \$25,000

- a. When the amount or value involved is at least \$25,000, the purchase shall be made through competitive bid as outlined below:
 - Notice inviting bids shall include a general description of the services and/or articles to be purchased or sold, where bid blanks and specifications may be obtained, the time and place for bid openings, and whether bid deposit or bond and faithful performance bond will be required
 - Notice inviting bids shall be posted on the Districts website at www.todb.ca.gov and in at least two public places in the District that have been designated as the location for posting public notices, at least 10 days before the date of opening the bids.
 - The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidder's list and may advertise the notice inviting bids in applicable publications.
 - When deemed necessary by the Purchasing Agent or Board of Directors, any bidder may be required to submit a bid deposit or bond in an amount determined by the Purchasing Agent or Board of Directors. A successful bidder (and the bidder's surety, if a bond is furnished) shall be liable for any damages upon the bidder's failure to enter into a contract with the District or upon the failure to perform in accordance with the tenor of their bid.
 - When deemed necessary by the Purchasing Agent or Board of Directors, any person or entity entering into a contract with the District may be required to furnish a faithful performance deposit or bond in an amount determined by the Purchasing Agent or Board.
 - Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than 30 calendar days after the bid opening.
 - At its discretion, the Board of Directors may reject all bids presented and re-advertises for bids.

- Contracts shall be awarded by the Board of Directors to the lowest responsible bidder, except as otherwise provided herein.
- All contracts shall be processed with a tracking Purchase Order and all funds encumbered at the contract value.
- If two or more bids received from responsible bidders are for the same total amount or unit price, quality and service being equal, preference shall be given to the local vendor, or the Board of Directors may accept the lowest bid made by negotiation with the tie bidders and the Purchasing Agent at the time of the bid opening.

II. Award of Bid

- a. Purchase or Procurement or Contracts shall be awarded after consideration of the following factors:
 - The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 - The ability of the bidder to perform the contract or provide the service promptly or within the time specified, without delay or interface;
 - The reputation and experience of the bidder;
 - The previous experience of the District with the bidder;
 - The previous existing compliance by the bidder with federal, state, and local laws and ordinances;
 - The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
 - The ability of the bidder to provide future maintenance and service of the use of the subject of the contract;
 - The number and scope of conditions attached to the bid.

- b. The provisions of this section requiring competitive bidding shall not apply to the following:
- Contracts involving the acquisition of professional or specialized services, such as, but not limited to, services rendered by architects, attorneys, engineers, and other specialized consultants;
 - When the District's requirements can be met solely by a single patented article or process;
 - When no bids have been received following bid announcements under other provisions of this section;
 - When the amount involved is less than \$25,000;
 - When an emergency requires that an order is placed with the nearest source of supply;
 - When a purchase involves goods of a technical nature, and it would be difficult for a vendor to bid on a standard set of specifications, the Purchasing Agent shall undertake a thorough review of known products and a comparison of features which would most closely meet the District's needs at the least cost;
 - For janitorial services for District buildings and facilities;
 - When another agency has administered a competitive bidding process within the past two years for the same or substantially similar supplies, services or equipment and the District desires to utilize that other agency's bidding process.
- c. When the procurement falls into any of the categories listed above, and the amount does not exceed \$25,000, the Purchasing Agent may authorize the use of the other purchasing procedures set forth in this section, depending on the value of the goods or services. When the procurement falls into one of the categories listed above, and the amount exceeds \$25,000, procurement without competitive bidding must be authorized by the Board of Directors by simple majority, except as otherwise provided above.
- d. Any request for an exception under this section shall include the nature of the contract, amount of the contract, and the reasons why competitive bidding is not feasible.

III. Purchase or Procurement of Goods or Services that exceed \$50,000

- a. All purchases or procurement for goods or services that exceed \$50,000 shall be authorized by the Board of Directors at a Regular or Special Meeting thereof.
- The provisions of this section requiring Board authorization shall not apply for maintenance and repair of District owned buildings or facilities.

- b. If the amount or value involved in a purchase is less than \$25,000, the Purchasing Agent may allow the purchase without written bid, by informal price checking through telephone or mail inquiry, comparison of prices on file or otherwise, subject to Board authorization.
- c. Every attempt shall be made to receive at least three price quotations.
- d. At the discretion of the Purchasing Agent, the acquisition of goods and services the value of which less than \$25,000, the formal competitive bid process may be used.

IV. Purchase or Procurement between \$5,001 and \$24,999

If the amount or value involved in a purchase is at least \$5,001, but less than \$24,999, the Purchasing Agent may make the purchase, without written bid, by using purchase orders or by direct purchase and through comparison pricing from at least 3 sources via telephone, internet, written price proposal or using on site information.

V. Purchase or Procurement Up To \$5,000

If the amount or value involved in a purchase is \$5,000 or less, the Purchasing Agent may make the purchase, without written bid, by using direct purchase, including by using available petty cash.

VI. Credit card purchases.

It is recognized that certain authorized employees are issued a District Credit card for incidental purchases. Incidental purchases include fuel for vehicles, small supplies such as hardware, and online purchases where a credit card is the only method of payment. In addition, while traveling on District business, credit cards may be used for transportation, hotel, and meals when applicable and authorized by the General Manager. All credit card purchases shall be authorized by the General Manager. Credit Card purchases shall not be used for the purpose of evading the competitive bidding provisions of this Policy.

VII. Purchase Orders.

All Purchase or Procurement over \$5,000 shall be documented by a purchase order prepared by the Purchasing Agent. The original copy shall be directed to the vendor and one copy shall be retained for the purchase order file. The final copy shall be directed to the department for whose benefit the purchase is being made to be used as a receiving report.

VIII. Availability of Sufficient Funds.

No purchase order shall be issued until it has been ascertained that there is to the credit of the department of the District for whose benefit such purchase is to be made a sufficient unappropriated balance in excess of all unpaid obligations to defray the amount of such order.

IX. Inspect and Review.

The Purchasing Agent shall require the inspection of supplies and equipment delivered, and contractual services performed, to determine their conformance with the specifications and requirements set forth in the order or contract.

X. Surplus Supplies and Equipment.

At such times as determined by the Purchasing Agent, reports shall be prepared showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The Purchasing Agent shall have the authority to sell trade or exchange all said supplies and equipment. The manner of disposing of surplus property shall be consistent with the procedures for Purchase or Procurement set forth in this section, depending on the value of the property.

XI. Splitting Orders Prohibited.

It is unlawful to split or separate into smaller orders the purchase of supplies, materials, equipment or services for the purpose of evading the competitive bidding provisions of this Policy.

XII. Exceptions – Public Projects.

This Policy is expressly made inapplicable to bids for public projects as defined by Public Contracts Code Section 20680 and where the expenditure required for the public project exceeds the limit set by Public Contracts Code Section 20682. The provisions contained in Public Contracts Code Section 20680 et seq.

XIII. Exceptions – Contracting during Declared Emergencies, Emergency Cleanup, or Emergency Cleanup of Hazardous Materials or Waste.

When, in the discretion of the General manager, or designee, it is determined that a declared Emergency exists, or a hazardous spill has occurred and that immediate cleanup is required to prevent the spill from entering the storm drain system or any watercourse, the General Manager, or designee, may contract for the cleanup of the spill. Any such contract in the amount of \$1,000,000 or less may be entered into on behalf of the District by the General Manager, or designee, without prior Board of Directors approval; however, a contract in excess \$1,000,000 shall be ratified by the Board of Directors at the next regular or special meeting of the Town of Discovery Bay Board of Directors.

XIV. Protest Procedure.

After the award of any contract, any unsuccessful bidder may challenge the bid procedure by filing a written protest with the General Manager. The protest must set forth the reasons for the challenge and must be filed within 10 days of the award of the contract. The General Manager shall review the protest and provide a written reply in an expeditious manner. The decision of the awarding authority with respect to the protest shall be final. Failure to file a timely protest shall be deemed a waiver of any challenge to the procedure or award of contract.



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

March 4, 2020

Prepared By: Dina Breitstein, Assistant General Manager
Submitted By: Michael R. Davies, General Manager

Agenda Title

Discussion and Possible Action Regarding Amendment to the District's Disposition of Surplus Property Policy.

Recommended Action

Approve Resolution No. 2020-04 and the proposed revisions to the District's Disposition of Surplus Property Policy.

Executive Summary

On February 1, 2012, the Board of Directors Adopted Resolution No. 2012-05, which established a policy for disposing of District-owned surplus property.

Supplies and equipment are considered surplus if they are no longer required by the District, because of decreased use, poor condition, damage not worth the cost of repair, and/or obsolescence. Examples of property include items, such as computers, monitors, audio equipment, office furnishings, and vehicles. Property can also include capital assets, which are the items that generally have a higher unit cost and are identified in the Districts Facility for rehabilitation or replacement.

The updated policy provides staff, the board, and the public with knowledge that any surplus property and or supplies are being disposed of consistently and in compliance with current law.

On February 24, 2020, staff presented the proposed updated Disposition of Surplus Policy to the Finance Committee for their review and comment. Attached is a copy of the Disposition of Surplus Policy approved on February 1, 2012, to compare with the proposed updated policy attached for your approval. The proposed revision is highlighted in yellow and changes the depository where proceeds are received from the trade-in or sale of surplus property.

Previous Relevant Board Actions for This Item

Disposition of Surplus Property Policy dated February 1, 2012

Attachments

Disposition of Surplus Property Policy Dated February 1, 2012
Draft Resolution Number 2020-04
Draft Disposition of Surplus Property Policy-With Proposed Revision

AGENDA ITEM: G-2



Town of Discovery Bay

| | | |
|--|---|-------------------------------|
| Program Area: Finance | Policy Name: Disposition of Surplus | Policy Number: 015 |
| Date Established: February 1, 2012 | Date Amended: N/A | Resolution: 2012-05 |

A. Purpose

The purpose of creating a procedure for the Town of Discovery Bay Community Service District (District) for the disposition of surplus property is to establish guiding principles and direction to staff.

B. Surplus Property Definition

Supplies and equipment are considered surplus if they are no longer required by the District, because of decreased use, poor condition, damage not worth the cost of repair, and/or obsolescence. Examples of property include small items, such as binders, calculators, and electric staplers, as well as those items inventoried, larger items such as Office Equipment, Furnishings, and Vehicles. Property can also include capital assets, which are those items that generally have a higher unit cost and are inventoried by the District for Rehabilitation/Replacement. Examples of capital assets are playground equipment, and building or structural components, such as roofs, restrooms, and decking. This definition of surplus property excludes real property.

C. Surplus Property Determination/Valuation

The respective department manager should first determine if a supply, piece of equipment, or capital asset has become surplus, based on the definition given above. The next step is to determine the current value of the surplus property item, either from an existing source document or a reasonable estimate of replacement value, if the original source document is no longer available through the District's records.

If the current value of the surplus property item is less than \$500, the manager or designee should bring the surplus property item directly to the Finance Manager so that a receipt can be created determine its disposition, and then coordinate its disposal.

D. Surplus Property/Capital Asset Disposition Form

If the property item is deemed surplus and its current value is over \$500, then the manager must complete a Surplus Property/Capital Asset Disposition form. This form is available through the Finance Department (see Exhibit A). One copy of the form should be circulated for signatures. On the form, the manager should list the item's description, serial number, fixed asset tag number (if applicable), location, and condition. The manager

should indicate the Property's condition (good, fair, poor or broken) and then recommend a method of disposal for the property (see the following sections for descriptions of disposal methods).

After selecting the recommended action and noting any other comments, the manager must sign and date the Surplus Property/Capital Asset Disposition form and forward it to the Purchasing Agent/General Manager.

E. Methods of Disposal

There are several ways to dispose of surplus property, including:

- Transfer to another department;
- Trade in for new material, equipment or credit
- Sell;
- Donate; or
- Scrap.

i. Transfer to Another Department

Departments can transfer surplus property to one another, subject to the approval of both managers affected by the transfer. If the current value of the item is \$500 or above, the department transferring out the property should initiate a Surplus Property/Capital Asset Disposition form (see Exhibit A) and both managers are required to sign the form. If a fixed asset is being transferred, then Accounting will record the new location for the property in the fixed assets.

ii. Trade-In

Surplus property can be offered as trade-in for new equipment or material or for credit towards the acquisition of new property. If the current value of a surplus property item slated for trade-in is \$500 or over, then the Surplus Property/Capital Asset Disposition form should be completed. The estimated trade-in value of the surplus property or capital asset should be noted on the Surplus Property/Capital Asset Disposition form and on the purchase order issued for any new property resulting from the trade-in.

iii. Selling Surplus Property

Surplus property may be offered for sale. All surplus property is for sale "as is" and "where is" with no warranty, guarantee, or representation of any kinds, expressed or implied, as to the condition, utility or usability of the property offered for sale.

For any sale of surplus property with a current value of \$500 or above, the manager should indicate on the Surplus Property/Capital Asset Disposition form the recommended selling method and any other notations, in the manager approval. Appropriate methods of sale are as follows:

Public Auction – District Staff may conduct public auctions or the District may contract with a professional auctioneer and/or and Internet auctioneer for this service.

Sealed Bids - Sealed bids may be solicited for the sale of surplus property. Surplus property disposed of in this manner shall be sold to the highest responsible bidder.

Selling as Salvage - Equipment, materials, supplies, fixtures, or facility components that are no longer capable of performing their intended function without extensive repair, or that are of no value except for reclamation purposes, may be considered salvage. Surplus property may be sold as salvage if the Purchasing Agent/General Manager deems that the value of the raw material exceeds the value of the property as a whole.

iv. Donation of Surplus Property

The manager may recommend and the Purchasing Agent/General Manager may authorize the donation of surplus property to a non-profit organization or school district located or operating in Discovery Bay or, secondarily, to any other non-profit organization or private organization that provides assistance to nonprofit organizations.

If surplus property has been approved for donation, the Purchasing Agent/General Manager will notice the availability of such property for donation, indicating the quantity, description and location of the surplus property, by one or more of the following methods: in a local newspaper or on the Districts web site (see Exhibit B). This notice will also indicate the closing date for the receipt of all requests for donation and indicate the way in which interested parties can receive additional information. Requests for donations will be accepted on a first-come, first-serve basis. The Purchasing Agent/General Manager will send a letter to the non-profit organization(s) or school district(s) that respond to the notice to advise them of the Districts terms and condition of the donation. A return letter signed by and authorized agent from the non-profit organization or school district, accepting the Districts terms and conditions is required before the surplus property can be released. If, in the opinion of the Purchasing Agent/General Manager, the donated property has a current value of less than \$1,000, then the General Manager can approve the release of the property to the recipient(s) that meet the above criteria and agree to the Districts terms and conditions. If, in the opinion of the Purchasing Agent/General Manager, the donated property has a value of \$1,000 or more the Purchasing Agent/General Manager will prepare a report identify the specific property for approval by the Board of Directors. After the Board of Directors approval, the surplus property approved for donation may then be released.

The department from which the donated property is being taken should remove any fixed asset or District property tag before the property is officially transferred to the recipient organization(s).

v. **Scrap/No Value Item**

Scrap, as one method of surplus property disposal, essentially means throwing an item into the trash. Scrap is recommended only after determining that none of the other methods of disposal (selling, exchange, trade-in, donation, or salvage) is feasible. Broken items that can be repaired economically will be fixed and returned to the using department.

For any broken or inoperable piece of property that, based on the recommendation of the manager and the judgment of the Purchasing Agent/General Manager, cannot be economically repaired, traded-in, sold, auctioned, donated or salvaged, the item may be scrapped, regardless of the original purchase price.

If the manager or designee recommends that any unbroken surplus property item with a current value below \$500 or several unbroken surplus property items with a collective current value below \$1,000 be scrapped, then he/she should dispose of the items. If the surplus property is obsolete or non-functional and cannot be traded in, sold, auctioned, donated or salvaged, the Purchasing Agent/General Manager may scrap such surplus property.

If a surplus property item recommended to be scrapped is not broken and has a current value equal to or above \$500, for multiple items, a combined current value equal to or above \$1,000, then the manager must complete the Surplus Property/Capital Asset Disposition form. Under these conditions, especially if District staff will directly dispose of them item(s), Board Approval to scrap will also be required. If the District staff does not directly scrap this category of surplus property but a contractor is instead hired to remove and replace the property, then the disposal method is considered utilize the trade-in mythology, not scrap mythology, and the Board approval requirement does not apply.

For multiple items proposed to be scrapped, the size of the lot and thus the total current value will be based on the items and values entered on the Surplus Property/Capital Asset Disposition form(s) submitted by the department. Splitting of the surplus lots on these forms to avoid Board reporting is prohibited. To better understand the process by which and items can be scrapped, including whether or not Board approval is required, please refer to the flow chart (see Exhibit C).

The report to the Board to request approval to scrap will be prepared by the Purchasing Agent/General Manager after receipt of the completed Surplus Property/Capital Asset Disposition form. Once the Board approval is granted, the Purchasing Agent/General Manager will then scrap the item(s).

F. **Purchasing Agents/General Manager's Review and Final Disposition**

In the case of the surplus property items with a current value below \$500 for a single item or below \$1,000 for multiple items within one lot, the departments do not have to complete a Surplus Property/Capital Asset Disposition form. Instead, the department

disposes utilizing the best method for disposal of these items. A log of the surplus items should be maintained upon disposal. The log will include the disposal items, the disposal date, and the disposal method.

For all surplus property items with a current value equal to or above \$500 for a single item or equal to or above \$1,000 for multiple items within one lot, the Purchasing Agent/General Manager will review the department's completed Surplus Property/Capital Asset Disposition form, concur with or recommend an alternate action, and proceed with the disposition. The Purchasing Agent/General Manager will also ascertain whether Board approval is required to donate or scrap surplus property items, depending on the current value of the items listed on the form. If further action is required, then the Purchasing Agent/General Manager will prepare a report for final approval from the Board.

After the disposal of the surplus property, the Purchasing Agent/General Manager will complete and sign the Surplus Property/Capital Asset Disposition form, noting the date, disposal method, and any proceeds received, if the property was sold. The Purchasing Agent/General Manager will also note the date that the Board approved the donation or scrapping of the surplus property if that level of approval was required.

After all signatures have been obtained, a copy of the form will be sent to the initiating department and to the Accounting, which will remove any surplus property items that had been classified as fixed assets. Finance will keep the original form on file.

G. Proceeds

Any proceeds received from the trade-in or sale of the surplus property will be credited to the General Fund.



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2020-04

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
ESTABLISHING AN UPDATED POLICY ON THE
DISPOSITION OF SURPLUS PROPERTY**

WHEREAS, The Town of Discovery Bay Community Services District adopted Resolution 2012-05 on February 1, 2012 establishing a Procedure for Disposing of District Owned Surplus Personal Property; and,

WHEREAS, the proposed Disposition of Surplus Property Policy, which is attached and made a part of this Resolution, is consistent with District purchasing practices and complies with state law and regulations that are in place at the time this Resolution was approved.

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

SECTION 1. That the Disposition of Surplus Policy is hereby adopted and is attached and made a part of this Resolution.

SECTION 2. That this action is effective immediately.

SECTION 3. The Board Secretary shall certify the adoption of this Resolution

PASSED, APPROVED AND ADOPTED THIS 4th Day Of March 2020.

William Pease
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on March 4, 2020, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Michael Davies
Board Secretary



Town of Discovery Bay

| | | |
|--|---|---------------------------------------|
| Program Area: Finance | Policy Name: Disposition of Surplus | Policy Number: 015-Proposed |
| Date Established: February 1, 2012 | Date Amended: March 4, 2020 | Resolution: 2020-04 |

A. Purpose

The purpose of creating a procedure for the Town of Discovery Bay Community Service District (District) for the disposition of surplus property is to establish guiding principles and direction to staff.

B. Surplus Property Definition

Supplies and equipment are considered surplus if they are no longer required by the District, because of decreased use, poor condition, damage not worth the cost of repair, and/or obsolescence. Examples of property include small items, such as binders, calculators, and electric staplers, as well as those items inventoried, larger items such as Office Equipment, Furnishings, and Vehicles. Property can also include capital assets, which are those items that generally have a higher unit cost and are inventoried by the District for Rehabilitation/Replacement. Examples of capital assets are playground equipment, and building or structural components, such as roofs, restrooms, and decking. This definition of surplus property excludes real property.

C. Surplus Property Determination/Valuation

The respective department manager should first determine if a supply, piece of equipment, or capital asset has become surplus, based on the definition given above. The next step is to determine the current value of the surplus property item, either from an existing source document or a reasonable estimate of replacement value, if the original source document is no longer available through the District's records.

If the current value of the surplus property item is less than \$500, the manager or designee should bring the surplus property item directly to the Finance Manager so that a receipt can be created determine its disposition, and then coordinate its disposal.

D. Surplus Property/Capital Asset Disposition Form

If the property item is deemed surplus and its current value is over \$500, then the manager must complete a Surplus Property/Capital Asset Disposition form. This form is available through the Finance Department (see Exhibit A). One copy of the form should be circulated for signatures. On the form, the manager should list the item's description, serial number, fixed asset tag number (if applicable), location, and condition. The manager

should indicate the Property's condition (good, fair, poor or broken) and then recommend a method of disposal for the property (see the following sections for descriptions of disposal methods).

After selecting the recommended action and noting any other comments, the manager must sign and date the Surplus Property/Capital Asset Disposition form and forward it to the Purchasing Agent/General Manager.

E. Methods of Disposal

There are several ways to dispose of surplus property, including:

- Transfer to another department;
- Trade in for new material, equipment or credit
- Sell;
- Donate; or
- Scrap.

i. Transfer to Another Department

Departments can transfer surplus property to one another, subject to the approval of both managers affected by the transfer. If the current value of the item is \$500 or above, the department transferring out the property should initiate a Surplus Property/Capital Asset Disposition form (see Exhibit A) and both managers are required to sign the form. If a fixed asset is being transferred, then Accounting will record the new location for the property in the fixed assets.

ii. Trade-In

Surplus property can be offered as trade-in for new equipment or material or for credit towards the acquisition of new property. If the current value of a surplus property item slated for trade-in is \$500 or over, then the Surplus Property/Capital Asset Disposition form should be completed. The estimated trade-in value of the surplus property or capital asset should be noted on the Surplus Property/Capital Asset Disposition form and on the purchase order issued for any new property resulting from the trade-in.

iii. Selling Surplus Property

Surplus property may be offered for sale. All surplus property is for sale "as is" and "where is" with no warranty, guarantee, or representation of any kinds, expressed or implied, as to the condition, utility or usability of the property offered for sale.

For any sale of surplus property with a current value of \$500 or above, the manager should indicate on the Surplus Property/Capital Asset Disposition form the recommended selling method and any other notations, in the manager approval. Appropriate methods of sale are as follows:

Public Auction – District Staff may conduct public auctions or the District may contract with a professional auctioneer and/or and Internet auctioneer for this service.

Sealed Bids - Sealed bids may be solicited for the sale of surplus property. Surplus property disposed of in this manner shall be sold to the highest responsible bidder.

Selling as Salvage - Equipment, materials, supplies, fixtures, or facility components that are no longer capable of performing their intended function without extensive repair, or that are of no value except for reclamation purposes, may be considered salvage. Surplus property may be sold as salvage if the Purchasing Agent/General Manager deems that the value of the raw material exceeds the value of the property as a whole.

iv. Donation of Surplus Property

The manager may recommend and the Purchasing Agent/General Manager may authorize the donation of surplus property to a non-profit organization or school district located or operating in Discovery Bay or, secondarily, to any other non-profit organization or private organization that provides assistance to nonprofit organizations.

If surplus property has been approved for donation, the Purchasing Agent/General Manager will notice the availability of such property for donation, indicating the quantity, description and location of the surplus property, by one or more of the following methods: in a local newspaper or on the Districts web site (see Exhibit B). This notice will also indicate the closing date for the receipt of all requests for donation and indicate the way in which interested parties can receive additional information. Requests for donations will be accepted on a first-come, first-serve basis. The Purchasing Agent/General Manager will send a letter to the non-profit organization(s) or school district(s) that respond to the notice to advise them of the Districts terms and condition of the donation. A return letter signed by and authorized agent from the non-profit organization or school district, accepting the Districts terms and conditions is required before the surplus property can be released. If, in the opinion of the Purchasing Agent/General Manager, the donated property has a current value of less than \$1,000, then the General Manager can approve the release of the property to the recipient(s) that meet the above criteria and agree to the Districts terms and conditions. If, in the opinion of the Purchasing Agent/General Manager, the donated property has a value of \$1,000 or more the Purchasing Agent/General Manager will prepare a report identify the specific property for approval by the Board of Directors. After the Board of Directors approval, the surplus property approved for donation may then be released.

The department from which the donated property is being taken should remove any fixed asset or District property tag before the property is officially transferred to the recipient organization(s).

v. **Scrap/No Value Item**

Scrap, as one method of surplus property disposal, essentially means throwing an item into the trash. Scrap is recommended only after determining that none of the other methods of disposal (selling, exchange, trade-in, donation, or salvage) is feasible. Broken items that can be repaired economically will be fixed and returned to the using department.

For any broken or inoperable piece of property that, based on the recommendation of the manager and the judgment of the Purchasing Agent/General Manager, cannot be economically repaired, traded-in, sold, auctioned, donated or salvaged, the item may be scrapped, regardless of the original purchase price.

If the manager or designee recommends that any unbroken surplus property item with a current value below \$500 or several unbroken surplus property items with a collective current value below \$1,000 be scrapped, then he/she should dispose of the items. If the surplus property is obsolete or non-functional and cannot be traded in, sold, auctioned, donated or salvaged, the Purchasing Agent/General Manager may scrap such surplus property.

If a surplus property item recommended to be scrapped is not broken and has a current value equal to or above \$500, for multiple items, a combined current value equal to or above \$1,000, then the manager must complete the Surplus Property/Capital Asset Disposition form. Under these conditions, especially if District staff will directly dispose of them item(s), Board Approval to scrap will also be required. If the District staff does not directly scrap this category of surplus property but a contractor is instead hired to remove and replace the property, then the disposal method is considered utilize the trade-in mythology, not scrap mythology, and the Board approval requirement does not apply.

For multiple items proposed to be scrapped, the size of the lot and thus the total current value will be based on the items and values entered on the Surplus Property/Capital Asset Disposition form(s) submitted by the department. Splitting of the surplus lots on these forms to avoid Board reporting is prohibited. To better understand the process by which and items can be scrapped, including whether or not Board approval is required, please refer to the flow chart (see Exhibit C).

The report to the Board to request approval to scrap will be prepared by the Purchasing Agent/General Manager after receipt of the completed Surplus Property/Capital Asset Disposition form. Once the Board approval is granted, the Purchasing Agent/General Manager will then scrap the item(s).

F. **Purchasing Agents/General Manager's Review and Final Disposition**

In the case of the surplus property items with a current value below \$500 for a single item or below \$1,000 for multiple items within one lot, the departments do not have to complete a Surplus Property/Capital Asset Disposition form. Instead, the department

disposes utilizing the best method for disposal of these items. A log of the surplus items should be maintained upon disposal. The log will include the disposal items, the disposal date, and the disposal method.

For all surplus property items with a current value equal to or above \$500 for a single item or equal to or above \$1,000 for multiple items within one lot, the Purchasing Agent/General Manager will review the department's completed Surplus Property/Capital Asset Disposition form, concur with or recommend an alternate action, and proceed with the disposition. The Purchasing Agent/General Manager will also ascertain whether Board approval is required to donate or scrap surplus property items, depending on the current value of the items listed on the form. If further action is required, then the Purchasing Agent/General Manager will prepare a report for final approval from the Board.

After the disposal of the surplus property, the Purchasing Agent/General Manager will complete and sign the Surplus Property/Capital Asset Disposition form, noting the date, disposal method, and any proceeds received, if the property was sold. The Purchasing Agent/General Manager will also note the date that the Board approved the donation or scrapping of the surplus property if that level of approval was required.

After all signatures have been obtained, a copy of the form will be sent to the initiating department and to the Accounting, which will remove any surplus property items that had been classified as fixed assets. Finance will keep the original form on file.

G. Proceeds

Any proceeds received from the trade-in or sale of the surplus property will be credited to the originating department where purchase was made.