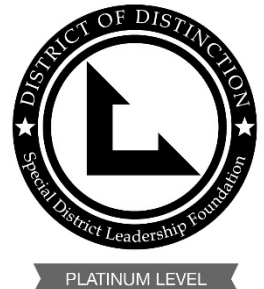




# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

**SDLF Platinum-Level of Governance**



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

**NOTICE OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY  
Wednesday January 18, 2023 7:00 P.M.**

**NOTICE  
Coronavirus COVID-19**

In response to the current proclaimed State of Emergency, indoor masking recommendations, and recommended measures to promote social distancing imposed by State and local officials, 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 (if available) 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 ZOOM WEBINAR:** <https://us06web.zoom.us/j/85454370841>

**TO ATTEND BY PHONE:** +1 (669) 444 9171 or +1 (719) 359 4580 **WEBINAR ID:** 854 5437 0841

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 from December 21, 2022.
2. Approve Register of District Invoices.
3. Approve Resolution 2023-01 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.
4. Elect Board Officers for Calendar Year 2023 – Ashley Porter Board President and Michael Callahan Vice-President.
5. Accept \$6000 Donation from Veolia North America to the Community Center.

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

**E. PRESENTATIONS**

1. Recognition of Director Kevin Graves' Service as President of the Board 2022.
2. Veolia Presentation.

**F. DISCUSSION AND POSSIBLE ACTION**

1. Discussion and Possible Action Regarding Board Member Appointments to Standing Committees.
2. Discussion and Possible Action Related to Board Member Appointments to Regional Committees.
3. Discussion and Possible Action to Set the Date and Time of the 2023 Annual Board Workshop.

**G. MANAGER'S REPORT**

**H. GENERAL MANAGER'S REPORT**

**I. DIRECTOR REPORTS**

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

1. TRANSPPLAN Committee Meeting – December 8, 2022 (Director Carolyn Graham).

**K. CORRESPONDENCE**

**L. LEGAL REPORT**

**M. MUNICIPAL ADVISORY COUNCIL**

**N. FUTURE AGENDA ITEMS**

**O. ADJOURNMENT**

1. Adjourn to the next Regular Meeting of the Board of Directors on February 1, 2023, beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

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

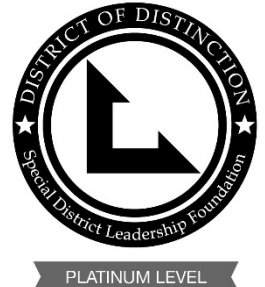
"Materials related to an item on the Agenda submitted to the Town of Discovery Bay after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

## SDLF Platinum-Level of Governance



President – 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 December 21, 2022, 7:00 P.M.**

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

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

1. Meeting called to order 7:00 p.m.
2. Pledge of Allegiance was led by Director Callahan.
3. Roll Call was taken and all members were present.
4. Oath of Office was conducted by General Manager Dina Breitstein. Newly elected directors Kevin Graves, Ashley Porter and Bryon Gutow were sworn in.

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

None.

**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 from December 7, 2022.
2. Approve Special Board of Directors DRAFT Meeting minutes from December 7, 2022.
3. Approve Register of District Invoices.
4. Approve Resolution 2022-42 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.
5. Approve the Storage Space Lease Agreement between the Town of Discovery Bay and the Discovery Bay Lions Club and a Storage Space Lease Agreement with the Discovery Bay Community Foundation.

Director Callahan made a Motion to Approve the Consent Calendar.

Vice-President Porter seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

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

None.

**E. PRESENTATIONS**

1. Veolia Presentation was postponed until the January 18, 2023 meeting.

**F. DISCUSSION AND POSSIBLE ACTION**

1. Discussion and Possible Action to Approve Board and Management Attendance at the 2023 Annual Discovery Bay Chamber of Commerce State of the Town Event.

Presented by General Manager, Dina Breitstein.

- Staff requests approval for the Board of Directors and Managers to attend the 2023 Annual Discovery Bay Chamber of Commerce State of the Town Event.

There was one public comment. The resident commented on the cost of the event.

District Legal Counsel, Andy Pinasco, stated that there would be no Brown Act considerations for this event. District business should not be discussed.

Director Graham made a Motion to approve Board and Management Attendance at the 2023 Annual Discovery Bay Chamber of Commerce State of the Town Event should they chose to attend.

Director Callahan seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

**G. MANAGER'S REPORT**

None.

**H. GENERAL MANAGER'S REPORT**

1. Town Comment Letter in Response to Delta Conveyance Project Draft Environmental Impact Report.

Presented by General Manager, Dina Breitstein.

- The Town worked with Luhdorff and Scalmanini, Diablo Water and the Contra Costa County Water Department to write a comment letter in response to Delta Conveyance Project Draft Environmental Impact Report.
- Will Nelson of the Contra Costa County Planning Department will be attending the February 1, 2023 Board of Directors meeting to discuss parcels in Discovery Bay and plans that they have for them.
- Staff learned that Cecchini Ranch is going to be submitting an application with the County in March or April 2023.
- The Town will be closed the afternoon of December 22, 2022 through January 2, 2023 for the holidays. Office will reopen Tuesday, January 3, 2023.

**I. DIRECTOR REPORTS**

None.

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

1. Liberty Union High School District Board Meeting – November 9, 2022. (President Kevin Graves)
2. LAFCO Meeting – November 9, 2022. (President Kevin Graves)
3. East County Water Management Association – November 3, 2022. (Vice-President Ashley Porter)

**K. CORRESPONDENCE**

1. Town Comment Letter in Response to Delta Conveyance Project Draft Environmental Impact Report Dated December 13, 2022.

**L. LEGAL REPORT**

1. General Manager's Annual Performance Evaluation.

Presented by Legal Counsel, Andy Pinasco.

- General Manager's Annual Performance Evaluation is planned for the first meeting in February 2023. Board of Directors will be receiving a performance evaluation packet for completion.

**M. MUNICIPAL ADVISORY COUNCIL**

None.

**N. FUTURE AGENDA ITEMS**

None.

**O. ADJOURNMENT**

1. Meeting adjourned at 7:15p.m. to the next Regular Meeting of the Board of Directors on January 18, 2023, 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."

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# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

Meeting Date

January 18, 2023

**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** \$ 533,814.36

**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 2022/2023

AGENDA ITEM: C2

**Request for Authorization to Pay Invoices**  
**For The Meeting On January 18, 2023**  
**Town of Discovery Bay CSD**  
**Fiscal Year 7/22 - 6/23**

Veolia Water North America	\$149,870.56
Pacific Gas & Electric	\$90,598.46
J.W. Backhoe & Construction, Inc.	\$76,521.02
Artisan Panels, Inc.	\$42,251.55
Town of Discovery Bay CSD	\$38,629.02
SWRCB	\$35,440.37
Robert Half	\$19,559.70
Badger Meter	\$14,115.40
Precision IT Consulting	\$10,165.45
Delta Fence Company, Inc.	\$7,290.00
BSK Associates	\$6,981.75
BrightView Landscape Services, Inc.	\$4,605.00
Watersavers Irrigation Inc.	\$4,442.61
Abacus Concrete	\$4,000.00
Water Utility Refund	\$3,541.23
Freedom Mailing Service, Inc	\$3,472.95
Mt Diablo Resource Recovery	\$2,476.16
Belkorp AG	\$2,069.32
Brentwood Press & Publishing	\$1,824.00
Big O Tires	\$1,742.18
Univar Solutions USA Inc.	\$1,724.57
Herwit Engineering	\$1,365.00
Verizon Wireless	\$1,193.15
Lincoln Aquatics	\$978.10
Alhambra	\$914.78
Carolyn Graham	\$690.00
Kevin Graves	\$690.00
Ricoh USA, Inc	\$583.38
Ashley Porter	\$575.00
Bryon Gutow	\$575.00
Michael Callahan	\$575.00
ODP Office Solutions, LLC	\$539.40
Bay Area Air Quality Mgmt. District	\$524.00
Core & Main LP	\$512.15
Streamline	\$480.00
Concentra	\$378.00
ULINE	\$345.55
UniFirst Corporation	\$304.45
Michelle Dominge	\$303.75
Geotab USA, Inc.	\$197.50
Cintas	\$192.18
Discovery Bay Marina	\$181.41
Denalect Alarm Company	\$126.00
Stericycle	\$95.32
Discovery Pest Control	\$70.00
Daniel Elliott	\$54.94
Department of Justice	\$49.00

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**\$533,814.36**



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION 2023-01**

**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, on March 4, 2020, the 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 Contra Costa County Health Officer, through guidance and current health orders, strongly encourages indoor masking for everyone, regardless of vaccination status, recommends measures for social distancing when individuals have been exposed to COVID-19, and also acknowledges that close contact to other persons increases risk of transmission.

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.

---

Ashley Porter  
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 January 18, 2023, by the following vote of the Board:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Dina Breistein  
Board Secretary



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

Meeting Date

January 18, 2023

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

**Agenda Title:** Elect Board Officers for Calendar Year 2023 – Ashley Porter President and Michael Callahan Vice-President.

**Recommended Action**

Elect the Board Officers for Calendar Year 2023 consistent with Board Policy 004: Board President – Ashley Porter; Board Vice-President – Michael Callahan.

**Executive Summary**

Yearly the Board of Directors elects a President and Vice-President. Board Policy 004 (amended February 21, 2018) designates the procedure for electing Board officers for the 2023 calendar year.

According to Policy 004, the following Directors will serve in calendar year 2023:

Board President: Ashley Porter  
Board Vice-President: Michael Callahan

**Previous Relevant Board Actions for This Item**

January 4, 2017 - Board Officers for Calendar Year 2017  
December 6, 2017 – Board Officers for Calendar Year 2018  
January 16, 2019 – Board Officers for Calendar Year 2019  
January 15, 2020 – Board Officers for Calendar Year 2020  
January 20, 2021 – Board Officers for Calendar Year 2021  
January 12, 2022 – Board Officers for Calendar Year 2022

**Attachments**

Board Policy 004

AGENDA ITEM: C4



## Town of Discovery Bay

<b>Program Area:</b> Board	<b>Policy Name:</b> Board Policy	<b>Policy Number:</b> 004
<b>Date Established:</b> June 19, 2002	<b>Date Amended:</b> February 21, 2018	<b>Resolution:</b> 2018-01

### PURPOSE

The purpose of the elected Board of Directors of the Town of Discovery Bay, a multipurpose independent special district, is to represent the residents within its boundaries in any and all matters covered under the California Government Code relating to a Community Services District.

In addition to the purposes listed in the Government Code, the District has been ordered by LAFCO and the Board of Supervisors to perform an advisory role for the residents of Discovery Bay. This role includes, but is not limited to, advising the County in matters of land use planning, zoning, compliance, roads and streets, lighting, landscaping, parks and public safety services.

### I. BOARD OF DIRECTORS

The governing body of the Town of Discovery Bay is a Board of Directors comprised of five (5) Board members elected by the registered voters of the District to serve four (4) year staggered terms. During the elections every two (2) years, either two (2) or three (3) Directors are elected to serve the District for the next four (4) years.

Yearly the Board of Directors elects a President and Vice-President. The President of the Board chairs the meeting, performs such duties as prescribed by State or Federal law and such other duties as prescribed by Board Policy or the established Bylaws of the Town of Discovery Bay. In the event of the President's absence, the Vice-President performs said duties.

Should the President and Vice President not be present to chair a meeting, the duties of the chair shall be performed by the Board member with the highest seniority. In the event seniority cannot be determined due to the date of the assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member.

The appointment of Board officers shall be established based upon the following schedule:

### **Board President**

In order to be considered to serve as President of the Board, the Board member must have served on the Board for a minimum 24 months prior to being considered for rotation into the Board President position. The Board Presidency shall be assigned to the Board member who has not served as President and who has met the 24 month requirement.

If more than one Board member has met the 24 month requirement and not served as President, the member with the longest tenure on the Board of Directors shall be the first person appointed to the position of President.

In the event each member of the Board has previously served as President at one point in their respective office, the Board member to serve as Board President shall be the member who has not served as President for the longest period time.

In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure.

### **Vice President**

The Vice President shall be the Director next in line to be President based on the then current service time. In order for a Board member to be considered for the position of Vice President, the Board member must have served on the Board for a minimum of 12 months prior to being considered for rotation into the Board Vice President position. The Board Vice President shall be assigned to the Board member who has not served as Vice President and who has met the minimum 12 month service requirement.

In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure.

## **II. POWER OF THE BOARD**

The Board of Directors recognizes its duty to formulate and approve the policy program for the operation, control, administration and planning of the District's facilities and activities of the District.

Board meetings shall be noticed and shall take place pursuant to the Ralph M Brown Act of 1953, as amended (hereafter, Brown Act).

The parliamentary procedure for conducting all meetings will be Rosenberg's Rules of Order.

The Board meets its obligations to the electorate by performing as a legislative, administrative and control body.

The Board may have standing committees and may appoint ad hoc committees as the need arises. The District's General Manager or Designee may serve as staff support to those committees.

In the discharge of their duties, Directors shall comply with all applicable local, state and federal laws, including, but not limited to, the participation in and completion of any mandatory training program for Directors required by California law.

### **III. RESPONSIBILITIES**

#### **A. Responsibilities of the Board of Directors:**

1. To select a General Manager as the Board's chief administrative officer and professional advisor and properly delegate to him or her the authority and responsibility to execute its' policies, enforce its rules and regulations, and administer the facilities, programs, and services of the District. Provide the General Manager with the necessary personnel and resources to carry out his or her responsibilities.
2. To adopt a District budget that provides the best possible facilities, programs, and services, within the limits of fiscal responsibility, to the people of the District.
3. To adopt a comprehensive set of Board policies and administrative procedures to govern the operation of the District. These policies and procedures shall be amended and revised as appropriate and shall be compiled and published in a Board Policies Manual. The District shall keep at its offices a master copy of such manual, which shall be kept for all purposes the official record of the Board policies of the District.
4. By motion, resolution, or ordinance conduct the business of the District, taking those actions that ensure that satisfactory services are provided throughout the community.
5. Keep informed on agenda items and on-going business of the Board.
6. Be well informed on the provisions of laws, ordinances and resolutions as they affect conduct of the District and the Board.
7. Attend meetings with promptness and regularity.
8. Elect officers and confirm standing and ad hoc committee members and District representatives to external agencies.
9. Initiate, review and approve plans that will satisfy future requirements, including a long-range plan (five (5) to ten (10) years).
10. Review and act upon plans and recommendations submitted by the Board committees and the General Manager. This action includes adoption, rejection, amendment or return to committee.

11. Single Board members will not represent the whole of the Board in other open or closed meetings without prior sanction by the majority direction of the Board.

## **B. GENERAL CONDUCT OF BOARD OF DIRECTORS AND OFFICERS**

### **1. No member of the Board or Officers of the District shall:**

- a. Represent his or her position as that of the Board unless the Board has acted upon that position.
- b. Make unsolicited statements to anyone other than the Board during Board deliberations.
- c. Issue any writings or statements to the press or public without clearly distinguishing which statements are his or her own and which are established Board positions.

### **2. Preparation and Commitment:**

- a. Shall respect the Board's commitment to work through the General Manager by requesting desired information about the District's programs/activities directly from him/her, by referring to him/her suggestions for new policies, for his/her professional advice, by refraining from acting on any complaint until after the General Manager has had an opportunity to investigate fully and report to the Board, and by wholeheartedly supporting Board approved actions of the General Manager and his/her staff.
- b. Accept the principle of Board unity or consensus by supporting majority decisions of the Board.
- c. Shall make decisions involving the welfare of the District based on factual information and evidence recognizing that personal feelings, opinions and other such factors are not conducive to sound decision making.
- d. Come prepared, ready to ask questions and make decisions.
- e. Do what is agreed upon.
- f. Respect confidentiality of Closed Session agenda items.
- g. Contact the General Manager prior to meeting for more information, if needed.

## **C. ADDITIONAL RESPONSIBILITIES OF THE BOARD MEMBERS**

### **1. Orientation of Board Members**

- a. The Board of Directors recognizes its responsibility in helping and assisting a newly elected or appointed Board member to understand the operation of the District as well as the roles and responsibilities of a member of the Board. The Board and General Manager shall assist each new member-elect to understand the Board functions, policies, procedures, roles, duties and responsibilities of members of the Board. The following methods shall be employed:

- b. The new member shall be given selected material on the duties and responsibilities associated with Board membership. These materials shall include, but are not limited to: The Government Code dealing with Community Services Districts, the Ralph M. Brown Act, the California Public Records Act, Board Policies, and any pertinent publications issued by the California Special Districts Association, the California Parks and Recreation Society and other agencies, as needed.
- c. As soon as practical after the new Board member assumes office, an orientation meeting with General Manager will be held prior to the first Board meeting to acquaint the new member with details of District operations.
- d. The incoming member may meet with the General Manager and members of his staff to discuss services they perform for the Board and the District.

## **2. Policy Violations**

- a. Board Members who intentionally or repeatedly do not comply with this Policy may be reprimanded or formally censured by the Board of Directors.

## **D. Responsibilities of a Committee Chairperson**

1. Undertake the specific tasks or assignments as established by the Board or Board President together with the participation of the other members of the committee.
2. Plan and schedule the necessary activities and obtain commitments for the necessary resources to complete the assignment.
3. Present a report on status and progress to the Board at appropriate times as designated by the President.
4. Prepare recommendations and justification for any proposed action and submit to the Board for decision and implementation when approved.
5. Provide overall leadership of the committee.
6. Perform the duties of a Board member if appropriate.



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

**Meeting Date**

January 18, 2023

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

**Agenda Title**

Accept \$6,000 Donation from Veolia North America to the Community Center.

**Recommended Action**

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

**Executive Summary:**

Veolia North America ("Veolia") is the contract operator of the Town's water and wastewater plants. Veolia has annually donated \$6000 to the Community Center. For 2023, Veolia is again making a \$6000 donation that will be directed to the Community Center. Staff's recommendation is to approve and accept the donation.

**Previous Relevant Board Actions for This Item**

**Attachments**

AGENDA ITEM: C5





Water and Waste Water Monthly Report  
Town of Discovery Bay

*Presented December 2022*

## Safety & Training

Safe Work Days: 4,842

### VNA University:

Cold Stress

Winter Safety

### Weekly Safety Topics:

11/2 – Regional Site Safety Visit Recap

11/9 – Confined Space

11/16 – Winter Preparation Checklist

11/23 – Flash Safety Alert: Neck, Arms, Back, Shoulder Strains

11/30 – Hazmat 4 Routes of Entry

## Water Well Status

Willow WTP

01

Active

02

Active

06

Active

Newport WTP

04

Active

05

Active  
(Emergency)

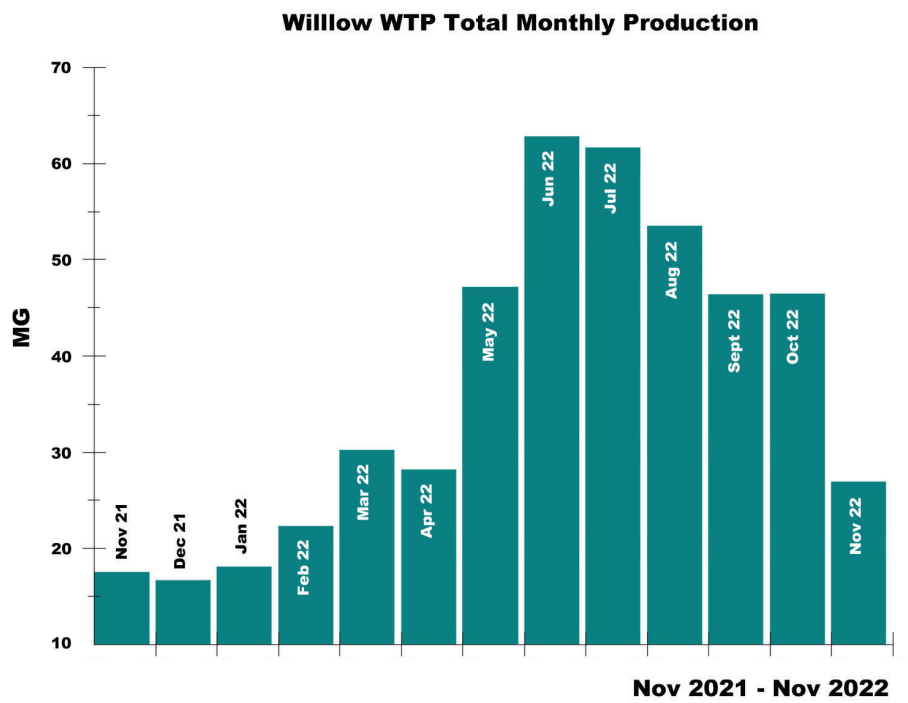
07

Active

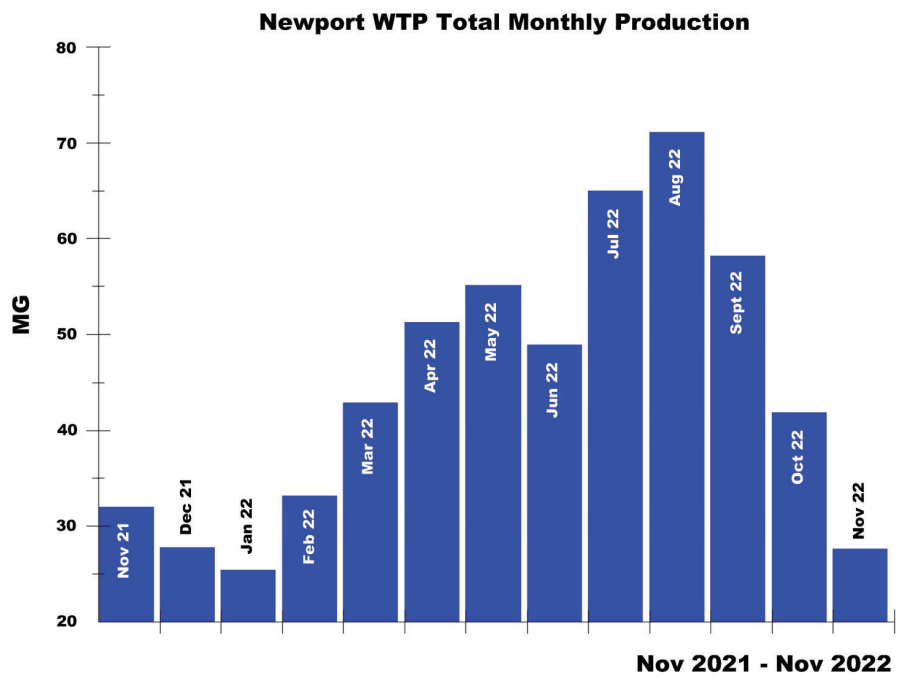
## Water Production & Chemicals

	Production (MG)	Chemicals (gal) (Sodium Hypochlorite)
Willow WTP	26.88	1,066
Newport WTP	28.49	542
TOTAL	55.37	1,608

## Water Production - Willow Total Monthly Production



## Water Production - Newport Total Monthly Production



## Water Compliance

Coliform Samples Collected: 25

Coliform Positive Results: 0

Water Quality Complaints: 0

Hydrant Flushing: 0

Valve Exercising: 0

## Lift Station Status

**A**

Active

**C**

Active

**D**

Active

**E**

Active

**F**

Active

**G**

Active

**H**

Active

**J**

Active

**R**

Active

**S**

Active

**Newport**

Active

**Lakeshore**

Active

**Lakes**

Active

**Lakes 4**

Active

**Bixler**

Active

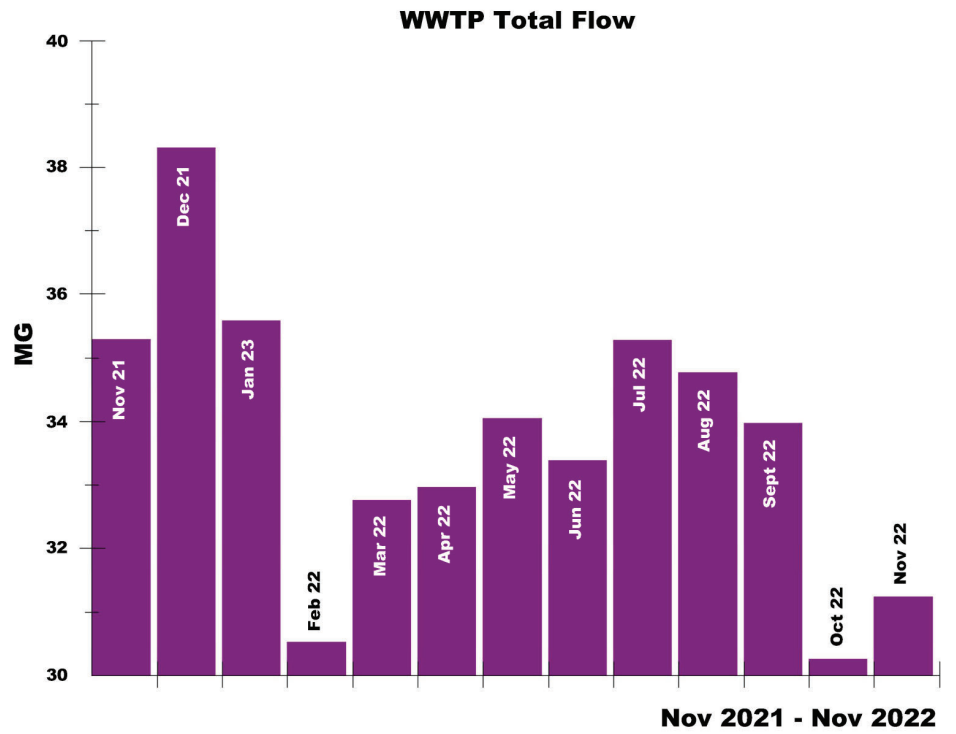


## Wastewater Flow & Chemicals

WW Plant 1	Total Flow (MG) 0	Influent Flow avg. (MG) 0	Discharge Flow avg. (MG) 0
WW Plant 2	Total Flow (MG) 31.24	Influent Flow avg. (MG) 1.15	Discharge Flow avg. (MG) 1.04
	Last Year Flow (MG) 35.29	Polymer (gal) 0	Alum (gal) 0

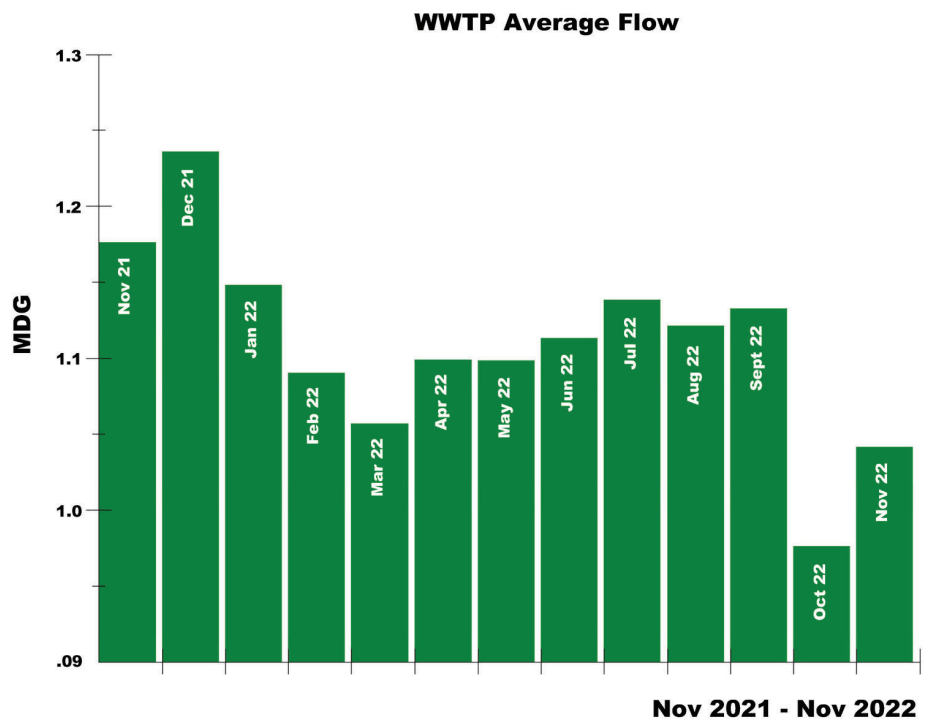
## WWTP 2

### Total Monthly Flow



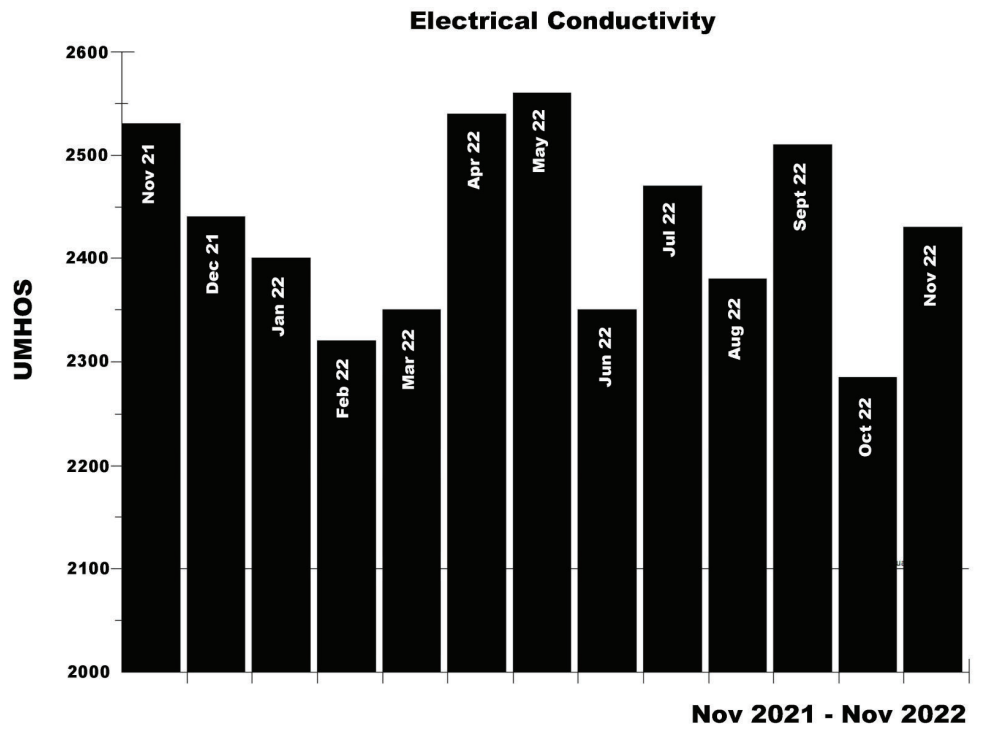
## WWTP 2

### Average Discharge Flow



## WWTP 2

### Monthly Conductivity



## Wastewater Compliance

Effluent BOD<sub>5</sub>, mg/L < 10: **1.2**

Effluent TSS, mg/L < 10: **1.0**

Total Coliform 7 day median < 23: **ND**

Total Coliform daily max < 240: **ND**

Eff NTU daily avg < 2: **1**

Eff Ammonia (N), mg/L < 8.4: **ND**

Removal BOD<sub>5</sub>, monthly > 85%: **99.6%**

Removal TTS, monthly > 85%: **99.6%**

Conductivity annual avg < 2,400: **2,418**

**Maintenance  
& Improvements**

SSOs: 0

Customer Inquires: 0



Water and Waste Water Monthly Report  
Town of Discovery Bay

*Presented January 2023*

## Safety & Training

Safe Work Days: 4,873

### VNA University:

Bloodborne Pathogens: Safety in the  
Workplace (OSHA Annual)

Active Shooter / Active Threat

### Weekly Safety Topics:

12/7 – Attack on NC Power Grid Review ERP / Carbon Monoxide

12/14 – Flash Training: Flu / Winter Exposure Illnesses

12/21 – Flash Training: Holiday Safety

12/28 – Rain Safety, JSA Improvements, Permit Changes



## Water Well Status

Willow WTP

01

Active

02

Active

06

Active

Newport WTP

04

Active

05

Active  
(Emergency)

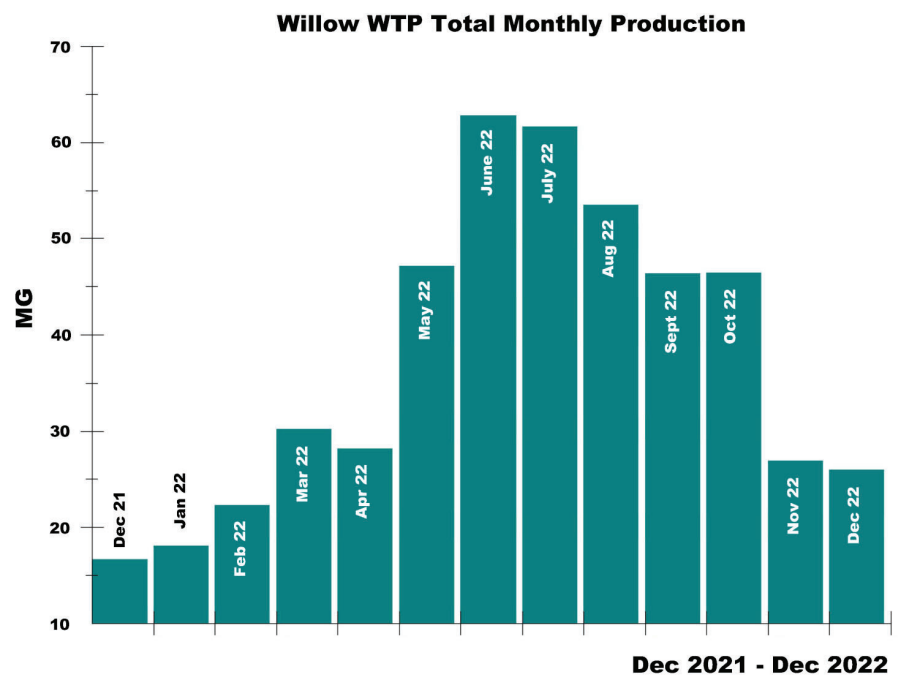
07

Active

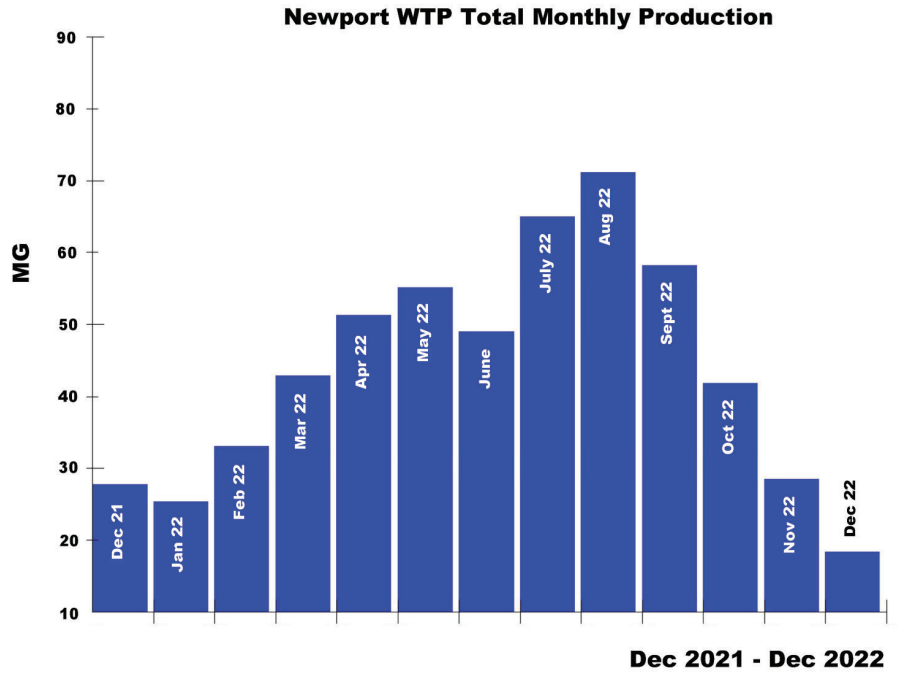
## Water Production & Chemicals

	Production (MG)	Chemicals (gal) (Sodium Hypochlorite)
Willow WTP	26.00	1,277
Newport WTP	18.36	361
TOTAL	44.36	1,638

## Water Production - Willow Total Monthly Production



## Water Production - Newport Total Monthly Production



## **Water Compliance**

Coliform Samples Collected: 20

Coliform Positive Results: 0

Water Quality Complaints: 0

Hydrant Flushing: 0

Valve Exercising: 0

## Lift Station Status

**A**

Active

**C**

Active

**D**

Active

**E**

Active

**F**

Active

**G**

Active

**H**

Active

**J**

Active

**R**

Active

**S**

Active

**Newport**

Active

**Lakeshore**

Active

**Lakes**

Active

**Lakes 4**

Active

**Bixler**

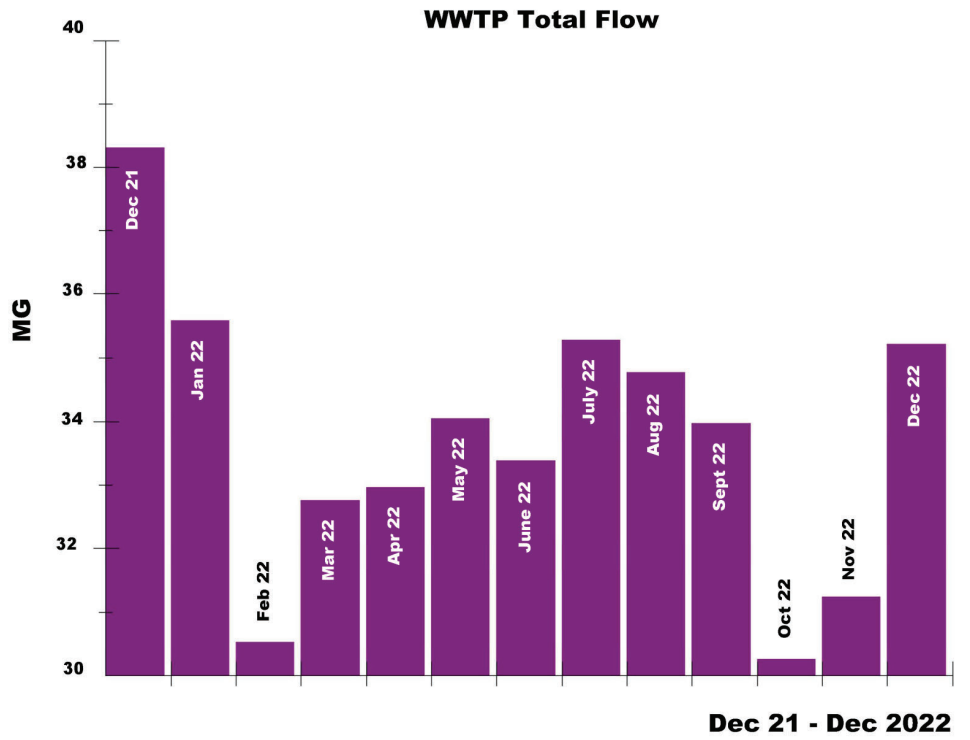
Active

## Wastewater Flow & Chemicals

WW Plant 1	Total Flow (MG) 0	Influent Flow avg. (MG) 0	Discharge Flow avg. (MG) 0
WW Plant 2	Total Flow (MG) 35.21	Influent Flow avg. (MG) 1.28	Discharge Flow avg. (MG) 1.14
	Last Year Flow (MG) 38.31	Polymer (gal) 200	Alum (gal) 30

## WWTP 2

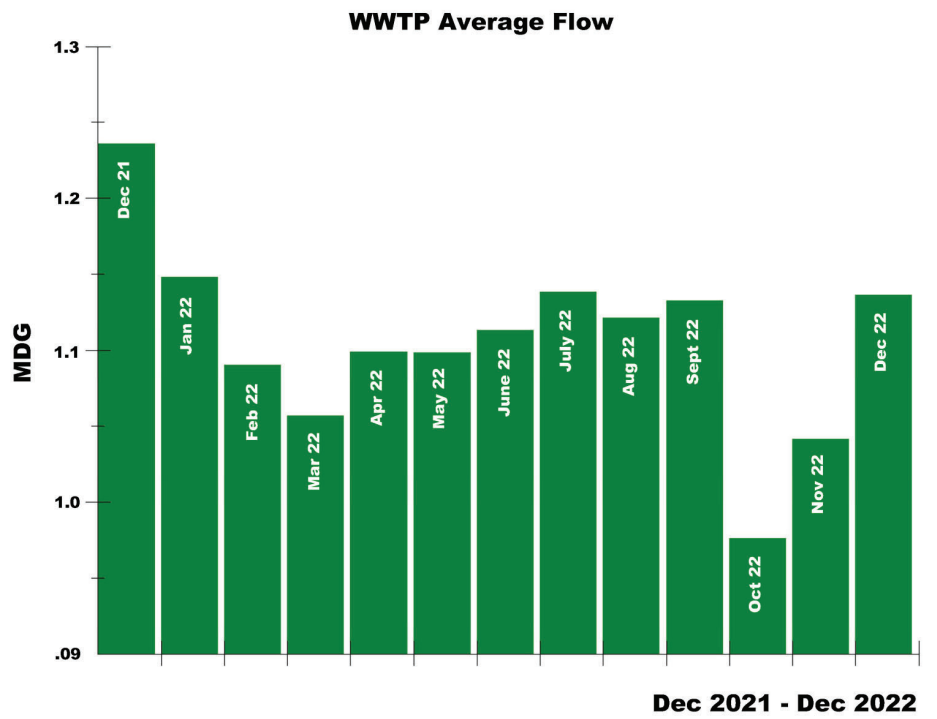
### Total Monthly Flow





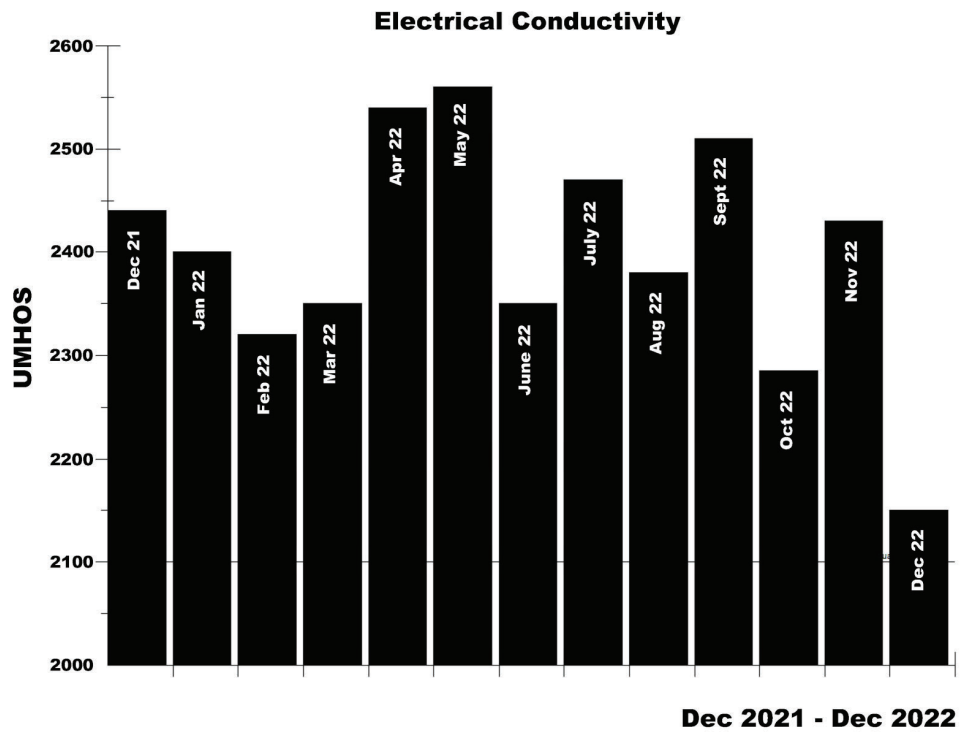
## WWTP 2

### Average Discharge Flow



## WWTP 2

### Monthly Conductivity



## Wastewater Compliance

Effluent BOD<sub>5</sub>, mg/L < 10: **3.8**

Effluent TSS, mg/L < 10: **1.1**

Total Coliform 7 day median < 23: **<2**

Total Coliform daily max < 240: **<2**

Eff NTU daily avg < 2: **1**

Eff Ammonia (N), mg/L < 8.4: **ND**

Removal BOD<sub>5</sub>, monthly > 85%: **97.8%**

Removal TSS, monthly > 85%: **99.1%**

Conductivity annual avg < 2,400: **2,395**

**Maintenance  
& Improvements**

SSOs: 0

Customer Inquires: 0



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

**Meeting Date**

January 18, 2023

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

**Agenda Title**

Discussion and Possible Action Regarding Board Member Appointments to Standing Committees.

**Recommended Action**

Select new two-year term Standing Committee appointments pursuant to Policy No. 002, Article IV, Section 2 of the Board's Bylaws.

**Executive Summary**

At the January 20, 2021 Regular Board Meeting, Standing Committee assignments for two-year terms were selected. Those Standing Committee terms have expired, and it is time to make new Standing Committee selections for a new two-year term.

Pursuant to Board Bylaws, Policy 002, Article IV, Section 2: "Board members will have preference of committee selections in the following order: President and Vice-President, followed by the senior most next consecutive Board members.... This procedure shall be used to fill two appointees to each Standing Committee." By this formula, priority selection is as follows:

1. President Porter
2. Vice-President Callahan
3. Director Graves
4. Director Gutow
5. Director Graham

Committee Name	Location	Day and Time
Finance Committee	Community Center	Bimonthly (even months) on first Wednesday at 4:30pm
Water and Wastewater	Community Center	Monthly on first Wednesday at 5:30pm
Internal Operations	Community Center	Bimonthly (even months) on first Wednesday at 3:30pm
Parks and Recreation	Community Center	Bimonthly (odd months) on first Wednesday at 4:30pm
Communications	Community Center	Bimonthly (odd months) on first Wednesday at 3:30pm

**Previous Relevant Board Actions for This Item**

January 20, 2021

**Attachments**

1. Bylaws Policy No. 002.
2. Standing Committee Selection Worksheet

**AGENDA ITEM: F1**



# Town of Discovery Bay

<b>Program Area:</b> Board	<b>Policy Name:</b> Bylaws	<b>Policy Number:</b> 002
<b>Date Established:</b> March 25, 1998	<b>Date Amended:</b> May 18, 2022	<b>Resolution:</b> 2022-16

## ARTICLE I

### NAME

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

## ARTICLE II

### PURPOSE

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

- A. To Operate as a Community Services District and provide water distribution, wastewater connection and treatment; and parks, landscaping and recreation services to the residents of Discovery Bay.
- B. To provide for those exercise of those powers set forth in Government Code §61000 et seq. (Community Services District Law).
- C. To continue the advisory responsibilities of the Discovery Bay Municipal Advisory Council;
- D. To serve the residents of the Town of Discovery Bay, in the manner provided by law.

## ARTICLE III

### BOARD OF DIRECTORS

#### Section 1. Board of Directors

The governing body of the District shall consist of five (5) elected Directors, each of whom shall serve for a term of four (4) year staggered terms. During elections every two (2) years, either two (2) or three (3) Directors are elected to serve to the District for the next four (4) years.

## **Section 2. Compensation**

The Board may authorize each Director to receive compensation of One Hundred and Fifteen Dollars (\$115.00) for each meeting of the Board attended, and One Hundred Fifteen Dollars (\$115.00) for each day's service not to exceed Six Hundred Ninety Dollars (\$690.00) per month as provided in Government Code §61047 and Chapter 2 commencing with Section 20200 of Division 10 of the Water Code.

Director participation in and completion of any mandatory training program for Directors required by California law shall be considered a single "day of service" approved for compensation only upon the Director's actual completion of each mandatory training program and the Director's delivery of a written report to the Board regarding the Director's participation in and completion of the mandatory training program at the next Board meeting following the Director's completion of the mandatory training program.

Director attendance at Regional Meetings shall only count as a compensated day of service when attendance at a Regional Meeting is specifically authorized in advance by the full Board.

Travel and such other necessary expenses actually incurred in performing District duties shall be reimbursed, and such reimbursement shall be in addition to the compensation specified herein consistent with the authorized Reimbursement and Travel Policy.

## **Section 3. Vacancies**

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

## **Section 4. Resignation**

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

# **ARTICLE IV**

## **OFFICERS**

### **Section 1. Elected Officers**

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

## **Section 2. Terms and Responsibilities of Elected Officers**

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

Board members shall comply with all applicable local, state, and federal laws, including, but not limited to, the participation in and completion of any mandatory training program for Board members required by California law.

Board members may serve on Standing Committees, Ad Hoc Committees, and attend Regional Meetings as necessary.

Board members shall be assigned to attend Regional Meetings. Director attendance at Regional Meetings as a representative of the Board shall only be compensated as a day of service, when attendance at a specific Regional Meeting is approved in advance by the full Board.

Regional Representation is to be assigned based upon the position held by the Board member and the seniority of each member of the Board. Board members will have preference of committee selections in the following order: President and Vice-President, followed by the senior most next consecutive Board members. In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure. This procedure shall be used to fill Primary and Alternate members to respective Regional Representation. Board Members shall be assigned to the Regional Meetings for a two-year term.

The Board shall maintain five (5) advisory Standing Committees. Two members of the Board of Directors shall be assigned to each Standing Committee. The Standing Committees and their subject matter and responsibilities are as follows:

### **1. WATER AND WASTEWATER COMMITTEE**

- a. Provide guidance/policy recommendations regarding all water and wastewater operations and planning.

### **2. PARKS AND RECREATION COMMITTEE**

- a. Provide guidance/policy recommendations regarding community center operations/activities, parks and recreation activities and landscaping efforts.

### **3. FINANCE COMMITTEE**

- a. Provide guidance/policy recommendations regarding budgets, investments/debt and the Public Financing Authority.

### **4. COMMUNICATIONS COMMITTEE**

- a. Provide guidance/policy recommendations regarding all Town of Discovery Bay Community Services District external communications activities.

### **5. INTERNAL OPERATIONS COMMITTEE**



- a. Provide guidance/policy recommendations regarding Town of Discovery Bay Community Services District personnel policies and general administration of the organization.

Each advisory Standing Committee shall meet within the boundaries of the Town of Discovery Bay Community Services District or at a Town of Discovery Bay Community Services District facility. Each Standing Committee shall establish its meeting schedule, which shall, at a minimum, meet at least quarterly. Said meetings shall be noticed pursuant to the Brown Act.

Board Standing Committees are to be assigned based upon the position held by the Board member and the seniority of each member of the Board. Board members will have preference of committee selections in the following order: President and Vice-President, followed by the senior most next consecutive Board members. In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure. This procedure shall be used to fill two appointees to each Standing Committee. Board Members shall serve on the Standing Committee for a two-year term. Board members may voluntarily trade committee assignments with another Board member by mutual consent.

The Board may establish Ad Hoc Committees that may become necessary from time to time to receive input from the public on a specific subject matter and limited in term, and formed by Resolution of the Board.

**A. General Responsibilities of the Board President**

1. Shall preside at all meetings of the board and such other meetings approved by the Board, and have authority to call for short recesses during meetings unless a majority of the Directors by vote oppose a recess.
2. Cooperatively work with the General Manager/Board Secretary and Staff on the preparation of CSD Meeting Agendas and its contents.
3. Shall serve as official spokesperson for the Board.
4. Shall designate Directors or others to represent the Board at various meetings, hearings, and conferences, as confirmed by the Board. May co-sign all checks for warrants approved by the Board.
5. Shall perform such other duties as necessary to carry out the work of the Board.
6. Shall perform such duties as prescribed by law.

**B. General Responsibilities of the Vice-President**

1. Shall serve in the absence of the President.

**C. Senior Most Board Member**

1. Shall serve in the absence of the President and the Vice-President.
2. In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure.

## ARTICLE V

### APPOINTED OFFICERS

#### Section 1. Appointed Officers

- A. The appointed officers of the District shall be General Manager, and a Secretary, who may be the same person, but neither of whom shall be a Director. The duties of the appointed officers shall be as specified in law, and as directed by the Board.
- B. Pursuant to Government Code §61050(c), the District's General Manager shall serve as the District Treasurer, and shall be the depository and have the custody of all of the district's money except those accounts that are lawfully on deposit with Contra Costa County.

The Board may appoint such other officers as it deems necessary.

#### Section 2. General Responsibilities of the General Manager

- A. Appraise and evaluate the effects of the Board policies and the manner of their execution, and the efficiency of District personnel in terms of services rendered to the people of the District.
- B. Provide leadership to staff in identifying District needs, establishing priorities and determining the objectives, which will achieve the established goals of the District.
- C. Encourage and assist staff in the performance of their duties and encourage their professional growth.
- D. Ensure evaluation of personnel under his/her direction.
- E. Interpret and publicize the programs and services of the District for and to the public.
- F. Provide financial oversight of the District and Contra Costa County pursuant to funds on deposit at that agency.
- G. Lead the District management team in the preparation of the budget, control of expenditures, inventory control, program planning, changing priorities and public relations.
- H. Perform the function of the District's Public Information Officer.
- I. Participate in community activities.

- J. Continue a program of professional development to assure and enhance staff's professional growth.
- K. Keep the Board informed of all communications affecting the District.

**Section 3. General Responsibilities of the Secretary of the Board**

- A. Certify official documents and letters as required.
- B. Maintain the official files and records of the Board.
- C. Prepare the agenda for the Board meetings.
- D. Prepare and distribute minutes of the meeting of the Board.
- E. Maintain historical record and newspaper articles.
- F. Post agendas, minutes, public notices and proposed action documents as required by Board and government regulations.

**ARTICLE VI**

**MEETINGS**

**Section 1. Regular and Special Meetings**

- A. The Board shall hold a regular meeting on the first (1st) and third (3rd) Wednesdays of each month, at the District Office located at 1800 Willow Lake Road, Discovery Bay, California 94505. Such regular meetings shall be for considering reports of the affairs of the District and for transacting such other business as may be properly brought before the meeting. Such meetings may be altered as to date, time and place, as provided for in a Resolution adopted by the Board.
- B. Special meetings may be called in accordance with the California Ralph M. Brown Act of 1953, as amended (hereafter Brown Act).

All meetings shall be conducted in accordance with the Brown Act.

**Section 2. Quorum**

The Board shall be empowered to conduct the business of the District whenever there is present at a properly called meeting, a quorum, as defined as comprising a majority of the existing Directors; normally three (3); except as otherwise provided by law. Pursuant to Government Code §61045, the affirmative votes of three (3) members of the Board are required for action to be taken.

**Section 3. Voting**

- A. Voting shall only be conducted at proper noticed meeting where a quorum has been established and members are physically present.
- B. Voting shall be by voice, show of hands, or roll call vote.
- C. Any vote that is other than unanimous shall be recorded by name of the voting member and whether the member voted "AYE", "NO" or "ABSTAIN".

**Section 4. Notice of Regular and Special Meetings**

- A. Notices of Regular Meetings shall be pursuant to the Brown Act. Such notices shall specify the place, the day, and the hour of the meeting and accompanying the notice shall be a copy of the agenda for that meeting.
- B. Notices of Special Meetings shall be pursuant to the Brown Act. In the case of special meetings, the notice, written or by telephone, shall specify the specific nature of the business to be transacted.

**ARTICLE VII**

**PAYMENTS, CONTRACTS, AND REPORTS**

**Section 1. Payments**

All checks, warrants, drafts, or other orders for payment of money, notes, or other evidences of indebtedness issued in the name of, or payable to, the District, shall be signed or endorsed by at least two of the District officials listed below:

- General Manager
- Assistant General Manager
- Finance Manager
- Member of the District Board of Directors

**Section 2. Contracts**

The Board, except as in the Bylaws otherwise provided, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of, and on behalf of, the District. Such authority may be general or confined to specific instances. Unless so authorized by the Board, no officer, agent, or employee shall have any power or authority to bind the District by any contract or engagement, to pledge its credit, or to render it liable for any purpose or to any amount.

**Section 3. Reports**

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

## **ARTICLE VIII**

### **PARLIAMENTARY AUTHORITY**

Rosenberg's Rules of Order, current edition or such other authority as may be subsequently adopted by resolution of the Board is to apply to all questions of procedure and parliamentary law not specified in these Bylaws or otherwise by law. All motions made at Board meetings shall require a second to the motion prior to the Directors voting. The President of the Board may unilaterally call for a recess at any time during a Regular or Special Meeting of the Board. The Board President may unilaterally adjourn the meeting unless a majority of the Board votes to continue the meeting.

## **ARTICLE IX**

### **AMENDMENTS**

The Bylaws may be repealed or amended, or new Bylaws may be proposed, by resolution and the affirmative vote of at least three (3) members of the Board at any regular meeting of the Board, provided notice of such proposal shall be in compliance with the Brown Act, as amended.

# STANDING COMMITTEE SELECTION WORKSHEET

COMMITTEE	DAY AND TIME	DIRECTOR	DIRECTOR
Finance Committee	Bimonthly (even months) on first Wednesday at 4:30pm		
Water and Wastewater	Monthly on first Wednesday at 5:30pm		
Internal Operations	Bimonthly (even months) on first Wednesday at 3:30pm		
Parks and Recreation	Bimonthly (odd months) on first Wednesday at 4:30pm		
Communications	Bimonthly (odd months) on first Wednesday at 3:30pm		



# Town of Discovery Bay

*“A Community Services District”*

## STAFF REPORT

**Meeting Date**

January 18, 2023

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

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

**Agenda Title**

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

**Recommended Action**

Select new two-year term Regional Committee appointments pursuant to Article IV of the Board's Bylaws.

**Executive Summary**

At the January 20, 2021 Regular Board Meeting, Regional Committee appointments for two-year terms were selected. As such, existing Regional Committee terms are expired.

Pursuant to Board Bylaws, Policy 002, Article IV, Section 2: "Board members shall be assigned to attend Regional Meetings.... Board members will have preference of committee selections in the following order: President and Vice-President, followed by the senior most next consecutive Board members.... This procedure shall be used to fill Primary and Alternate members to respective Regional Representation." By this formula, priority selection is as follows:

1. President Porter
2. Vice-President Callahan
3. Director Graves
4. Director Gutow
5. Director Graham

Pursuant to Article III, Section 2 of the Board Bylaws, "Director attendance at Regional Meetings shall only count as a compensated day of service when attendance at a Regional Meeting is specifically authorized in advance by the full Board."

Committee Name	Location	Day and Time
Contra Costa County Aviation Advisory Committee	550 Sally Ride Dr. Concord or 500 Eagle Court, Byron	2nd Thursday of the Month at 10:00 a.m.
Contra Costa County Code Enforcement	3361 Walnut Boulevard Suite 140 Brentwood	4th or 5th Thursday of the Month at 1:30 p.m.
Contra Costa Special Districts Association	5019 Imhoff Place, Martinez CA 94553	Bi-Monthly at 10:00 a.m.
Contra Costa County Fire Protection District Liaison	CCC Board Chambers 1025 Escobar Street, Martinez CA	Varying Tuesdays of the Month 1:00 PM
East County Water Management Association	69 Big Break Road, Oakley, CA 94561	Every 6 months at 11:30 a.m.
LAFCO Liaison	40 Muir Road, Martinez CA 94553	2nd Wednesday of the Month 1:30p.m.
Police Service (P6 Committee)	Community Center	Semiannual - TBD
School District Representative Liaison	14301 Byron Highway, Byron	3rd Thursday of the Month at 7:00 p.m.
Regional Transportation Agencies	As Necessary	As Necessary

**Previous Relevant Board Actions for This Item**

January 8, 2014 – Appointment of Board Members to District Representative Committee Positions.

December 16, 2015 – Board Officer Rotation Schedule and Appointment of District Representatives.

February 4, 2015 – Adopted District Representative Listing for Calendar Year's 2015-16.

February 18, 2015 – Amended Board Policy No. 004.

January 18, 2017 – Consider approving the proposal by the Board President to make modifications to the Board Bylaws and Policies related to staff sub-committees and regional committees.

April 5, 2017 – Discussion and Possible Action Related to District Board Member Regional Representation.

April 19, 2017 – Discussion and possible action on revised Bylaws regarding Regional Representation and appointments to Regional Committees as may be necessary.

June 7, 2017 – Discussion and Possible Action Regarding Regional Representatives.

January 16, 2019- Discussion and Possible Action Related to Board Member Appointment to Regional Committees.

January 20, 2021- Discussion and Possible Action Related to Board Member Appointment to Regional Committees

**Attachments**

1. Bylaws Policy No. 002.
2. Regional Committee Selection Worksheet

AGENDA ITEM: F2





# Town of Discovery Bay

<b>Program Area:</b> Board	<b>Policy Name:</b> Bylaws	<b>Policy Number:</b> 002
<b>Date Established:</b> March 25, 1998	<b>Date Amended:</b> May 18, 2022	<b>Resolution:</b> 2022-16

## ARTICLE I

### NAME

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

## ARTICLE II

### PURPOSE

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

- A. To Operate as a Community Services District and provide water distribution, wastewater connection and treatment; and parks, landscaping and recreation services to the residents of Discovery Bay.
- B. To provide for those exercise of those powers set forth in Government Code §61000 et seq. (Community Services District Law).
- C. To continue the advisory responsibilities of the Discovery Bay Municipal Advisory Council;
- D. To serve the residents of the Town of Discovery Bay, in the manner provided by law.

## ARTICLE III

### BOARD OF DIRECTORS

#### Section 1. Board of Directors

The governing body of the District shall consist of five (5) elected Directors, each of whom shall serve for a term of four (4) year staggered terms. During elections every two (2) years, either two (2) or three (3) Directors are elected to serve to the District for the next four (4) years.

## **Section 2. Compensation**

The Board may authorize each Director to receive compensation of One Hundred and Fifteen Dollars (\$115.00) for each meeting of the Board attended, and One Hundred Fifteen Dollars (\$115.00) for each day's service not to exceed Six Hundred Ninety Dollars (\$690.00) per month as provided in Government Code §61047 and Chapter 2 commencing with Section 20200 of Division 10 of the Water Code.

Director participation in and completion of any mandatory training program for Directors required by California law shall be considered a single "day of service" approved for compensation only upon the Director's actual completion of each mandatory training program and the Director's delivery of a written report to the Board regarding the Director's participation in and completion of the mandatory training program at the next Board meeting following the Director's completion of the mandatory training program.

Director attendance at Regional Meetings shall only count as a compensated day of service when attendance at a Regional Meeting is specifically authorized in advance by the full Board.

Travel and such other necessary expenses actually incurred in performing District duties shall be reimbursed, and such reimbursement shall be in addition to the compensation specified herein consistent with the authorized Reimbursement and Travel Policy.

## **Section 3. Vacancies**

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

## **Section 4. Resignation**

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

# **ARTICLE IV**

## **OFFICERS**

### **Section 1. Elected Officers**

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

## **Section 2. Terms and Responsibilities of Elected Officers**

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

Board members shall comply with all applicable local, state, and federal laws, including, but not limited to, the participation in and completion of any mandatory training program for Board members required by California law.

Board members may serve on Standing Committees, Ad Hoc Committees, and attend Regional Meetings as necessary.

Board members shall be assigned to attend Regional Meetings. Director attendance at Regional Meetings as a representative of the Board shall only be compensated as a day of service, when attendance at a specific Regional Meeting is approved in advance by the full Board.

Regional Representation is to be assigned based upon the position held by the Board member and the seniority of each member of the Board. Board members will have preference of committee selections in the following order: President and Vice-President, followed by the senior most next consecutive Board members. In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure. This procedure shall be used to fill Primary and Alternate members to respective Regional Representation. Board Members shall be assigned to the Regional Meetings for a two-year term.

The Board shall maintain five (5) advisory Standing Committees. Two members of the Board of Directors shall be assigned to each Standing Committee. The Standing Committees and their subject matter and responsibilities are as follows:

### **1. WATER AND WASTEWATER COMMITTEE**

- a. Provide guidance/policy recommendations regarding all water and wastewater operations and planning.

### **2. PARKS AND RECREATION COMMITTEE**

- a. Provide guidance/policy recommendations regarding community center operations/activities, parks and recreation activities and landscaping efforts.

### **3. FINANCE COMMITTEE**

- a. Provide guidance/policy recommendations regarding budgets, investments/debt and the Public Financing Authority.

### **4. COMMUNICATIONS COMMITTEE**

- a. Provide guidance/policy recommendations regarding all Town of Discovery Bay Community Services District external communications activities.

### **5. INTERNAL OPERATIONS COMMITTEE**

- a. Provide guidance/policy recommendations regarding Town of Discovery Bay Community Services District personnel policies and general administration of the organization.

Each advisory Standing Committee shall meet within the boundaries of the Town of Discovery Bay Community Services District or at a Town of Discovery Bay Community Services District facility. Each Standing Committee shall establish its meeting schedule, which shall, at a minimum, meet at least quarterly. Said meetings shall be noticed pursuant to the Brown Act.

Board Standing Committees are to be assigned based upon the position held by the Board member and the seniority of each member of the Board. Board members will have preference of committee selections in the following order: President and Vice-President, followed by the senior most next consecutive Board members. In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure. This procedure shall be used to fill two appointees to each Standing Committee. Board Members shall serve on the Standing Committee for a two-year term. Board members may voluntarily trade committee assignments with another Board member by mutual consent.

The Board may establish Ad Hoc Committees that may become necessary from time to time to receive input from the public on a specific subject matter and limited in term, and formed by Resolution of the Board.

**A. General Responsibilities of the Board President**

1. Shall preside at all meetings of the board and such other meetings approved by the Board, and have authority to call for short recesses during meetings unless a majority of the Directors by vote oppose a recess.
2. Cooperatively work with the General Manager/Board Secretary and Staff on the preparation of CSD Meeting Agendas and its contents.
3. Shall serve as official spokesperson for the Board.
4. Shall designate Directors or others to represent the Board at various meetings, hearings, and conferences, as confirmed by the Board. May co-sign all checks for warrants approved by the Board.
5. Shall perform such other duties as necessary to carry out the work of the Board.
6. Shall perform such duties as prescribed by law.

**B. General Responsibilities of the Vice-President**

1. Shall serve in the absence of the President.

**C. Senior Most Board Member**

1. Shall serve in the absence of the President and the Vice-President.
2. In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure.

## **ARTICLE V**

### **APPOINTED OFFICERS**

#### **Section 1. Appointed Officers**

- A.** The appointed officers of the District shall be General Manager, and a Secretary, who may be the same person, but neither of whom shall be a Director. The duties of the appointed officers shall be as specified in law, and as directed by the Board.
  
- B.** Pursuant to Government Code §61050(c), the District's General Manager shall serve as the District Treasurer, and shall be the depository and have the custody of all of the district's money except those accounts that are lawfully on deposit with Contra Costa County.

The Board may appoint such other officers as it deems necessary.

#### **Section 2. General Responsibilities of the General Manager**

- A.** Appraise and evaluate the effects of the Board policies and the manner of their execution, and the efficiency of District personnel in terms of services rendered to the people of the District.
  
- B.** Provide leadership to staff in identifying District needs, establishing priorities and determining the objectives, which will achieve the established goals of the District.
  
- C.** Encourage and assist staff in the performance of their duties and encourage their professional growth.
  
- D.** Ensure evaluation of personnel under his/her direction.
  
- E.** Interpret and publicize the programs and services of the District for and to the public.
  
- F.** Provide financial oversight of the District and Contra Costa County pursuant to funds on deposit at that agency.
  
- G.** Lead the District management team in the preparation of the budget, control of expenditures, inventory control, program planning, changing priorities and public relations.
  
- H.** Perform the function of the District's Public Information Officer.
  
- I.** Participate in community activities.

- J. Continue a program of professional development to assure and enhance staff's professional growth.
- K. Keep the Board informed of all communications affecting the District.

**Section 3. General Responsibilities of the Secretary of the Board**

- A. Certify official documents and letters as required.
- B. Maintain the official files and records of the Board.
- C. Prepare the agenda for the Board meetings.
- D. Prepare and distribute minutes of the meeting of the Board.
- E. Maintain historical record and newspaper articles.
- F. Post agendas, minutes, public notices and proposed action documents as required by Board and government regulations.

**ARTICLE VI**

**MEETINGS**

**Section 1. Regular and Special Meetings**

- A. The Board shall hold a regular meeting on the first (1st) and third (3rd) Wednesdays of each month, at the District Office located at 1800 Willow Lake Road, Discovery Bay, California 94505. Such regular meetings shall be for considering reports of the affairs of the District and for transacting such other business as may be properly brought before the meeting. Such meetings may be altered as to date, time and place, as provided for in a Resolution adopted by the Board.
- B. Special meetings may be called in accordance with the California Ralph M. Brown Act of 1953, as amended (hereafter Brown Act).

All meetings shall be conducted in accordance with the Brown Act.

**Section 2. Quorum**

The Board shall be empowered to conduct the business of the District whenever there is present at a properly called meeting, a quorum, as defined as comprising a majority of the existing Directors; normally three (3); except as otherwise provided by law. Pursuant to Government Code §61045, the affirmative votes of three (3) members of the Board are required for action to be taken.

**Section 3. Voting**

- A. Voting shall only be conducted at proper noticed meeting where a quorum has been established and members are physically present.
- B. Voting shall be by voice, show of hands, or roll call vote.
- C. Any vote that is other than unanimous shall be recorded by name of the voting member and whether the member voted "AYE", "NO" or "ABSTAIN".

**Section 4. Notice of Regular and Special Meetings**

- A. Notices of Regular Meetings shall be pursuant to the Brown Act. Such notices shall specify the place, the day, and the hour of the meeting and accompanying the notice shall be a copy of the agenda for that meeting.
- B. Notices of Special Meetings shall be pursuant to the Brown Act. In the case of special meetings, the notice, written or by telephone, shall specify the specific nature of the business to be transacted.

**ARTICLE VII**

**PAYMENTS, CONTRACTS, AND REPORTS**

**Section 1. Payments**

All checks, warrants, drafts, or other orders for payment of money, notes, or other evidences of indebtedness issued in the name of, or payable to, the District, shall be signed or endorsed by at least two of the District officials listed below:

- General Manager
- Assistant General Manager
- Finance Manager
- Member of the District Board of Directors

**Section 2. Contracts**

The Board, except as in the Bylaws otherwise provided, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of, and on behalf of, the District. Such authority may be general or confined to specific instances. Unless so authorized by the Board, no officer, agent, or employee shall have any power or authority to bind the District by any contract or engagement, to pledge its credit, or to render it liable for any purpose or to any amount.

**Section 3. Reports**

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

## **ARTICLE VIII**

### **PARLIAMENTARY AUTHORITY**

Rosenberg's Rules of Order, current edition or such other authority as may be subsequently adopted by resolution of the Board is to apply to all questions of procedure and parliamentary law not specified in these Bylaws or otherwise by law. All motions made at Board meetings shall require a second to the motion prior to the Directors voting. The President of the Board may unilaterally call for a recess at any time during a Regular or Special Meeting of the Board. The Board President may unilaterally adjourn the meeting unless a majority of the Board votes to continue the meeting.

## **ARTICLE IX**

### **AMENDMENTS**

The Bylaws may be repealed or amended, or new Bylaws may be proposed, by resolution and the affirmative vote of at least three (3) members of the Board at any regular meeting of the Board, provided notice of such proposal shall be in compliance with the Brown Act, as amended.



REGIONAL COMMITTEE	LOCATION	DAY AND TIME	PRIMARY DIRECTOR	ALTERNATE DIRECTOR
Contra Costa County Aviation Advisory Committee	550 Sally Ride Dr. Concord or 500 Eagle Court, Byron	2nd Thursday of the Month at 10:00 a.m.		
Contra Costa County Code Enforcement	3361 Walnut Boulevard Suite 140 Brentwood	4th or 5th Thursday of the Month at 1:30 p.m.		
Contra Costa Special Districts Association	5019 Imhoff Place, Martinez CA 94553	Bi-Monthly at 10:00 a.m.		
Contra Costa County Fire Protection District Liaison	CCC Board Chambers 1025 Escobar Street Martinez, CA 94553	Monthly at 1:00PM Tuesdays (weeks vary)		
East County Water Management Association	69 Big Break Road, Oakley, CA 94561	Every 6 months at 11:30 a.m.		
LAFCO Liaison	40 Muir Road, Martinez CA 94553	2nd Wednesday of the Month 1:30p.m.		
Police Service (P6 Committee)	Community Center	Semiannual - TBD		
School District Representative Liaison	14301 Byron Highway, Byron	3rd Thursday of the Month at 7:00 p.m.		



Regional Transportation Agencies	As Necessary	As Necessary		
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# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

Meeting Date

January 18, 2023

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

### Agenda Title:

Discussion and Possible Action to Set the Date and Time of the 2023 Annual Board Workshop.

### Recommended Action

Set date and time for 2023 Annual Board Workshop. Staff recommendation is Thursday, March 2, 2023 at 4:00pm.

### Executive Summary

Each year the Board schedules an interactive workshop with staff to review Town accomplishments and future direction.

Last year, the Annual Board Workshop was held Thursday, March 24, 2022 at 4:00pm.

Staff recommends Thursday, March 2, 2023 at 4:00pm for the next Board Workshop. This date and time allows staff the time necessary to prepare for the workshop and take input from the Board. The 4:00pm time frame, has in the past, been the most convenient time period for all Board Members to attend. Staff estimates that the workshop will not last longer than two hours.

**Primary Recommended Date: Thursday, March 2, 2023 at 4:00pm.**

Alternative Dates for Consideration: Day or Evenings: March 8<sup>th</sup> or 16<sup>th</sup>, 2023

### Previous Relevant Board Actions for This Item

February 2, 2017 Annual Board Workshop for 2017,  
March 1, 2018 Annual Board Workshop for 2018.  
March 7, 2019 Annual Board Workshop for 2019.  
March 5, 2020 Annual Board Workshop for 2020  
March 4, 2021 Annual Board Workshop for 2021  
March 24, 2022 Annual Board Workshop for 2022

AGENDA ITEM: F3

# TRANSPLAN Committee Meeting

## Thursday, December 8, 2022 – 6:30 PM

To slow the spread of COVID-19, the Contra Costa County Health Officer's most recent order of March 31, 2020, continues to prevent public gatherings. In lieu of a public gathering, the TRANSPLAN meeting will be accessible via Zoom Meeting to all members of the public, as permitted by the Governor's Executive Order 29-20. Members of the public may participate in the meeting online, or by telephone. To participate in the meeting please use the information.

### Join Zoom Meeting:

<https://us06web.zoom.us/j/83143710404?pwd=K1VSV2RLNW54NkFuVjFhdlorTUtYdz09>

### Or Telephone:

Dial:

USA +17207072699

Meeting ID: 831 4371 0404

Conference code: 625088

In lieu of making public comments at the meeting, members of the public also may submit public comments before or during the meeting by emailing comments to Robert Sarmiento at [Robert.Sarmiento@dcd.cccounty.us](mailto:Robert.Sarmiento@dcd.cccounty.us) or at (925) 655-2918.

All comments submitted by email to the above email address before the conclusion of the meeting will be included in the record of the meeting. When feasible, the Board Chair, or designated staff, also will read the comments into the record at the meeting, subject to a two-minute time limit per comment.

The TRANSPLAN Chair may reduce the amount of time allotted to read comments at the beginning of each item or public comment period depending on the number of comments and the business of the day. Your patience is appreciated. A break may be called at the discretion of the Board Chair.

We will provide reasonable accommodations for persons with disabilities to participate in TRANSPLAN meetings if they contact staff at least 48 hours before the meeting. Please contact Robert Sarmiento at [robert.sarmiento@dcd.cccounty.us](mailto:robert.sarmiento@dcd.cccounty.us).

## AGENDA

Items may be taken out of order based on the business of the day and preferences of the Committee.

1. **OPEN** the meeting. *6-30*
2. **ADOPT** a resolution authorizing TRANSPLAN to conduct teleconference meetings under Government Code section 54953(e) and make related findings (Assembly Bill 361- Open meetings: state and local agencies: teleconferences). ♦ **Page 3**
3. **ACCEPT** public comment on items not listed on agenda.  
Consent Items (see attachments where noted [♦])
4. **ADOPT** minutes from 8/11/22 TRANSPLAN Meeting. ♦ **Page 8**
5. **ACCEPT** environmental register. ♦ **Page 16**
  - a. TRANSPLAN Environmental Register
  - b. TRANSPLAN Comment Letter on the Pittsburg "Bay Walk Mixed-Use Project"
6. **ACCEPT** status report on major East County transportation projects. ♦ **Page 24**
7. **ACCEPT** miscellaneous communication:
  - a. Letter from the Contra Costa Transportation Authority (CCTA) Re: September 21, 2022 Board Meeting

*Diane Burgis, Chair*  
Contra Costa County  
Board of Supervisors

*Holland White, Vice-Chair*  
Pittsburg  
City Council

*Joel Bryant*  
Brentwood  
City Council

*Aaron Meadows*  
Oakley  
City Council

*Lamar Thorpe*  
Antioch  
City Council

*Kerry Motts*  
Antioch  
Planning Commission

*Anita Roberts*  
Brentwood  
Planning Commission

*Shannon Shaw*  
Oakley  
Planning Commission

*Sarah Foster*  
Pittsburg  
Planning Commission

*Bob Mankin*  
Contra Costa  
Planning Commission

Staff Contact:  
Robert Sarmiento  
TRANSPLAN  
30 Muir Road  
Martinez CA 94553  
Phone  
(925) 655-2918  
Email  
[Robert.sarmiento@dcd.cccounty.us](mailto:Robert.sarmiento@dcd.cccounty.us)  
Website  
<http://www.transplan.us>

♦ - An attachment has been included for this agenda item.

G:\Transportation\Committees\TRANSPLAN\TPLAN\_Year:2022-23\Meetings\Committee\12 - December\TRANSPLAN-Cmtee-December-2022.doc

- b. Letter from the Contra Costa Transportation Authority (CCTA) Re: October 19, 2022 Board Meeting
- c. Letter from the Contra Costa Transportation Authority (CCTA) Re: November 16, 2022 Board Meeting
- d. August 4, 2022 TRANSPAC Meeting Status Letter
- e. September 12, 2022 SWAT Committee Meeting Summary Report
- f. Notice of Intent to Prepare an Environmental Impact Statement and an Environmental Impact Report for the "State Route 239 Project" from Caltrans ♦ **Page 33**

Action/Discussion Items (see attachments where noted [♦])

*Continued  
to  
next  
meeting*

**8. ELECT Chair and Vice-Chair for 2023:** The TRANSPLAN Committee elects its officers on a rotational basis at the beginning of each calendar year. Elections of chair and vice chair are done in two separate motions. Both must be elected officials. The attachment shows the history of TRANSPLAN elections since 2015. ♦ **Page 50**

**9. APPOINT** TRANSPLAN Representatives to the Contra Costa Transportation Authority (CCTA) Board. The attachment shows the history of TRANSPLAN appointments to the CCTA Board since 2011. ♦ **Page 53** *meadows - next month alternate*

**10. ADOPT** 2023 TRANSPLAN meeting calendar. ♦ **Page 58**

**11. ADJOURN** to next meeting on Thursday, January 12, 2023, at 6:30 p.m. or other date/time as deemed appropriate by the Committee.

*6-8*

♦ = An attachment has been included for this agenda item.