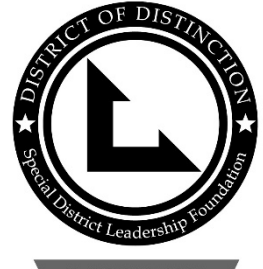




TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



SDLF Platinum-Level of Governance

PLATINUM LEVEL

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

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY
Wednesday, February 3, 2021
REGULAR MEETING 7:00 P.M.**

**NOTICE
Coronavirus COVID-19**

In accordance with the Governor's Executive Order N-33-20, and for the period in which the Order remains in effect, the Town of Discovery Bay Community Services District Board Chambers will be closed to the public.

To accommodate the public during this period of time that the Board's Chambers are closed to the public, 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.

**TO ATTEND BY TELECONFERENCE:
Toll-Free Dial-In Number: (877)778-1806
CONFERENCE CODE 891949**

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. – By President Bryon Gutow
2. Pledge of Allegiance – Led by President Bryon Gutow
3. Roll Call – All Present.

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

Public comment regarding:

- Sending a letter to CalTrans regarding intersection of Discovery Bay Blvd and Highway 4.

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 January 20, 2021 Regular Board of Director's meeting.
2. Approve DRAFT minutes of January 28, 2021 Special Board of Director's meeting.
3. Approve Register of District Invoices.

Motion made by Vice President Kevin Graves to approve items on the Consent Calendar as presented.
Second by Director Ashley Porter.

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

D. AREA AGENCIES REPORTS / PRESENTATION

1. Assembly Member Jim Frazier, District 11.

Jennifer Quallick, Director for Assembly Member Jim Frazier advised that legislation is pursuing two (2) bills; AB98- Reuse and Redistribution of Medical Goods and AB52- Global Warming Solutions Act of 2006- Greenhouse Gas Reduction and Wildfire Mitigation. Advised the public to give her a call if they are having issues with Unemployment Benefits, (925)513-0411.

2. Supervisor Diane Burgis, District III Report.

Deputy Chief of Staff for Diane Burgis, Lea Castleberry gave update on Census Report and Redistricting. Census data should be received by March. Regarding COVID-19, Contra Costa County is in the purple tier. She provided an update of activities that may resume with restrictions. Residents age 65 or older, of Contra Costa County can get the COVID-19 vaccine from Contra Costa County Health Services at no cost to them by appointment only.

3. Sheriff's Office Report.

Lieutenant Mark Johnson gave the Board an update regarding crime and service calls. Property crimes have seen an increase. Time of day for the highest theft activity is between the hours of 3:00 a.m. and 8:00 a.m. Lt. Johnson also reported that license plate readers have been very helpful.

4. CHP Report.

Officer Donnie Thomas provided Board with update regarding recent arrests, warrants, citations, traffic violations. Reported he has increased the CHP presence to deter criminals as much as possible.

5. East Contra Costa Fire Protection District Report.

East Contra Costa Fire Department Battalion Chief Ross Macumber informed the Board of December 2020 and January 2021 calls. Expressed the need for more staff and another fire station. Issued reminder of monthly Fire Board Meeting on the second Wednesday at 6:30 p.m.

E. LIAISON REPORTS

F. PRESENTATIONS

G. BUSINESS AND ACTION ITEMS

1. Discussion and Possible Action Related to Board Member Appointment to Regional Committees.

General Manager Mike Davies provided the Board with a summary of each Regional Committee to assist in their understanding of content of each Committee along with a link to the Regional Committee's agenda for review. The summary presented to the Board also included Staff's opinion if meetings should be attended or if the agendas can be monitored for anything pertinent to the Town. General Manager Mike Davies asked the Board to examine any meetings they would like to deem as stipendiary.

Committee Name	Primary Board Member	Alternate	Stipendiary
Contra Costa Special Districts Association	Director Michael Callahan	President Bryon Gutow	Yes
East Contra Costa County Fire Protection District Liaison	Vice President Kevin Graves	Director Ashley Porter	Yes
East County Water Management Association	Director Ashley Porter	Vice President Kevin Graves	Yes
Police Service (P6 Committee)	President Bryon Gutow	Director Carolyn Graham	Yes
Regional Transportation Agencies	Director Carolyn Graham	Director Michael Callahan	Yes

Vice President Kevin Graves expressed concern regarding the authority to represent the Town Board of Directors at these meetings.

Vice President Kevin Graves made a motion to make all Regional Committee Meetings stipendiary as a day of service when attending as a representative of Town of Discovery Bay Board of Directors.

Second by Director Ashley Porter.

Legal Counsel Rod Attebery advised that if a meeting agenda was reviewed prior to the Regional Committee Meeting taking place, and it is determined that all Town Board Members feel the same about a Regional Committee Agenda Item, the Board Member attending the Regional Committee Meeting may speak as a Town Board representative. Board Members may not represent the entire Board unless previously agreed upon and directed by all Board Members.

Motion amended by Vice President Kevin Graves to include comment of Legal Counsel Rod Attebery.

Second by Director Ashley Porter.

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

Committee Name	Primary Board Member	Alternate	Stipendiary
Contra Costa Aviation Committee	President Bryon Gutow	Vice President Kevin Graves	Yes
Contra Costa County Code Enforcement	Director Ashley Porter	President Bryon Gutow	Yes
LAFCO Liaison	Director Michael Callahan	Director Carolyn Graham	Yes
BUSD Representative Liaison	Director Carolyn Graham	Director Michael Callahan	Yes
LUHSD Representative Liaison	Vice President Kevin Graves	Director Ashley Porter	Yes

Director Ashley Porter advised all Regional Committee Meetings should be treated as a day of service, therefore making them all stipendiary.

Motion amended by Vice President Kevin Graves to include comment of Legal Counsel Rod Attebery.

Second by Director Ashley Porter.

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

2. Discussion and Possible Action Regarding Advocating for East Contra Costa Fire Protection District (“ECCFPD”) to Receive a Fixed Percentage of Measure X Funds and Support the Feasibility Assessment of a ECCFPD Consolidation Effort with ConFire.

Measure X’s half-cent sales tax increase will add approximately \$81 million to Contra Costa County’s General Fund. Insufficient funding of the East Contra Costa Fire Protection District (ECCFPD) has posed a well-documented public safety emergency. The Town would like to adopt Resolution 2021-01 advocating for Contra Costa County to obligate a fixed percentage of Measure X funds to ECCFPD in order to fully operate three additional fire stations and enhance fire service response. The Town would also like to adopt Resolution 2021-02 supporting the feasibility assessment of a consolidated effort with ConFire. ECCFPD Chief Bryan Helmick advised that the passing of Measure X highlights the need to add additional fire stations and paramedics. States he is eager to increase service levels as fast as possible.

Public comment regarding:

- Safety crisis in East Contra Costa County.

Comment by Vice President Kevin Graves reminding public that Measure X funds will go away in twenty years and this item will need a permanent solution afterwards.

Motion made by Director Ashley Porter to approve Resolutions 2021-01 and 2021-02 as presented.

Second by Director Carolyn Graham.

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

3. Discussion and Possible Action Regarding Specified Board Member Training Qualifying as a Compensable “Day of Service.”

General Manager Mike Davies requested the Board authorize its Directors to complete necessary training to qualify for the District of Distinction, Transparency Certificate of Excellence and SDRMA Credit Incentive Program. Upon delivery of a written report to the Board notifying of completed training, the Member may be permitted a compensable “day of service.” Presently, the only stipendiary trainings are the (AB1234) Ethics Training and (AB1825) Anti-Harassment Training as required by state mandate. Currently, Board Policy No. 002 provides Board Members compensation for only state mandated training programs. The Board will be required to previously authorize attendance and be provided a written report pertaining to the training received to allow the training course to be permitted as a “day of service” in accordance with Government Code § 16407. Staff recommends approval to update Board Policy No. 002 to include the aforementioned courses.

Vice President Kevin Graves made a motion to approve “day of service” for necessary training programs that are required to qualify for the District of Distinction, Transparency Certificate of Excellence and SDRMA Credit Incentive Program upon written report at the next meeting, including but not limited to mandatory state requirements.

Director Carolyn Graham second.

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

Director Michael Callahan wanted to note that the district benefits greatly from the added credits obtained by the Board when these trainings are completed.

H. MANAGER’S REPORT

I. GENERAL MANAGER’S REPORT

1. Nominations Are Open for SDRMA Board of Directors.

General Manager Mike Davies advised Town Board that SDRMA is currently in the election process for the SDRMA Board Member. This requires a resolution from the Town Board with official nomination. Board was asked if any member held interest in the SDRMA Board Member seat.

Vice President Kevin Graves said he would be interested in looking into it.

General Manager Mike Davies will send Vice President Kevin Graves the materials to review for the application process.

J. DIRECTORS’ REPORTS

1. Standing Committee Reports.

- a. Finance Committee Meeting (Committee Members Kevin Graves and Bryon Gutow) February 3, 2021.

Vice President Kevin Graves advised of finance update and budget process. He expressed contentment with current usage of budget.

- b. Internal Operations Committee Meeting (Committee Members Michael Callahan and Carolyn

Graham) February 3, 2021.

Director Michael Callahan advised the Board that the Committee was presented with a draft of COVID-19 Prevention Program. Also, there was a presentation of the Video Conferencing System Selection. Both of these items will be coming before the Board soon.

- c. Water and Wastewater Committee Meeting (Committee Members Kevin Graves and Ashley Porter) February 3, 2021.

Vice President Kevin Graves reported update on Water and Wastewater projects that were discussed. The projects discussed were Well 1B maintenance, Sludge Dredge replacement, and proposal for the denitrification project.

2. President Gutow – Training Report
 - a. Completion of state mandated “Anti-Harassment Training for Supervisors and Managers” (SB1343/AB1825) on 11/3/20.
 - b. Completion of state mandated “Local Agency Ethics” (AB1234) on 12/8/20.
3. Vice President Graves – Training Report
 - a. Completion of state mandated “Anti-Harassment Training for Supervisors and Managers” (SB1343/AB1825) on 1/26/21.
4. Director Porter – Training Report
 - a. Completion of state mandated “Anti-Harassment Training for Supervisors and Managers” (SB1343/AB1825) on 1/26/21.
 - b. Completion of state mandated “Local Agency Ethics” (AB1234) on 1/20/21.
 - c. Completion of “Brown Act Principles, Traps and Avoiding Intentional Violations” on 1/14/21.
 - d. Completion of “Special District Leadership Academy – Module 1: Governance Foundations” on 12/8/20.
5. Director Callahan – Training Report
 - a. Completion of state mandated “Anti-Harassment Training for Supervisors and Managers” (SB1343/AB1825) on 1/26/21.
 - b. Completion of state mandated “Local Agency Ethics” (AB1234) on 1/20/21.
 - c. Completion of “Brown Act Principles, Traps and Avoiding Intentional Violations” on 1/14/21.
6. Director Graham – Training Report
 - a. Completion of state mandated “Anti-Harassment Training for Supervisors and Managers” (SB1343/AB1825) on 1/26/21.
 - b. Completion of state mandated “Local Agency Ethics” (AB1234) on 1/20/21.
 - c. Completion of “Brown Act Principles, Traps and Avoiding Intentional Violations” on 1/14/21.

General Manager Mike Davies advised the Board that the above listed trainings have been completed by the noted Director.

K. CORRESPONDENCE RECEIVED (Information Only)

L. FUTURE AGENDA ITEMS

Director Michael Callahan requested to add request of Public to the next Regular Board Meeting regarding concern of the intersection at Highway #4 and Discovery Bay Boulevard.

M. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA

(Government Code Section 54957.7) Commenced at 8:32 p.m.

N. CLOSED SESSION:

1. Public Employee Performance Evaluation pursuant to Government Code 54957 (Position: General Manager).
2. Conference with Labor Negotiator Pursuant to Government Code 54957.6
Agency Designated Representative: Bryon Gutow/Rod Attebery
Unrepresented Employee: General Manager

O. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION

(Government Code Section 54957.1)

Board and Legal Counsel Andy Pinasco returned from Closed Session at 9:18 p.m. with no reportable action.

P. BUSINESS AND ACTION ITEMS

1. Discussion and Possible Action Regarding General Manager Compensation.
Motion by Director Ashley Porter to add \$12,000 into General Manager Mike Davies retirement fund in lieu of a salary increase and to start process of recruitment for a new General Manager for Town of Discovery Bay.

Motion Second by Vice President Kevin Graves.

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

Q. ADJOURNMENT

1. Adjourned to 9:21 p.m. to the next regular meeting of February 17, 2021 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."

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