



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



PLATINUM LEVEL

President – Kevin Graves • Vice-President – Ashley Porter • Director – Bryon Gutow • Director – Michael Callahan • Director – Carolyn Graham

**NOTICE OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY  
Wednesday April 6, 2022, 7:00 P.M.**

**NOTICE  
Coronavirus COVID-19**

In response to the current proclaimed State of Emergency, indoor masking requirements, and recommended measures to promote social distancing imposed by State and local officials, the Town of Discovery Bay Community Services District Board of Directors will take all actions necessary to carry out the intent and purpose of AB 361, including, ensuring that the Directors and meeting attendees may continue to have the option to access and participate in this public meeting by teleconference to avoid imminent risks to the health or safety of the Directors and meeting attendees.

To accommodate the public during this period of time, the Town of Discovery Bay Community Services District Board of Directors has arranged for members of the public to observe and address the meeting telephonically or in person.

**TO ATTEND IN PERSON:** The meeting will be held at the Community Center located at 1601 Discovery Bay Boulevard.

**TO ATTEND BY WEBINAR:**

**Please register for Regular Meeting of the Board of Directors at:** *(Copy and paste into your browser the registration URL. You will then be directed to download the webinar to your device and register with LogMeIn, Inc.)*

**Registration URL:** <https://attendee.gotowebinar.com/register/972441491013209357>  
**Webinar ID#** 446-702-771

After registering, you will receive a confirmation email containing information about joining the webinar by computer or by phone.

**For listen only mode dial:** (562) 247-8422 ID# 329-330-143

Download Agenda Packet and Materials at <http://www.todb.ca.gov/>

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

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

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

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

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the Agenda. The public may comment on any item on the Agenda at the time the item is before the Board for consideration. Any person wishing to speak will have 3 minutes to make their comment. 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 viewpoint 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, Regular Board of Directors DRAFT Meeting minutes for March 16, 2022 and March 24, 2022.
2. Approve Register of District Invoices.
3. Approve Resolution 2022-09 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.

**D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS**

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

**E. PRESENTATIONS**

1. Presentation from the Contra Costa County Planning Commission District 3 Representative Regarding the General Plan Amendment Application for 170 Residential Units Discovery Bay Boulevard at Sand Point Road, Discovery Bay CA 94505.

**F. DISCUSSION AND POSSIBLE ACTION**

1. Approve Letter to Supervisor Burgis Regarding the General Plan Amendment Application for 170 Residential Units Discovery Bay Boulevard at Sand Point Road, Discovery Bay CA 94505 – Vote NO.
2. Discussion and Possible Action to Approve the Notice of Completion and Final Payment for the Community Center Pool Area Synthetic Turf.
3. Discussion and Possible Action to Adopt Resolution 2022-08: Opposition to Ballot Initiative #21-0042A1.
4. Discussion and Possible Action to Cast One Official Ballot Vote for a Candidate Running for a Special District Member Term of Office on LAFCO to May 2026.

**G. MANAGER'S REPORT**

None.

**H. GENERAL MANAGER'S REPORT**

**I. DIRECTOR REPORTS**

1. Standing Committee Reports.
  - a. Internal Operations Committee Meeting (Committee Members Michael Callahan and Carolyn Graham) April 6, 2022.
  - b. Finance Committee Meeting (Committee Members Kevin Graves and Bryon Gutow) April 6, 2022.
  - c. Water and Wastewater Committee Meeting (Committee Members Kevin Graves and Ashley Porter) April 6, 2022.
2. Other Reportable Items.

**J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS**

**K. CORRESPONDENCE RECEIVED**

**L. FUTURE AGENDA ITEMS**

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

None.

**N. CLOSED SESSION:**

None.

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

None.

**P. ADJOURNMENT**

1. Adjourn to the regular meeting on April 20, 2022, 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



PLATINUM LEVEL

### SDLF Platinum-Level of Governance

President – Kevin Graves • Vice President – Ashley Porter • Director – Bryon Gutow • Director – Michael Callahan • Director – Carolyn Graham

#### MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY Wednesday March 16, 2022 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 Graves.
2. Pledge of Allegiance – Led by Director Graham.
3. Roll Call – All present.

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

Three Public Comments:

- Two Residents addressed comments from the Nextdoor App. Comments on Nextdoor regarding the lot across the street and requested Town of Discovery Bay to reach out to John Kopchick, Director of Contra Costa County to provide update to the Board and also to provide support and transparency to the residents.
  - President Graves commented that a member from the Planning Commission will be giving a presentation in April to address what has occurred between the Planning Commission and the lot. The Board is also in contact with the Supervisors Office regarding the lot.
- Contra Costa County resident, Ms. Patti Bristow is running for an open Special District Regular seat on the LAFCO Board and would like for the Board to vote for her. Ms. Bristow is the only one from East County.

##### C. CONSENT CALENDAR

1. Approve DRAFT minutes of Board of Directors meeting for March 2, 2022.
2. Approve Register of District Invoices.
3. Approve Resolution 2022-07 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.

Director Gutow made a Motion to Approve the Consent Calendar as presented.

Director Graham second.

Vote: Motion Carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0

##### D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS

1. None.

##### E. PRESENTATIONS

1. Veolia – March 2022 Presentation

Veolia Project Manager Anthony Harper shared a record number of 4567 days without any accidents or losses. Reported on monthly conductivity as being the quantity of salt in the water. Water softeners were eliminated and replaced with rock salt units which was recommended by the state a few years ago. Major source of the issue is conductivity from groundwater coming through the drinking water system and then the sewer wastewater outfall to the river. Dredge Pond is complete and functioning.

##### F. BUSINESS AND ACTION ITEMS

1. Discussion and Possible Action to Recommend to Caltrans Traffic Control Change(s) to the Intersection of Highway #4 and Discovery Bay Blvd.

Interim Assistant General Manager Mike Davies presented to the Board on Caltrans' recommendation of an

identical concept previously shared with the exception of adding a feature of making the number one lane going southbound Discovery Bay Blvd. Currently, we can only turn left on green only towards Stockton eastbound. There was a new change to the proposal; to turn either eastbound or westbound onto Hwy. 4 on green only and the number two right turn only lane Discovery Bay Blvd. can still turn right westbound onto Hwy. 4 on a red light. Caltrans also recommended optimizing the signal lights to accommodate the flow of traffic within the intersection. Additional concept of removing the yellow delineators and keeping the intersection as is. Chief Singh's email responses are attached to the Staff Report for review. Staff is bringing back to Board to ascertain if Board has recommendations for Caltrans concerning the intersection.

Six Public Comments:

- Resident expressed support of the original Caltrans Restriping Proposal presented to the Board at the December 15, 2021 Board meeting, with majority in attendance in support of original Caltrans proposal. Delineators add confusion to out of town residents, causes head-on traffic issues, obstructs the view of oncoming traffic from Stockton for drivers leaving Discovery Bay, and causes traffic backup.
- Two residents shared their concern of balancing esthetics and safety. Proposed alternative solution to replace the delineators with cement.
- Resident provided US Transportation traffic statistical data in regard to intersection activity; requested impact traffic study be done at intersection.
- Resident asked if arrows could be painted in between the delineators.
- Resident expressed concern about high speeds of traffic through intersections.

AGM Davies stated that Caltrans has ultimate authority over intersection this is just a recommendation. Staff is requesting if Board wants to make a recommendation in response to Caltrans.

Director Graham asked the following questions based on comments from the community: Could there be signs put up by Caltrans on Hwy. 4 traffic is coming into a lighted intersection? Or lower the speed limit on Hwy. 4 in front of Discovery Bay Boulevard? Can there be a no right turn on red leaving Discovery Bay Boulevard? Assistant General Manager Mike Davies responded that request has been made previously, no right turn on red and received extreme pushback from the community. Director Graham asked if there can there be a temporary electronic sign board that states both lanes are through lanes and no longer a turn on right lane until people are used to the traffic going through the intersection?

Vice President Porter commented to take in consideration and compromise of esthetics while also taking into consideration safety. Ultimately, safety is the number one consideration. Assistant General Manager Mike Davies commented that Caltrans is not going to allow change of intersection that doesn't meet engineering safety protocols. Director Gutow commented a reasonable compromise would be to remove the yellow Delineators, the do not enter signs, and try that for a little while and see how that works. This doesn't change traffic flows or require Caltrans to revamp the intersection, the concern would be going from one lane to two lanes to one lane.

Motion to approve Caltrans removing yellow delineators and remove the 'Do Not Enter Sign' made by Director Gutow.

Second by Vice President Porter.

Vote: Motion Carried – AYES: 4, NOES: 1, ABSTAINED: 0, ABSENT: 0

2. Discussion and Possible Action Regarding the Town of Discovery Bay Financial Audit for Fiscal Year Ending June 30, 2021.

Staff recommendation made by Finance Manager Julie Carter for Board to approve this year's audit and the financial results for the District with new disclosure of Retirement Plan 401A with District contribution. Introduced Mark Croce from Croce, Sangunetti, and VanderVeen, Inc. who performed the audit according to governmental auditing standards and presented this year's audit and financial results to the Board. Mark Croce, auditor reported that accounting and financials of the District are healthy. The District has very manageable debt. Water and Wastewater are operating at cash flow positives. This is helpful when we fund projects in the future. The move forward for the District to bring Treasury Operations in house will further enhance financial reporting. One change made to the 2021 report included the addition of 401a retirement plan. Director Callahan and President Graves both commended the report and hard work of the Finance and Accounting team.

No public comments.

Motion made by Director Callahan to approve adopt the financial reports as presented.

Second by Vice President Porter.

Vote: Motion Carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0

3. Discussion and Possible Action Regarding the Community Center Recreational Swim Price Increase. Parks and Landscape Manager Bill Engelman presented that original fees for recreational swim have been in place since 2014. Staff is suggesting a nominal increase in the use fees for the community swimming pool.

No public comments.

Motion to Approve accept Staff Recommendation to increase recreation swim prices by Vice President Porter and Director Graham as second

Vote: Motion Carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0

4. Discussion and Possible Action to Award the Discovery Bay Blvd. and Egdeview Drive Pipeline Replacement Project to the Lowest Responsible Bidder in the Amount of \$654,000. Water/Wastewater Manager Aaron Goldsworthy presented Staff's recommendation to award project to lowest responsible bidder at \$654,000. Engineer's estimate was \$640,000. W.R. Forde Associates Inc. from Richmond was awarded this project amongst 5 bidders.

No public comment

Motion to award project to lowest responsible bidder to W.R. Forde Associates Inc. by Vice President Porter. President Graves as second.

Vote: Motion Carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0

## **G. MANAGERS REPORTS**

## **H. GENERAL MANAGERS REPORTS**

General Manager Breitstein had to reports to share:

- 1) GM Breitstein along with Park/Rec Supervisor Gallo attended the CPRS Conference in Sacramento on March 10, 2022. Very informative event and will bring some ideas and takeaways to future meetings.
- 2) Coffee with the GM date set for April 29<sup>th</sup> starting at 9 AM; location Callahan's Coffee and Cones. Agency representatives will be notified and invited to join. Flyer will be posted on social media to invite the public.

## **I. DIRECTOR'S REPORTS**

1. None.

## **J. DIRECTOR'S REGIONAL MEETING REPORTS**

1. Byron Union School District Meeting – February 24, 2022.  
Director Graham reported out that she attended this meeting and went through a lot of administrative changes were teachers talking about cost of living increase and discussed wearing masks at school.
2. ECCFPD Meeting – March 9, 2022.  
President Graves attended this meeting and ECCFPD announced that LAFCO approved the consolidation, which we are very excited for.
3. Contra Costa County Aviation Committee – March 10, 2022.  
President Graves attended this meeting. Discussion of getting a road from the highway to airport continues.

## **K. CORRESPONDENCE RECIVED**

## **L. FUTURE AGENDA ITEM(S)**

## **M. OPEN SESSION DISCOLUSRE OF CLOSED SESSION AGENDA**

1. None.

## **N. CLOSED SESSION**

1. None.

## **O. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION**

1. None.

**P. ADJOURNMENT**

1. Meeting adjourned at 8:28pm to the Next Regular Board of Director's Meeting, beginning at 7 PM at the Community Center located at 1601 Discovery Bay Boulevard.

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//ag,mk 03-18-22

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# TOWN OF DISCOVERY BAY

## A COMMUNITY SERVICES DISTRICT



### SDLF Platinum-Level of Governance

PLATINUM LEVEL

President – Kevin Graves • Vice President – Ashley Porter • Director – Bryon Gutow • Director – Michael Callahan • Director – Carolyn Graham

#### NOTICE CALL, AND AGENDA OF THE SPECIAL ANNUAL BOARD PLANNING MEETING MINUTES OF THE TOWN OF DISCOVERY BAY THURSDAY, MARCH 24, 2022 SPECIAL BOARD PLANNING MEETING - 4:00 P.M.

Download Agenda Packet and Materials at [www.todb.ca.gov](http://www.todb.ca.gov)

#### A. SPECIAL MEETING 4:00 P.M.

##### ROLL CALL

1. Call business meeting to order 4:00 p.m. – President Graves
2. Roll Call - All present.
3. Pledge of Allegiance – Director Graham

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

1. None.

#### C. PRESENTATION, DISCUSSION, AND ACTION ITEMS

1. Review of Mission, Vision, Values and Goals  
None.
2. Looking Back 2021 Year Review Q1-Q4  
Q1 Accomplishments - Parks and Landscaping and Administration  
Q2 Accomplishments – Parks and Landscaping and Administration
  - Air Burners Burnboss is working great. President Graves inquired about waste and if there are ashes left over, Bill responded that the ashes can be mixed with soil for future projects or can be used in lawns as fertilizer. Director Callahan and Vice - President Porter commented on the success of using the Burnboss. President Graves and Staff confirmed that it will have paid for itself within 3 years.Q2 Accomplishments – Water and Wastewater
  - Vac-Truck should be delivered between 9 months to 1 year.Q2 Accomplishments – Finance  
Q3 Accomplishments – Parks and Landscaping and Administration  
Q3 Accomplishments – Water and Wastewater
  - General Manager Breitstein confirmed that water and wastewater projects need to be completed and financed on a continual basis. Director Gutow asked about the location of the Pantages Lift Station, Aaron responded it is where Wild Drive dead ends the dirt field is the quickest way of bringing it into Newport Lift Station.Q4 Resolutions
  - Vice-President Porter commended staff for their accomplishments within a short timeframe.Q4 Accomplishments – Parks and Landscaping and Administration



#### Q4 Accomplishments – Water and Wastewater

##### Q4 Finance Projects

- Finance Manger Julie Carter provided explanation of receiving 100% of COVID – 19 Funding. Billing was outstanding during the COVID period from March 2020 – June 2021 and totaled \$46K and included over 200 customers. Last week was the first round of door hangers for water shutoffs for customers that had continual outstanding balances. 70 door hangers placed, 18 shutoffs, and 17 payment plans were arranged. Finance met all regulations and followed procedures accordingly with the State.

##### Q4 General Manager Appointment

- President Graves commended General Manager Breitstein and Assistant General Manager Mike Davies on the transition period. A decision on the Assistant General Manager position will be made soon.

##### 2021 Staffing

- Staff and Board commended Anthony Harper and team.
- Consideration of new position - Accounting Project Analyst.

##### 2021 Awards and Recognition

- General Manager Breitstein has until 2024 to take the exam to maintain accreditation of Platinum Level of Governance.
- CSDA conference will be held in May; annual in person will be held in September.

### 3. Looking Forward 2022 Key Issues and Accomplishments

#### 2022 Parks and Landscape Projects – Pool and Synthetic Turf Project – March 2022

- Community Pool is complete, waiting for umbrellas to arrive to complete the setup. The Board is pleased with the work and results. The Boy Scouts will be invited to add the finishing touches to the synthetic turf area by filling in a small area with cobblestones.

#### 2022 Parks and Landscaping Projects – Q1 2022 Current Projects and Ongoing Projects 2022

- Cyndi Coats, Pool Supervisor will be hiring for summer staff.
- Clipper Drive enhancements will be brought to the Finance Committee Meeting on April 6, 2022.
- The Conservation Core will be donating a shade structure.

#### 2022 Wastewater Projects – Q1 Current Wastewater Projects and Ongoing Projects 2022

- Wastewater Treatment Plant 2 ponds are clean.
- Wastewater Treatment Plant 3 is almost completely formed in dirt has not yet been cemented.
- Residents on Cherry Hills and Wayfarer Court have been notified that the Manhole repairs will begin on March 28, 2022.
- 780 Orion Readers coming soon.

President Graves wants to discuss odors near Plant 1 in the future. Vice-President Porter commended Aaron and team on managing projects that have arisen.

#### 2022 Finance Projects – Bond Project

- March 30, 2022 General Manager Breitstein and Finance Manager Julie Carter will be attending S&P credit rating, current rating is AA which is an exceptional rating for the District's size.
- A Bond presentation will be held during the April 6, 2022 Finance Committee Meeting, the goal is to close bond by May 10-20, 2022.
- Filing of the Bond Financials to EMMA will be complete next week.
- Background check for bond and compliance came back clean.

Assistant General Manager Mike Davies commended Staff for their diligence.

#### 2023 Looking Ahead to Fiscal Year 2022-23

##### 2023 Looking Ahead – Finance Projects Town Treasury and Bond Refunding

- Currently waiting on funds from the County for Treasury Transfer.
- Earliest timeframe for Refunding is September.

#### Board Member Input

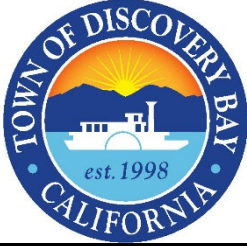
- President Graves - research new office building.
- Director Callahan requested Staff prepare Accomplishments and how those accomplishments benefit the community.
- Vice-President Porter suggested getting community input regarding certain projects so the Board can be informed when making decisions and highly encourages gaining more County engagement.
- President Graves requested Board to be more responsive to Staff and commended Executive Assistant Maddie Kibriya for her hard work in managing several positions at one time.

#### **D. ADJOURNMENT**

1. Meeting Adjourned at 4:50 p.m. to the Next Regular Board of Director's Meeting, April 6, 2022 beginning at 7 PM at the Community Center located at 1601 Discovery Bay Boulevard.

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# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

Meeting Date

April 6, 2022

**Prepared By:** Julie Carter, Finance Manager & Lesley Marable, Accountant  
**Submitted By:** Dina Breitstein, 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** \$ 336,371.10

**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 2021/2022

AGENDA ITEM: C2

**Request for Authorization to Pay Invoices**  
**For The Meeting On April 6, 2022**  
**Town of Discovery Bay CSD**  
**Fiscal Year 7/21 - 6/22**

Pacific Gas & Electric	\$79,778.87
Town of Discovery Bay CSD	\$58,360.63
Silicon Valley Paving, Inc.	\$54,964.80
Luhdorff & Scalmanini	\$18,418.49
Veolia Water North America	\$17,301.83
U.S. Bank Corporate Payment System	\$15,712.57
BSK Associates	\$14,205.75
Vortex Industries, LLC	\$13,669.23
San Joaquin County Office Of Ed	\$11,632.00
SWRCB	\$10,297.27
Krauss Appraisal, LLC	\$7,600.00
Precision IT Consulting	\$4,315.77
Backflow Distributors, Inc.	\$4,175.60
Stantec Consulting Services Inc	\$3,676.50
Freedom Mailing Service, Inc	\$3,232.88
Janitorial Plus	\$2,740.00
Trugreen	\$2,360.00
Robert Half	\$1,925.23
Mt Diablo Resource Recovery	\$1,819.00
Univar Solutions USA Inc.	\$1,635.25
Contra Costa County	\$1,455.66
California State Lands Comm.	\$1,000.00
Denise Williams-Karbowski	\$720.00
Water Refund Customer	\$700.00
Smeared Paint	\$678.75
Ricoh USA, Inc	\$536.16
Watersavers Irrigation Inc.	\$496.07
Lucia Peters	\$445.50
Boat Safe America	\$438.75
Office Depot	\$350.49
National Aquatic Services, Inc.	\$314.34
Core & Main LP	\$274.05
United States Postal Services	\$265.00
ULINE	\$247.10
UniFirst Corporation	\$196.92
Alhambra	\$127.62
Denalect Alarm Company	\$111.00
Concentra	\$99.00
Discovery Pest Control	\$68.00
Verizon Wireless	\$25.02

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**\$336,371.10**



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION 2022-09**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT RE-AUTHORIZING REMOTE TELECONFERENCE  
MEETINGS OF THE LEGISLATIVE BODY OF THE TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT PURSUANT TO BROWN ACT PROVISIONS**

WHEREAS, the Town of Discovery Bay Community Services District (the “Town”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Town’s legislative body are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative body conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the Town’s Board of Directors previously adopted a Resolution, Number 2021-16 on October 20, 2021, finding that the requisite conditions exist for the legislative body of the Town to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must make findings that the Board has reconsidered the circumstances of the state of emergency that exist in the Town, and that either the state of emergency continues to directly impact the ability of the members to meet safely in person, or State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the March 4, 2020, Governor proclaimed a State of Emergency continues to exist throughout California as a result of the threat of COVID-19; and

WHEREAS, currently the dominant strain of COVID-19 in the country continues to be more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees and members; and

WHEREAS, the Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing remain in effect; and

WHEREAS, the health orders issued by the Contra Costa County Health Officer to preserve the public health, including requiring all people in Contra Costa County who aren’t fully vaccinated, to adhere to indoor masking requirements, recommending measures for social distancing from non-household members for vaccinated individuals that have been exposed to COVID-19, and measures acknowledging that close contact to other persons increases the risk of transmission, remain in effect.

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

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. AB 361 Compliance. The Board of Directors began using teleconferencing in accordance with subdivision (e) of Section 54953 of the Government Code, as amended by AB 361, on October 20, 2021, and have made the requisite findings by majority vote not later than 30 days after October 20, 2021, and every 30 days thereafter.

Section 3. State of Emergency. The Board of Directors hereby reconsiders the circumstances of the current State of Emergency proclaimed by the Governor on March 4, 2020, and find that the ongoing conditions of the State of Emergency directly impact the ability of members to meet safely in person.

Section 4. Measures to Promote Social Distancing. The Board of Directors hereby finds that Cal-OSHA and the County Health Official continue to recommend measures to promote physical distancing.

Section 5. Remote Teleconference Meetings. The General Manager of the Town of Discovery Bay Community Services District is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

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Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a meeting, held on February 16, 2022, by the following vote of the Board:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Dina Breitstein  
Board Secretary



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



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April 6, 2022

Supervisor Diane Burgis, District 3  
Contra Costa County Board of Supervisors  
3361 Walnut Blvd., Suite 140  
Brentwood, CA 94513

**RE: VOTE NO**  
**General Plan Amendment Application for 170 Residential Units**  
**Discovery Bay Boulevard at Sand Point Road, Discovery Bay CA 94505**

Dear Supervisor Burgis:

It has come to the attention of the Town of Discovery Bay Community Services District Board of Directors that a General Plan Amendment application for 170 units at the corner of Discovery Bay Boulevard and Sand Point Road in Discovery Bay will be coming before the Board of Supervisors (“BOS”) at the April 12, 2022 BOS meeting for a yes or no vote to proceed with the application process.

170 residential units at the corner location of Discovery Bay Boulevard and Sand Point Road will bring significant negative impacts to the infrastructure of our town and to the public safety and quality of life of our residents. Restrictive ingress/egress, among many other adverse impacts, of such a large residential project at this location is simply not tenable.

Although this is just an application process, the Town of Discovery Bay Board of Directors intends to object to the location of this project at every step of every process in the chain of County approval. **We urge the BOS issue a NO vote for proceeding with the application process.**

Sincerely,

Kevin Graves  
President, Board of Directors

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1800 Willow Lake Road • Discovery Bay • CA • 94505-9376

Telephone • 925.634.1131 • Fax • 925.513.2705

[www.todb.ca.gov](http://www.todb.ca.gov)



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

**Meeting Date**

April 6, 2022

**Prepared By:** Bill Engelman, Parks and Landscape Manager  
**Submitted By:** Dina Breitstein, General Manager

### Agenda Title

Discussion and Possible Action to Approve the Notice of Completion and Final Payment for the Community Center Pool Area Synthetic Turf.

### Recommended Action

Approve the Notice of Completion and authorize the General Manager to release final payments to the Contractor, Silicon Valley Paving.

### Executive Summary:

The synthetic turf project at the Community Center pool is now complete and all punch list items are finalized. The following is a summary of projects costs versus budget:

### Summary of Costs:

Original Bid	\$105,000.00
Utility Box Change Order	\$1,179.86
Umbrella Base Change Order	\$4,177.82
<b>TOTAL PROJECT COST</b>	<b>\$110,357.68</b>
Budget plus Contingency	\$120,750.00
Variance <i>(project came in under budget)</i>	(\$10, 392.32)

Staff recommends approval of the Notice of Completion and the release of any remaining payments or retention due to the contractor, Silicon Valley Paving.

### Previous Relevant Board Actions for This Item

Award Contract to Silicon Valley Paving. – November 11th, 2021.

### Attachments

Notice of Completion, photos of completed synthetic turf

AGENDA ITEM: F2



RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

TOWN OF DISCOVERY BAY COMMUNITY  
SERVICES DISTRICT  
1800 Willow Lake Road  
Discovery Bay, CA 94505-9376

**NOTICE OF COMPLETION**

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the Owner who contracted for the work of improvement hereinafter described.
2. The full name of the undersigned is:

TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT, a Political Subdivision of the  
State of California.
3. The full address of the undersigned is:

1800 Willow Lake Road  
Discovery Bay, CA 94505-9376
4. The nature of the title of the undersigned is that of a fee holder.
5. A work of improvement on the property hereinafter described was completed on  
03/16/2022.
6. The name of the contractor for such work of improvement is:  
Silicon Valley Paving, Inc.
7. The property on which said work of improvement was completed is in the unincorporated portion  
of the County of Contra Costa, State of California, and is described as follows:

Town of Discovery Bay Community Center  
1601 Discovery Bay Blvd.  
Discovery Bay, CA 94505
8. The work of improvement consists generally of:
  - A. Installation of synthetic turf around pool deck

DINA BREITSTEIN, GENERAL MANAGER  
FOR TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT

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# Town of Discovery Bay

*“A Community Services District”*

## STAFF REPORT

Meeting Date

April 6, 2022

**Prepared By:** Michael R. Davies, Interim Assist. General Manager

**Submitted By:** Dina Breitstein, General Manager

### Agenda Title

Discussion and Possible Action to Adopt Resolution 2022-08: Opposition to Ballot Initiative #21-0042A1.

### Recommended Action

Adopt Resolution 2022-08: Opposition to Ballot Initiative #21-0042A1 – LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT.

### Executive Summary

The California Special Districts Association (“CSDA”) has joined a coalition of local government leaders in adopting an Opposition position on Initiative 21-0042A1 and is encouraging all special districts, partners, and community leaders to join the coalition by passing a Board Resolution.

If Initiative 21-0042A1 qualifies for the November 2022 ballot and is enacted, CSDA anticipates severe consequences for special districts and the communities we serve. Estimated impacts include:

- Could prevent virtually any new fees or assessments to fund water, sewer, trash, fire protection, parks and recreation, and other essential services and infrastructure.
  - Places over \$20 billion of local government fee and charge revenues over 10 years at heightened legal peril.
- Jeopardizes the public health and safety of communities by cutting off new revenue intended to pay for essential local services and infrastructure.
  - Substantially increases the legal and administrative cost of public infrastructure financing.
- With billions of dollars in deferred maintenance and unmet needs for California’s infrastructure, exacerbates the neglect and deterioration of our roads, dams, waterways, and other facilities.
- By limiting revenues to the “minimum amount necessary”, imposes a “race-to-the-bottom” in California that will halt investment in technological advancements that future generations will depend upon.
- Prevents critical investments in climate adaptation and community resilience to address drought, flooding, and wildfire as well as reduce emissions and harmful pollutants.
- Exposes taxpayers to a new wave of costly litigation, limits the discretion and flexibility of locally elected boards to respond to the needs of their communities, and injects uncertainty into the financing and sustainability of critical infrastructure.
- Restricting local services and infrastructure to the lowest and minimum amount possible will disproportionately impact the most underserved communities the hardest.

The initiative includes provisions that would retroactively void *all* state and local taxes or fees adopted after January 1, 2022 if they did not align with the provisions of this initiative. This may also affect indexed fees that adjust over time for inflation or other factors. Effectively, it would allow voters throughout California to invalidate the prior actions of local voters, undermining local control and voter-approved decisions about investments needed in their communities.

For an in-depth analysis refer the attached CSDA memorandum.

Initiative 21-0042A1 is attached for review.

### Previous Relevant Board Actions for This Item

None

**Attachments**

CSDA Analysis Memorandum  
Initiative No. 21-0042A1  
Resolution 2022-08

AGENDA ITEM: F3



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION 2022-08**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY  
TO OPPOSE INITIATIVE 21-0042A1**

**WHEREAS**, the Town of Discovery Bay Community Services District (“District”) is a government agency organized and existing under the laws of the State of California; and

**WHEREAS**, an association representing California’s wealthiest corporations and developers is spending millions to push a deceptive proposition aimed for the November 2022 statewide ballot; and

**WHEREAS**, the proposed proposition, Initiative 21-0042A1, has received the official title: “LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT.”

**WHEREAS**, the measure includes provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

**WHEREAS**, the measure exposes taxpayers to a new wave of costly litigation, limits the discretion and flexibility of locally elected boards to respond to the needs of their communities, and injects uncertainty into the financing and sustainability of critical infrastructure; and

**WHEREAS**, the measure severely restricts state and local officials’ ability to protect our environment, public health and safety, and our neighborhoods against corporations and others who violate the law; and

**WHEREAS**, the measure creates new constitutional loopholes that would allow corporations to pay less than their fair share for the impacts they impose on our communities, including local infrastructure, our environment, water quality, air quality, and natural resources; and

**WHEREAS**, the measure threatens billions of dollars currently dedicated to state and local services, and could force cuts to Discovery Bay water, wastewater, lighting, landscaping, parks and recreation services, as well as public schools, fire and emergency response, law enforcement, public health, libraries, and more; and

**WHEREAS**, the measure would also reduce funding for critical infrastructure like streets and roads, public transportation, ports, drinking water, sanitation, utilities, levees, and more.

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

Section 1: The above recitals are true and correct.

Section 2: The Town of Discovery Bay Community Services District opposes Initiative 21-0042A1.

Section 3. The Town of Discovery Bay Community Services District will join the No on Initiative 21-0042A1 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state.

Section 4: This Resolution shall take effect immediately upon its adoption.

Section 5: The General Manager is directed to email a copy of this adopted Resolution to the California Special Districts Association at [advocacy@csda.net](mailto:advocacy@csda.net).

Section 4: The Board Secretary shall certify the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED THIS 6<sup>TH</sup> DAY OF APRIL 2022.**

---

Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on April 6, 2022, by the following vote of the Board:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Dina Breitstein  
Board Secretary

BELL, McANDREWS & HILTACHK, LLP  
ATTORNEYS AND COUNSELORS AT LAW  
455 CAPITOL MALL, SUITE 600  
SACRAMENTO, CALIFORNIA 95814

(916) 442-7757  
FAX (916) 442-7759  
www.bmhlaw.com

21-0042 Amdt. # 1

January 4, 2022

RECEIVED

JAN 04 2022

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Anabel Renteria  
Initiative Coordinator  
Office of the Attorney General  
State of California  
PO Box 994255  
Sacramento, CA 94244-25550

Re: Initiative 21-0042 - Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0042 "The Taxpayer Protection and Government Accountability Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

## The Taxpayer Protection and Government Accountability Act

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

### Section 1. Title

This Act shall be known, and may be cited as, the Taxpayer Protection and Government Accountability Act.

### Section 2. Findings and Declarations

(a) Californians are overtaxed. We pay the nation's highest state income tax, sales tax, and gasoline tax. According to the U.S. Census Bureau, California's combined state and local tax burden is the highest in the nation. Despite this, and despite two consecutive years of obscene revenue surpluses, state politicians in 2021 alone introduced legislation to raise more than \$234 *billion* in new and higher taxes and fees.

(b) Taxes are only part of the reason for California's rising cost-of-living crisis. Californians pay billions more in hidden "fees" passed through to consumers in the price they pay for products, services, food, fuel, utilities and housing. Since 2010, government revenue from state and local "fees" has more than doubled.

(c) California's high cost of living not only contributes to the state's skyrocketing rates of poverty and homelessness, they are the pushing working families and job-providing businesses out of the state. The most recent Census showed that California's population dropped for the first time in history, costing us a seat in Congress. In the past four years, nearly 300 major corporations relocated to other states, not counting thousands more small businesses that were forced to move, sell or close.

(d) California voters have tried repeatedly, at great expense, to assert control over whether and how taxes and fees are raised. We have enacted a series of measures to make taxes more predictable, to limit what passes as a "fee," to require voter approval, and to guarantee transparency and accountability. These measures include Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010).

(e) Contrary to the voters' intent, these measures that were designed to control taxes, spending and accountability, have been weakened and hamstrung by the Legislature, government lawyers, and the courts, making it necessary to pass yet another initiative to close loopholes and reverse hostile court decisions.

### Section 3. Statement of Purpose

(a) In enacting this measure, the voters reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher tax to be put before voters for approval. Voters also intend that all fees and other charges are passed or rejected by the voters themselves or a governing body elected by voters and not unelected and unaccountable bureaucrats.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to increase transparency and accountability over higher taxes and charges by requiring any tax measure placed on the ballot—



either at the state or local level—to clearly state the type and rate of any tax, how long it will be in effect, and the use of the revenue generated by the tax.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state government revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a vote of the Legislature and signature of the Governor to ensure that the purposes for such charges are broadly supported and transparently debated.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes and other charges with the rapidly increasing costs Californians are already paying for housing, food, childcare, gasoline, energy, healthcare, education, and other basic costs of living, and to further protect the existing constitutional limit on property taxes and ensure that the revenue from such taxes remains local, without changing or superseding existing constitutional provisions contained in Section 1(c) of Article XIII A.

(e) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, *Schmeer v. Los Angeles County*, *Johnson v. County of Mendocino*, *Citizens Assn. of Sunset Beach v. Orange County Local Agency Formation Commission*, and *Wilde v. City of Dunsmuir*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended to read:

Sec. 3(a) Every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge.

(b)(1) (a) Any change in state statute law which results in any taxpayer paying a new or higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, and submitted to the electorate and approved by a majority vote, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed. Each Act shall include:

(A) A specific duration of time that the tax will be imposed and an estimate of the annual amount expected to be derived from the tax.

(B) A specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in a separate, stand-alone section. Any proposed change to the use of the revenue from the tax shall be adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature and submitted to the electorate and approved by a majority vote.

(2) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, including a measure proposed by an elector pursuant to Article II, include:

(A) The type and amount or rate of the tax;

(B) The duration of the tax; and

(C) The use of the revenue derived from the tax.

(c) Any change in state law which results in any taxpayer paying a new or higher exempt charge must be imposed by an act passed by each of the two houses of the Legislature. Each act shall specify the type of exempt charge as provided in subdivision (e), and the amount or rate of the exempt charge to be imposed.

(d) ~~(b)~~ As used in this section and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed by the State state law that is not an exempt charge, except the following:

(e) As used in this section, "exempt charge" means only the following:

~~(1) a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.~~

~~(1) (2) A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.~~

~~(2) (3) A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.~~

~~(3) A levy, charge, or exaction collected from local units of government, health care providers or health care service plans that is primarily used by the State of California for the purposes of increasing reimbursement rates or payments under the Medi-Cal program, and the revenues of which are primarily used to finance the non-federal portion of Medi-Cal medical assistance expenditures.~~

~~(4) A reasonable charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.~~

~~(5) A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.~~

~~(6) A levy, charge, assessment, or exaction collected for the promotion of California tourism pursuant to Chapter 1 (commencing with Section 13995) of Part 4.7 of Division 3 of Title 2 of the Government Code.~~

~~(f) (e) Any tax or exempt charge adopted after January 1, 2022 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.~~

~~(g) (1) (d) The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction is an exempt charge and not a tax. The State bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor. ~~that the amount is no more than necessary to cover the reasonable costs of the governmental activity and~~~~

that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by state law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(h) As used in this section:

(1) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(2) "Extend" includes, but is not limited to, doing any of the following with respect to a tax or exempt charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(3) "Impose" means adopt, enact, reenact, create, establish, collect, increase or extend.

(4) "State law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. "State law" does not include actions taken by the Regents of the University of California, Trustees of the California State University, or the Board of Governors of the California Community Colleges.

Section 5. Section 1 of Article XIII C of the California Constitution is amended, to read:

Sec. 1. Definitions. As used in this article:

(a) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(b) "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

~~(c) (a)~~ "General tax" means any tax imposed for general governmental purposes.

~~(d)~~ "Impose" means adopt, enact, reenact, create, establish, collect, increase, or extend.

~~(e) (b)~~ "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or an elector pursuant to Article II or the initiative power provided by a charter or statute.

~~(f)~~ "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

~~(g) (c)~~ "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

~~(h) (d)~~ "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

~~(i) (e)~~ As used in this article, and in Section 9 of Article II, "tax" means every any-levy, charge, or exaction of any kind, imposed by a local government law that is not an exempt charge., except the following:

~~(i)~~ As used in this section, "exempt charge" means only the following:

~~(1)~~ A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

~~(1) (2)~~ A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

~~(2) (3)~~ A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

~~(3) (4)~~ A reasonable charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

~~(4) (5)~~ A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

~~(5) (6)~~ A charge imposed as a condition of property development. No levy, charge, or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy.

~~(6) (7)~~ An Assessments and property related fees assessment, fee, or charge imposed in accordance with the provisions of subject to Article XIII D, or an assessment imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

(7) A charge imposed for a specific health care service provided directly to the payor and that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the health care service. As used in this paragraph, a "health care service" means a service licensed or exempt from licensure by the state pursuant to Chapters 1, 1.3, or 2 of Division 2 of the Health and Safety Code.

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 6. Section 2 of Article XIII C of the California Constitution is amended to read:

Sec. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) Every levy, charge, or exaction of any kind imposed by local law is either a tax or an exempt charge. All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local law government, whether proposed by the governing body or by an elector, may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) ~~Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~ (d) No local law government, whether proposed by the governing body or by an elector, may impose, ~~extend, or increase~~ any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(d) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, include:

(1) The type and amount or rate of the tax;

(2) the duration of the tax; and

(3) The use of the revenue derived from the tax. If the proposed tax is a general tax, the phrase "for general government use" shall be required, and no advisory measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

(e) Only the governing body of a local government, other than an elector pursuant to Article II or the initiative power provided by a charter or statute, shall have the authority to impose any exempt charge. The governing body shall impose an exempt charge by an ordinance specifying the type of exempt charge

as provided in Section 1(j) and the amount or rate of the exempt charge to be imposed, and passed by the governing body. This subdivision shall not apply to charges specified in paragraph (7) of subdivision (i) of Section 1.

(f) No amendment to a Charter which provides for the imposition, extension, or increase of a tax or exempt charge shall be submitted to or approved by the electors, nor shall any such amendment to a Charter hereafter submitted to or approved by the electors become effective for any purpose.

(g) Any tax or exempt charge adopted after January 1, 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted in compliance with the requirements of this section.

(h)(1) The local government bears the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax. The local government bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by a local law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind imposed by a local law as being paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

Section 7. Section 3 of Article XIII D of the California Constitution is amended, to read:

Sec. 3. Property Taxes, Assessments, Fees and Charges Limited

(a) No tax, assessment, fee, ~~or~~ charge, or surcharge, including a surcharge based on the value of property, shall be assessed ~~by any agency~~ upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax ~~imposed pursuant to~~ described in Section 1(a) of Article XIII and Section 1(a) of Article XIII A, and described and enacted pursuant to the voter approval requirement in Section 1(b) of Article XIII A.

(2) Any special non-ad valorem tax receiving a two-thirds vote of qualified electors pursuant to Section 4 of Article XIII A, or after receiving a two-thirds vote of those authorized to vote in a community facilities district by the Legislature pursuant to statute as it existed on December 31, 2021.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 8. Sections 1 and 14 of Article XIII are amended to read:

Sec. 1 Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

(c) All proceeds from the taxation of property shall be apportioned according to law to the districts within the counties.

Sec. 14. All property taxed by state or local government shall be assessed in the county, city, and district in which it is situated. Notwithstanding any other provision of law, such state or local property taxes shall be apportioned according to law to the districts within the counties.

Section 9. General Provisions

A. This Act shall be liberally construed in order to effectuate its purposes.

B. (1) In the event that this initiative measure and another initiative measure or measures relating to state or local requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) In furtherance of this provision, the voters hereby declare that this measure conflicts with the provisions of the "Housing Affordability and Tax Cut Act of 2022" and "The Tax Cut and Housing Affordability Act," both of which would impose a new state property tax (called a "surcharge") on certain real property, and where the revenue derived from the tax is provided to the State, rather than retained in the county in which the property is situated and for the use of the county and cities and districts within the county, in direct violation of the provisions of this initiative.

(3) If this initiative measure is approved by the voters, but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

C. The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not

declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

D. If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(3) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(4) Nothing in this section shall prohibit the proponents of this Act, or a bona fide taxpayers association, from intervening to defend this Act.





## **BALLOT INITIATIVE #21-0042A1**

### **LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT.**

November 8, 2022 General Election

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#### **BACKGROUND**

The purported “Taxpayer Protection and Government Accountability Act,” a statewide initiative measure to amend the California Constitution sponsored by the [California Business Roundtable](#) (“CBRT”), is the most consequential proposal to limit the ability of the state and local governments to enact, modify, or expand taxes, assessments, fees, and property-related charges since the passage of Proposition 218 (1996) and Proposition 26 (2010). If enacted, public agencies would face a drastic rise in litigation that could severely restrict their ability to meet essential services and infrastructure needs.

In order to qualify for the ballot, proponents must collect 997,139 valid signatures from California voters. The California Secretary of State’s recommended last day to submit signatures to counties to qualify for the November 8, 2022 statewide general election is April 29, 2022. The last day for measures to be certified for the ballot or withdrawn from the ballot is June 30, 2022.

#### **SUMMARY**

Ballot Initiative [21-0042A1](#) would result in the loss of billions of dollars annually in critical state and local funding, restricting the ability of local agencies and the State of California to fund services and infrastructure by:

- Adopting new and stricter rules for raising taxes, fees, assessments, and property-related fees.
- Amending the State Constitution, including portions of Propositions 13, 218, and 26 among other provisions, to the advantage of the initiative’s proponents and plaintiffs; creating new grounds to challenge these funding sources and disrupting fiscal certainty.
- Restricting the ability of local governments to issue fines and penalties to corporations and property owners that violate local environmental, water quality, public health, public safety, fair housing, nuisance and other laws and ordinances.

The initiative includes provisions that would retroactively void *all* state and local taxes or fees adopted after January 1, 2022 if they did not align with the provisions of this initiative. This may also affect indexed fees that adjust over time for inflation or other factors. Effectively, it would



allow voters throughout California to invalidate the prior actions of local voters, undermining local control and voter-approved decisions about investments needed in their communities.

Specifically, among other provisions effecting the state government, the initiative would impact local agencies through changes to the California Constitution as follows:

### **Restricting Local Tax and Fee Authority to Provide Local Services**

#### *Fees:*

- With few exceptions, fees and charges shall not exceed the “actual cost” of providing the product or service for which the fee is charged.
  - “Actual cost” is defined as the “...*minimum amount necessary...less other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds...*”
- The burden on the local government to prove the fee or charge does not exceed “actual cost” is heightened from a “*preponderance of the evidence*” to “*clear and convincing evidence*”.
- In addition to limiting fees and charges to the actual cost to the local government for providing the service, fees and charges must also be “reasonable” to the payor themselves; no definition is provided for this new subjective reasonableness test that is separate and apart from the test as to how closely the fee or charge is related to the cost of service.
- Defines *all* sources of revenue as either taxes or “exempt charges.”
- Includes Article XIID charges in Proposition 218 under the definition of “exempt” charges subjecting them to potential litigation.
- Exposes previously established fees indexed to inflation or other metrics to new standards and legal challenges.
- Adds to the Constitution a requirement for a board action to adopt, enact, create, establish, collect, increase, or extend any and all fees.

#### *Taxes:*

- Increases the threshold for voters to pass a local special tax initiative placed on the ballot by voters from a simple majority to a two-thirds majority, likely to address concerns over the 2017 California Supreme Court decision in *California Cannabis Coalition v. City of Upland*.
- Requires voter approval when an expansion of boundaries extends existing taxes or fees to new territory.
- New taxes can be imposed only for a specific duration.

#### *Fines and Levees:*

- Interferes with local enforcement efforts, by making it more difficult to impose fines and penalties for state and local law violations related to activities such as water discharge, waste recycling, weed abatement, fireworks, and housing code violations and unlawful commercial marijuana sales, just to name a few. The measure converts administratively



imposed fines and penalties into taxes unless a new, undefined, and ambiguous “adjudicatory due process” is followed.

## **Increasing Litigation Exposure**

- Significantly increases a public agency’s burden of proof from “preponderance of evidence” to “clear and convincing evidence” to prove compliance with the new fee requirements. By changing evidence standards to favor corporations suing public agencies, the initiative will promote costly litigation.
- The local government would bear the burden of proving by clear and convincing evidence that a levy, charge or exaction is an “exempt charge” and not a tax. Moreover, the local government would bear the burden of proving by clear and convincing evidence that the amount of the exempt charge is *both* “reasonable” to the payor and that the amount charged does not exceed the “actual cost” of providing the service or product to the payor.
- By enacting a new requirement that all fees must be “reasonable” to the payor but offering no definition as to what “reasonable” means, the initiative provides a new avenue to challenge fees by enabling a plaintiff to claim a fee is not reasonable even if the fee meets the actual costs of service.
- Prop. 218 currently requires fees cover the *reasonable* cost of service. This initiative amends Prop. 218 to require the near-impossible standard of predicting *actual* costs years into the future. To compound this challenge, the new standard also factors in the receipt of external revenues that are constantly shifting and typically outside the control of the local agency. It defines “actual costs” as:
  - “(i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing “actual cost” the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.”
- Fosters endless litigation challenging local fees claiming they are not the “minimum amount necessary”. For instance:
  - Do roads need to be paved every 10 years or 50 years?
  - Does infrastructure need to be upgraded or replaced or not improved at all?
  - What is the minimum emergency response time necessary?

## **IMPACTS**

- Could prevent virtually any new fees or assessments to fund water, sewer, trash, fire protection, parks and recreation, and other essential services and infrastructure.
  - Places over \$20 billion of local government fee and charge revenues over 10 years at heightened legal peril.



- Jeopardizes the public health and safety of communities by cutting off new revenue intended to pay for essential local services and infrastructure.
  - Substantially increases the legal and administrative cost of public infrastructure financing.
- With billions of dollars in deferred maintenance and unmet needs for California's infrastructure, exacerbates the neglect and deterioration of our roads, dams, waterways, and other facilities.
- By limiting revenues to the “minimum amount necessary”, imposes a “race-to-the-bottom” in California that will halt investment in technological advancements that future generations will depend upon.
- Prevents critical investments in climate adaptation and community resilience to address drought, flooding, and wildfire as well as reduce emissions and harmful pollutants.
- Exposes taxpayers to a new wave of costly litigation, limits the discretion and flexibility of locally elected boards to respond to the needs of their communities, and injects uncertainty into the financing and sustainability of critical infrastructure.
- Restricting local services and infrastructure to the lowest and minimum amount possible will disproportionately impact the most underserved communities the hardest.

## **SUPPORT**

- California Business Roundtable (CBRT) – Sponsor
  - The CBRT website lists the following individuals as Chair and Vice-Chair:
    - Chair, Brett Bittel (Enterprise Rental Car)
    - Vice-Chair, Maryam Brown (SoCal Gas)
  - To date, financial contributors to the initiative and CBRT Issues PAC include, but are not limited to:
    - Aera Energy
    - Albertsons Safeway
    - CJ Segerstrom & Sons
    - Cypress Management Company
    - Dart Container
    - Douglas Emmett Properties
    - Five Point Operating Company
    - Grimmway Enterprises
    - Howard Jarvis Taxpayers Association
    - Kilroy Realty
    - Majestic Realty
    - Michael K. Hayde
    - Pacific Ethanol
    - PEPSICO
    - Pharmaceutical Research and Manufacturers of America
    - Sempra Energy
    - State Farm Insurance



**California Special  
Districts Association**

*Districts Stronger Together*

- Sutter Health
- 7-Eleven

**OPPOSITION**

- AFSCME California
- California Alliance for Jobs
- California Professional Firefighters
- California Special Districts Association
- CalCities (League of California Cities)
- SEIU California



# Town of Discovery Bay

*“A Community Services District”*

## STAFF REPORT

**Meeting Date**

April 6, 2022

**Prepared By:** Michael R. Davies, Interim Assist. General Manager

**Submitted By:** Dina Breitstein, General Manager

### Agenda Title

Discussion and Possible Action to Cast One Official Ballot Vote for a Candidate Running for a Special District Member Term of Office on LAFCO to May 2026.

### Recommended Action

Authorize Board President Graves (or Vice President Porter, in his absence) to cast one vote for Patricia Bristow to a Special District Member term of office on LAFCO to May 2026.

### Executive Summary

On January 19, 2022, at the regular meeting of the Board of Directors, the Board considered nominations for upcoming (May 2, 2022) regular special district member seats on LAFCO and appointing an alternate voting Board Member in the event of the absence of President Graves. Vice President Ashley Porter was voted as alternate, and no nominations were made.

The election is now in progress for one special district member seat on LAFCO for a term of office to May 2026. Candidates listed on the Official Ballot are:

- Igor Skaredoff (Contra Costa Resource Conservation District) - Incumbent
- Marilyn Tiernan (Diablo Water District)
- Patricia Bristow (Byron-Brentwood-Knightsen Union Cemetery District)
- Cesar Zepeda (West County Wastewater District)
- Antonio Martinez (Contra Costa Water District)

The Official Ballot must be completed by President Graves (or Vice President Ashley Porter, in his absence) and returned either by email or postal mail no later than April 15, 2022.

Although the incumbent is Igor Skaredoff, staff's recommendation is to cast a vote for Patricia Bristow. Mr. Skaredoff is not from East County and has never, to staff's knowledge, reached out to Discovery Bay to make a presentation or other form of contact. Ms. Bristow made a presentation to the Discovery Bay Board on March 16, 2022 highlighting her longtime residency, employment, volunteerism, and special district service as a board member in East County. The remaining candidates have not reached out to seek the Town's vote.

### Previous Relevant Board Actions for This Item

January 19, 2022 – Call for Board Nomination for Special District Seats on LAFCO and Designation of a Voting Alternate

### Attachments

LAFCO Memorandum – 2022 Election for LAFCO Special District Seats  
Official LAFCO Ballot

AGENDA ITEM: F4



Lou Ann Teixeira  
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
40 Muir Road, 1st Floor • Martinez, CA 94553  
e-mail: LouAnn.Teixeira@lafco.cccounty.us  
(925) 313-7133

TownOfDiscoveryBay CSD  
Received  
MAR 16 2022

March 11, 2022

**TO:** Presiding Officer or Designated District Voting Delegate  
**FROM:** Lou Ann Teixeira, LAFCO Executive Officer  
**SUBJECT:** 2022 Election for LAFCO Special District Seats

In January 2022, LAFCO staff announced two Special District vacancies on LAFCO in conjunction with the expiring terms of Commissioner Igor Skaredoff (Regular Member) and Commissioner Stan Caldwell (Alternate Member). At that time, LAFCO also called for nominations and the names of district voting delegates.

The deadline for submitting nominations was March 4, 2022. Regarding the alternate seat, only one candidate was nominated – Stan Caldwell, incumbent. No election for this seat is required, and Stan Caldwell will retain his seat as Alternate Special District Member. Regarding the Regular seat, LAFCO received five nominations, including nomination of the incumbent Igor Skaredoff. The attached ballot shows the five candidates.

The Independent Special District Selection Committee (ISDSC), consisting of the presiding officer (or his/her designee) of the legislative body of each independent special district, appoints the special district members of LAFCO. In lieu of a meeting to conduct the election, we are conducting the election by postal mail and email. Your district is receiving this message and ballot via email and postal mail.

The LAFCO Executive Officer may conduct the election by mail if it is determined that a meeting of the ISDSC is not feasible. Given the ongoing pandemic, the LAFCO Executive Officer will conduct the election by email and postal mail.

**Enclosed is the official ballot and list of presiding officers/voting delegates.** If your district has not yet provided the name of your presiding officer or voting delegate (must be a board member), please do so as soon as possible.

We ask that each district complete and return its signed ballot to Contra Costa LAFCO office either by email to [LouAnn.Teixeira@lafco.cccounty.us](mailto:LouAnn.Teixeira@lafco.cccounty.us) or via postal mail to Contra Costa LAFCO, 40 Muir Road, First Floor, Martinez, CA 94553. In order to complete the 2022 election process, we must receive completed ballots from a majority of the districts (at least 21) no later than **April 15<sup>th</sup>**. If a majority of ballots is not received by **April 15<sup>th</sup>**, a further extension of this election may be required.

**This is a time sensitive matter and we ask that you forward this information including the attachments to your presiding officer or voting delegate at your earliest convenience.**

Please contact the LAFCO office if you have any questions or need additional information. Thank you for your attention to this matter.

**INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE  
CONTRA COSTA LAFCO**

**OFFICIAL BALLOT**

Election of **REGULAR** Special District Member for a term of office on  
LAFCO to May 2026

**Vote for one:**

- Igor Skaredoff**  
*(Contra Costa Resource Conservation District)*
  
- Marilyn Tiernan**  
*(Diablo Water District)*
  
- Patricia Bristow**  
*(Byron-Brentwood-Knightsen Union Cemetery District)*
  
- Cesar Zepeda**  
*(West County Wastewater District)*
  
- Antonio Martinez**  
*(Contra Costa Water District)*

Name of Voting District: \_\_\_\_\_

Name of Voting Member: \_\_\_\_\_

Signature of Voting Member: \_\_\_\_\_

*Please return ballot to the LAFCO office no later than **April 15, 2022***  
*via email to [LouAnn.Texeira@lafco.cccounty.us](mailto:LouAnn.Texeira@lafco.cccounty.us) or mail to Contra Costa LAFCO*  
*40 Muir Road, 1<sup>st</sup> Floor, Martinez, CA 94553*