



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



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

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

For the Regular Meeting of Wednesday

May 18, 2016

7:00 P.M. Regular Meeting

Community Center  
1601 Discovery Bay Boulevard



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



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

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

Wednesday May 18, 2016

REGULAR MEETING 7:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

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

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

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

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

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

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the agenda. The public may comment on any item on the Agenda at the time that item is before the Board for consideration. Any person wishing to speak must come up and speak from the podium. There will be no dialog between the Board and the commenter. Any clarifying questions from the Board must go through the Chair.

#### **C. CONSENT CALENDAR**

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approval of DRAFT minutes of special meeting for May 4, 2016
2. Approval of DRAFT minutes of regular meeting for May 4, 2016
3. Approve Register of District Invoices

#### **D. MONTHLY WATER AND WASTEWATER REPORT – VEOLIA**

1. Veolia Report – Month of April 2016

#### **E. BUSINESS AND ACTION ITEMS**

1. Consider authorizing the Prop 218 notification for the proposed Water and Wastewater Rates and set July 20, 2016, for the Prop 218 Public Hearing
2. Consider approving Resolution No. 2016-06 related to the November 8, 2016 election for the Board of Directors
3. Consider approving changes to the California Special District Association Bylaws
4. Consider approving the Contract with Luhdorff and Scalmanini, Consulting Engineers, in an amount of \$20,405.00 for the update to the Urban Water Management Plan
5. Consider approving Resolution No. 2016-07 for the Fire Hydrant Policy for the Town of Discovery Bay

#### **F. INFORMATIONAL ITEMS ONLY (NO ACTION NECESSARY)**

**G. PRESENTATIONS**

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

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

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

**K. DISTRICT LEGAL COUNSEL REPORT**

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

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

1. R – Letter from Hanson Bridgett LLP to East Contra Costa Fire Protection District regarding Legal Analysis Property Tax Revenue Transfers 04-29-2016
2. R - Letter from Contra Costa County Office of the Sheriff regarding vehicular speeding 04-28-2016
3. R - Letter & Brochure from Gary Phillips, Executive Vice-President regarding the Bob Murray, & Associates recruitment status update for the Town of Discovery Bay General Manager
4. R - Letter from Contra Costa County Supervisor Piepho regarding Brentwood Agricultural Land Trust's Acquisition
5. R - Contra Costa County Aviation Advisory Committee meeting minutes 03-10-2016
6. R - Contra Costa County Aviation Advisory Committee meeting minutes 04-14-2016
7. R - East Contra Costa Fire Protection District meeting minutes 04-04-2016

**N. PUBLIC RECORD REQUESTS RECEIVED**

**O. FUTURE AGENDA ITEMS**

**P. ADJOURNMENT**

1. Adjourn to the next Regular meeting of June 1, 2016 starting 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 twenty-four hours prior to the time of the meeting.”

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



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



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

## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY CSD

Wednesday, May 4, 2016

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

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

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

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

#### **A. ROLL CALL**

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

#### **B. PUBLIC COMMENT**

None

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

(Government Code Section 54957.7)

Legal Counsel Attebery – The Board is now adjourning into closed session regarding items D-1, D2, and D-3.

#### **D. CLOSED SESSION:**

1. Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8, Property: (Property address 2500 Channel Road, Property APN 008-330-017-8 and APN 008-330-057-4)
2. Conference with Legal Counsel—Existing Litigation pursuant to Government Code Section 54956.9(a)  
Name of Case and Case Number: Hofmann Land Development v. Town of Discovery Bay Community Service District  
Contra Costa County Sup. Ct. No, C-13-00274
3. Conference with Legal Counsel—Anticipated Litigation Pursuant to Government Code Section 54956.9(b)  
One potential Case

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

(Government Code Section 54957.1)

Legal Counsel Attebery – The Board has reconvened from closed session on the three items and there is no reportable action.

#### **F. ADJOURNMENT**

The meeting adjourned at 7:05 p.m. to the Regular Meeting on May 4, 2016 at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

//cmc – 05-06-16

<http://www.todb.ca.gov/agendas-minutes>



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



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

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

Wednesday May 4, 2016

REGULAR MEETING 7:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

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

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

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

Call business meeting to order – 7:08 p.m. by President Pease

Pledge of Allegiance – Led by Director Graves

Roll Call – All Present

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

None

#### **C. AREA AGENCIES REPORTS / PRESENTATION**

##### **1 Sheriff's Office Report**

Crime Prevention Specialist Fontenot - Provided the law enforcement report for the month of April. There was discussion with Crime Prevention Specialist Fontenot regarding 911 calls and vehicle stops. The Board thanked Sheriff Livingston for the additional patrol within Discovery Bay, in addition to staff attendance during Earth Day.

##### **2. CHP Report**

Officer Thomas – Provided an update of the services to the Town of Discovery Bay. There was discussion between Officer Thomas and the Board regarding the assistance given to the residents by Officer Thomas at the April 6<sup>th</sup> meeting. The Board thanked Officer Thomas for his assistance given to the residents.

##### **3. East Contra Costa Fire Protection District Report**

Chief Henderson – Provided an East Contra Costa Fire Protection District update regarding the calls and average response time for the month. Chief Henderson reported the Knightsen station would open on July 2<sup>nd</sup>. Chief Henderson also provided to the District a Memorandum from Hanson Bridgett, LLP regarding the legal analysis of the proposal to receive property tax revenue transfers from other agencies in the ECCFPD Service Area. The discussion continued regarding the MOU concept.

##### **4. Supervisor Mary Piepho, District III Report – Staff was not able to attend the meeting**

#### **D. COMMITTEE/LIAISON REPORTS**

##### **1. Trans-Plan Report – No Report**

##### **2. County Planning Commission Report – No Report**

##### **3. Code Enforcement Report – No Report**

##### **4. Special Districts Report\*\* – No Report**

\*\* These meetings are held Quarterly

**E. CONSENT CALENDAR**

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approval of DRAFT minutes of special meeting for April 20, 2016
2. Approval of DRAFT minutes of regular meeting for April 20, 2016
3. Approve Register of District Invoices

Motion by: Director Simon to approve the Consent Calendar

Second by: Vice-President Leete

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

**F. PRESENTATIONS**

1. Review Draft Five-Year Water and Five-Year Wastewater Rate Studies covering the period FY 2017-18 through FY 2021-22

Interim General Manager Kutsuris – Provided a brief introduction of Alison Lechowicz with Bartle Wells.

Bartle Wells Lechowicz – Provided the details of the presentation for the Draft Five-Year Water and Five-Year Wastewater Rate Studies covering the period FY 2017-18 through FY 2021-22. There was discussion between the Board and Bartle Wells regarding the presentation. President Pease commended Alison Lechowicz for the precise presentation. The discussion continued within the Board, the General Manager, the Finance Manager, Bartle Wells, Legal Counsel regarding the two options. The Board concurred with Water Rate Option 2 as well as the proposed Wastewater Rates.

**G. BUSINESS AND ACTION ITEMS**

1. Consider approving the revised lease terms, and authorizing the General Manager to sign a lease on behalf of the District for the closed fire station at 1535 Discovery Bay Boulevard

Interim General Manager Kutsuris – Provided the details of the changes to the proposed lease including increasing the lease cost from \$1200 to \$1300.00 per month, including a provision that the District will use all best efforts to vacate the site should the Fire District decide to reopen the station, and clarifying that any permanent improvements to the site would remain with the property at the termination of the lease.

Board President Pease asked that when the lease is renewed next year, that the District request a 4 or 5 year lease so that there is stability in the use of the building.

Motion by: Vice-President Leete to approve the revised lease for 1535 Discovery Bay Boulevard, and authorize the Interim General Manager to sign the lease on behalf of the District.

Second by: Director Graves

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

2. Consider approving the partial re-opening of the Ravenswood Splash Pad

Interim General Manager Kutsuris – Provided the details regarding the proposed re-opening of the Ravenswood Splash Pad and the details in relation to water conservation. It is estimated that the partial re-opening may alter our conservation achievement by approximately .4 of 1%. Director Simon expressed concern that this would be the wrong message about the need to conserve water.

Motion by: Director Graves to authorize the partial reopening of the Splash Pad

Second by: Vice-President Leete

Vote: Motion Carried – AYES: 4 – President Pease, Vice-President Leete, Director Graves, Director Steele, NOES: 1 – Director Simon

3. Consider providing comments to Contra Costa County regarding the exchange of property tax revenues related to the Byron-Bethany Irrigation District Detachment

Interim General Manager Kutsuris – Provided the details of the letter received regarding the exchange of property tax revenues related to the Byron-Bethany Irrigation District Detachment and the opportunity to comment.

Legal Counsel Attebery – Provided additional details in regards to the detachment of Byron-Bethany Irrigation District and how the detachment affects the taxing areas; Legal Counsel recommends: 1. Reach out to LAFCO to find out why the taxing area doesn't include property taxes from our district, even though our district provides a service; 2. On behalf of Discovery Bay provide a response to the letter in the packet and request participation. Staff recommends appointing the District President and one other member to work on this issue and to meet with Supervisor Piepho. The Board agreed to appoint the President Bill Pease along with Director Kevin Graves.

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

None

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

There was discussion within the Board, the General Manager, and Legal Counsel regarding the White Paper from East Contra Costa County Fire Protection District.

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

**1. Recreation Program Update – Mac Kaiser**

Recreation Programs Coordinator Kaiser – Provided the recreation activities within Discovery Bay. There was discussion between the Board and the Recreation Programs Coordinator regarding the activity guide and the many classes offered; in addition the changes within the layout of the Activity Guide/Pipeline and the cost savings. General Manager Kutsuris thanked the Recreation Programs Coordinator for his dedication and exceptional work developing recreation activities.

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

**1. Update of the Community Center Flag Pole Lighting**

Interim General Manager Kutsuris – Noted that the Flag Pole lighting has been corrected.

**2. Receive the DRAFT Annual Water Quality Report/Consumer Confidence Report – Reporting year 2015 Interim**

Interim General Manager Kutsuris – Provided the details in regards to the DRAFT Water Quality Report – for your information, the District had no violations.

Interim General Manager Kutsuris – Provided an update regarding the landscaping on Highway 4. There are challenges for Cal Trans maintenance for the possibility of landscaping.

**L. DISTRICT LEGAL COUNSEL REPORT**

None

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

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

**1. S - Letter to LAFCO - Agricultural and Open Space Preservation Policy 04-18-2016**

**2. R - Letter from LAFCO-TODB- Letter of Support-2016 Transparency Certificate of Excellence 04-25-2016**

**3. R – Contra Costa County Clerk-Recorder-Elections Department regarding the General Election 04-26-2016**

**O. PUBLIC RECORD REQUESTS RECEIVED**

None

**P. FUTURE AGENDA ITEMS**

Update on Bob Murray and the Comp Study

**Q. ADJOURNMENT**

The meeting adjourned at 8:38 p.m. to the next regular meeting of May 18, 2016 starting at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

//cmc – 05-11-16

<http://www.todb.ca.gov/agendas-minutes>



# Town of Discovery Bay

"A Community Services District"

## AGENDA REPORT

Meeting Date

May 18, 2016

**Prepared By:** Dina Breitstein, Finance Manager & Lesley Marable, Sr. Accounts Clerk  
**Submitted By:** Catherine Kutsuris, Interim 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** \$ 334,702.14

**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 2015/2016  
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 8 2015/2016  
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 9 2015/2016

AGENDA ITEM: C-3

**Request For Authorization To Pay Invoices (RFA)  
For The Meeting On May 18, 2016  
Town of Discovery Bay CSD  
For Fiscal Year's 7/15 - 6/16**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
<b>Contra Costa County Reimbursement</b>				
Tee Janitorial & Maintenance	8252	Janitorial Service April 2016 (Z57,Z61)	04/18/16	\$80.00
U.S. Bank Corporate Payment System	4246044555703473/416	Landscape Reimbursement (Z35,Z57,Z61)	04/25/16	\$241.61
Watersavers Irrigation Inc.	1686690-00	Landscape Maintenance (Z57)	04/26/16	\$613.62
<b>Contra Costa County</b>			<b>Sub-Total</b>	<b>\$935.23</b>

**Water**

Big Dog Computer	BDC33214	Outlook and Printer Service Call	04/27/16	\$73.00
Big Dog Computer	BDC33215	Software Connectivity Issue	04/27/16	\$34.00
Big Dog Computer	BDC33216	Create New Windows User	04/27/16	\$34.00
Big Dog Computer	BDC33217	Board Room Media Testing & Server Room AC	04/29/16	\$377.70
Big Dog Computer	BDC33218	Email Set Up	05/01/16	\$45.50
Big Dog Computer	BDC33220	Laserfische Backup Mapping	05/01/16	\$85.00
Brentwood Ace Hardware	808/043016	Fuel For Equipment	04/30/16	\$8.38
Brentwood Press & Publishing	185444	Summer Pipeline	04/25/16	\$1,402.80
CaliforniaChoice Benefit Admin	2442814/53040	Medical Benefits June 2016	04/27/16	\$3,839.11
Delta Debris Box Service	1185919	20 Yd Bin	04/30/16	\$106.20
Du-All Safety	17828	Safety Consultant April 2016	04/30/16	\$580.00
Freedom Mailing Service, Inc	28769	Water Bill Processing March 2016	04/12/16	\$993.40
Herwit Engineering	16-4	Vehicle Storage Facility	04/30/16	\$1,014.89
Herwit Engineering	16-4	Professional Services April 2016	04/30/16	\$539.23
J.W. Backhoe & Construction, Inc.	2571	Paved Wayfare Ct	04/29/16	\$2,815.42
J.W. Backhoe & Construction, Inc.	2572	Locate Water Services Sand Point Rd	04/29/16	\$646.40
Luhdorff & Scalmanini	31684	Groundwater Sustainability Plan	03/27/16	\$2,378.00
McFadden Construction, Inc.	15095/3	WWTP#2 Equipment Cover	04/30/16	\$22,923.95
National Meter & Automation, Inc.	S1070677.001	1 E Series Meters	04/27/16	\$9,135.36
Neumiller & Beardslee	276795	Hofmann v. TODB	04/27/16	\$25.80
Office Depot	834832022001	Office Supplies	04/19/16	\$47.90
ParcelQuest	8428-5-2016	2016-2017 Renewal	04/27/16	\$719.60
Paul E. Vaz Trucking, Inc.	41915	Material	04/27/16	\$751.24
Paul E. Vaz Trucking, Inc.	41916	Freight	04/27/16	\$829.65
ReliaStar Life Insurance Company	#JR52 457(B) 051516	457(b) 05/01/16-05/15/16	05/15/16	\$397.77
SWRCB	LW-1005711	Large Water System Fees July-Dec 2015	04/04/16	\$7,836.66
Tee Janitorial & Maintenance	8252	Janitorial Service April 2016	04/18/16	\$285.60
U.S. Bank Corporate Payment System	4246044555703473/416	Travel & Meetings	04/25/16	\$36.92
U.S. Bank Corporate Payment System	4246044555703473/416	Memberships	04/25/16	\$330.00
U.S. Bank Corporate Payment System	4246044555703473/416	Telephone General	04/25/16	\$585.68
U.S. Bank Corporate Payment System	4246044555703473/416	Telecom Networking	04/25/16	\$108.00
U.S. Bank Corporate Payment System	4246044555703473/416	Vehicle & Equipment Fuel	04/25/16	\$290.61
U.S. Bank Corporate Payment System	4246044555703473/416	Automotive Supplies & Repairs	04/25/16	\$37.43
U.S. Bank Corporate Payment System	4246044555703473/416	General Repairs	04/25/16	\$70.71
U.S. Bank Corporate Payment System	4246044555703473/416	Special Equipment	04/25/16	\$366.27
U.S. Bank Corporate Payment System	4246044555703473/416	Info System	04/25/16	\$1,515.48
U.S. Bank Corporate Payment System	4246044555703473/416	Misc. Small Tools	04/25/16	\$22.70
U.S. Bank Corporate Payment System	4246044555703473/416	Office Supplies	04/25/16	\$148.32
U.S. Bank Corporate Payment System	4246044555703473/416	Special Expense	04/25/16	\$118.90
Univar	SJ741836	Chemicals Delivered 04/20/16	04/20/16	\$180.68
Univar	SJ741837	Chemicals Delivered 04/20/16	04/20/16	\$273.02
Veolia Water North America	57682	Monthly O&M Fee May 2016	05/05/06	\$41,384.36
Verizon Wireless	9764482051	Cell Phone Bill April 2016	04/26/16	\$112.32

**Water Sub-Total \$103,507.96**

**Wastewater**

Bay Area Air Quality Management District	3UH07	Annual Permit 2016-2017	05/02/16	\$2,971.00
Big Dog Computer	BDC33214	Outlook and Printer Service Call	04/27/16	\$109.50
Big Dog Computer	BDC33215	Software Connectivity Issue	04/27/16	\$51.00
Big Dog Computer	BDC33216	Create New Windows User	04/27/16	\$51.00
Big Dog Computer	BDC33217	Board Room Media Testing & Server Room AC	04/29/16	\$566.56
Big Dog Computer	BDC33218	Email Set Up	05/01/16	\$68.25
Big Dog Computer	BDC33220	Laserfische Backup Mapping	05/01/16	\$127.50
Brentwood Ace Hardware	808/043016	Fuel For Equipment	04/30/16	\$12.58
Brentwood Ace Hardware	808/043016	General Repairs	04/30/16	\$86.26
Brentwood Press & Publishing	185444	Summer Pipeline	04/25/16	\$2,104.20
CaliforniaChoice Benefit Admin	2442814/53040	Medical Benefits June 2016	04/27/16	\$5,758.67
Cintas	185553484	Uniforms	04/27/16	\$23.89
Cintas	185554368	Uniforms	05/04/16	\$23.89
Comcast	8155400350232938/516	Internet Service WWTP#2	05/03/16	\$120.92
Comcast	8155400350232946/516	Internet Service WWTP#1	05/03/16	\$95.87
Delta Debris Box Service	1185919	20 Yd Bin	04/30/16	\$159.30
Du-All Safety	17828	Safety Consultant April 2016	04/30/16	\$870.00
Herwit Engineering	16-4	Vehicle Storage Facility	04/30/16	\$1,522.35

Herwit Engineering	16-4	Lift Station G	04/30/16	\$7,581.90
Herwit Engineering	16-4	Professional Services April 2016	04/30/16	\$808.85
Herwit Engineering	DB-MP-7-2	Effluent Filtration Project	04/30/16	\$495.00
J.W. Backhoe & Construction, Inc.	2573	Lift Station G Clean Up	04/29/16	\$1,005.40
McFadden Construction, Inc.	15095/3	WWTP#2 Equipment Cover	04/30/16	\$34,385.92
Neumiller & Beardslee	276795	Hofmann v. TODB	04/27/16	\$38.70
Office Depot	834832022001	Office Supplies	04/19/16	\$71.85
ParcelQuest	8428-5-2016	2016-2017 Renewal	04/27/16	\$1,079.40
ReliaStar Life Insurance Company	#JR52 457(B) 051516	457(b) 05/01/16-05/15/16	05/15/16	\$596.65
Stantec Consulting Services Inc	1034770	WWTP Master Plan Update	04/12/16	\$12,243.00
Tee Janitorial & Maintenance	8252	Janitorial Service April 2016	04/18/16	\$428.40
Telstar Instruments, Inc.	85646	Scada System	04/14/16	\$15,126.85
Town of Discovery Bay CSD	2	Reimbursement For PGE Funded Projects	05/10/16	\$1,231.02
U.S. Bank Corporate Payment System	4246044555703473/416	Travel & Meetings	04/25/16	\$55.37
U.S. Bank Corporate Payment System	4246044555703473/416	Telephone General	04/25/16	\$1,178.81
U.S. Bank Corporate Payment System	4246044555703473/416	Telecom Networking	04/25/16	\$162.00
U.S. Bank Corporate Payment System	4246044555703473/416	Vehicle & Equipment Fuel	04/25/16	\$269.65
U.S. Bank Corporate Payment System	4246044555703473/416	Automotive Supplies & Repairs	04/25/16	\$107.45
U.S. Bank Corporate Payment System	4246044555703473/416	General Repairs	04/25/16	\$19.52
U.S. Bank Corporate Payment System	4246044555703473/416	Info System	04/25/16	\$2,273.23
U.S. Bank Corporate Payment System	4246044555703473/416	Misc. Small Tools	04/25/16	\$34.04
U.S. Bank Corporate Payment System	4246044555703473/416	Postage	04/25/16	\$6.20
U.S. Bank Corporate Payment System	4246044555703473/416	Office Supplies	04/25/16	\$255.14
U.S. Bank Corporate Payment System	4246044555703473/416	Permits & Fees	04/25/16	\$52.50
U.S. Bank Corporate Payment System	4246044555703473/416	Special Expense	04/25/16	\$178.34
Veolia Water North America	57461	PGE Funded Project-Asphalt Bio-Solids Station	04/25/16	\$35,671.00
Veolia Water North America	57462	Vehicle & Equipment Maintenance March 2016	04/25/16	\$4,990.09
Veolia Water North America	57463	Secondary Improvements March 2016	04/25/16	-\$137.00
Veolia Water North America	57482	Large Replacement March 2016	04/24/16	\$14,946.52
Veolia Water North America	57483	Preventative & Maintenance March 2016	04/25/16	\$2,900.60
Veolia Water North America	57682	Monthly O&M Fee May 2016	05/05/06	\$62,076.55
Verizon Wireless	9764482051	Cell Phone Bill April 2016	04/26/16	\$168.48

**Wastewater Sub-Total \$215,024.17**

**Community Center**

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

**Grand Total \$319,467.36**

**Request For Authorization To Pay Invoices (RFA)**  
**For The Meeting On May 18, 2016**  
**Town of Discovery Bay, D.Bay L&L Park #8**  
**For Fiscal Year's 7/15 - 6/16**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
Big Dog Computer	BDC33219	Community Center-New User Set Up	05/01/16	\$398.49
Brentwood Ace Hardware	808/043016	Equipment Maintenance	04/30/16	\$172.40
Brentwood Ace Hardware	808/043016	Landscape Maintenance	04/30/16	\$187.29
Brentwood Ace Hardware	808/043016	Community Center-Earth Day	04/30/16	\$51.16
Brentwood Ace Hardware	808/043016	Community Center-Landscape Maintenance	04/30/16	\$222.86
Brentwood Ace Hardware	808/043016	Community Center-Building Maintenance	04/30/16	\$55.11
Brentwood Ace Hardware	808/043016	Community Center-Pool Maintenance	04/30/16	\$86.97
Brentwood Press & Publishing	185444	Community Center-Summer Activity Guide	04/25/16	\$3,507.00
Cintas	185553484	Uniforms	04/27/16	\$40.05
Cintas	185553484	Community Center-Mats	04/27/16	\$45.68
Cintas	185554368	Uniforms	05/04/16	\$40.05
Cintas	185554368	Community Center-Mats	05/04/16	\$45.68
Cintas	185554369	Personal Protective Equipment	05/04/16	\$38.14
Comcast	8155400350238372/416	Internet Service May 2016	04/22/16	\$58.34
Comcast	8155400350238372/416	Community Center-Internet Service May 2016	04/22/16	\$58.36
Delta Debris Box Service	1185919	20 Yd Bin	04/30/16	\$132.75
Discovery Bay Disposal	17-0001966/042916	2 Yd Bin	04/29/16	\$300.53
Discovery Bay Disposal	17-0013218/042916	Community Center-3 Yd Bin	04/29/16	\$419.77
Discovery Bay Lions Club Foundation	1	Community Center-Earth Day	04/23/16	\$168.00
Express Labs Inc.	64167	Community Center-Pre-Employment Screening	04/30/16	\$55.00
Karina Dugand	30	Community Center-Program Fees	03/31/16	\$1,057.50
Karina Dugand	31	Community Center-Program Fees	04/28/16	\$978.00
Lucia Peters	1	Community Center-Program Fees	04/26/16	\$576.00
Office Depot	833956843001	Community Center-Earth Day	04/15/16	\$22.96
Office Depot	833956509001	Community Center-Office Supplies	04/15/16	\$51.29
Tee Janitorial & Maintenance	8252	Janitorial Service April 2016	04/18/16	\$720.00
Tee Janitorial & Maintenance	8252	Community Center-Janitorial Service April 2016	04/18/16	\$260.00
U.S. Bank Corporate Payment System	4246044555703473/416	Telephone General	04/25/16	\$100.49
U.S. Bank Corporate Payment System	4246044555703473/416	Vehicle & Equipment Fuel	04/25/16	\$379.12
U.S. Bank Corporate Payment System	4246044555703473/416	Landscape Maintenance	04/25/16	\$196.69
U.S. Bank Corporate Payment System	4246044555703473/416	Misc. Services & Supplies	04/25/16	\$80.00
U.S. Bank Corporate Payment System	4246044555703473/416	Community Center-Earth Day	04/25/16	\$730.96
U.S. Bank Corporate Payment System	4246044555703473/416	Community Center-Telephone General	04/25/16	\$159.64
U.S. Bank Corporate Payment System	4246044555703473/416	Community Center-Vehicle & Equipment Fuel	04/25/16	\$5.72
U.S. Bank Corporate Payment System	4246044555703473/416	Community Center-Monthly Software	04/25/16	\$329.62
U.S. Bank Corporate Payment System	4246044555703473/416	Community Center-Landscape Maintenance	04/25/16	\$1,280.17
U.S. Bank Corporate Payment System	4246044555703473/416	Community Center-Building Maintenance	04/25/16	\$106.69
U.S. Bank Corporate Payment System	4246044555703473/416	Community Center-Pool Maintenance	04/25/16	\$60.39
U.S. Bank Corporate Payment System	4246044555703473/416	Community Center-Pool Chemicals	04/25/16	\$32.68
U.S. Bank Corporate Payment System	4246044555703473/416	Community Center-Misc. Service & Supplies	04/25/16	\$35.17
Verizon Wireless	9764482051	Cell Phone Bill April 2016	04/26/16	\$71.68
Verizon Wireless	9764482051	Community Center-Cell Phone Bill April 2016	04/26/16	\$71.69
			<b>Total</b>	<b>\$13,390.09</b>

**Request For Authorization To Pay Invoices (RFA)**  
**For The Meeting On May 18, 2016**  
**Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)**  
**For Fiscal Year's 7/15 - 6/16**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
Cintas	185553484	Uniforms	04/27/16	\$40.05
Cintas	185554368	Uniforms	05/04/16	\$40.05
Cintas	185554369	Personal Protective Equipment	05/04/16	\$38.15
Comcast	8155400350238372/416	Internet Service May 2016	04/22/16	\$58.39
Delta Debris Box Service	1185919	20 Yd Bin	04/30/16	\$132.75
Hydropoint Data Systems, Inc.	HR114435/1028990	Ravenswood WeatherTrak	04/15/16	\$225.00
Tee Janitorial & Maintenance	8252	Janitorial Service April 2016	04/18/16	\$280.00
U.S. Bank Corporate Payment System	4246044555703473/416	Telephone General	04/25/16	\$107.84
U.S. Bank Corporate Payment System	4246044555703473/416	Vehicle & Equipment Fuel	04/25/16	\$230.82
U.S. Bank Corporate Payment System	4246044555703473/416	Landscape Maintenance	04/25/16	\$506.83
U.S. Bank Corporate Payment System	4246044555703473/416	Misc. Service & Supplies	04/25/16	\$98.00
Verizon Wireless	9764482051	Cell Phone Bill April 2016	04/26/16	\$71.71
Watersavers Irrigation Inc.	1686680-00	Landscape Maintenance	04/26/16	\$15.10
			<b>Total</b>	<b>\$1,844.69</b>

# MONTHLY OPERATIONS REPORT

April 2016

Town of Discovery Bay, CA

**2436** Days of Safe Operations

**110,750** worked hours since last recordable incident

### TRAINING:

Safety, Operations, & Equipment

<b>Safety</b>	<b>Hours</b>
West Monthly Regional Safety Webinar	4.0
Weekly Safety Topics	
Confined Space	
<b>Operations</b>	
CWEA exhibit session	10.0
State Water Board workshop Total Coliform	

### REPORTS SUBMITTED TO REGULATORY AGENCIES

Monthly Discharge Monitoring Report (DMR)
Monthly electronic State Monitoring Report (eSMR)
Monthly Coliform Report, State Water Board (WD)
Quarterly Discharge Monitoring Report
Quarterly Water Quality Report

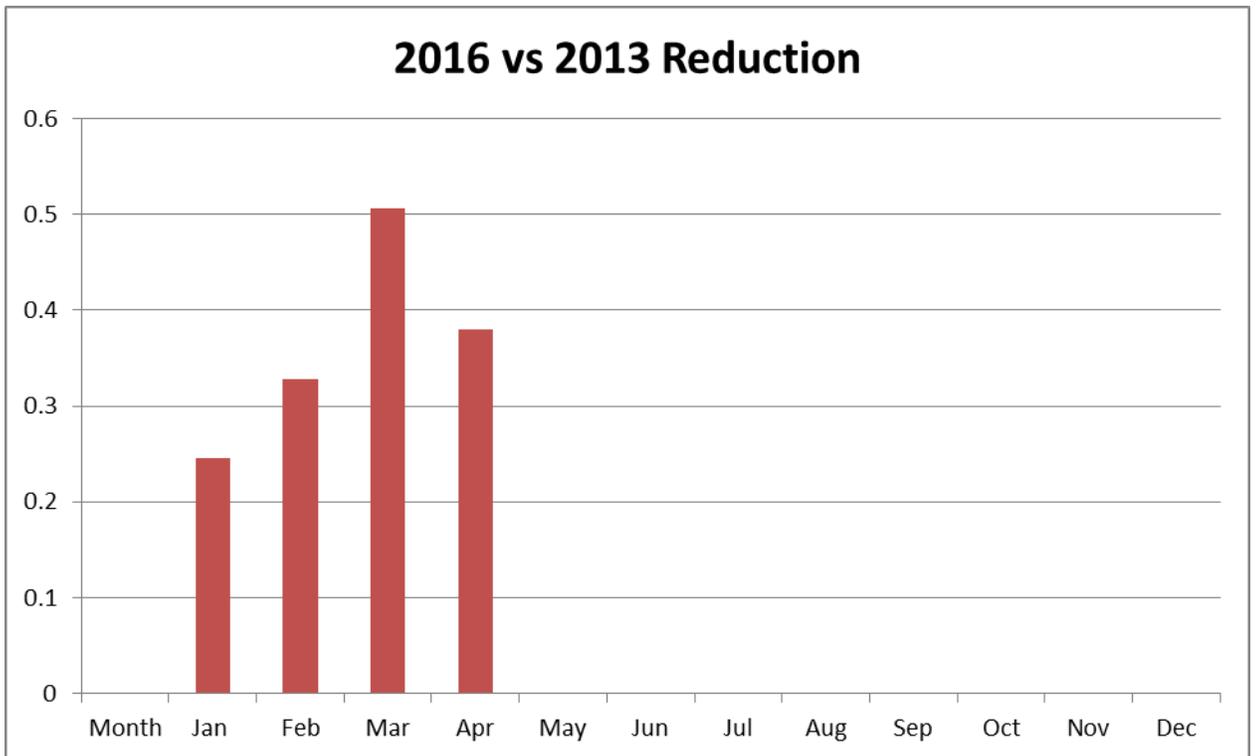
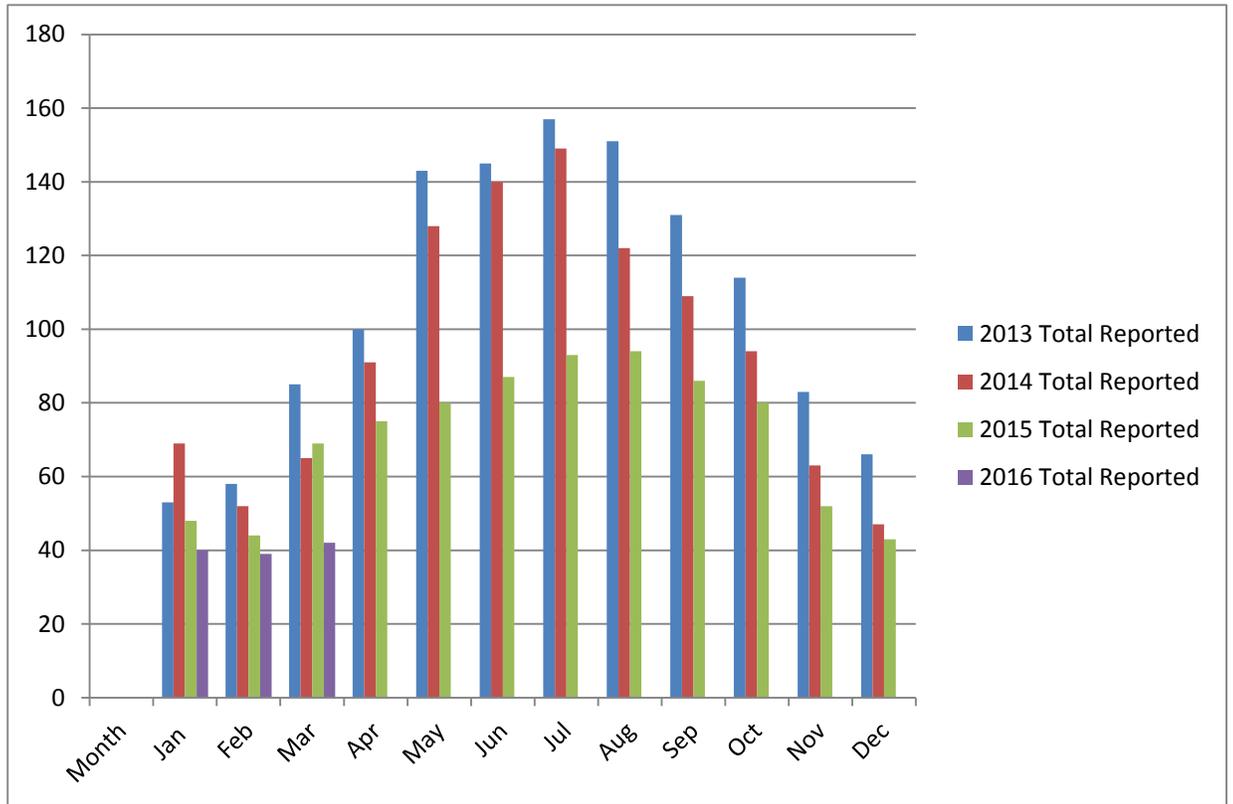
### WATER SERVICES

# of Active Wells	Water Produced (MG)	Chemical (Hypo) Delivered	Fire Hydrant Flushing
6	<b>62</b>	<b>2330</b>	<b>0</b>

*Note: Well 5 is active, stand by only.*

### 2016 Water Production Table (MG) by Month

January	February	March	April	May	June
<b>40</b>	<b>39</b>	<b>42</b>	<b>62</b>		
July	August	September	October	November	December



**Reused Water:**

**2.0 MG – January**

**2.2 MG - April**

**2.2 MG- February**

**2.5 MG- March**

**Bacteriological Test Results:**

Routine Bacteria Samples Collected	No. Total Coliform Positives	No. Fecal/E. coli Positives	Brown Water Calls
<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>

**WASTEWATER SERVICE**

**Wastewater Laboratory Analysis**

<i>WW Effluent Parameter</i>	<i>Permit Limits</i>	<i>March Lab Data</i>	<i>April Lab Data</i>
Flow, MG Effluent, <b>monthly total</b>		35	<b>33</b>
Flow, MG Daily Influent Flow, <b>avg.</b>	N/A	1.2	<b>1.2</b>
Flow, MG Daily Discharge Flow, <b>avg.</b>	<b>2.1</b>	1.1	<b>1.1</b>
Effluent BOD <sub>5</sub> , lbs/d, <b>monthly avg.</b>	<b>350</b>	37	<b>24</b>
Effluent TSS, lbs/d, <b>monthly avg.</b>	<b>525</b>	54	<b>37</b>
Effluent BOD <sub>5</sub> , mg/L, <b>monthly avg.</b>	<b>20</b>	4	<b>2</b>
Effluent TSS, mg/L, <b>monthly avg.</b>	<b>30</b>	6	<b>4</b>
Total Coli form 7 day Median Max	<b>23</b>	2.9	<b>1.3</b>
Total Coli form Daily Maximum	<b>240</b>	350*	<b>8</b>
% Removal BOD <sub>5</sub> , monthly avg.	<b>85% min.</b>	98	<b>99</b>
% Removal, TSS, monthly avg.	<b>85% min.</b>	95	<b>98</b>
Electrical Conductivity, umhos/cm <b>annual avg.</b>	<b>2100</b>	2080	<b>2083</b>

Blue – new parameter added

- Bad sample pulled, permit gives 1 over daily max per 30 days.

**National Pollution Discharge Elimination System (NPDES)**

NPDES Related Excursions	Permit Parameter	NPDES Parameter Limit	Actual Parameter Result
<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

**Bacteriological Test Results:**

Routine Bacteria Samples Collected	No. Total Coliform Positives	No. Fecal/E. coli Positives	7-Day Median Excursion
<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>

# of Active Lift Stations	# of Inactive Lift Stations	SSO	Wastewater Received (MG)
<b>12</b>	<b>0</b>	<b>0</b>	<b>33</b>

**COLLECTION:**

- Flushing 66,734 ft.
- CCTV 34,086 ft.
- Inspected 168 manhole & covers.
- Performed weekly lift station inspections.

**MAINTENANCE:**

**Preventive and Corrective**

Total # of WO's Completed	Total Hours
<b>195</b>	<b>224</b>

**Work Order Back-Log**

Aging 8 - 30 Days	Aging > 30 Days
<b>25</b>	<b>2</b>

**Call & Emergency Responses**

Call Outs	Emergencies
<b>6</b>	<b>0</b>

**Personnel Hours & Overtime:**

Regular Hours	Overtime
<b>1535</b>	<b>42</b>

**TERMS**

WWTP	WASTEWATER TREATMENT PLANT
WTP	WATER TREATMENT PLANT
WL	WILLOW LAKE
NP	NEWPORT
VFD	VARIABLE FREQUENCY DRIVE
WO	WORK ORDER
PLC	PROGRAMMABLE LOGIC CONTROLLER
L/S	LIFT STATION
SSO	SANITARY SEWER OVERFLOW
BOD	BIOLOGICAL OXYGEN DEMAND
TSS	TOTAL SUSPENDED SOLIDS
MGD	MILLION GALLONS PER DAY
mg/l	MILLIGRAMS PER LITRE
CCTV	CLOSED CIRCUIT TELEVISION
PPM	PARTS PER MILLION
RAS	RETURN ACTIVATED SLUDGE
WAS	WATSE ACTIVATED SLUDGE
UV	ULTRAVIOLET LIGHT



# Town of Discovery Bay

"A Community Services District"

## AGENDA REPORT

Meeting Date

May 18, 2016

Prepared By: Dina Breitstein, Finance Manager  
Submitted By: Dina Breitstein, Finance Manager 

### Agenda Title

Presentation of DRAFT Proposed Water and Wastewater Rate Study for the Periods FY 2016/17 through FY 2020/21

### Recommended Action

It is recommended that the Board of Directors: 1) Direct staff to set a Public Hearing for July 20, 2016 on the adoption of the proposed rate increase(s) for the period FY 2016-17 through FY 2020-21; (2) Direct staff to advertise the notice of the Public Hearing once a week for two weeks prior to the date set for the Public Hearing in a newspaper of general circulation; and 3) Direct staff to prepare the necessary adoption resolution pursuant to the Proposition 218 Public Hearing.

### Executive Summary

On July 1, 2015 the Board of Directors authorized Bartle Wells Associates to conduct a four year rate study for the five (5) year period beginning on July 1, 2016 and ending June 30, 2017. The proposed service rates have been developed in accordance with that action and scope of work. The *DRAFT* Rate Study is included and attached as a part of this report.

Pursuant to Proposition 218 approved by voters in 1996, each year the District finds it necessary to increase utility rates, a rate study and a public hearing must take place. The proposed overall blended service rates reflect an increase of 15% for FY 2016-17, 15% for FY 17-18 and 12% for each of the subsequent years as noted in the BWA Rate Study. It should be noted that these rates will continue thereafter (post FY 2021-21) and remain in effect until a subsequent Rate Study is completed and a Proposition 218 hearing is conducted.

The BWA rate study was determined based upon projected annual expenditures at the District in the Operating, Capital and Capital Replacement budgets for the next five (5) fiscal years. Additionally, this rate study and associated proposed rate adjustment(s) does not include any allowances for potential future development. The rates only provide for current Operations and Maintenance, necessary existing facility capital improvements, and the infrastructure and vehicle replacement funds.

The prior rate period witnessed larger than normal rate increases for both water and sewer. However, those increases were necessary to provide the necessary funding source to maintain annual debt service payments in order to support the list of projects included in the Capital Improvement Program Five-Year Budget.

Additionally, as indicated by the surveys included in the BWA study, Discovery Bay has a substantially lower water rate of the agencies surveyed, and the wastewater rates are competitive. When blended together, the overall rates paid by Discovery Bay residents are below the median of the Thirteen (13) agencies surveyed.

The Proposition 218 Public Hearing will take place on July 20, 2016. The Board will officially adopt the BWA Rate Study at the regular meeting of July 20, 2016.

Fiscal Impact: N/A

### Previous Relevant Board Actions for This Item

July 1, 2015 Authorize Water and Wastewater Rate Studies for the Periods FY 2016/17 through FY 2020/21 with Bartle Wells Associates

### Attachments

BWA Draft Rate Study for the period FY 2016-2021

AGENDA ITEM: E-1



# **Town of Discovery Bay Community Services District**

## **Water Rate Study Draft Report May 6, 2016**



**BARTLE WELLS ASSOCIATES**  
Independent Public Finance Consultants  
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Berkeley, California 94703  
[www.bartlewells.com](http://www.bartlewells.com)  
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Town of Discovery Bay Community Services District  
1800 Willow Lake Road  
Discovery Bay, CA 94505-9376

Re: Water Rate Study

Bartle Wells Associates (BWA) is pleased to submit to the Town of Discovery Bay Community Services District (Town) the attached Water Rate Study. The report presents BWA's analysis of the capital and operating costs of the water utility. It lists the assumptions and rate design objectives used in BWA's analysis. The report recommends updating rates and charges to more accurately recover the costs of providing service to the Town's customers. Recommendations were developed with substantial input from Town staff.

BWA finds that the water rates and charges proposed in our report to be based on the cost of service, follow generally accepted rate design criteria, and adhere to the substantive requirements of Proposition 218. BWA believes that the proposed rates are fair and reasonable to the Town's customers.

I enjoyed working with you on the rate study and appreciate the assistance and cooperation of Town staff throughout the project. Please contact me if you ever have any future questions about this study and the rate recommendations.

Yours truly,

Alison Lechowicz  
Vice President  
Bartle

Wells

Associates

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## Executive Summary

Bartle Wells Associates (BWA) was engaged by the Town of Discovery Bay Community Services District (Town) to review the rates and charges of the water enterprise fund and to recommend updates to better reflect the cost of providing service to the Town's customers. Throughout this report, BWA makes a number of recommendations and conclusions which are provided below. Ultimately, BWA recommends increasing the typical single family monthly bill by 15% in fiscal years (FY) 2017 and 2018 and 12% annually in FY2019 to FY2021. These rate increases are based on the cost of service, are fair to customers, and meet the substantive requirements of Proposition 218. A schedule of recommended rates is provided as Table ES-1.

### Key Findings

- The Town is in adequate financial shape, has positive net revenues, and has healthy fund reserves.
- The Town has made efforts to comply with mandatory water reductions set forth by the State Water Resource Control Board. The Town is required to reduce potable water usage by 29%. Drought water use is reflected in this report.
- The Town is planning to convert about 3,700 unmetered customers to metered customers in FY2016 and FY2017.

### Key Recommendations

- The typical single family monthly bill is recommended to increase by 15% in fiscal years (FY) 2017 and 2018 and 12% annually in FY2019 to FY2021 to fund capital projects and recoup revenues lost due to the drought.
- Proposition 218 allows agencies to implement rates and charges that are lower than those approved via the Prop 218 hearing process. If actual Town water utility costs are lower than the projected costs included in this rate study or water use is higher than projected, the Town has the legal authority to implement lower rates without conducting public noticing or a public hearing.
- This rate study assumes that the Town will install approximately 3,700 meters in FY2017 on currently unmetered parcels. BWA recommends that the Town provide water usage data from the newly installed meters to these customers throughout FY2017 but continue to charge these customers the unmetered rate. In FY2018, BWA recommends that the Town charge all customers the metered rates and eliminate the unmetered rate schedule.
- BWA finds the Town's rate setting methodology to be reasonable, aside from one proposed adjustment. BWA recommends updating fire protection costs based on guidelines set forth by the American Water Works Association. This change results in higher fixed meter charges for irrigation customers.
- The Town should continue to meet or exceed debt coverage legal requirements.
- The Town should maintain an operating reserve of four months of operating expenses.
- The Town should continue to fund repair and replacement capital improvements to maintain and upgrade the water system.

**TABLE ES-1  
PROPOSED WATER RATE INCREASES**

Avg Bill Increase (1 Inch Meter, 15 ccf/mo)

\$32.66                      15%                      15%                      12%                      12%                      12%

\$37.55                      \$43.19                      \$48.25                      \$53.92                      \$60.27

WATER	Current		Proposed FY 2016/17		Proposed FY 2017/18		Proposed FY 2018/19		Proposed FY 2019/20		Proposed FY 2020/21	
	Monthly (\$/DU)	Yearly (\$/DU)	Monthly (\$/DU)	Yearly (\$/DU)	Monthly (\$/DU)	Yearly (\$/DU)	Monthly (\$/DU)	Yearly (\$/DU)	Monthly (\$/DU)	Yearly (\$/DU)	Monthly (\$/DU)	Yearly (\$/DU)
<b>Residential Unmetered</b>												
Parcel Size (Square Fee/DU)												
Condos w/irrigation	\$32.86	\$394.28	\$36.55	\$438.60								
Condos w/o irrigation	\$21.52	\$258.18	\$23.91	\$286.92								
Under 5,000	\$32.86	\$394.28	\$36.55	\$438.60								
5,000 - 10,000	\$41.56	\$498.66	\$46.03	\$552.36								
10,001 - 15,000	\$50.25	\$603.02	\$55.51	\$666.12								
Over 15,000,	\$50.25	\$603.02	\$55.51	\$666.12								
Vacant	\$14.67	\$176.00	\$14.67	\$176.00	\$14.67	\$176.00	\$14.67	\$176.00	\$14.67	\$176.00	\$14.67	\$176.00
Plus Each Additional 1,000	\$2.90	\$34.80	\$3.21	\$38.54								
<b>WATER All Metered</b>	Monthly (\$/month)	Use (\$/ccf)	Monthly (\$/month)	Use (\$/ccf)	Monthly (\$/month)	Use (\$/ccf)	Monthly (\$/month)	Use (\$/ccf)	Monthly (\$/month)	Use (\$/ccf)	Monthly (\$/month)	Use (\$/ccf)
Non-irrigation Account Charge:												
5/8" Inch Meter	\$9.98		\$13.85		\$16.20		\$18.02		\$20.06		\$22.35	
1 Inch Meter	\$9.98		\$13.85		\$16.20		\$18.02		\$20.06		\$22.35	
1 1/2 Inch Meter	\$19.98		\$26.73		\$31.43		\$35.07		\$39.16		\$43.74	
2 Inch Meter	\$31.96		\$42.15		\$49.68		\$55.50		\$62.04		\$69.37	
3 Inch Meter	\$63.91		\$83.29		\$98.34		\$109.99		\$123.06		\$137.72	
4 Inch Meter	\$99.86		\$129.58		\$153.09		\$171.30		\$191.71		\$214.63	
6 Inch Meter	\$199.72		\$258.15		\$305.18		\$341.60		\$382.43		\$428.26	
Irrigation Account Charge:												
5/8" Inch Meter	\$3.02		\$13.08		\$15.29		\$17.00		\$18.92		\$21.07	
1 Inch Meter	\$3.02		\$13.08		\$15.29		\$17.00		\$18.92		\$21.07	
1 1/2 Inch Meter	\$6.04		\$25.18		\$29.60		\$33.03		\$36.87		\$41.18	
2 Inch Meter	\$9.67		\$39.68		\$46.76		\$52.23		\$58.38		\$65.27	
3 Inch Meter	\$19.34		\$78.35		\$92.50		\$103.45		\$115.73		\$129.52	
4 Inch Meter	\$30.21		\$121.86		\$143.97		\$161.08		\$180.27		\$201.81	
6 Inch Meter	\$60.42		\$242.73		\$286.93		\$321.17		\$359.54		\$402.62	
Metered Usage Charge:												
All Usage		\$1.512		\$1.580		\$1.799		\$2.015		\$2.257		\$2.528
Newly Metered Customers Meter Install Fee (10-year payback)					\$9.00		\$9.00		\$9.00		\$9.00	

DU = Dwelling Unit  
ccf = 100 cubic feet = 748 gallons

## Rate Setting Legislation and Principles

In conducting this water rate study, BWA adheres to the Proposition 218 requirements as described in this section. Subsequent sections provide the detailed, cost of service basis for BWA's rate recommendations.

### Proposition 218

Proposition 218, the "Right to Vote on Taxes Act", was approved by California voters in November 1996 and is codified as Articles XIIC and XIID of the California Constitution. Proposition 218 establishes requirements for imposing or increasing property related taxes, assessments, fees and charges. For many years, there was no legal consensus on whether water rates met the definition of "property related fees". In July 2006, the California Supreme Court essentially confirmed that Proposition 218 applies to water rates.

BWA recommends that the Town follow the procedural requirements of Proposition 218 for all water rate changes. These requirements include:

- **Noticing Requirement:** - The Town must mail a notice of proposed rate increases to all affected property owners. The notice must specify the basis of the fee, the reason for the fee, and the date/time/location of a public rate hearing at which the proposed rates will be considered/adopted.
- **Public Hearing:** - The Town must hold a public hearing prior to adopting the proposed rate increases. The public hearing must be held not less than 45 days after the required notices are mailed.
- **Rate Increases Subject to Majority Protest:** - At the public hearing, the proposed rate increases are subject to majority protest. If more than 50% of affected property owners submit written protests against the proposed rate increases, the increases cannot be adopted.

Proposition 218 also established a number of substantive requirements that are generally deemed to apply to utility service charges, including:

- **Cost of Service** - Revenues derived from the fee or charge cannot exceed the funds required to provide the service. In essence, fees cannot exceed the "cost of service".
- **Intended Purpose** - Revenues derived from the fee or charge can only be used for the purpose for which the fee was imposed.
- **Proportional Cost Recovery** - The amount of the fee or charge levied on any customer shall not exceed the proportional cost of service attributable to that customer.
- No fee or charge may be imposed for a service unless that service is used by, or immediately available to, the owner of the property. Standby charges shall be classified as "assessments" which are governed by Article 13D Section 4.

Charges for water are exempt from the additional voting requirements of Proposition 218 provided the charges do not exceed the cost of providing service and are adopted pursuant to procedural requirements of Proposition 218.

## Rate Development Principles

In reviewing the Town's current water rates and finances, BWA used the following criteria in developing our recommendations:

1. *Revenue Sufficiency:* Rates should recover the annual cost of service and provide revenue stability.
2. *Rate Impact:* While rates are calculated to generate sufficient revenue to cover operating and capital costs, they should be designed to minimize, as much as possible, the impacts on ratepayers.
3. *Equitable:* Rates should be fairly allocated among all customer classes based on their estimated demand characteristics. Each user class only pays its proportionate share.
4. *Practical:* Rates should be simple in form and, therefore, adaptable to changing conditions, easy to administer and easy to understand.
5. *Provide Incentive:* Rates provide price signals which serve as indicators to conserve water and to use water efficiently.

## Background

The Town provides water supply, treatment, and delivery to approximately 14,000 residents. The Town last conducted a water rate study in June 2013 which set rates through FY2017. This report provides recommended rates through FY2021.

The Town provides service to about 6,100 single family, condominium, commercial, irrigation, and vacant parcels or accounts within the Town. About 2,200 parcels are metered and about 3,900 are unmetered. Metered customers are billed monthly for water use and are also charged a fixed fee which is billed on the annual property tax roll. Unmetered water customers are billed annual fixed charges on the property tax roll.

## Current Rates and Revenues

The Town is projected to collect about \$2.76 million in revenues (not accounting for delinquencies) from water service charges, see Table 1. In recent years, water use has decreased due to drought and metered water rate revenues have declined. For example, the 2013 Water Rate Study estimated annual metered water use of 686,000 hundred cubic feet (ccf, one ccf is 748 gallons). Water use in calendar year 2015 was about 462,000.<sup>1</sup> For FY2016, water use charges are projected to make up about 25% of water utility rate revenues.

Metered customers also pay fixed monthly charges based on the size of their water meters. Meter charges are projected to make up about 10% of the FY2016 water rate revenues. The base meter size is 1 inch, which is the typical residential meter size. The Town provides service to commercial and irrigation meters up to 4 inches. The vast majority of the Town's metered customers are residential; about 2,100 of the 2,200 meters in the Town serve residential customers. Most of the non-residential customers are irrigation customers. Irrigation customers pay lower monthly meter charges than commercial customers because they do not receive fire protection water service.

The Town collects about \$1.8 million, or about 65% of the water rate revenue, from unmetered customer charges. The Town has about 3,900 unmetered parcels that are charged for water service on the annual property tax bill. Unmetered customers are charged based on parcel type: condos with and without irrigation, vacant, and unmetered parcels based on lot size. In FY2017, the Town intends to meter 3,500 existing unmetered customers plus about 210 new customers from the Sand Bay Isle development. The remaining 370 vacant parcels would be metered by the developer when those parcels develop. Thus, vacant parcel metering is not included in this rate study.

Due to drought conditions and the meter roll out, the Town could face revenue volatility. As discussed above, about 25% of current rate revenues are collected from metered water rates. Due to the meter roll out program the percent of revenues collected from water rates will increase to about 65%.

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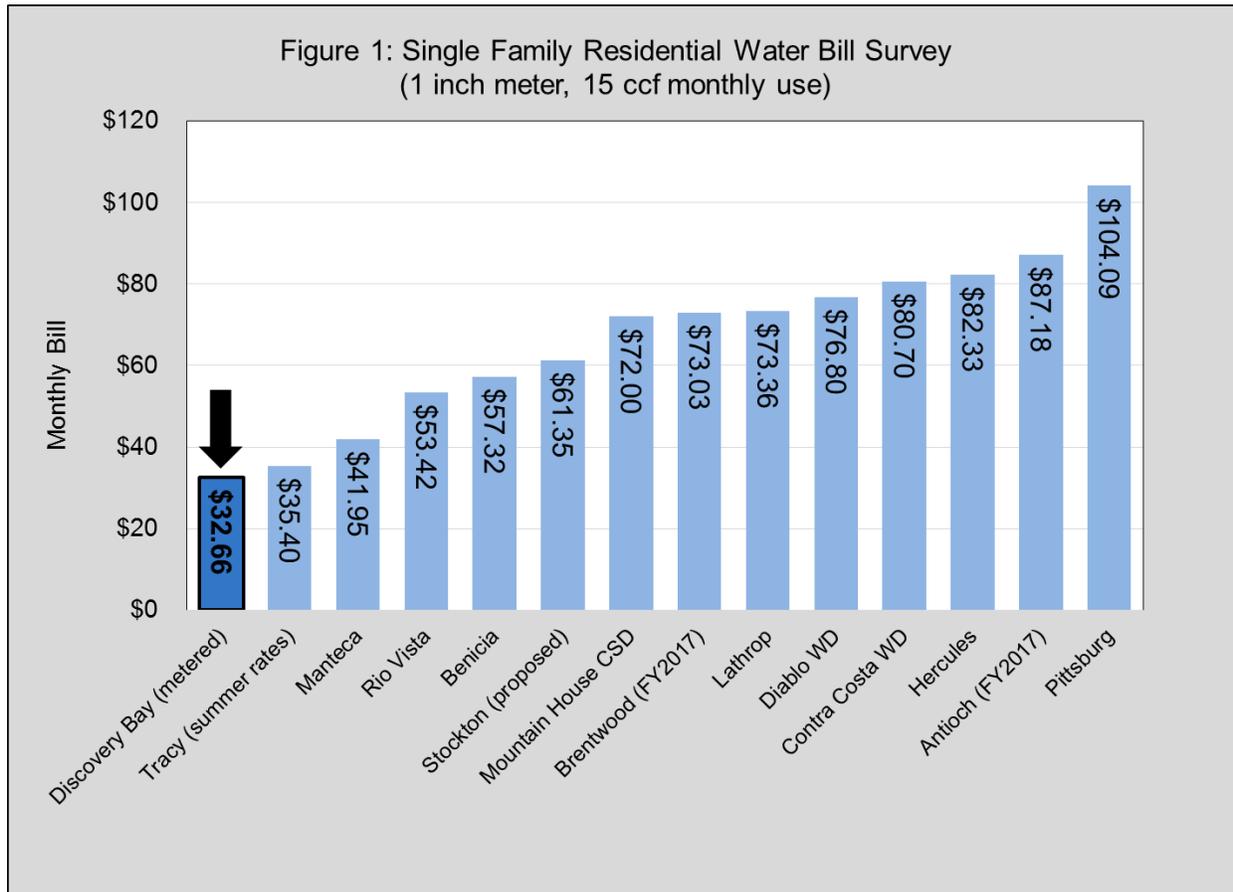
<sup>1</sup> The Town reduced its metered water use to 462,000 ccf annually with the addition of 200 new customers.

**Table 1: Current FY2016 Service Charge Revenues  
Town of Discovery Bay  
Water Rate Study**

<b>Meter Size</b>	<b>No/ of Meters</b>	<b>Monthly Fee</b>	<b>Meter Fee Annual Revenue</b>	<b>Metered Rate (\$/ccf) Estimated Annual Water Use (ccf)</b>	<b>\$1.512 Annual Water Use Fees</b>
Residential					
1"	<u>2,089</u>	\$9.98	\$250,179	309,418	\$468,000
Subtotal					
Residential	2,089				
Nonresidential					
Sandy Cove Shop. Center					
1"	1	\$9.98	\$120		
2"	7	\$31.96	\$2,685		
Lakeview Business Plaza					
4"	1	\$99.86	\$1,198		
Other Metered					
1"	6	\$9.98	\$719		
1.5"	7	\$19.98	\$1,678		
2"	2	\$31.96	\$767		
3"	3	\$63.91	\$2,301		
4"	1	\$99.86	\$1,198		
Irrigation					
5/8"	1	\$3.02	\$36		
1"	19	\$3.02	\$689		
1.5"	15	\$6.04	\$1,087		
2"	25	\$9.67	\$2,901		
3"	2	\$19.34	\$464		
4"	<u>5</u>	\$30.21	\$1,813		
Subtotal					
Nonresidential	95		\$17,655	152,266	\$230,000
Total Metered Customers	<b>2,184</b>		<b>\$267,834</b>	<b>461,684</b>	<b>\$698,000</b>
<b>Unmetered Water</b>	<b>Number of Parcels</b>	<b>Annual Fee</b>	<b>Total Annual Revenues</b>		
Condos w/irrigation	50	\$394.28	\$20,000		
Condos w/o irrigation	174	\$258.18	\$45,000		
Vacant & Waterways	372	\$176.00	\$65,000		
Unmetered Water					
<5,000 SF	87	\$394.28	\$34,302		
5,001 to 10,000 SF	2,867	\$498.66	\$1,429,658		
>10,000 SF	<u>340</u>	\$603.02	<u>\$205,027</u>		
<b>Total</b>	<b>3,890</b>		<b>\$1,798,987</b>		
			<b>Summary</b>		
		Metered	\$965,834		
		Unmetered	\$1,798,987		
		2% Delinquency	<u>(\$55,000)</u>		
		<b>Total</b>	<b>\$2,709,822</b>		

Typical water use and metered customer bills vary by season. In calendar year 2015, average metered residential summer water use peaked at 27 ccf per month and dipped to a low of 10 ccf per month during the winter. To illustrate bill impacts, BWA assumes typical residential water use of 15 ccf per

month. Under current rates, the typical residential customer would pay a \$9.98 fixed charge plus \$22.68 in water usages charges resulting in a total monthly bill of \$32.66. Figure 1 provides a residential bill survey comparing typical bills across the region. The Town of Discovery Bay currently has the lowest residential water bill.



## Cost of Service

Under Proposition 218, the Town’s water rates and charges must be based on the cost of providing water service. Water service costs consist of the following:

- Operating costs including administration, maintenance, the service contract with Veolia, and meter reading
- Capital costs including water meters, wells, treatment improvements and pipelines replacements
- Debt service costs on the Town’s 2012 Revenue Bonds and projected new debt
- Maintaining adequate operating and capital reserves

The Town’s budgeted operating and capital reserves are provided in Table 2. In FY2016, the water utility has about \$2.9 million in reserves. It is recommended that the Town accumulate additional water fund reserves over the next five years to account for uncertainty regarding water use due to drought and unforeseen capital improvement projects that may arise from the Town’s upcoming water master plan.

**Table 2: Budgeted Reserves  
Town of Discovery Bay  
Water Rate Study**

<b>Reserves</b>	<b>FY2015/16 Budget</b>	<b>Water</b>	<b>Wastewater</b>
Water & Wastewater Operating Reserves [1]	\$4,180,213	\$1,672,085	\$2,508,128
Sewer Infrastructure Replacement Fund	\$950,000	\$0	\$950,000
Pumps/Motors Replacement Fund	\$240,000	\$240,000	\$0
Water Infrastructure Replacement Fund	\$859,143	\$859,143	\$0
Generators Replacement Fund [1]	\$75,000	\$30,000	\$45,000
Facilities & Vehicles Replacement Fund [1]	\$252,204	\$100,882	\$151,322
<b>Operating Reserves Total</b>	<b>\$4,180,213</b>	<b>\$1,672,085</b>	<b>\$2,508,128</b>
<b>Infrastructure Replacement Total</b>	<b>\$2,376,347</b>	<b>\$1,230,025</b>	<b>\$1,146,322</b>
<b>Total Reserves</b>	<b>\$6,556,560</b>	<b>\$2,902,110</b>	<b>\$3,654,450</b>

1 - 40% of funds allocated to the water enterprise

Table 3 establishes the Town’s water capital costs. Major projects include the water meter roll out (\$3 million), Well 8 (\$2.1 million) and SCADA system upgrades (\$0.5 million). It is envisioned that the Town will finance the meter roll out program in FY2017 and Well 8 in FY2020. All other projects will be cash funded from available revenues including capacity fee revenues from new customers connecting to the water system, water rate revenues (expressed as a transfer from operating), and capital reserves.

The water fund capital cash flow over the next five years is provided in Table 3. Historically, the Town has maintained water capital reserves of over \$1 million and the rate plan developed in this report would meet that target. Beginning of FY2016, the Town had about \$1.2 million in water infrastructure reserves. By the end of FY2021, the Town is projected to accumulate about \$3.7 million in capital

reserves, an increase of about \$2.5 million. This additional reserve can be used to fund Plant 1 improvements or projects that may be identified in the upcoming water master plan. Alternatively, the reserve can be used to cash fund Well 8 instead of debt financing or could be used to defease (pay off) the 2012 Revenue Bonds.

**Table 3: Water Capital Cash Flows  
Town of Discovery Bay  
Water Rate Study**

	Current FY2016	Projected FY2017	Projected FY2018	Projected FY2019	Projected FY2020	Projected FY2021
<b>Beginning Balance</b>	\$1,230,000	\$1,139,000	\$1,196,000	\$1,449,000	\$2,304,000	\$5,062,000
<b>Revenues</b>						
Capacity Fees	40,000	20,000	53,000	55,000	56,000	56,000
Transfer from Operating	0	500,000	500,000	800,000	800,000	800,000
Debt Proceeds [1]	0	<u>3,000,000</u>	0	0	<u>2,100,000</u>	0
<b>Total revenues</b>	40,000	3,520,000	553,000	855,000	2,956,000	856,000
<b>Capital Improvements</b>						
Meter Equipment & Installation		3,000,000	0	0	0	0
Truck for Meter Reading	0	30,000	0	0	0	0
Repair and Replacement Projects						
Well 8	0	0	0	0	198,000	1,936,000
Portable Light Trailer [2]	6,000	0	0	0	0	0
Vehicle Storage [2]	0	80,000	0	0	0	0
Storm Drain repairs at Newport WTP	0	8,000	0	0	0	0
Newport WTP Filter (2)	0	0	50,000	0	0	0
Willow Lake WTP Filter (3)	0	75,000	0	0	0	0
SCADA	0	250,000	250,000	0	0	0
Willow Lake WTP Stabilization - soils	0	<u>20,000</u>	0	0	0	0
<b>Total Repair and Replacement Projects</b>	6,000	433,000	300,000	0	198,000	1,936,000
Veolia Recommended Projects						
Newport WTP PLC	125,000	0	0	0	0	0
Willow Lk WTP PLC	0	0	0	0	0	0
Newport WTP Filter Replacements	0	0	0	0	0	0
Willow Lk WTP Filter Replacements	0	0	0	0	0	<u>259,000</u>
<b>Total Veolia Projects</b>	125,000	0	0	0	0	259,000
<b>Total Capital Improvements</b>	131,000	3,463,000	300,000	-	198,000	2,195,000
<b>Total net revenues</b>	(91,000)	57,000	253,000	855,000	2,758,000	(1,339,000)
<b>Ending Balance</b>	1,139,000	1,196,000	1,449,000	2,304,000	5,062,000	3,723,000

1 - Debt proceeds for Meter Installation in FY2017 and Well 8 in FY2020  
2 - Water Fund share 40%

Table 4 provides the debt service estimates for the water meter roll out and Well 8. It is assumed that the water meters will be financed over ten years at 3% interest and Well 8 will be financed over fifteen years at 3.5% interest. These estimates include high interest rates and issuance costs that reflect a worst case scenario for financial planning purposes. The Town could also consider cash funding the projects or financing over a shorter term. This rate study does not commit the Town to financing the water meters.

Table 4 also provides the calculation of the monthly meter installation fee for newly metered customers. To avoid cross subsidies in which currently metered customers would pay debt service costs for newly metered customers, the Town should charge newly metered customers a separate meter installation fee. Based on a ten year financing, the meter installation fee would be \$9.00 monthly. After the ten year payback period, the installation fee would be eliminated. As stated above, the meter financing is based on worst case terms and conditions. If Town secures more favorable financing, the Town could implement a lower meter installation fee.

<b>Table 4: Estimated Annual Debt Service Town of Discovery Bay Water Rate Study</b>		
	<b>Water Meters</b>	<b>Well 8</b>
Project Cost	3,000,000	2,100,000
Issuance Costs	<u>100,000</u>	<u>100,000</u>
Total Financing	3,100,000	2,200,000
Term	10	15
Rate	3.00%	3.50%
Annual Debt Service	\$363,415	\$191,015
Annual Debt Service	\$363,415	
Number of Meters	3,728	
Monthly Meter Installation Fee	\$8.13	
Rounded Up	\$9.00	

Table 5 provides the water fund operating cash flow including rate and non-rate revenues, operating costs, debt service costs, and transfers to the capital fund. Non-rate revenues include Zone 9 reimbursements and miscellaneous revenues for items such as delinquency fees and service calls. Non-rate revenues are estimated at \$101,000 annually and are used to offset rate increases. Total current revenues are budgeted at \$2.8 million and are proposed to increase to about \$4.9 million by FY2021.

Table 5 also presents the water utility’s operating costs consisting of staffing, maintenance, the operations contract with Veolia, utilities (electricity), and meter reading. Operating costs are projected to increase from about \$2.6 million (current budgeted) to about \$3.1 million over the next five years.

The financial goal for the Town’s water fund is to meet operating and capital costs while maintaining a good credit rating and adequate reserves for emergencies. The debt service coverage ratio for the water utility is provided below. Debt service coverage is calculated as net operating revenues divided by the annual debt service payment. At minimum, BWA recommends that public agencies maintain a coverage ratio of at least 1.25 times the annual debt payment. Ideally, the Town should target a coverage ratio of 1.5 times the annual payment to maintain a strong credit rating. As shown below, the proposed revenue plan is projected to exceed this goal for the upcoming five years. The rate plan is also proposed to maintain an operating reserve in excess of the minimum targeted amount of four months of operating expenses.

**Table 5: Water Operating Cash Flows  
Town of Discovery Bay  
Water Rate Study**

	Current FY2016	Projected FY2017	Projected FY2018	Projected FY2019	Projected FY2020	Projected FY2021
<b>Beginning Operating Balance</b>	\$1,672,000	\$1,819,000	\$1,788,400	\$1,642,200	\$1,479,200	\$1,450,200
<b>Revenues</b>						
Rate Revenue	2,700,000	3,134,000	3,094,000	3,470,000	3,893,000	4,368,000
Less Delinquency (2%)	(54,000)	(63,000)	(62,000)	(69,000)	(78,000)	(87,000)
Vacant Parcel	65,000	64,000	62,000	60,000	58,000	57,000
Meter Reading (\$1/mo)	0	26,000	71,000	71,000	71,000	71,000
Meter Install Fees	0	0	364,000	364,000	364,000	364,000
Zone 9 Reimbursement	11,000	11,000	11,000	11,000	11,000	11,000
Other & Misc	<u>90,000</u>	<u>90,000</u>	<u>90,000</u>	<u>90,000</u>	<u>90,000</u>	<u>90,000</u>
<b>Total Revenues</b>	2,812,000	3,262,000	3,630,000	3,997,000	4,409,000	4,874,000
% increase in operating expenses	budget	estimate	3.0%	3.0%	3.0%	3.0%
<b>Expenses</b>						
Operating Expenses						
Admin & Inter Govt. & Board	306,000	306,000	315,000	324,000	334,000	344,000
Staffing & Consulting Serv	676,000	684,000	705,000	726,000	748,000	770,000
New Water Technician [1]	0	41,600	83,200	86,000	89,000	92,000
Operations & Maint	674,000	667,000	687,000	708,000	729,000	751,000
Utilities	320,000	320,000	330,000	340,000	350,000	361,000
Service Contract [2]	600,000	645,000	664,000	684,000	705,000	726,000
Meter Reading [3]	<u>0</u>	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>
Total Operating Expenses	2,576,000	2,703,600	2,824,200	2,908,000	2,995,000	3,084,000
Net Operating Revenues	236,000	558,400	805,800	1,088,000	1,413,000	1,788,000
Debt Service						
2012 Rev. Bonds Debt Service	89,000	89,000	89,000	89,000	89,000	89,000
New Debt Service	<u>0</u>	<u>0</u>	<u>363,000</u>	<u>363,000</u>	<u>554,000</u>	<u>554,000</u>
Total Debt Service	89,000	89,000	452,000	452,000	643,000	643,000
Debt Service Coverage	2.65	6.27	1.78	2.41	2.20	2.78
<b>Total Expenses</b>	2,665,000	2,792,600	3,276,200	3,360,000	3,638,000	3,727,000
<b>Total Net Revenues</b>	147,000	469,400	353,800	637,000	770,000	1,145,000
<b>Transfer to Capital</b>	0	500,000	500,000	800,000	800,000	800,000
<b>O&amp;M Ending balance</b>	1,819,000	1,788,400	1,642,200	1,479,200	1,450,200	1,797,200
<b>Minimum balance target [4]</b>	859,000	901,000	941,000	969,000	998,000	1,028,000

1 - Additional water technician staff. FY2017: 20 hrs per week at \$40/hr (fully burdened); FY2018: 40 hrs per week at \$40/hr (fully burdened); FY2019-2021 escalated by 3% annually

2 - Assumed increase in FY2016 due to contract renegotiation

3 - \$0.89/month per meter (newly metered customers)

4 - 4 months O&M expenses

## Cost Allocation

The prior section of this report develops the cost of service and total rate revenue needed to provide safe and reliable water service. This section reviews the allocation of costs to fixed and volume rates and the allocation of costs to fire protection service and irrigation water service.

**Fixed and Variable Costs**

The Town bills its metered customers a fixed charge based on the size of the water meter and a volume rate charged to each hundred cubic foot of water used. As a first step in calculating the rates, Table 6 allocates water utility costs to fixed and variable (volume) cost centers. Meter reading costs are not included in Table 6 because meter reading costs will be recovered from a separate \$1 per month charge. Fixed costs include staffing, debt service, capital projects, and 75% of operations and maintenance and the Veolia service contract. These costs are incurred regardless of how much water the Town consumes. Variable costs are dependent on water consumption and include budgeted items such as utilities (electricity) and 25% of operations and maintenance and the Veolia service contract. Based on this first round of cost allocation, about \$648,000, 20%, in expenses are identified as variable costs.

In the second round of cost allocation, BWA reviewed water consumption patterns and assigned some fixed costs to be recovered from the volume rate. The Town’s base indoor/winter water use makes up about 55% of total metered water use under drought conditions. The Town makes water system operations, management, repair, and maintenance decisions based on long-term stable demand. Thus, 55% of fixed costs can be collected from the volume rate to reflect the costs associated with long-term, stable water use. The final proposed allocation is 36% cost recovery from fixed charges and 64% cost recovery from the volume rate. For comparison, in FY2016, the Town is projected to collect about \$700,000 in water volume charges (72%) and about \$268,000 in meter charges (28%) from currently metered customers (see Table 1). The cost allocation shown in Table 6 would increase cost recovery from fixed charges for metered customers.

BWA proposes a two year transition from the current cost allocation to the proposed cost to mitigate impacts on ratepayers. Table 7 provides the cost allocation transition and proposed rate revenue requirement for FY2017 and FY2018. Current FY2016 rate revenues are projected to be about \$2.7 million. Rate revenues are proposed to increase to about \$3.1 million for FY2017 and FY2018. Although revenues are not proposed to increase in FY2018, there is a proposed rate increase in FY2018. In FY2018, all customers will be fully transitioned to metered rates and will be billed for actual water use. Due to this billing change, customers will be incentivized to reduce their water use. BWA estimates that the typical customer will reduce use from 21 ccf to 15 ccf monthly following installation of the meter. The Town must then recover variable costs over a smaller base of water use resulting in a higher rate.

**Table 6: Allocation to Fixed and Variable Cost Centers  
Town of Discovery Bay  
Water Rate Study**

<b>Cost</b>	<b>FY2017 Estimated</b>	<b>Fixed</b>	<b>Variable</b>
Operating Expenses			
Admin & Inter Govt. & Board	306,000	100%	0%

Staffing & Consulting Services	684,000	100%	0%
New Water Technician	41,600	100%	0%
Operations & Maintenance	667,000	75%	25%
Utilities	320,000	0%	100%
Service Contract	<u>645,000</u>	<u>75%</u>	<u>25%</u>
Total Operating Expenses [1]	2,663,600	2,015,600	648,000
Debt Service			
2012 Revenue Bonds Debt Service	<u>89,000</u>	<u>100%</u>	<u>0%</u>
Total Debt Service	89,000	89,000	0
Transfer to Capital	<u>500,000</u>	<u>100%</u>	<u>0%</u>
	500,000	500,000	0
Subtotal Expenses	3,252,600	2,604,600	648,000
Cost recovery adjustment based on maintenance and management of long- term water demand		<u>-55%</u>	
		(1,432,500)	1,432,500
Total	3,252,600	1,172,000	2,080,500
<b>Proposed Cost Allocation</b>		<b>36%</b>	<b>64%</b>

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1 – Does not include meter reading costs which will be funded from a separate \$1/month charge.

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**Table 7: Revenue Requirement  
Town of Discovery Bay  
Water Rate Study**

	Estimated FY2016	FY2017	FY2018
<b>Non-rate Revenues</b>			
Use of Reserves		29,300	145,000
Vacant Parcel Charge		64,000	62,000
Meter Reading		26,000	71,000
Meter Reimbursements		0	364,000
Other Non-Rate Revenue		<u>101,000</u>	<u>101,000</u>
<b>Total Non-rate Revenues</b>		<b>220,300</b>	<b>743,000</b>
<b>Expenses</b>			
Operating Costs		2,703,600	2,824,200
Debt Service Costs		89,000	452,000
Capital Costs		500,000	500,000
Contribution to Reserves		<u>0</u>	<u>0</u>
<b>Total Costs</b>		<b>3,292,600</b>	<b>3,776,200</b>
<b>Net</b>		<b>(3,072,300)</b>	<b>(3,033,200)</b>
<b>Revenue Requirement</b>		<b>3,072,300</b>	<b>3,033,200</b>
<b>Rate Revenue Requirement w/2% delinquency</b>	<b>2,710,000</b>	<b>3,135,000</b>	<b>3,095,000</b>
% increase		15.68%	-1.28%
Fixed (30%)		941,000	
Volume (70%)		2,194,000	
Fixed (35%)			1,115,000
Volume (65%)			1,980,000

## Fire Protection

The Town provides water service to irrigation customers and residential and commercial customers. Residential and commercial customers benefit from the water system via both the provision of water and from fire protection service. In the engineering and construction of the water system, the Town upsized its water infrastructure to meet fire flow water demands. Irrigation customers do not require fire service and should not pay infrastructure costs associated with fire protection.

In recent years, the American Water Works Association (AWWA) has revised its recommended methodology for calculating fire protection costs. The AWWA M1 Manual provides a formula from the National Board of Fire Underwriters for determining the required fire flow of the Town based on population. Based on the formula, BWA calculates a fire flow of 3,674 gallons per minute (gpm). The Town's 2012 Water Master Plan provides a peak hour demand of 9,150 gpm. The ratio of the peak hour demand to fire flow demand is 2.49. Based on this ratio, the AWWA methodology suggest fire protection service costs equal to 6% of gross revenues (AWWA M1 Manual, Sixth Edition, page 143). Because the Town recovers infrastructure costs from fixed charges (instead of total gross revenues), BWA's proposed rate design deducts 6% from irrigation meter charges for fire protection.

## Rate Design

This section calculates fixed meter charges, water volume rates, and unmetered customer charges. It is envisioned that unmetered customers will continue to be charged the unmetered rates throughout FY2017. By FY2018, the Town projects that all customers will be metered and the unmetered rate schedule will be eliminated. The following subsections calculate the proposed fixed meter charges, volume rates, and FY2017 unmetered customer charges.

### Fixed Meter Charges

Consistent with the Town’s historical rate design and AWWA recommended methodology, fixed meter charges are scaled based on the capacity of the water meter. Capacity of the water meter represents the total amount of water that can pass through the meter at a given time. Capacity of the meter is proxy for the customer benefit derived from water infrastructure. Table 8 provides the AWWA recommended meter capacity ratios. The Town’s base water meter is 1 inch<sup>2</sup> and larger meter sizes are scaled to the capacity of the 1 inch meter. For example, a 6 inch meter can deliver 20 times the amount of water as a 1 inch meter. For irrigation customers, fire service costs are deducted from the meter ratios.

**Table 8: Water Meter Capacity Ratios  
Town of Discovery Bay  
Water Rate Study**

Meter Size	Ratio [1]	Less Fire Service (94%)
Up to 1 Inch	1.00	0.94
1 1/2 Inch	2.00	1.88
2 Inch	3.20	3.01
3 Inch	6.40	6.02
4 Inch	10.00	9.41
6 Inch	20.00	18.81

1 - AWWA meter capacity ratio

Tables 9 and 10 use the meter capacity ratios shown above to calculate the base (1 inch) meter charge for FY2017 and FY2018, respectively. The proposed meter capacity ratios are multiplied by the number of customers to calculate a total number of equivalent meters. It is assumed that all unmetered customers will be served by 1 inch meters. The fixed charge revenue requirement is divided by the total number of meter equivalents to calculate the 1 inch meter charge. The charges for larger meters are calculated as the meter ratio multiplied by the 1 inch meter charge, see Table 11. The rates for FY2019 to FY2021 include 12% annual increases over the FY2018 rates. By FY2019, the cost allocation transition is complete and all rates are increased by the same percent.

**Table 9: FY2017 Fixed Meter Charge Calculation**

<sup>2</sup> A small number of commercial customers are served by 5/8 inch meters. Per Town policy, 5/8 inch meters are charged the 1 inch meter rate.

**Town of Discovery Bay  
Water Rate Study**

<b>Customer</b>	<b>No. of Customers [1]</b>	<b>Water Meter Capacity</b>	<b>Fire Service</b>	<b>Proposed Ratio</b>	<b>FY2017 Total Equivalents [2]</b>
<b>Metered</b>					
Residential & Commercial					
1"	2,101	0.94	0.06	1.00	2,101.00
1.5"	7	1.88	0.12	2.00	14.01
2"	9	3.01	0.19	3.20	28.82
3"	3	6.02	0.38	6.40	19.21
4"	2	9.41	0.60	10.01	20.01
6"	0	18.81	1.20	20.01	0.00
<b>Total</b>	<b>2,122</b>				<b>2,183.06</b>
Irrigation					
5/8"	6	0.94		0.94	5.64
1"	24	0.94		0.94	22.56
1.5"	15	1.88		1.88	28.23
2"	25	3.01		3.01	75.26
3"	2	6.02		6.02	12.04
4"	5	9.41		9.41	47.03
6"	0	18.81		18.81	0.00
<b>Total</b>	<b>77</b>				<b>190.75</b>
<b>Unmetered</b>					
Condos w/irrigation	50	0.94	0.06	1.00	50.00
Condos w/o irrigation	174	0.94	0.06	1.00	174.00
Unmetered Water					
<5,000 SF	87	0.94	0.06	1.00	87.00
5,001 to 10,000 SF	2,867	0.94	0.06	1.00	2,867.00
Sand Bay Isle (new)	210	0.94	0.06	1.00	210.00
>10,000 SF	340	0.94	0.06	1.00	340.00
	3,728				3,728.00
<b>Total</b>	<b>5,927</b>				<b>6,102</b>
FY2017 Fixed Charge Revenue Requirement (see Table 7)					\$941,000
Rate (\$/mo)					\$12.85

- 1 – The Town is projected to add ten new irrigation customers and five new residential customers in FY2017.  
2 – Proposed ratio multiplied by the number of customers

**Table 10: FY2018 Fixed Meter Charge Calculation  
Town of Discovery Bay  
Water Rate Study**

<b>Customer</b>	<b>No. of Customers [1]</b>	<b>Water Meter Capacity</b>	<b>Fire Service</b>	<b>Proposed Ratio</b>	<b>FY2018 Total Equivalents [2]</b>
-----------------	-----------------------------	-----------------------------	---------------------	-----------------------	-------------------------------------

<b>Metered</b>					
Residential & Commercial					
1"	5,834	0.94	0.06	1.00	5,834.00
1.5"	7	1.88	0.12	2.00	14.01
2"	9	3.01	0.19	3.20	28.82
3"	3	6.02	0.38	6.40	19.21
4"	2	9.41	0.60	10.01	20.01
6"	0	18.81	1.20	20.01	0.00
<b>Total</b>	<b>5,855</b>				<b>5,916.06</b>
Irrigation					
5/8"	11	0.94		0.94	10.34
1"	24	0.94		0.94	22.56
1.5"	15	1.88		1.88	28.23
2"	25	3.01		3.01	75.26
3"	2	6.02		6.02	12.04
4"	5	9.41		9.41	47.03
6"	0	18.81		18.81	0.00
<b>Total</b>	<b>82</b>				<b>195.45</b>
<b>Unmetered [2]</b>					
Condos w/irrigation	0	0.94	0.06	1.00	0.00
Condos w/o irrigation	0	0.94	0.06	1.00	0.00
Unmetered Water					
<5,000 SF	0	0.94	0.06	1.00	0.00
5,001 to 10,000 SF	0	0.94	0.06	1.00	0.00
Sand Bay Isle (new)	0	0.94	0.06	1.00	0.00
>10,000 SF	0	0.94	0.06	1.00	0.00
	0				0
<b>Total Fixed Charge Eq</b>	<b>5,937</b>				<b>6,112</b>
FY2018 Fixed Charge Revenue Requirement (see Table 7)					\$1,115,000
Rate (\$/mo)					\$15.20

1 – It is projected that the Town will add five new residential and five new irrigation customers annually in FY2018 and beyond.  
2 – By FY2018, it is projected that the Town will be fully metered and the unmetered rate schedule will be eliminated.

**Table 11: Water Meter Capacity Charges  
Town of Discovery Bay  
Water Rate Study**

<b>Meter Size</b>	<b>FY2017</b>	<b>FY2018</b>
Residential and Commercial		
Up to 1 Inch	\$12.85	\$15.20
1 1/2 Inch	\$25.73	\$30.43
2 Inch	\$41.15	\$48.68
3 Inch	\$82.29	\$97.34

4 Inch	\$128.58	\$152.09
6 Inch	\$257.15	\$304.18
Irrigation		
Up to 1 Inch	\$12.08	\$14.29
1 1/2 Inch	\$24.18	\$14.29
2 Inch	\$38.68	\$28.60
3 Inch	\$77.35	\$45.76
4 Inch	\$120.86	\$91.50
6 Inch	\$241.73	\$142.97

Note: charges do not include \$1/month meter reading fee

### Volume Rate

Table 12 calculates the volume rate for FY2017 and FY2018. The volume revenue requirement developed in Table 7 is divided by estimated water use to calculate a \$/ccf rate. FY2017 metered water use is estimated as the FY2016 water use plus the water use of ten new customers assumed to use 15 ccf monthly. The unmetered water use is developed in the following subsection.

**Table 12: Volume Rate Calculation  
Town of Discovery Bay  
Water Rate Study**

	FY2017	FY2018
Volume Revenue Requirement (see Table 7)	\$2,194,000	\$1,980,000
Estimated Water Use		
Metered	463,484	1,100,495
Unmetered	<u>924,840</u>	<u>0</u>
Total Water Use (ccf)	1,388,324	1,100,495
Rate (\$/ccf)	\$1.580	\$1.799

The volume rate for subsequent years is proposed to increase by 12% annually over the FY2018 rate to meet variable cost increases.

### Unmetered Customer Charges

Table 13 provides estimated unmetered water use and calculates the unmetered charges for FY2017. By FY2018 it is projected that all customers will be metered and the unmetered rate schedule will be eliminated. Unmetered customers pay the same embedded rates as metered customers. It is assumed that all unmetered customers use the same capacity in the system as a 1 inch metered customer and are thus charged the base capacity meter charge. The proposed unmetered customer charge also includes water consumption charges based on assumed water use.

**Table 13: FY2017 Unmetered Charges  
Town of Discovery Bay  
Water Rate Study**

<b>Customer Group</b>	<b>Ratio</b>	<b>Monthly Fixed Charge</b>	<b>Estimated Monthly Water Use (ccf)</b>	<b>Monthly Volume Charge</b>	<b>Total Monthly Bill</b>	<b># of Cust.</b>	<b>Equivalents [1]</b>	<b>Unmetered Estimated Annual Water Use (ccf)</b>
Rate		\$12.85		\$1.580				
Condos w/irrigation	1.00	\$12.85	15.00	\$23.70	\$36.55	50	40	9,000
Condos w/o irrigation	1.00	\$12.85	7.00	\$11.06	\$23.91	174	90	14,616
Parcel Size								
<5,000 SF	1.00	\$12.85	15.00	\$23.70	\$36.55	87	69	15,660
5,001 to 10,000 SF	1.00	\$12.85	21.00	\$33.18	\$46.03	2,867	2,867	722,484
Sand Bay Isle (new)	1.00	\$12.85	21.00	\$33.18	\$46.03	210	210	52,920
>10,000 SF	1.00	\$12.85	27.00	\$42.66	\$55.51	<u>340</u>	<u>410</u>	<u>110,160</u>
						3,728	3,686	924,840

1 – The base unmetered customer is the 5,001 to 10,000 square foot (SF) parcel. The unmetered equivalents are calculated as the total monthly bill compared to the 5,0001 to 10,000 square foot parcel bill multiplied by the number of customers.

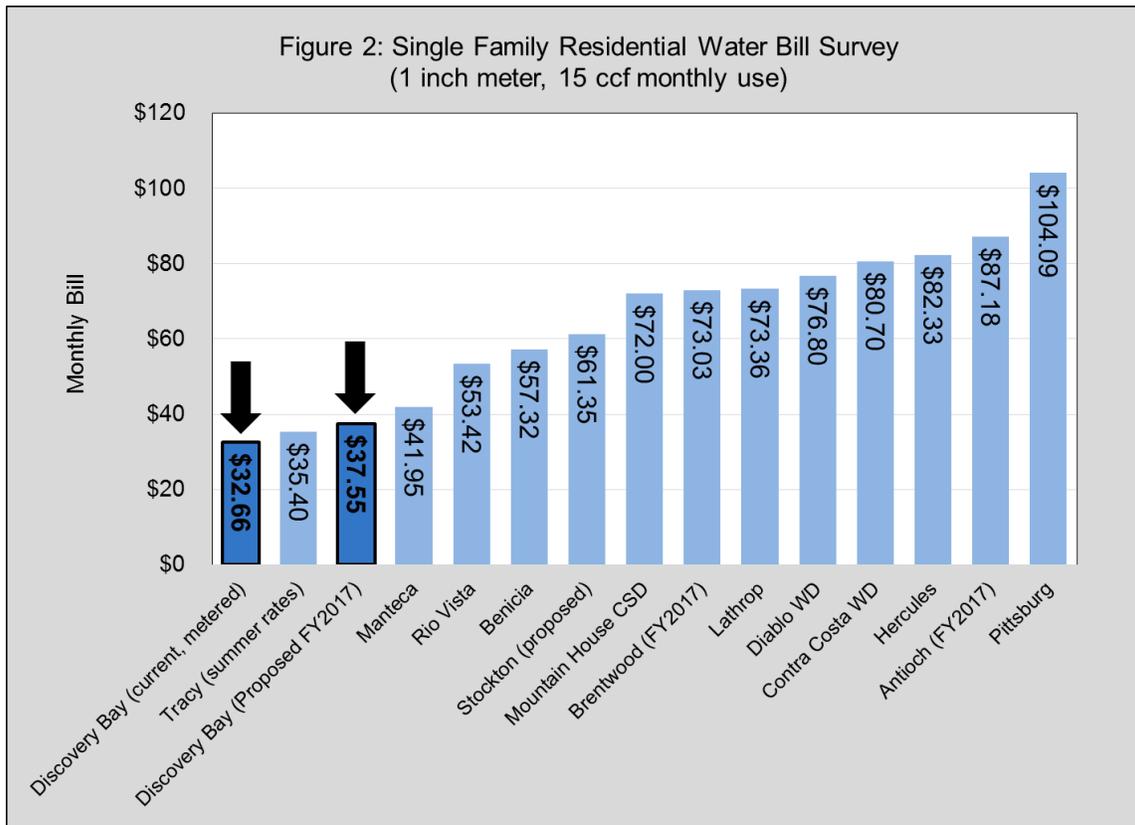
Table 14 compares the unmetered water use assumed in this study compared with the unmetered water use assumed in prior rate studies. Water use is assumed to be slightly lower in FY2016 due to drought conditions. Although unmetered customers are not charged for each unit of water, they are members of the community and receive public messaging regarding conservation.

**Table 14: Unmetered Water Use Comparison  
Town of Discovery Bay  
Water Rate Study**

<b>Unmetered Customers</b>	<b>Assumed Monthly Water Use per Parcel (ccf)</b>	
	<b>2011 &amp; 2013 Rate Study</b>	<b>2016 Rate Study</b>
Condos w/irrigation	17	15
Condos w/o irrigation	10	7
Parcel Size		
<5,000 SF	17	15
5,001 to 10,000 SF	23	21
>10,000 SF	29	27

### Service Charge Projection

Table 15 provides the water utility service charge projection for the next five years including rates and revenues from metered and unmetered customers. Total rate revenues are projected to increase from about \$2.7 million in FY2016 to about \$4.4 million in FY2021. Table 15 also provides the typical single family residential bill over the next five years. The typical bill is projected to increase from \$32.66 to \$60.27 by FY2021. Even with the proposed FY2017 rate increase, the Town’s typical water bill will remain amongst the lowest in the region, see Figure 2. A full schedule of rates and charges is provided in Table 16. The total fixed charges shown in Table 16 include both the meter capacity charges plus a \$1 per month meter reading fee.



**Table 15: Service Charge Projection  
Town of Discovery Bay  
Water Rate Study**

	<b>Current FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>
Increase in typical monthly bill (metered)		15%	15%	12%	12%	12%
Typical Bill (15 ccf/month)	\$32.66	\$36.55	\$42.19	\$47.25	\$52.92	\$59.27
Meter Reading Fee		<u>\$1.00</u>	<u>\$1.00</u>	<u>\$1.00</u>	<u>\$1.00</u>	<u>\$1.00</u>
<b>Total Bill</b>	<b>\$32.66</b>	<b>\$37.55</b>	<b>\$43.19</b>	<b>\$48.25</b>	<b>\$53.92</b>	<b>\$60.27</b>
<b>Water Use</b>						
Metered Consumption (ccf) [1]	461,684	463,484	1,100,495	1,102,295	1,104,095	1,105,895
Rate	\$1.512	\$1.580	\$1.799	\$2.015	\$2.257	\$2.528
<b>Total Water Use Revenue</b>	<b>\$698,000</b>	<b>\$732,000</b>	<b>\$1,980,000</b>	<b>\$2,221,000</b>	<b>\$2,492,000</b>	<b>\$2,796,000</b>
<b>Water Meter Fixed Charge</b>						
Residential and Commercial						
New Development [2]		5	5	5	5	5
Newly Metered Customers		0	3,728	0	0	0
Existing Customers	<u>2,178</u>	<u>2,178</u>	<u>2,183</u>	<u>5,916</u>	<u>5,921</u>	<u>5,926</u>
Total Equivalents	<u>2,178</u>	<u>2,183</u>	<u>5,916</u>	<u>5,921</u>	<u>5,926</u>	<u>5,931</u>
Monthly Charge	\$9.98	\$12.85	\$15.20	\$17.02	\$19.06	\$21.35
Annual Revenue	\$261,000	\$337,000	\$1,079,000	\$1,209,000	\$1,355,000	\$1,520,000
Irrigation						
New Customers		5	5	5	5	5
Existing	193	193	198	203	208	213
Monthly Charge	\$3.02	\$12.08	\$14.29	\$16.00	\$17.92	\$20.07
Annual Revenue	\$7,000	\$29,000	\$35,000	\$40,000	\$46,000	\$52,000
<b>Meter Fixed Charge Revenue</b>	<b>\$268,000</b>	<b>\$366,000</b>	<b>\$1,114,000</b>	<b>\$1,249,000</b>	<b>\$1,401,000</b>	<b>\$1,572,000</b>
<b>Unmetered Customers</b>						
Number of Unmetered Equivalents	3,477	3,686				
Unmetered Charge 5,001 to 10,000 SF	\$41.56	\$46.03				
Unmetered Water Charge Revenue	\$1,734,000	\$2,036,000				
<b>Total Water Service Revenue</b>	<b>\$2,700,000</b>	<b>\$3,134,000</b>	<b>\$3,094,000</b>	<b>\$3,470,000</b>	<b>\$3,893,000</b>	<b>\$4,368,000</b>
Vacant Parcels [2]						
Vacant Parcel Charge	\$14.67	\$14.67	\$14.67	\$14.67	\$14.67	\$14.67
Vacant Parcel Revenue	\$65,000	\$64,000	\$62,000	\$60,000	\$58,000	\$57,000

Note: Revenues shown in this table do not have a delinquency factor included. A delinquency factor is added into the revenues in subsequent tables.

1 - Each new customer is assumed to use 15 ccf monthly.

2 - It is assumed that each new connection will occupy a previously vacant parcel

**Table 16: Recommended Water Rates and Charges  
Town of Discovery Bay  
Water Rate Study**

Avg Bill Increase (1 Inch Meter, 15 ccf/mo)                      \$32.66                      15%                      \$37.55                      15%                      \$43.19                      12%                      \$48.25                      12%                      \$53.92                      12%                      \$60.27

WATER	Current		Proposed FY 2016/17		Proposed FY 2017/18		Proposed FY 2018/19		Proposed FY 2019/20		Proposed FY 2020/21	
	Monthly (\$/DU)	Yearly (\$/DU)	Monthly (\$/DU)	Yearly (\$/DU)	Monthly (\$/DU)	Yearly (\$/DU)	Monthly (\$/DU)	Yearly (\$/DU)	Monthly (\$/DU)	Yearly (\$/DU)	Monthly (\$/DU)	Yearly (\$/DU)
<b>Residential Unmetered</b>												
Parcel Size (Square Feet/DU)												
Condos w/irrigation	\$32.86	\$394.28	\$36.55	\$438.60								
Condos w/o irrigation	\$21.52	\$258.18	\$23.91	\$286.92								
Under 5,000	\$32.86	\$394.28	\$36.55	\$438.60								
5,000 - 10,000	\$41.56	\$498.66	\$46.03	\$552.36								
10,001 - 15,000	\$50.25	\$603.02	\$55.51	\$666.12								
Over 15,000,	\$50.25	\$603.02	\$55.51	\$666.12								
Vacant	\$14.67	\$176.00	\$14.67	\$176.00	\$14.67	\$176.00	\$14.67	\$176.00	\$14.67	\$176.00	\$14.67	\$176.00
Plus Each Additional 1,000	\$2.90	\$34.80	\$3.21	\$38.54								
<b>WATER All Metered</b>	Monthly (\$/month)	Use (\$/ccf)	Monthly (\$/month)	Use (\$/ccf)	Monthly (\$/month)	Use (\$/ccf)	Monthly (\$/month)	Use (\$/ccf)	Monthly (\$/month)	Use (\$/ccf)	Monthly (\$/month)	Use (\$/ccf)
Non-irrigation Account Charge:												
5/8 Inch Meter	\$9.98		\$13.85		\$16.20		\$18.02		\$20.06		\$22.35	
1 Inch Meter	\$9.98		\$13.85		\$16.20		\$18.02		\$20.06		\$22.35	
1 1/2 Inch Meter	\$19.98		\$26.73		\$31.43		\$35.07		\$39.16		\$43.74	
2 Inch Meter	\$31.96		\$42.15		\$49.68		\$55.50		\$62.04		\$69.37	
3 Inch Meter	\$63.91		\$83.29		\$98.34		\$109.99		\$123.06		\$137.72	
4 Inch Meter	\$99.86		\$129.58		\$153.09		\$171.30		\$191.71		\$214.63	
6 Inch Meter	\$199.72		\$258.15		\$305.18		\$341.60		\$382.43		\$428.26	
Irrigation Account Charge:												
5/8" Inch Meter	\$3.02		\$13.08		\$15.29		\$17.00		\$18.92		\$21.07	
1 Inch Meter	\$3.02		\$13.08		\$15.29		\$17.00		\$18.92		\$21.07	
1 1/2 Inch Meter	\$6.04		\$25.18		\$29.60		\$33.03		\$36.87		\$41.18	
2 Inch Meter	\$9.67		\$39.68		\$46.76		\$52.23		\$58.38		\$65.27	
3 Inch Meter	\$19.34		\$78.35		\$92.50		\$103.45		\$115.73		\$129.52	
4 Inch Meter	\$30.21		\$121.86		\$143.97		\$161.08		\$180.27		\$201.81	
6 Inch Meter	\$60.42		\$242.73		\$286.93		\$321.17		\$359.54		\$402.62	
Metered Usage Charge:												
All Usage		\$1.512		\$1.580		\$1.799		\$2.015		\$2.257		\$2.528
Newly Metered Customers												
Meter Install Fee (10-year payback)					\$9.00		\$9.00		\$9.00		\$9.00	

DU = Dwelling Unit  
ccf = 100 cubic feet = 748 gallons



# Town of Discovery Bay

*"A Community Services District"*

## AGENDA REPORT

Meeting Date

May 18, 2016

**Prepared By:** Catherine Kutsuris, Interim General Manager  
**Submitted By:** Same

### Agenda Title

Consider approving Resolution No. 2016-06 related to the November 8, 2016 election for the Board of Directors

### Recommended Action

Accept the report and approve Resolution No. 2016-06 ordering the Board of Director elections on November 8, 2016, and the District's specifications for the election.

### Executive Summary

The Town of Discovery Bay Community Services District Board is comprised of five elected seats, two of which expire on December 2, 2016. Board President Bill Pease and Director Mark Simon both occupy four-year terms that expire this year. The election for these seats will be held on November 8, 2016.

The District is required to adopt a resolution that directs the election, and specifies that the election be consolidated and whether the candidates or the district will pay for the candidate statements.

The draft Resolution specifies that candidates will pay for their statements. A 250-word limit is identified along with a statement cost of \$127.00. Word limits may be higher if approved by the District and included in the Resolution. Word limits over 250 will have double the cost. The 250-word limit is the standard provided by the County Office of Elections.

Once approved, the Resolution will be forwarded to the County Elections Department.

### Fiscal Impact:

**Amount Requested**

**Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)**

**Prog/Fund # Category:**

### Previous Relevant Board Actions for This Item

### Attachments

Resolution No. 2016-06  
Attachment C – Candidate Statement – Cost Estimates – November 8, 2016  
Key Dates for Cities and Districts – November 8, 2016

AGENDA ITEM: E-2



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION 2016-06**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY,  
A CALIFORNIA COMMUNITY SERVICES DISTRICT,  
ORDERING SPECIFICATION OF THE ELECTION ORDER**

WHEREAS, California Elections Code requires a general district election be held in each district to choose a successor for each elective officer whose term will expire on the first Friday in December following the election to be held on the first Tuesday after the first Monday in November in each even-numbered year; and

WHEREAS, other elections may be held in whole or in part of the territory of the district and it is to the advantage of the district to consolidate pursuant to Elections Code Section 10400; and

WHEREAS, Elections Code Section 10520 requires each district involved in a general election to reimburse the county for the actual costs incurred by the county elections official in conducting the election for that district; and

WHEREAS, Elections Code Section 13307 requires that before the nominating period opens the district board must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters; may establish the cost; and determine whether the costs be paid in advance; and

WHEREAS, Elections Code Section 12112 requires the election official of the principal county to publish a notice of the election once in a newspaper of general Circulation in the District.

NOW, THEREFORE, IT IS ORDERED that an election be held within the territory included in this district on the 8<sup>th</sup> day of November, 2016 for the purpose of electing members to the board of directors of said district in accordance with the following specifications:

**SPECIFICATIONS OF THE ELECTION ORDER**

- 1.** The Election shall be held on Tuesday, **the 8th day of November, 2016**. The purpose of the election is to choose members of the board of directors or councilmembers for the following seats:

<u>Town of Discovery Bay</u>	<u>Term of Office</u>
Board of Director	12/7/2016 to 12/2/2020
Board of Director	12/7/2016 to 12/2/2020

2. The District has determined that the Candidate will pay for the Candidate's Statement. As a condition of having the Candidate's Statement published, the candidate shall pay the costs at the time of filing. The District hereby establishes the cost for a candidate statement as the following: \$127.00.
3. The District directs that the County Registrar of Voters of the principal county publish the Notice of Election in a newspaper of general circulation that is regularly circulated in the territory.
4. This Board hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the district, pursuant to Elections Code 10400.
5. The district will reimburse the county for the actual cost incurred by the county elections official in conducting the general district election upon receipt of a bill stating the amount due as determined by the elections official.
6. The Clerk of this Board is ordered to deliver copies of this Resolution to the Registrar of Voters, and if applicable, to the Registrar of Voters of any other county in which the election is to be held, and to the Board of Supervisors.
7. THE FOREGOING RESOLUTION WAS ADOPTED upon motion of Director\_\_\_\_\_

Seconded by Director\_\_\_\_\_ at a regular meeting on this day of May 18, 2016, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_

DISTRICT SECRETARY

**ATTACHMENT C - CANDIDATE STATEMENT - COST ESTIMATES**  
**November 8, 2016**

<b>SCHOOL DISTRICT</b>	<b>COST ESTIMATE</b>	<b>WORD LIMIT*</b>	<b>PAID BY</b>
Acalanes Union High	\$743.00	250	Candidate
Antioch Unified	\$503.00	250	Candidate
Brentwood Union	\$327.00	250	Candidate
Byron Union	\$127.00	250	Candidate
Canyon Elementary	\$63.00	250	Candidate
Chabot-Las Positas Community College – Ward 7	\$71.00	250	Candidate
Contra Costa Board of Education Area 1 Area 3	\$919.00 \$1,047.00	250	Candidate
Contra Costa Community College Ward 2 Ward 5	\$1,311.00 \$903.00	250	Candidate
John Swett Unified	\$127.00	250	Candidate
Knightsen Elementary	\$71.00	250	Candidate
Lafayette	\$231.00	250	Candidate
Liberty Union High	\$559.00	250	Candidate
Livermore Valley Joint Unified Shared with Alameda	\$63.00	250	Candidate
Martinez Unified	\$223.00	250	Candidate
Moraga	\$159.00	250	Candidate
Mt. Diablo Unified	\$1,271.00	250	Candidate
Oakley Union Elementary	\$207.00	250	Candidate
Orinda Union	\$183.00	250	Candidate
Pittsburg Unified	\$263.00	250	Candidate
San Ramon Valley Unified	\$823.00	250	Candidate
Walnut Creek	\$351.00	250	Candidate
West Contra Costa Unified	\$1,071.00	250	Candidate
<b>SPECIAL DISTRICT</b>	<b>COST ESTIMATE</b>	<b>WORD LIMIT*</b>	<b>PAID BY</b>
Alameda–Contra Costa Transit At Large – Shared with Alameda County Ward 1 – Shared with Alameda County	\$823.00 \$823.00	250	Candidate pays one time in County of domicile.
Ambrose Recreation & Park	\$135.00	250	Candidate
Bethel Island Municipal Improvement	\$71.00	250	Candidate
Byron Sanitary	\$63.00	250	Candidate
Byron Bethany Irrigation Division 2	\$71.00	250	Candidate
Castle Rock County Water	\$63.00	250	Candidate

\*Word limit is 250 unless otherwise determined by the resolution from the district.

SPECIAL DISTRICT	COST ESTIMATE	WORD LIMIT*	PAID BY
Central Contra Costa Sanitary	\$1,967.00	250	Candidate
Contra Costa Water			
Division 3	\$583.00		
Division 4	\$455.00	250	Candidate
Division 5	\$471.00		
Crockett Community Services	\$79.00	250	Candidate
Diablo Community Services	\$63.00	250	Candidate
Diablo Water	\$223.00	250	Candidate
Town of Discovery Bay Community Services	\$127.00	250	Candidate
Dublin-San Ramon Services Shared with Alameda County	\$223.00	250	Candidate
East Bay Municipal Utility Ward 1	\$807.00	250	Candidate pays one time in County of domicile.
East Bay Regional Park Ward 1 Ward 2	\$935.00 \$567.00	250	Candidate pays one time in County of domicile.
East Contra Costa Irrigation			
Division 1	\$135.00		
Division 2	\$127.00	250	Candidate
Division 3	\$143.00		
Division 5	\$159.00		
Green Valley Recreation & Park	\$63.00	250	Candidate
Ironhouse Sanitary	\$231.00	250	Candidate
Kensington Fire Protection	\$95.00	250	Candidate
Kensington Police & Community Services	\$95.00	250	Candidate
Knightsen Town Community Services	\$63.00	250	Candidate
Los Medanos Community Healthcare	\$391.00	250	Candidate
Moraga – Orinda Fire Protection			
Division 2	\$95.00	250	Candidate
Division 5	\$103.00		
Mt. View Sanitary	\$175.00	250	Candidate
Pleasant Hill Recreation & Park	\$271.00	250	Candidate
Rodeo Sanitary	\$95.00	250	Candidate
Rodeo – Hercules Fire Protection	\$215.00	250	Candidate
Rollingwood-Wilart Park Rec. & Park	\$71.00	250	Candidate
San Francisco Bay Area Rapid Transit			
District 1	\$2,167.00		
District 3	\$519.00	250	Candidate pays one time in County of domicile.
District 7	\$991.00		
San Ramon Valley Fire Protection	\$815.00	250	Candidate
Stege Sanitary	\$255.00	250	Candidate
West Contra Costa Healthcare	\$1,119.00	250	Candidate
West County Wastewater	\$423.00	250	Candidate

\*Word limit is 250 unless otherwise determined by the resolution from the district.

CITY	COST ESTIMATE	WORD LIMIT*	PAID BY
Antioch	\$479.00	250	Candidate
Brentwood	\$319.00	250	Candidate
Clayton	\$127.00	250	Candidate
Concord	\$599.00	250	Candidate
Danville	\$319.00	250	Candidate
El Cerrito	\$191.00	250	Candidate
Hercules	\$175.00	250	Candidate
Lafayette	\$215.00	250	Candidate
Martinez	\$263.00	250	Candidate
Moraga	\$151.00	250	Candidate
Oakley	\$215.00	250	Candidate
Orinda	\$183.00	250	Candidate
Pinole	\$151.00	250	Candidate
Pittsburg	\$303.00	250	Candidate
Pleasant Hill	\$239.00	250	Candidate
Richmond	\$471.00	250	Candidate
San Pablo	\$143.00	250	Candidate
San Ramon	\$383.00	250	Candidate
Walnut Creek	\$447.00	250	Candidate

\*Word limit is 250 unless otherwise determined by the resolution from the city.

Below are samples of 250-word statements as they would appear in the voter information portion of the "Voter Information Pamphlet." Statements will appear in the same order as the candidates appear on the ballot.

<p style="text-align: center;"><b>CANDIDATE STATEMENT WASHINGTON UNIFIED SCHOOL DISTRICT GOVERNING BOARD</b></p> <p><b>JANE DOE</b> Businesswoman</p> <p>I am running for the governing board of the Washington Unified School District because I feel I can bring a balance to the board. I attended local schools, graduating from Washington High School in 1985. I am married and currently have two children attending school in the district.</p> <p>I own and operate my own business, so I am well aware of the need to operate within a budget. With proper distribution of resources and educational materials I am convinced we can offer quality education to all students within the district.</p> <p>I fully understand the value of a quality public education. As your next school board member, I will work to protect small class sizes and better learning environments for our students. I will also ensure that we create a safer learning environment to achieve these goals.</p> <p>I have been active in the P.T.A., served on the Save Our Youth committee, and am an active member of the All-Faith Church. I have served as Boy Scout Den Mother and Girl Scout Leader for the past 3 years. I also serve as a volunteer at the Community Recycling Center as time allows.</p> <p>If elected to serve as a Governing Board Member, I will build on this experience and work diligently to maintain financial stability and foster an educational environment that meets the intellectual and social-developmental needs of our children.</p> <p>I am looking forward to serving you on the Washington Unified School District Governing Board. I respectfully ask for your vote.</p> <p>Thank you.</p>	<p style="text-align: center;"><b>CANDIDATE STATEMENT WASHINGTON UNIFIED SCHOOL DISTRICT GOVERNING BOARD</b></p> <p><b>JANE DOE</b> Businesswoman</p> <p>I am running for the governing board of the Washington Unified School District because I feel I can bring a balance to the board. I attended local schools, graduating from Washington High School in 1985. I am married and currently have two children attending school in the district.</p> <p>I own and operate my own business, so I am well aware of the need to operate within a budget. With proper distribution of resources and educational materials I am convinced we can offer quality education to all students within the district.</p> <p>I fully understand the value of a quality public education. As your next school board member, I will work to protect small class sizes and better learning environments for our students. I will also ensure that we create a safer learning environment to achieve these goals. I have been active in the P.T.A., served on the Save Our Youth committee, and am an active member of the All-Faith Church. I have served as Boy Scout Den Mother and Girl Scout Leader for the past 3 years. I also serve as a volunteer at the Community Recycling Center as time allows.</p> <p>If elected to serve as a Governing Board Member, I will build on this experience and work diligently to maintain financial stability and foster an educational environment that meets the intellectual and social-developmental needs of our children.</p> <p>I am looking forward to serving you on the Washington Unified School District Governing Board. I respectfully ask for your vote. Thank you.</p>
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### Key Dates for Cities and Districts

	APPLIES TO	DATES
Last day to file "Resolution Containing Election Order"	City and Special Districts	Jul. 6 E-125
	School Districts	Jul.8 E-123
Submit Bond and Tax Measures to County Auditor	County Elections	Jul. 26 – Aug. 12 E-105 – 88
Candidate Filing Period	All Cities, School and Special Districts	Jul. 18 – Aug. 12 E-113 – 88
Last day to place a measure on the ballot	All Cities, School and Special Districts	Aug. 12 E-88
Extended Filing Period	If no incumbent files nomination papers by August 12, the filing period is extended for non-incumbents	Aug. 13 – 17 E-87 – 83
Public Review of "Ballot Designations" and "Candidate Statements"	All candidates	Aug. 13 – 22 E-87 – 78
	For "Candidate Statements" and "Ballot Designations" filed during the extended period	Aug. 18 – 27* E-82 – 73
Last day to withdraw "Candidate Statement"	All candidates	Aug. 15 E-85
	Candidates who filed during the extended filing period	Aug. 18 E-82
Last day for amending or withdrawing a measure	All Cities, School and Special Districts	Aug. 17 E-83
Last day to file a petition forcing a contest on the General Election ballot	Applies only to offices where the number of candidates does not exceed the number of positions	Aug. 17 E-83
Measure Letter Assignment	Local Measures	Aug. 15 E-85
Randomized alphabet drawing for ballot placement	All candidates	Aug. 18 E-82
Last day to file Primary Arguments	Local Measures	Aug. 24 E-76
Last day to file Impartial Analysis	Local Measures	Aug. 19 E-81
Last day to file Rebuttal Arguments	Local Measures	Aug. 29 E-71
Deadline to register to vote in the November 4, 2014 General Election	All voters	Oct. 24 E-15
Election Day	Polls are open from 7:00 am to 8:00 pm	November 8, 2016
Deadline to certify the General Election		Dec. 8 E+30

*\*NOTE: Asterisked dates indicate that the deadline falls on a Saturday, Sunday, or a holiday; the deadline will move forward to the next business day.*

### Calendar of Important Dates

Military Overseas Voter Ballot Mailing	September 23, 2016
Sample Ballot Mailing	September 29, 2016
Vote-by-Mail Mailing	October 10, 2016
Registration Deadline	October 24, 2016
Supplemental Sample Ballot Mailing	October 27, 2016
Last Day to Request Vote-by-Mail Ballot	November 1, 2016
Last Day to Mail Vote-by-Mail Ballot	November 8, 2016
Election Day	November 8, 2016
Canvass / 1% Period	November 9 – December 8, 2016
Certification Deadline / Results Transmitted	December 8, 2016

### FILING A RESOLUTION CONTAINING ELECTION ORDER

Every City and District must file a "Resolution Containing Election Order" with the Elections Office no later than:

- July 6, 2016 (E-125) for City and Special Districts
- July 8, 2016 (E-123) for School Districts

*EC 10002, 10509, EDC 5322*

The "Resolution Containing Election Order" is the official document that states all the specifications of the election to be held. A number of items are required to be on the resolution, such as:

- Number of Positions Up for Election
- Who pays for Candidate Statement Costs
- Confirm District Boundaries – Last day for boundary changes is (E-130) July 1, 2016

The resolution must be certified and signed by the Governing Board Members. For a sample of the resolution see Attachment H.



# Town of Discovery Bay

*"A Community Services District"*  
**AGENDA REPORT**

Meeting Date

May 18, 2016

**Prepared By:** Carol McCool, Administrative Assistant, Board Clerk  
**Submitted By:** Catherine Kutsuris, Interim General Manager

### Agenda Title

Consider approving changes to the California Special District Association Bylaws

### Recommended Action

Accept the report regarding the proposed California Special District Association Bylaw changes and authorize the Board President to register a "yes" vote on behalf of the District

### Executive Summary

The Town of Discovery Bay Community Services District is a member of the California Special Districts Association (CSDA). CSDA has made a series of recommended changes to their Bylaws and have asked member agencies to approve those changes.

The proposed changes generally clean up language or clarify processes and procedures relative to the business of the Association. Please find attached the California Special Districts Association (CSDA) Bylaws that are in track changes.

Highlights to the recommended updates include:

- General clean-up to reflect updates and organizational changes over the last two years
- Clarifying language to the CSDA Board nomination and election process to allow for electronic voting
- Clarifying language for the inclusion of electronic communication related to the CSDA Bylaws amendments

### Fiscal Impact:

**Amount Requested**

**Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)**

**Prog/Fund # Category:**

### Previous Relevant Board Actions for This Item

### Attachments

1. Memorandum from CSDA Regarding Proposed Bylaws Updates 04-29-2016
2. CSDA Recommended Bylaw changes in Track Changes

**AGENDA ITEM: E-3**



**California Special  
Districts Association**

*Districts Stronger Together*

TownOfDiscoveryBay CSDA  
Received

APR 29 2016

**MEMORANDUM**

**DATE:** April 29, 2016

**TO:** California Special Districts Association (CSDA) Voting Members

**FROM:** Bill Nelson, CSDA Board President  
Neil McCormick, Chief Executive Officer

**SUBJECT:** Proposed CSDA Bylaws Updates

---

The CSDA Board of Directors has approved recommended updates to the CSDA Bylaws to bring forward to CSDA voting members for consideration.

Highlights to the recommended updates include:

- General clean-up to reflect updates and organizational changes over the last two years
- Clarifying language to the CSDA Board nomination and election process to allow for electronic voting
- Clarifying language for the inclusion of electronic communication related to the CSDA Bylaws amendments

The full proposed changes to CSDA's Bylaws are indicated in mark-up form for your review and can be found online at [www.csda.net/bylaws](http://www.csda.net/bylaws).

As a voting member in good standing, once your district has reviewed the proposed CSDA Bylaws updates, please use the enclosed official ballot to cast your vote by mail in favor or not in favor of the changes.

**Completed ballots must be received by Friday, June 24, 2016 at 5:00 PM to be counted.** Only official and fully completed ballots returned via regular mail to the CSDA office will be counted. The results of the Bylaws ballot will be announced in the CSDA e-News and on the CSDA website. If approved by the membership, the updated Bylaws will take effect on July 1, 2016.

If you have any questions or require printed copies, please contact Charlotte Lowe, Executive Assistant at [charlottel@csda.net](mailto:charlottel@csda.net) or (916) 442-7887.

**Thank you for your participation and continued support of CSDA!**



**California Special  
Districts Association**

*Districts Stronger Together*

TownOfDiscoveryBay CSDA  
Received

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**Thank you for your participation and continued support of CSDA!**



# **BYLAWS**

## **California Special Districts Association**

### **Approved Bylaw Revision Dates:**

**Revised 1996**

**Revised 1999**

**Revised 2004**

**Revised October 1, 2009**

**Revised August 2, 2010**

**Revised August 1, 2011**

**Revised July 1, 2014**

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**ARTICLE I – GENERAL**

**Section 1. Purpose:**

In addition to the general and specific purposes set forth in the Articles of Incorporation of the California Special Districts Association (CSDA), CSDA will provide outreach, education, and member services, and shall generate legislative advocacy for member interests. CSDA will interact with the government associations and groups that support or oppose its membership’s interests.

**Section 2. CSDA ~~Regions~~/Networks:**

The state of California shall be divided along county boundaries into six voting ~~regions~~/networks. The areas of the ~~regions~~/networks have been determined by the Board of Directors of CSDA.

Exhibit A.....Map of the six (6) ~~regions~~/networks of CSDA.

**Section 3. Principal Office:**

The principal business office of CSDA shall be located in Sacramento, California.

## ARTICLE II – MEMBERSHIP

### **Section 1. Qualification of Membership:**

There may be several classes of membership in CSDA, as determined by the Board of Directors. The following classes have been adopted:

#### **A. Regular Voting Members:**

Regular voting members shall be any public agency formed pursuant to either general law or special act for the local performance of governmental and/or proprietary functions within limited boundaries, and which meets any one of the following criteria:

1. Meets the definition of “independent special district” set forth in Government Code Section 56044 by having a legislative body all of whose members are elected, or which members are appointed to fixed terms; or
2. A public agency whose legislative body is composed of representatives of two or more other public agencies. Such representatives may be either members of the legislative body or designated employees of such other public agencies. Public agencies which qualify as regular members pursuant to these criteria include, but are not limited to the following public agencies: (a) air quality management districts; (b) air pollution control districts; (c) county water agencies or authorities; (d) transit or rapid transit districts, or transportation authorities; (e) metropolitan water districts; (f) flood control and/or water conservation districts; (g) sanitation agencies.

Regular voting members do not include the state, cities, counties, school districts, community college districts, dependent districts, or joint powers authorities. Dependent districts are defined as those special districts whose legislative body is composed exclusively of members of a Board of Supervisors of a single county or city council of a single city, LAFCOs, joint powers authorities or the appointees of such legislative bodies with no fixed terms.

Regular voting members have voting privileges and may hold seats on the Board of Directors.

#### **B. Associate Non-Voting Members:**

[Associate members](#) shall be those organizations such as dependent districts, cities, mutual water companies, and those public agencies that do not satisfy the criteria for regular voting membership specified in Section A above.

Associate members have no voting privileges, [except as approved members on a CSDA committee](#), and may not hold a seat on the Board of Directors.

#### **C. Business Affiliate Members:**

[Business Affiliate members](#) shall be those persons or organizations that provide services to special districts and/or have evidenced interest in the purposes and goals of

CSDA. Business Affiliates have no voting privileges, [except as approved members on a CSDA committee](#), and may not hold a seat on the Board of Directors.

## **Section 2. Membership Application:**

Application for membership to CSDA will be directed to staff, who will determine if the applicant's interest and purpose is in common with CSDA. If the applicant meets the requirements of membership, the Board of Directors shall approve the new member by a majority vote of the Board. Acceptance to membership shall authorize participation in CSDA activities as specified in these Bylaws.

## **Section 3. Membership Dues:**

The membership dues of CSDA shall be established annually by a majority vote of the Board of Directors at a scheduled Board meeting. Authority to adjust the dues shall remain with the Board of Directors.

## **Section 4. Membership Voting:**

Matters to be voted upon by the membership shall be determined by the Board of Directors in accordance with these Bylaws. Only those matters of which proper notice was given by CSDA may be voted upon.

### **A. Voting Designee:**

In accordance with these Bylaws, regular voting members in good standing shall have voting privileges. The governing body of each regular voting member shall designate ~~by resolution~~, one representative from their respective district who shall have the authority to exercise the right of the regular voting member to vote. Such voting designee shall be a Board member or managerial employee of the member regular voting member.

### **B. Voting Authorization:**

Those regular voting members who have paid the required dues as set by the Board of Directors are members in good standing. Each regular voting member in good standing shall be entitled to one vote on all matters brought before the membership for vote at any meeting or ~~mail-by~~ ballot.

## **Section 5. Membership Quorum:**

### **A. Meeting Quorum:**

Twenty-five voting designees, as defined in Article II, Section 4, officially designated by each regular voting member present at any annual or special meeting of the CSDA shall constitute a quorum. ~~Absentee ballots shall not be accepted. No regular voting member shall have the right to vote by means of an absentee or proxy ballot.~~

### **B. Mailed or Electronic Ballot Quorum:**

Mail ballots [or electronic ballots](#) received from 25 voting designees [officially designated by each regular voting member](#) shall constitute a quorum. [Each regular voting member shall](#)

be entitled to one vote. No regular voting member shall have the right to vote by means of a proxy.

## **Section 6. Membership Meetings:**

### **A. Annual Business Meeting:**

The annual business meeting of the members shall be held at the Annual CSDA Conference at such time and place as determined by the Board of Directors. Written notice of the annual business meeting distributed by mail or electronically shall include all matters that the Board intends to present for action and vote by the members.

~~Written notice of any annual meeting of the members of CSDA, via mail and/or electronic delivery, and/or facsimile shall be sent to each regular voting member in good standing, at least 45 days in advance of the designated date of such meeting. The notice shall include the time and place, and all matters the Board of Directors intends to present for action and vote by the members.~~

### **B. Special Meetings:**

Special meetings of the members may be called at any time by the President, by a majority of the Board of Directors, or ~~by a majority of~~ at least a quorum of the members (25 members). ~~Written notice shall include all matters the Board of Directors intends to present for action and vote by the members.~~ Such a special meeting may be called by written request, specifying the general nature of the business proposed to be transacted and addressed to the attention of and submitted to the President of the Board. The President shall direct the Chief Executive Officer to cause notice to be given promptly to the members stating that a special meeting will be held at a specific time and date fixed by the Board. No business other than the business that was set forth in the notice of the special meeting may be transacted at a special meeting.

~~Written notice of any special meeting of the members of CSDA, via mail and/or electronic delivery, and/or facsimile shall be sent to each regular voting member in good standing, at least ten days in advance of the designated date of such meeting. The notice shall include the time and place, and all matters intended to be presented for action and vote by the members.~~

### **C. Notice of Meetings:**

Whenever members are permitted to take any action at any annual or special meeting, written notice of the meeting distributed by mail or electronically shall be given to each member entitled to vote at that meeting. The notice shall specify the place, date and hour of the meeting, and the means of electronic transmission or electronic video screen communication to be utilized by and between CSDA and its members, if any, by which members may participate in the meeting. For the Annual Membership Meeting, the notice shall state the matters that the Board intends to present for action by the members. For a special meeting the notice shall state the general nature of the business to be transacted and shall state that no other business may be transacted. The notice of any meeting at which directors are to be elected shall include the names of all persons who are nominees when notice is given.

1. Notice Requirements. Written notice of any annual membership meeting shall be given at least 45 days before the meeting date either personally, by first class registered or certified mail, or by electronic transmission.

2. Electronic Notice. Notice given by electronic transmission by CSDA shall be valid if delivered by either (a) facsimile telecommunication or electronic mail when directed to the facsimile number or electronic mail address for that main contact member on record with CSDA; (b) posting on an electronic message board or network that CSDA has designated for such communications, together with a separate electronic notice to each member of the posting; or (c) any other means of electronic communication. Such electronic transmission must be directed to a member which has provided to CSDA an unrevoked consent to the use of electronic transmission for such communications. The method of electronic communication utilized must create a record that is capable of retention, retrieval and review by CSDA.

All such electronic transmissions shall include a written statement that each member receiving such communication has the right to have the notice provided in non-electronic form. Any member may withdraw its consent to receive electronic transmissions in the place of written communications by providing written notice to CSDA of such withdrawal of consent.

Notice shall not be given by electronic transmission by CSDA if CSDA is unable to deliver two (2) consecutive notices to a member by that means, or otherwise becomes aware of the fact that the member cannot receive electronic communications.

#### D. Electronic Meetings:

Members not physically present in person at either an annual or special meeting of members may participate in such a meeting by electronic transmission or by electronic video screen communication by and between such members and CSDA. Any eligible member participating in a meeting electronically shall be deemed present in person and eligible to vote at such a meeting, whether that meeting is to be held at a designated place, conducted entirely by means of electronic transmission, or conducted in part by electronic communication between CSDA and those members who are not capable of being physically present at such designated meeting place.

Annual and special meetings of the members may be conducted in whole or in part by electronic transmission or by electronic video screen communication by and between CSDA and its members if all of the following criteria are satisfied: (1) CSDA implements reasonable procedures to provide members participating by means of electronic communication a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to hear the proceedings of the meeting including comments of members participating in person substantially concurrent with such proceedings; and (2) any votes cast by a member by means of electronic communication by and between CSDA and a member must be recorded and maintained in the minutes by CSDA.

#### ~~C. Mail Ballot:~~

~~The Board of Directors may at its discretion authorize the voting upon any issue, by written ballot mailed to each regular voting member in good standing. Such ballot shall~~

~~be mailed by first class mail, at least 45 days in advance of the date the CSDA has designated for the return of the ballot by each member to CSDA.~~

**E. Majority Vote:**

~~A majority of votes cast or ballots received shall be necessary to carry any matter voted upon, provided a quorum of members has voted in person or by mail ballot. Voting by proxy shall not be allowed.~~ Any matter submitted to the membership for action or approval shall constitute the action or approval of the members only when: (1) the number of votes cast by regular voting members present at the meeting equals or exceeds the quorum requirement of 25 registered voters; and (2) the number of votes approving the action or proposal equals or exceeds a majority (50% plus one) of the regular voting members present and casting votes on the issue.

**F. Solicitation of Written Ballots from Members:**

All solicitations of votes by written ballot, whether by means of electronic communication or first class mail, shall: (1) state the number of returned ballots needed to meet the quorum requirement (25 returned ballots); (2) state, with respect to returned ballots other than for election of directors, that the majority of returned ballots must indicate approval of each measure in order to adopt such measure; and (3) specify the time by which the written ballot must be received by CSDA in order to be counted. Each written ballot so distributed shall: (1) set forth the proposed action; (2) give members an opportunity to specify approval or disapproval of each proposal; and (3) provide a reasonable time in which to return the ballots to CSDA either electronically or by first class mail.

Each written ballot distributed by first class mail shall be mailed to each regular voting member at least 45 days in advance of the date designated for return of the ballot by each such member to CSDA. Written ballots transmitted electronically to members shall be electronically communicated at least 45 days in advance of the date designated for return of the ballot by each member to CSDA.

**G. Return of Ballots:**

Written ballots shall be returned either by first class mail or by electronic communication to either the principal business address of CSDA or CSDA's designated electronic format specified on the ballot prior to the close of business (5:00 pm) on the designated election date. Written ballots received either by first class mail or electronic communication from regular voting members after the specified date shall not be counted and shall be invalid.

**H. Number of Votes Required for Approval:**

Approval by written ballot shall be valid only when (1) the number of votes cast by written ballot either by means of electronic communication or first class mail within the specified time equals or exceeds the quorum required to be present at a meeting authorizing the action (25 votes); and (2) the number of approvals equals or exceeds the number of votes that would be required for approval at a meeting of members, i.e. 50% plus one of those participating members casting written ballots either electronically or by first class mail.

**Section 7. Termination of Membership:**

Any member delinquent in the payment of dues for a period of three months after said dues are due and payable, shall be notified in writing of such arrearage, and shall be given written notice of possible termination. If such delinquent dues remain unpaid for 45 days after said notice, the delinquent member shall automatically cease to be a member of CSDA. [CSDA's Chief Executive Officer may approve special payment arrangements if deemed necessary.](#)

A delinquent member may be restored to membership by making written application to the Board of Directors of the CSDA. Such reinstatement shall be at the discretion of the Board.

## **ARTICLE III – DIRECTORS**

### **Section 1. Number of Directors:**

The authorized number of elected directors to serve on the Board of Directors shall be 18. Each regular voting member agency shall be limited to one seat on the Board.

There shall be three directors elected from each of the six CSDA ~~regions/~~networks. Directors elected from each of the six ~~regions/~~networks shall hold staggered three year terms. The three directors serving a term of office from a ~~region/~~network shall be elected from three different regular voting member agencies located in that ~~region/~~network.

### **Section 2 Term of Office:**

Directors elected from each of the six ~~regions/~~networks shall hold staggered three year terms. After the annual election of directors, a meeting of the Board shall be held to ratify the election results. The term of office of the newly elected persons shall commence on the following January 1 and shall terminate in three years.

### **Section 3. Nomination of Directors:**

Nomination shall be by ~~region/~~network. Any regular voting member in good standing is eligible to nominate one person from their district to run for director of CSDA. The director nominee shall be a board member of the district or a managerial employee as defined by that district's Board of Directors. Nomination of the director designee shall be made by a resolution or minute action of the regular voting member's Board of Directors. Only one individual from each regular voting member district may be nominated to run at each election. In the event an incumbent does not re-run for his/her seat, the nomination period for that ~~region/~~network shall be extended by ten days.

The CSDA staff, in conjunction with the Elections and Bylaw Committee, will review all nominations received and accept all that meet the qualifications set by these Bylaws. A slate of each ~~region's/~~network's qualified nominees will be submitted by mail ~~or electronic~~ ballot, to that ~~region's/~~network's regular voting membership for election pursuant to Article III, Section 4

### **Section 4. Election of Directors:**

The Election and Bylaws Committee shall have primary responsibility for establishing and conducting elections. The Committee may enforce any regulation in order to facilitate the conduct of said elections. Voting for directors shall be by the regular voting members from the ~~region/~~network from which they are nominated.

The Election and Bylaws Committee shall meet each year to review, with staff, the ~~regions/~~networks where election of directors will be necessary. The Committee will coordinate, with staff, the dates nomination requests shall be mailed to the regular voting members, the official date for the nomination requests to be received at the CSDA office, and set the date of the election.

#### **A. Written Notice:**

Written notice requesting nominations of candidates for election to the Board of Directors shall be sent by first class mail or electronically to each regular voting member in good standing on the date specified by the Election and Bylaws Committee, which shall be at least 120 days prior to the election. The nominations must be received either by mail or electronically by CSDA before the established deadline which shall be no later than 60 days prior to the election. Nominations received after the deadline date shall be deemed invalid.

**B. Balloting and Election:**

Voting for directors shall be by written ballot distributed by mail or by electronic transmission by CSDA directly or via third-party to members eligible to vote in each network.

After the nomination period for directors is closed, a ~~written~~mailed-ballot specifying the certified nominees in each ~~region/~~network shall be distributed by first class mail or electronically to each regular voting member in that ~~region/~~network ~~by first class mail~~. Each such regular member in good standing in each ~~region/~~network shall be entitled to cast one vote for each of that ~~region's/~~network's open seats on the Board.

The ballot for each ~~region/~~network shall contain all nominations accepted and approved by CSDA staff. In the event there is only one nomination in a ~~region/~~network, the nominee shall automatically assume the Seat up for election and a ballot shall not be mailed or electronically transmitted. Staff will execute a Proof of Service certifying the date upon which all regular voting members of each ~~region/~~network were ~~mailed-sent~~ a ballot, either by first class mail or by electronic transmission. The form of written ballot and any related materials sent by electronic transmission by CSDA and completed ballots returned to CSDA by electronic transmission by participating members must comply with all of the requirements of Article II, Section 6.F-H of these Bylaws. If a member does not consent to electronic communication for balloting purposes, a form of written ballot will be mailed to such participating member no later than 45 days prior to the date scheduled for such election. All written ballots shall indicate that each participating member may return the ballot by electronic communication or first class mail.

All solicitations of votes by written ballot shall: (1) state the number of returned ballots needed to meet the quorum requirement (25); (2) state, with respect to ballots for election of directors, that those nominees receiving the highest number of votes for each Board position subject to election will be certified as elected to that Board position.

Election of a nominee to a Board position shall be valid only when: (1) the number of votes cast by written ballot, transmitted either electronically or by first class mail, within the time specified, equals or exceeds the quorum required to be present at a meeting of members authorized in such action (25); and (2) the number of written ballots approving the election of a nominee must be the highest number of votes cast for each Board position subject to election as would be required for an election of a nominee at a meeting of the members. -

Written Ballots shall be returned either by first class mail or by electronic mail communication to either the principal business address of CSDA or CSDA's designated electronic format specified on the ballot prior to the close of business (5:00 pm) on the

designated election date, which shall be at least 45 days prior to the Annual Conference. Written Ballots received either by first class mail or electronic communication after the specified date shall be invalid and shall not be counted.

All written ballots received by mail shall remain sealed until opened in the presence of the Election and Bylaws Committee chairperson or his/her designee. All electronic ballots will be prepared, distributed, authenticated, received, tabulated, and kept secure and confidential.

### **Section 5. Event of Tie:**

In the event of a tie vote, a supplemental mail-written ballot containing only the names of those candidates receiving the same number of votes shall be distributed either by first class mail or electronically mailed to each regular voting member in the region/network where the tie vote occurred.

Those mail-written ballots received by mail or electronically prior to the close of business (5:00 pm) on the date designated by the Election and Bylaws Committee shall be considered valid and counted. All supplemental mail-written ballots received after the designated date whether by first class mail or electronically shall will be deemed invalid. All written ballots received either by mail or electronically shall remain sealed as provided in Article III, Section 4.B of these Bylaws. ~~until opened in the presence of the Committee chair or his/her designee.~~

In the event the supplemental mail-written ballot also results in a tie vote, the successful candidate will be chosen by a drawing by lot.

### **Section 6. Director Vacancy:**

In the event of a director vacating his/her seat on the Board of Directors, an individual who meets the qualifications as specified in these Bylaws may be appointed or elected to complete the director's unexpired term.

#### **A. Two or Three Vacant Seats in the Same Region/Network:**

In the event more than one seat on the CSDA Board of Directors in any one region/network is vacant at the same time, such vacancies shall be filled by election. A mail-written ballot shall be prepared; listing all nominees for that region/network accepted and approved by CSDA and distributed to each regular voting member in each such network either by first class mail or by electronic communication pursuant to the provisions of Article III, Section 4. A and B of these Bylaws

Regular members of each region/network shall be entitled to cast one vote for each open seat in that region/network by returning a completed written ballot to CSDA either by first class mail or by electronic communication. The candidate receiving the most votes will be elected to the vacant seat with the longest remaining term. The candidate receiving the second highest number of votes will be elected to fill the vacant seat with the second longest remaining term. The candidate receiving the third highest number of votes will be elected to fill the vacant position with the third longest remaining term.

#### **B. Vacancy Before Nomination Period**

In the event of a vacancy occurring “before” the nomination period, at the discretion of the CSDA Board, the vacancy may be filled by appointment or special election.

Should the CSDA Board choose to fill the vacancy by appointment, notification of the vacancy and request for nominations shall be sent by regular mail or electronic communication to all regular members in good standing in the network in which the vacancy occurred. The network’s existing directors sitting on the CSDA Board shall interview all interested candidates of that network and bring a recommendation to the CSDA Board of Directors for consideration. The Board shall make the appointment to fill the unexpired term of the vacated Board position.

Should the CSDA Board choose to fill the vacancy by special election, written notification of the vacancy and request for nominations shall be sent either by first class mail or electronically to each regular member in good standing in the network in which the vacancy occurred. Nominations will be accepted for the vacant seat by first class mail or by electronic communication and shall be placed on the written ballot for election in that network. Such election shall be conducted pursuant to the provisions of Article III, Section 4.A and B hereof.

**B.C. Vacancy During Nomination Period:**

In the event of a vacancy occurring “during” the nomination period, the vacancy shall be filled by election. Written notification of the vacancy and request for nominations shall be sent either by first class mail or electronically to each regular member in the ~~region/~~network in which the vacancy occurred. Nominations will be accepted for the vacant seat by first class mail or by electronic communication and shall be placed on the ~~mail-written~~ ballot for election in that ~~region/~~network. Such election shall be conducted pursuant to the provisions of Article III, Section 4.A and B hereof.

**C.D. Vacancy After Nomination Period:**

In the event of a vacancy occurring “after” the nomination period has closed, at the discretion of the CSDA Board, the vacancy may remain unfulfilled until the next regularly scheduled election or may be filled by appointment. Should the CSDA Board choose to fill the vacancy by appointment, notification of the vacancy and request for nominations shall be sent by regular mail or electronic communication to all regular members in good standing in the ~~region/~~network in which the vacancy occurred.

The ~~region’s/~~network’s existing directors sitting on the CSDA Board shall interview all interested candidates of that ~~region/~~network and bring a recommendation to the CSDA Board of Directors. The Board shall make the appointment to fill the unexpired term of the vacated Board position.

**Section 7. Director Disqualification:**

- A. A director shall become disqualified from further service upon the occurrence of the following:

A director’s district is no longer a member of CSDA; a director is no longer a board member or an employee of a member district; and/or a director shall resign.

Any officer or director may resign at any time by giving written notice to the President or CEO. Any such resignation shall take effect at the date of the receipt of such notice or at any time specified therein.

- B. The position of a director may be declared vacant by a majority vote of the CSDA Board of Directors when a director [is unexcused and](#) fails to attend three consecutive meetings of the Board.

**Section 8. Powers of Directors:**

Subject to the limitations of these Bylaws, the Articles of Incorporation, and the California General Nonprofit Corporation Law, all corporate powers of the CSDA shall be exercised by or under the authority of the Board of Directors.

## **ARTICLE IV – DIRECTOR MEETINGS**

### **Section 1. Place of Meetings:**

Meetings of the Board of Directors shall be held in the state of California, at such places as the Board may determine.

### **Section 2. Ratification Meeting:**

Following the election of Directors, the Board shall hold a meeting at such time and place as determined by the Board for the purpose of ratifying the newly elected directors and to transact other business of CSDA.

### **Section 3. Organization Meeting:**

After the ratification meeting, an organizational meeting of the Board shall be held at such time and place as determined by the Board for the purpose of electing the officers of the Board of Directors and the transaction of other business of CSDA.

### **Section 4. Planning Session:**

As directed by the Board of Directors, a special Strategic Planning Meeting shall be held to review and evaluate the plans, policies and activities related to the business interests of CSDA.

### **Section 5. Regular Meetings:**

The dates of the regular meetings of the Board of Directors shall be ratified at the last Board meeting of the previous year. The meetings shall be held at such time and place as the Board may determine. The dates and places of the Board meetings shall be published in the CSDA's publications for the benefit of the members.

### **Section 6. Special Meetings:**

A special meeting of the Board of Directors, for any purpose, may be called at any time by the President or by any group of ~~seven~~-10 directors [or as described in Article II, Section 6.B.](#)

Such meetings may be held at any place designated by the Board of Directors. In the event directors are unable to personally attend the special meeting, teleconferencing means will be made available.

Notice of the time and place of special meetings shall be given personally to the directors, or sent by written or electronic communication. All written notices shall be sent at least ten days prior to the special meeting and electronic notices at least five days prior.

### **Section 7. Quorum:**

A quorum of the Board of Directors for the purpose of transacting business of the CSDA shall consist of ten directors. A majority vote among at least ten directors present at a duly noticed meeting shall constitute action of the Board of Directors.

### **Section 8. Board Meetings by Telephone and Electronic Communications:**

Any Board meeting may be held by conference telephone, video screen communication or other electronic communications equipment. Participation in such a meeting under this Section shall constitute presence in person at the meeting if both of the following apply: (a) each Board member participating in the meeting can communicate concurrently with all other Board members; and (b) each member of the Board is provided a means of participating in all matters before the Board, including the capacity to propose or interpose an objection to a specific action to be taken by CSDA, and the capacity to vote on any proposal requiring action of the Board.

**Section 98. Official Records:**

All official records of the meetings of the CSDA shall be maintained at the principal business office of the CSDA.

## **ARTICLE V – OFFICERS**

### **Section 1. Number and Selection:**

The officers of CSDA shall be the President, Vice President, Secretary, Treasurer and the Immediate Past President. The officers shall be elected annually from the then current members of the Board of Directors without reference to **regions**/networks. All officers shall be subordinate and responsible to the CSDA Board of Directors and shall serve without compensation.

Each shall hold office for the term of one year, or until resignation or disqualification.

The Board of Directors may appoint such other officers as the business of CSDA may require. Each of the appointed officers shall hold office for such period, have such authority, and perform such duties as are provided in these Bylaws or as the Board of Directors may determine.

### **Section 2. Duties of the President:**

The President shall be the chief officer of the CSDA and shall, subject to the approval of the Board of Directors, give supervision and direction to the business and affairs of CSDA.

The President shall preside at all Board of Director and membership meetings. The President shall be an ex-officio member of all Standing Committees. The President shall appoint committee chairs and vice-chairs and members of the Standing Committees, subject to confirmation by the Board of Directors.

The President shall have the general powers, duties and management usually vested in the office of the president of a corporation. The President shall have such other powers and duties as may be prescribed by these Bylaws or by the vote of the Board of Directors.

### **Section 3. Duties of the Vice President:**

In the absence of, or disability of the President, the Vice President shall perform all of the duties of the President. When so acting, the Vice President shall have all the powers of the President, and be subject to all the restrictions upon the President.

The Vice President shall be an ex-officio member of all of the Standing Committees.

### **Section 4. Duties of the Secretary:**

The Secretary or a designee appointed by the Board of Directors shall give notice of meetings to the Board of Directors, and notices of meetings to the members as provided by these Bylaws.

The Secretary or designee shall record and keep all motions and resolutions of the Board. A record of all meetings of the Board and of the members shall be maintained. All written records of the Secretary shall be kept at the business office of CSDA.

A list of the membership of CSDA shall be maintained by the Secretary or such designee. Such record shall contain the name, address and type of membership, of each member. The date of membership shall be recorded, and in the event the membership ceases, the date of termination.

The Secretary or designee shall perform such other duties as may be required by law, by these Bylaws, or by the Board of Directors.

**Section 5. Duties of the Treasurer:**

The Treasurer or a designee appointed by the Board of Directors shall keep and maintain adequate and correct accounts of the properties and the business transactions of CSDA, including accounts of its assets, liabilities, receipts, disbursements, gains and losses. The books of account shall at all times be open to inspection by any director or member of the CSDA.

The Treasurer or designee shall be responsible to cause the deposit of all moneys of the CSDA, and other valuables in the name and to the credit of CSDA, with such depositories as may be designated by the Board of Directors.

The Treasurer or designee, shall disburse, or cause to be disbursed by persons as authorized by resolution of the Board of Directors, the funds of CSDA, as ordered by the Board of Directors.

The Treasurer or designee shall serve as chair of the CSDA Fiscal Committee. The Treasurer shall render to the President and the Board of Directors an account of all financial transactions and the financial condition of CSDA at each Board meeting and on an annual basis, or upon request of the Board.

The Treasurer or designee shall, after the close of the fiscal year of CSDA, cause an annual audit of the financial condition of CSDA to be done.

The Treasurer or such designee shall perform such other duties as may be required by law, by these Bylaws, or by the Board of Directors.

**Section 6. Disbursement of Funds:**

No funds shall be disbursed by CSDA unless a check, draft or other evidence of such disbursement has been executed on behalf of CSDA by persons authorized by resolution of the Board of Directors.

**Section 7. Removal of Officers:**

Officers of the Board may be removed with or without cause at any meeting of the Board of Directors by the affirmative vote of a majority of the Board of Directors present at such meeting.

## **ARTICLE VI – COMMITTEES**

### **Section 1. Committee Structure:**

Each committee shall have a chair and a vice-chair who shall be directors of the Board of Directors. Each committee shall have at least two Board members and no more than nine Board members. Directors may be appointed as alternate members of a committee, in the event of an absent committee member.

Other members of any committee may include designees of regular, associate or Business Affiliate members.

### **Section 2. Committee Actions:**

All actions of any committee of the CSDA shall be governed by and taken in accordance with the provisions of these Bylaws. All committees shall serve at the pleasure of the Board and have such authority as provided by the Board of Directors. Minutes of each committee meeting shall be kept and each committee shall present a report to the Board of Directors at each scheduled Board meeting.

No committee may take any final action on any matter that, under these Bylaws, or under the California Nonprofit Public Benefit Corporation Law, also requires approval of the members of the CSDA.

All committees, regardless of Board resolution, are restricted from any of the following actions as imposed by the California Nonprofit Public Benefit Corporation Law

No committee may: Fill vacancies on the Board of Directors or on any committee that has authority of the Board; create any other committees of the Board or appoint the members of the committees of the Board.

No committee may fix compensation of the directors for serving on the Board or on any committee; expend corporate funds to support a nominee for director; or approve any contract or transaction to which CSDA is a party and in which one or more of its directors has a material financial interest.

No committee may amend or repeal Bylaws or adopt new Bylaws or amend or repeal any resolution of the Board that by its express terms is not subject to amendment or repeal.

### **Section 3. Committee Meetings:**

Meetings of the committees of CSDA shall be held in accordance with the provisions of these Bylaws. The time and place for regular meetings of such committees may be determined by the Board or by such committees. Special meetings of the committees may be called by the chair of such committee, or by the Board of Directors.

[Written notice of any regular or special committee meeting may be given either personally, by first class mail, or by electronic transmission as specified in Article II, Section 6.C.2 of these Bylaws. Any committee meeting may also be held by conference telephone, video screen communication or other electronic communication equipment. Participation in such a meeting under this Section shall constitute presence in person at the committee meeting if both of the](#)

following apply: (a) each committee member participating in the meeting can communicate concurrently with all other committee members; and (b) each member of the committee is provided a means of participating in all matters before the committee, including the capacity to propose or interpose an objection to a specific action to be taken by that committee, and the capacity to vote on any proposal requiring action or recommendation by the committee.

#### **Section 4. Standing Committees:**

Standing Committees of CSDA shall be advisory in nature except for the Finance Corporation (see Section 4D). The Standing Committees are: Executive, Professional Development, Elections and Bylaw, Finance Corporation, Fiscal, Legislative, Member Services and Audit.

The President shall recommend the appointment of committee officers and members of each Standing Committee except the Executive Committee. All committee members are subject to ratification by the Board of Directors.

##### **A. Executive Committee:**

The Executive Committee shall consist of all officers of CSDA. Members shall include the President, Vice President, Secretary, Treasurer and the Immediate Past President of CSDA. If the Immediate Past President is no longer a member of the Board of Directors, a previous past president may be appointed. If there are no directors who have served as President in the past, the President shall appoint a current director to serve as a member of the Executive Committee.

Subject to these Bylaws and approval of the Board of Directors, the Executive Committee shall have full power, authority and responsibility for the operation and function of the CSDA.

##### **B. Professional Development Committee:**

The Professional Development Committee shall provide advice, feedback and general guidance for ~~plan, organize and direct~~ CSDA professional development programs and events.

##### **C. Election and Bylaws Committee:**

The Election and Bylaws Committee shall be responsible for conducting all elections for the CSDA Board of Directors as provided in these Bylaws. The Committee shall annually review the Bylaws and shall be responsible for membership vote on any bylaw changes and approval of election materials.

##### **D. Finance Corporation Committee:**

The Finance Corporation Committee shall serve as the Board of Directors of the CSDA Finance Corporation a California non-profit public benefit corporation organized to provide financial assistance to CSDA members in acquiring, constructing and financing various public facilities and equipment for the use and benefit of the public. The Finance Corporation Committee is not an advisory committee, but has all of the powers described in the CSDA Finance Corporation Bylaws, which are incorporated herein by

this reference. Such powers include the powers to manage and control the business affairs of the corporation, to approve policies for the corporation's operations, and to enter into all contracts necessary to provide financial assistance to CSDA members.

**E. Fiscal Committee:**

The Treasurer shall serve as the chair of the Fiscal Committee and shall, with the Committee, be responsible for oversight of all the financial transactions of the CSDA. An annual budget shall be reviewed by the committee and ratified by the Board of Directors.

**F. Legislative Committee:**

The Legislative Committee shall be responsible for the development of CSDA's legislative agenda. The Committee shall review, direct and assist the CSDA Advocacy and Public Affairs Department with legislative and public policy issues.

**G. Member Services Committee:**

~~The Member Services Committee shall be responsible for recruitment and recommendation of new members to the CSDA Board of Directors~~  
The Member Services Committee shall be responsible for recruitment and retention activities as well as recommendation of new members and benefits to the CSDA Board of Directors. All new members shall be ratified by the Board of Directors.

**H. Audit Committee:**

The Audit Committee is responsible for maintaining and updating internal controls. The Committee selects the Auditor for Board of Directors approval and provides guidance to the auditors on possible audit and fraud risks. The Committee reviews the audit and management letter and makes recommendation to the Board of Directors for action.

**Section 5. Ad Hoc Committees:**

The President may appoint other Ad Hoc Committees and their officers as may be determined necessary for the proper operation of the CSDA. The Standing Committees and the Ad Hoc Committees shall plan and authorize such programs as may be directed by the Board of Directors.

The Ad Hoc Committees shall be advisory in nature and shall be composed of at least two members of the Board of Directors. Other members of such committees may include designees of regular, associate or professional members, or members of the public, as approved by the Board of Directors.

**Section 6. Special Committee of the Board:**

A Special Committee may be granted authority of the Board as a Committee of the Board, as required by the California Nonprofit Public Benefit Corporation Law, provided by a specific resolution adopted by a majority of the Board of Directors then in office. In such case, the Special Committee shall be composed exclusively of two or more directors, but less than a quorum of the Board of Directors.

## **ARTICLE VII – INDEMNIFICATION**

### **Section 1. Right of Indemnity:**

To the fullest extent permitted by law, the CSDA shall defend, indemnify and hold harmless both its past and present directors, officers, employees and other persons described in Section 5238(a) of the California Corporations Code, against any and all actions, expenses, fines, judgments, claims, liabilities, settlements and other amounts reasonably incurred by them in connection with any “proceeding”, as that term is used in the Section 5238(a) of the California Corporations Code.

“Expenses”, as used in these Bylaws, shall have the same meaning as in Section 5238(a) of the California Corporations Code.

### **Section 2. Approval of Indemnity:**

On written request to the Board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the Board shall promptly determine under Section 5238(e) of the California Corporations code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met, and if so, the Board shall authorize indemnification.

If the Board cannot authorize indemnification because the number of directors who are parties to the proceeding with respect to which indemnification is sought prevents the formation of a quorum of directors who are not parties to that proceeding, the Board shall promptly call a meeting of the members.

At the request for indemnification meeting, the members shall determine under Section 5238(e) of the California Corporations Code whether the applicable standard or conduct set forth in Section 5238(b) or Section 5238(c) has been met, and, if so, the members present at the meeting in person or by proxy shall authorize indemnification.

### **Section 3. Insurance:**

The CSDA shall have the right to purchase and maintain insurance to the full extent permitted by law, on behalf of its officers, directors, employees, and agents, against any liability asserted against or incurred by any officer, director, employee or agent in such capacity, or arising out of the officer’s, director’s, employee’s, or agent’s status as such.

### **Section 4. Liability:**

No member, individual, director, or staff member of the CSDA shall be personally liable to the CSDA’s creditors, or for any indebtedness or liability. Any and all creditors shall look only to the CSDA’s assets for payment.

## ARTICLE VIII – ~~LOCAL CHAPTERS~~ AFFILIATED CHAPTERS

### **Section 1. Purpose:**

The purpose of ~~local~~-affiliated chapters is to provide a local forum of members for the discussion, consideration and interchange of ideas concerning matters relating to the purposes and powers of special districts and the CSDA.

The ~~local~~-affiliated chapters may meet to discuss issues bearing upon special districts and the CSDA. The chapters may make recommendations to the CSDA's Board of Directors.

### **Section 2. Organization:**

The regular voting members of CSDA are encouraged to create and establish ~~local~~-affiliated chapters. In order to be recognized as a CSDA Chapter, each Chapter must approve and execute a Chapter Affiliation Agreement in order to obtain the right to use the CSDA name, logo, membership mailing list, intellectual property, endorsements, and CSDA staff support and technical assistance in conducting Chapter activities. The terms and conditions of the Chapter Affiliation Agreement are incorporated herein by this reference.

Each chapter formed prior to August 1, 2011, including but not limited to the following chapters must have at least one CSDA member in their membership at all times: Alameda, Butte, Contra Costa, Kern, Marin, Monterey, Orange (ISDOC), Placer, Sacramento, San Bernardino, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara and Ventura. Such existing chapters may include as members local organizations, districts and professionals who are not members of CSDA.

New chapters formed after August 1, 2011, are required to have 100 percent of their special district members be current members of CSDA in order to be a chapter affiliate of CSDA. Such ~~local~~ chapters may include members of local organizations and professionals who are not members of CSDA.

Local-Affiliated chapters shall be determined ~~to be affiliates of the CSDA~~ upon approval and execution of the Chapter Affiliation Agreement by the ~~local~~ chapter and approval and ratification of the Chapter Affiliation Agreement by the CSDA Board of Directors. The chapters shall be required to provide updated membership lists to the CSDA at least annually.

CSDA and its ~~local~~-affiliated chapters shall not become or be deemed to be partners or joint ventures with each other by reason of the provisions of these Bylaws or the Chapter Affiliation Agreement.

### **Section 3. Rules, Regulations and Meetings:**

Each ~~local~~-affiliated chapter shall adopt such rules and regulations, meeting place and times as the membership of such ~~local~~-affiliated chapter may decide by majority vote. Rules and regulations of the ~~local~~-affiliated chapter shall not be inconsistent with the Articles of Incorporation or Bylaws of CSDA.

### **Section 4. Financing of ~~Local~~-Affiliated Chapters:**

No part of CSDA's funds shall be used for the operation of the ~~local-affiliate~~ chapters ~~s-affiliates~~. CSDA is not responsible for the debts, obligations, acts or omissions of the ~~local-affiliate~~ chapters.

**Section 5. Legislative Program Participation:**

~~Local-Affiliate~~ chapters may function as a forum in regard to federal, state and local legislative issues. The chapters may assist CSDA in the distribution of information to their members.

## ARTICLE IX – AMENDMENTS TO THE BYLAWS

### **Section 1. Amendment Proposals:**

Any regular voting member in good standing may propose changes to these Bylaws. The proposed amendments shall be reviewed by the Board of Directors and submitted to the Election and Bylaws Committee for their study.

After examination by the Election and Bylaws Committee and upon ~~resolution approval by~~ of the Board of Directors the amendment proposals may be submitted for vote at the Annual Business meeting of the members held by CSDA, at a specially called meeting, or by ~~a mailed or~~ electronic ballot.

### **Section 2. Amendment Membership Meeting:**

Prior notice in writing of the proposed amendment/s to these Bylaws shall be given either by first class mail or by electronic transmission by the Board of Directors to the regular voting members in good standing, not later than 45 days in advance of the amendment meeting pursuant to the provisions of Article II, Section 6.C of these Bylaws. The electronic notice shall include copies of the proposed amendments.

Electronic copies of the proposed amendment/s shall also be available on the CSDA website for review by the regular voting members prior to the meeting. Copies of the proposed amendments shall also be available for the regular voting members at the amendment membership meeting.

The amendment membership meeting may be conducted as an electronic meeting pursuant to the provisions of Article II, Section 6.D of these Bylaws.

### **Section 3. ~~Mailed~~ Written Bylaw Amendment Ballot:**

The Board of Directors of CSDA may submit Bylaw amendments for approval of regular voting members by mail or electronic ballot rather than by means of an amendment membership meeting.

When a ~~mailed-written~~ ballot is ~~utilized-used~~ to amend these Bylaws, the ballot shall include the text of all proposed Bylaw amendments and matters the Board of Directors intends to present for ~~action and~~ vote by the members. Such written ballot shall contain the information specified in Article II, Section 6.F of these Bylaws and shall be ~~mailed distributed by CSDA to all~~ regular voting members either by first class mail or by electronic transmission at least 45 days in advance of the date designated for return of the ballot. ~~The ballot shall be mailed by first class mail, not later than 45 days in advance of the date CSDA has designated for the receipt of the ballot.~~

Written ballots shall be returned either by first class mail or by electronic communication to either the principal business address of CSDA or CSDA's designated electronic format specified on the ballot prior to the close of business (5:00 pm) on the designated election date. Written ballots received either by first class mail or electronic communication after the specified date shall not be counted and will be deemed invalid. ~~The amendment ballot must be received by CSDA, no later than the established deadline date and time. Ballots received after the specified deadline will be deemed invalid~~

**Section 4. Bylaw Amendment Ratification:**

**A. Membership Meeting:**

The proposed Bylaw amendments shall be deemed adopted by the members when the number of votes cast by ~~a majority vote of all~~ regular voting members present at ~~a such~~ membership meeting meets or exceeds the required, ~~at which a~~ quorum of 25 regular voting members, and the number of votes cast approving the Bylaw amendments constitutes a majority of votes cast, i.e., 50% plus one of regular voting members casting ballots at such meeting, ~~as defined in Article 2, Section 5 of these Bylaws, of the members is present.~~

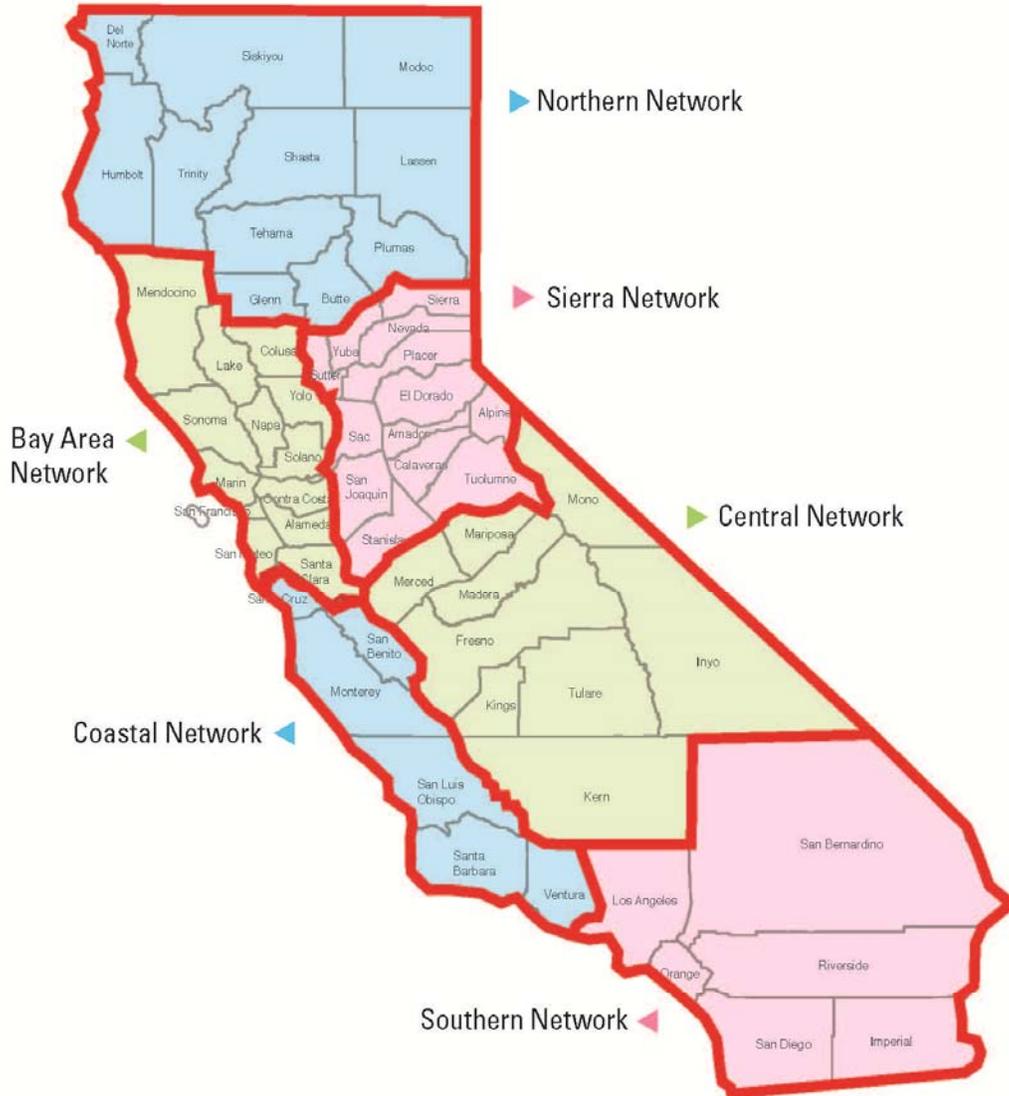
**B. Mailed or Electronic Ballot:**

The proposed Bylaw amendment/s shall be deemed adopted by a majority of the regular voting members by mail or electronic ballot when the provisions of Article II, Section 6.H of these Bylaws have been satisfied, ~~when ballots have been returned by a quorum of the regular voting members, and have been approved by a majority vote of the mail ballots returned.~~

**EXHIBIT A**



California Special Districts Association  
**DISTRICT NETWORKS**





# Town of Discovery Bay

*"A Community Services District"*

## AGENDA REPORT

Meeting Date  
May 18, 2016

**Prepared By:** Catherine Kutsuris, Interim General Manager  
**Submitted By:** Catherine Kutsuris, Interim General Manager

**Agenda Title:**

Consider approving the Contract to update the Urban Water Management Plan

**Recommended Action:**

Authorize the Interim General Manager to sign a contract in the amount of \$20,405.00 with Luhdorff and Scalmanini Consulting Engineers for the preparation of the updated 2015 Urban Water Management Plan

**Executive Summary:**

Beginning in 2010, the State required all California urban water suppliers to complete an Urban Water Management Plan (UWMP) the purpose of which was to conduct long-range planning for water demand and supply as well as conservation programs. Every urban water supplier that provides over 3,000 acre-feet of water annually, or serves more than 3,000 urban connections is required to assess the reliability of their water sources over a 20-year planning horizon.

The development of the District's 2010 UWMP was initiated in 2014 and was adopted by the Board in January of 2016. That plan identifies local water supplies necessary to meet future demands, water recycling as well as the current and planned conservation measures. When the plan was adopted in January of this year, it was noted that the 2015 update to the plan would be a 2016 work effort. Although some of the information within the 2010 UWMP is applicable to the 2015 plan requirements, additional components are required including a water audit which will evaluate distribution system losses.

The preparation of the 2015 plan update from draft through adoption is expected to take three to four months. The draft will be prepared within the first six to eight weeks followed by public review and hearings.

**Fiscal Impact:**

**Amount Requested** \$23, 150.00

**Sufficient Budgeted Funds Available?:** YES (If no, see attached fiscal analysis)

**Prog/Fund # Category:**

**Previous Relevant Board Actions for This Item**

January 6, 2016 adoption of the 2010 Urban Water Management Plan

**Attachments**

AGENDA ITEM: E-4



# Town of Discovery Bay

*"A Community Services District"*

## AGENDA REPORT

Meeting Date

May 18, 2016

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

### Agenda Title

Adoption of Resolution No. 2016-07 establishing a Fire Hydrant Policy for Town of Discovery Bay

### Recommended Action

Adopt Resolution No. 2016-07 establishing a Fire Hydrant Policy for the Town of Discovery Bay

### Executive Summary

The Town of Discovery Bay Community Services District Board of Directors (Board) has previously discussed with staff the possibility of protecting the Public Water Supply of the Town of Discovery Bay from contamination and theft in regards to the 560+/- fire hydrants located within the district boundary.

At the discretion of the District, and in accordance with Ordinance No.7 dated January 17, 2001, hydrants may be used for other purposes. To protect the operability of these devices as well as the health and welfare of the public, the District maintains them and closely monitors their use. Therefore, hydrants shall only be operated by District personnel, fire protection departments or districts, and persons or companies granted a permit to operate hydrants in accordance with the regulations of the District.

Staff has developed the proposed Fire Hydrant Policy which provides a framework and process to guide residents and businesses of the community of the rules, restrictions and regulations for obtaining a permit before utilizing the districts fire hydrants.

**Fiscal Impact:** None

**Amount Requested**

**Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)**

**Prog/Fund # Category:**

### Previous Relevant Board Actions for This Item

None

### Attachments

Resolution No. 2016-07  
Fire Hydrant Policy

AGENDA ITEM: E-5



## Town of Discovery Bay

<b>Program Area:</b> Water Utility	<b>Policy Name:</b> Fire Hydrant Policy	<b>Policy Number:</b> 025
<b>Date Established:</b> May 18, 2016	<b>Date Amended:</b> N/A	<b>Resolution:</b> 2016-07

### **Fire Hydrant Policy**

#### **Purpose**

This policy controls unauthorized usage of the Town of Discovery Bay fire hydrants, to protect the distribution system's integrity, protect the water quality, preserve fire protection, and provide temporary water needs to the Town of Discovery Bay's Customers.

#### **Introduction**

Hydrants are part of Public Water Supply of the Town of Discovery Bay water distribution system for the purposes of fire protection and water main flushing. At the discretion of the District, and in accordance with Ordinance No.7 dated January 17, 2001, hydrants may be used for other purposes. To protect the operability of these devices as well as the health and welfare of the public, the District maintains them and closely monitors their use. Therefore, hydrants shall only be operated by District personnel, fire protection departments or districts, and persons or companies granted a permit to operate hydrants in accordance with the regulations of the District.

#### **Permit Application and Rental Process**

A permit application shall be submitted to the Town of Discovery Bay for approval. All permit applications will be reviewed and approved by the District's Water Services Technician. Applications are available at the District office located at 1800 Willow Lake Rd.

Upon approval of the application, the applicant will receive a permit, a town hydrant meter and a copy of Hydrant Meter Operating Instructions. It is imperative these instructions are given to the permit holder using the hydrant meter and that they are followed explicitly. Improper use of both the meter and fire hydrant can cause water quality complications and result in confiscation of the hydrant meter, revocation of the permit and the imposition of fines or penalties.

If the rental meter is used in conjunction with a water tank, the water tank requires inspection from a qualified District employee to determine if proper air gap protection is being used.

### **Proper Equipment Use**

Proper care of the Town of Discovery Bay's equipment is required. All hydrants must be opened with a hydrant wrench to prevent damage, and the valve must be fully open. Meter or Hydrant damage will be charged to the permit holder. It is a violation when equipment in disrepair causes water waste and may result in fines or penalties.

### **The Permit Holder is responsible for any water consumption through the hydrant meter**

All consumption charges must be paid to Town of Discovery Bay on a monthly basis (within 30 days of invoice).

### **Reporting Consumption**

Monthly water consumption, including zero consumption, must be reported to The Town of Discovery Bay District Office between the 1st and the 5th of the following month. The Permit Holder is responsible for bringing the meter into the District office during this time period to allow District staff to obtain the read from the meter. Verbal reports are not accepted. Failure to do so will result in a penalty fee.

### **Penalty for failure to report**

Failure to report monthly meter readings on time and in sequence will result in a fee per meter that is not reported on time, regardless of usage.

### **Permits are Non-Transferable**

Subcontractors hired by permit holders are not authorized to use the permit holder's meter. Subcontractors must acquire a separate permit from the Town of Discovery Bay.

### **The Town of Discovery Bay may revoke all permits for reasons that include, but are not limited to:**

1. Failure to remit payment to The Town of Discovery Bay within 90 days of an invoice
2. Receiving numerous violations within the same year
3. Any other unauthorized use, misuse, theft or dishonesty involving Town of Discovery Bay meters, hydrant wrenches, fire hydrants or hydrant water use

After loss of privileges and denial of future use, unauthorized use may result in criminal and/or civil charges.



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION 2016-07**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY,  
A CALIFORNIA COMMUNITY SERVICES DISTRICT,  
FIRE HYDRANT POLICY**

WHEREAS, the Town of Discovery Bay Community Services District is responsible for protecting the Public Water Supply of the District from contamination and theft in regards to the 560+/- fire hydrants located within its boundary and;

WHEREAS, a Fire Hydrant Policy has been established in accordance to Ordinance No.7 dated January 17, 2001, hydrants may be used for other purposes and;

WHEREAS, hydrants shall only be operated by District personnel, fire protection departments or districts, and persons or companies granted a permit to operate hydrants in accordance with the regulations of the District.

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

SECTION 1. That the Board adopt the Fire Hydrant Policy and that it be incorporated herein and made a part of this Resolution.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 18<sup>th</sup> DAY OF MAY 2016.

\_\_\_\_\_  
William Pease  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regular meeting, held on May 18, 2016, by the following vote of the Board:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Catherine Kutsuris  
Board Secretary



# TOWN OF DISCOVERY BAY

*A COMMUNITY SERVICES DISTRICT*



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

## **There are no written materials for agenda items listed below:**

- F.** INFORMATIONAL ITEMS ONLY (NO ACTION NECESSARY)
- G.** PRESENTATIONS
- H.** PRESIDENT REPORT AND DIRECTORS' COMMENTS
- I.** MANAGER'S REPORTS – Discussion and Possible Action
- J.** GENERAL MANAGER'S REPORT – Discussion and Possible Action
- K.** DISTRICT LEGAL COUNSEL REPORT
- L.** SUB-COMMITTEE UPDATES – Discussion and Possible Action
- N.** PUBLIC RECORD REQUESTS RECEIVED
- O.** FUTURE AGENDA ITEMS

## Memorandum

**TO:** East Contra Costa Fire Protection District Board of Directors  
Hugh Henderson, Fire Chief

**FROM:** Shayna M. van Hoften, Legal Counsel  
Samir Abdelnour

**DATE:** April 29, 2016

**RE:** **Legal Analysis of Proposal to Receive Property Tax Revenue Transfers from Other Agencies in the ECCFPD Service Area**

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At its April 4, 2016 regular meeting, the East Contra Costa Fire Protection District (District) Board of Directors requested Legal Counsel to prepare an analysis of the legality of a property tax transfer proposal presented by Mr. Harold Bray on behalf of a local citizens group calling itself East County Voters for Equal Protection (ECV).

In sum, we conclude that the proposed voluntary property tax transfers from other agencies to the District, as presented, would violate Revenue and Taxation Code section 99.02, absent a change in the law.

### I. Background

East Contra Costa Fire Protection District serves approximately 110,000 residents in an area covering 249 square miles. The District receives 7.5% of the property tax revenue generated within its boundaries – also stated as “7 cents of each tax dollar” – as compared to the other fire protection agencies in the County receiving 12 to over 30 cents per property tax dollar collected in their jurisdictions.

The District’s current revenues allow it to operate three fire stations and fund operation of the CalFire Sunshine station during non-fire season, down from nine stations in 2010. In June 2012, voters in the District rejected a ballot measure to enact a \$197 parcel tax for a total of \$4.2 million in additional funds to allow District operation of six stations. Then, in April 2015, property owners in the District rejected a proposed benefit assessment that would have funded District operation of five stations.

In recognition of the District’s structural financial crisis, and resulting inability to provide sufficient fire and medical emergency response services, a multi-jurisdictional taskforce was convened to address the problem. As a result, in November 2015, the City of Brentwood, the City of Oakley, and Contra Costa County adopted resolutions to enter into a Memorandum of Understanding (MOU) with each other and the District to provide funding to the District totaling approximately \$2.2 million over two fiscal years to allow the District to re-open and operate a fourth station

Memorandum To:  
East Contra Costa Fire Protection District Board of Directors  
Hugh Henderson, Fire Chief  
April 29, 2016  
Page 2

through June 30, 2017, and to allow the taskforce members to engage outside expertise to assist with developing long-term funding solutions for the District, including through extensive public engagement. Long-term options may include increasing local taxes or assessments to create dedicated funding for fire protection and fire and medical emergency response in East Contra Costa County.

## II. ECV Proposal

ECV has proposed a plan to raise \$7.8 million in additional revenue to the District through the voluntary transfer of property tax revenues from other public agencies (the "Plan"). ECV's Plan calls for all public entities within the District's boundaries to agree to transfer 5.2% of their property tax revenues to the District for 3 fiscal years or budget cycles. According to ECV, the Plan would generate sufficient revenue to allow the District to operate six fire stations, without raising taxes on District residents.

### ***Law concerning property tax transfers***

Under Revenue and Taxation Code section 99.02 (Section 99.02), a public agency may "transfer any portion of its property tax revenues that is allocable to one or more tax rate areas within the local agency to one or more other local agencies having the same tax rate area or tax rate areas." (Rev. & Tax. C. § 99.02(b).) However, there are four enumerated limitations on property tax transfers under Section 99.02, which require the transferring agency to make the following determinations:

- (1) that revenues are available for the transfer;
  - (2) that the transfer will not increase the ratio between the transferring agency's revenues generated by regulatory licenses, use charges, user fees, or assessments and revenues used to finance services provided by the transferring agency;
  - (3) that the transfer will not impair the transferring agency's ability to provide existing services; and
  - (4) that property tax revenues to school entities will not be reduced.
- (Rev. & Tax. C. § 99.02(f).)

This means that the transferring agency, as a precursor to agreeing to the transfer, must declare that the lost property tax will not result in service cuts or in increased use charges, fees or assessments to offset the contemplated property tax transfer.

### ***Legal concerns with ECV's short-term proposal***

ECV's proposal presents significant legal concerns.

ECV's presentation materials regarding the Plan call for "equal participation by all public entities" in the property tax funding re-allocation proposal, including school districts. However, under current law, school districts would need to be excluded from the Plan to avoid running afoul of the limitation on transfers in Section 99.02(f)(4).

Memorandum To:  
East Contra Costa Fire Protection District Board of Directors  
Hugh Henderson, Fire Chief  
April 29, 2016  
Page 3

Furthermore, the remaining transferring agencies would have to comply with Section 99.02(f)(1)-(3). To that point, ECV's presentation materials suggest that public agencies can "agree to simulate property tax allocation locally through a MOU or JPA," citing as examples the resolutions passed by Brentwood, Oakley and Contra Costa County in November 2015 to provide the District with additional funding. However, those resolutions were not adopted under Section 99.02, and did not require compliance with Section 99.02(f), which creates a significant hurdle.

In fact, Contra Costa County authorized its share of the short-term funding to the District to come from "back-owed SB90 reimbursement," which is a payment by the State to reimburse a local agency for the cost of a state-mandated new program or higher level of service, subject to certain exceptions. (Cal. Const. Art. 13B, § 6; Gov. C. § 17550 *et seq.*) Unlike under Section 99.02, agencies have "complete discretion in the expenditure of funds received" under SB90. (*Kinlaw v. State of California*, 54 Cal.3d 326, 335 (1991); Gov. C. § 17563.) The cities' contributions under the taskforce MOU are coming from one-time revenues from Community Facilities Districts, also not subject to Section 99.02.

Thus, to the extent ECV proposes that agencies "simulate property tax allocation" in a manner that does not require compliance with Section 99.02 – as Brentwood, Oakley, and Contra Costa County did with their one-time allocations – ECV's Plan fails to identify potential alternative sources of revenue, other than property tax revenues, available to agencies to transfer to the District at their discretion.

#### ***Requirements for ECV's long-term transfer or re-allocation proposal***

ECV characterizes the bulk of its plan as temporary, but it states the initial elements would be a first step. ECV's presentation materials suggest that approval of the Plan will demonstrate a willingness for affected agencies to address the District's funding issues on their own, thereby making it more likely that the State legislature will approve a re-allocation to benefit the District in the future. Legislative re-allocation of property tax revenues at the State level, which may or may not result in a larger share for the District, would require a two-thirds majority of both houses of the State legislature. (Cal. Const. art. XIII, § 25.5(a)(3).) A change to Section 99.02 would require simple majority approval in the legislature. However, as with legislative re-allocation of property tax revenues, a modification of Section 99.02 would not necessarily result in lowering the hurdles for agencies to transfer property tax revenues to the District. Moreover, at this time, no legislation re-allocating property tax revenues or modifying Section 99.02 has been proposed.

If you have further questions or legal concerns regarding the ECV Plan or related matters, please contact Shayna at 415-995-5880 or [svanhoften@hansonbridgett.com](mailto:svanhoften@hansonbridgett.com).



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF  
DAVID O. LIVINGSTON  
SHERIFF - CORONER

April 28, 2016

Mr. Bill Pease, Board President  
Town of Discovery Bay Board of Directors  
1800 Willow Lake Road  
Discovery Bay, CA 94505-9376

Dear Mr. Pease:

Thank you for your letter dated April 20, 2016 requesting assistance from my Office in addressing the concerns raised by residents in your community about excessive vehicular speeding.

Although, as you know, the CHP is primarily responsible for traffic matters in Discovery Bay, I take your concerns about excessive speeding very seriously and have asked my staff to look into ways to provide proactive traffic enforcement and education. Lieutenant Darren Hobbs, who is assigned as the Delta Station Commander, has informed of the following steps taken:

- Seeking to borrow radar speed warning trailers from Valley Station to deploy in Discovery Bay
- Putting together a proposal to use P-6 money to purchase a radar trailer
- Determining if reserve motor officers are available to work traffic enforcement in Discovery Bay
- Contacting the area CHP Commander to find out when they plan to assign extra units to Discovery Bay and work collaboratively to ensure coverage
- Putting together a proposal to use P-6 money to purchase radars or lidars for the Discovery Bay deputies and provide each deputy with radar training
- Contacting the Discovery Bay General Manager to obtain specifics on the areas and times of concern

Thank you for taking the time to write and share your concerns. Please feel free to contact me with any questions or other issues you wish to discuss.

Sincerely,

  
**DAVID O. LIVINGSTON**  
Sheriff - Coroner

DOL:sl

cc: Undersheriff Michael Casten  
Assistant Sheriff Elise Warren, Field Operations Bureau



May 6<sup>th</sup> 2016

Hi Katherine,

RE: Town of Discovery Bay GM Recruitment status update

As of today, Friday May 6th, the General Manager recruitment is tracking on schedule.

- Brochure has been approved and sent to printer and will be mailed to our target list next week, see attached.
- Ads have been placed
- Posting is live on Bob Murray website
- Already 13 applicants (as of May 6th)
- Recruitment close date is June 6th.
- Will screen applicants, conduct preliminary interviews and be ready to make recommendations June 29th.

Best regards,

A handwritten signature in black ink that reads 'Gary Phillips'.

Gary Phillips  
Executive Vice President  
Bob Murray & Associates

phone 916.784.9080  
fax 916.784.1985  
1544 Eureka Road, Suite 280  
Roseville, California 95661



# TOWN OF DISCOVERY BAY, CA

INVITES YOUR  
INTEREST IN  
THE POSITION OF

## GENERAL MANAGER



## THE ORGANIZATION

Formed in 1997, the Discovery Bay Community Services District provides water, wastewater, recreation, and lighting and landscaping services. Discovery Bay is an unincorporated community of Contra Costa County and is officially known as the Town of Discovery Bay. The Town was officially formed as a California Community Services District in 1998.

The District is supported by a dedicated full-time staff of 17 as well as an intermittent staff associated with summer recreational programs. The District is also supported by professional consultants providing wastewater and water operations, engineering, and water quality planning. With an annual budget of about \$7 million, the District is an independent special district with the primary function of providing water and wastewater services to the Town. The District is governed by an elected five-member Board of Directors who also act as an Advisory Committee to the Contra Costa County Board of Supervisors on matters ranging from General Plan, Public Safety, and sphere of influence issues to community development and any other areas that are not “Latent Powers” to the District.

## THE COMMUNITY

Discovery Bay was established in the early 1970s as a mostly weekend and summer resort community. Today, Discovery Bay has evolved into a thriving year-round home for over 14,000 residents who enjoy small-town living against the backdrop of over 1,200 miles of Delta waterways. Located just off Highway 4 on the Sacramento/San Joaquin Delta and connected to over one-thousand miles of waterway, as well as the San Francisco Bay, Discovery Bay has evolved into one of Contra Costa County’s most sought after places to live, boasting small-town charm, big-city conveniences, and an easy commute to employment centers in the Bay Area, Pleasanton, and Livermore.



Formed in 1997, the Discovery Bay Community Services District provides water, wastewater, recreation, and lighting and landscaping services.

Discovery Bay offers three public and one private K-6 school with one middle school located in nearby Byron. High school students attend Liberty High School in Brentwood. In addition to the myriad of water sports available—fishing, waterskiing, wakeboarding, and the like—other amenities include a full-service marine and yacht harbor with launching and storage facilities, four public parks, and a private golf course. Housing options include a new master-planned community, which is currently under development, and gated and non-gated ‘off-water’ communities in addition to the communities’ signature waterfront homes.

The District facilities include a community center, two wastewater treatment plants with a common effluent river discharge, two water treatment plants, six wells, fifteen lift stations, and a water and sewer collection system. In addition, the Town includes a number of parks, some of which are owned by the Town and others remain with the County, but are managed by Town staff.

## THE POSITION

The General Manager is expected to plan, organize, coordinate, and supervise all District functions and activities. The General Manager receives policy direction from the Board of Directors and works closely with them on a variety of issues.

The General Manager acts in a key role as a liaison between Contra Costa County and the District's Board of Directors.

Essential job functions of the General Manager include, but are not limited to: directing and coordinating the development and implementation of goals, objectives, and programs for the Board of Directors and the District; overseeing the preparation of the annual budget for the District; and overseeing the administration, construction, use, and maintenance of all District facilities and equipment, including buildings, parks, facilities, and other public property. The General Manager will represent the District and the Board in meetings with governmental agencies, community groups, and various business, professional, educational, regulatory, and legislative organizations.



## THE IDEAL CANDIDATE

The Town of Discovery Bay is seeking a qualified candidate with the knowledge and capabilities to ensure the responsible management of the District's resources and the ability to move the District forward. The ideal candidate will have sound organizational skills, be a proven leader, and have exceptional communication abilities. A professional demeanor and a proven track record of sound fiscal, technical, and policy development or permit management will be expected. Candidates for the position will bring a desire to become a visible and collaborative member of the community in addition to providing strong leadership for the District.

A candidate who is dedicated to staff development, fostering a team environment, ensuring excellence in work products, and efficiency in District services is sought. A candidate that is technically advanced and able to evaluate competing technical recommendations would do well. An approachable individual who embraces an open-door policy is a desirable characteristic.

The ideal candidate will have sound organizational skills, be a proven leader, and have exceptional communication abilities.

Candidates for this position should have a strong background in municipal government, experience with the Regional Water Quality Control Board or other regulatory agencies, and familiarity with CEQA. Candidates should have experience with technical permitting issues including permit amendments and compliance. Candidates for this position should be comfortable with public visibility and involvement, and enthusiastic about creating close regional partnerships. Candidates for the General Manager position should have the ability to communicate effectively and comfortably with a broad range of audiences.

The ideal candidate will provide well-rounded strategic planning for the District. A candidate with broad municipal experience as well as technical experience in water or wastewater planning, permitting, or operations management is desirable. A candidate who is detail-oriented and capable of producing reports on technical and policy issues, as well as reviewing recommendations from staff and technical consultants is a must.

Candidates must possess a degree from a four-year college or university with major course work in public or business administration, public policy,

engineering, planning, finance, or a field related to the work and eight years of management or administrative experience in a municipal or other public agency setting. Possession of an appropriate Master's degree and experience working with an elected Board or Council is highly desirable.

## THE COMPENSATION

The annual salary range for the General Manager is \$127,484-\$147,115; placement within this range is dependent upon qualifications. The District also offers a benefits package including, but not limited to healthcare, life insurance, and a deferred compensation program.



## TO APPLY

If you are interested in this outstanding opportunity, please visit our website at [www.bobmurrayassoc.com](http://www.bobmurrayassoc.com) to apply online.

**Filing Deadline:**  
**June 6, 2016**

Following the closing date, resumes will be screened according to the qualifications outlined above. The most qualified candidates will be invited to personal interviews with Bob Murray and Associates. A select group of candidates will be asked to provide references once it is anticipated that they may be recommended as finalists. References will be contacted only following candidate approval. Finalist interviews will be held with the Town of Discovery Bay. Candidates will be advised of the status of the recruitment following selection of the General Manager.

If you have any questions, please do not hesitate to call Mr. Gary Phillips at:  
(916) 784-9080



MAY 09 2016



**County Supervisor Mary Nejedly Piepho, District III**  
**CONTRA COSTA COUNTY BOARD OF SUPERVISORS, VICE CHAIR**

COMMITTEES

Delta Protection Commission, Chair

Delta Stewardship Council

Local Agency Formation  
Commission, Chair

Airport Committee, Chair

Transportation, Water &  
Infrastructure Committee, Chair

California Identification System  
Remote Access Network Board

City-County Relations Committee

Contra Costa County  
Fire Protection District

Contra Costa County  
Housing Authority

Dougherty Valley  
Oversight Committee

East Contra Costa County  
Habitat Conservancy

East Contra Costa Regional Fee &  
Finance Authority

East County Water  
Management Association

eBART Partnership Policy  
Advisory Committee

Finance Committee

Open Space/Parks & East Bay Regional  
Parks District Liaison Committee

State Route 4 Bypass Authority

TRANSPLAN, East County  
Transportation Planning

Tri-Delta Transit

SERVING AS ALTERNATE

Association of Bay Area Governments

Contra Costa Transportation  
Authority Board of Commissioners

Family & Human Services Committee

Legislation Committee

Mental Health Commission

Sacramento-San Joaquin  
Delta Conservancy

April 28, 2016

California Department of Conservation  
Division of Land Resources Protection  
California Farmland Conservancy Program  
901 K Street, MS 14-15  
Sacramento, CA 95814-3528

To Whom It May Concern;

As a County Supervisor representing Contra Costa County, I am pleased to support the Brentwood Agricultural Land Trust's acquisition of an agricultural conservation easement on the Cecchini property (the "Property"). I represent District III, which includes the prime farmland of Contra Costa County, including the Cecchini property. I support the work that the Brentwood Agricultural Land Trust (BALT) does to protect farmland, build a vibrant agricultural economy and develop a local food system that links Contra Costa farmers with their urban neighbors. I also work closely with First Generation Farmers (FGF), a 501c3 public charity and non-profit farm, which currently farms 12 acres on the Cecchini property and has the ability to grow into 100 acres on the property.

The East Contra Costa farming region remains one of the largest, most productive farming regions in the Bay Area. Located just 40 miles from seven million Bay Area residents, East Contra Costa farms provide the East Bay with fresh, healthy fruits and vegetables, jobs and open space, as well as cultural and community benefits. Through my offices work with First Generation Farmers, we have seen the important, tangible benefits that First Generation Farmers provides to the disadvantaged communities in my District with a "pay-what-you-can" donation model implemented at local farmers' markets, on-site farm stand, school tours, library programs, youth education programs and community workdays. Through their partnership with the Farmer Veterans Coalition, First Generation Farmers is training veterans to farm through their Farm Incubator Program.

(continued)

I am pleased that the Department of Conservation is working with BALT to permanently protect the Cecchini property, and I urge the Strategic Growth Council to recognize the benefits that First Generation Farmers and the Cecchins provide to East Contra Costa and San Joaquin Counties disadvantaged communities and to approve funding for the Cecchini Property easement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Nejedly Piepho', with a stylized flourish at the end.

MARY NEJEDLY PIEPHO, Vice Chair  
County Supervisor, District III

Cc: Brentwood Agricultural Land Trust  
Contra Costa County Department of Conservation and Development  
City of Brentwood  
Town of Discovery Bay  
Byron Municipal Advisory Council

FINAL

**CONTRA COSTA COUNTY  
AVIATION ADVISORY COMMITTEE  
MINUTES OF MEETING  
March 10, 2016**



**MEETING CALLED:** Chair Ronald Reagan called the meeting to order at 9:59 a.m.

**PRESENT:** **Mike Bruno, Vice Chair**, CCC Airports Business Association  
**Maurice Gunderson**, Member at Large  
**DeWitt Hodge, Secretary**, Member at Large  
**Keith McMahon**, City of Concord  
**Derek Mims**, City of Pleasant Hill  
**Rudi Raab**, District I  
**Ronald Reagan, Chair**, District III  
**Russell Roe**, District V  
**Tom Weber**, District IV

**ABSENT:** **Roger Bass**, District II  
**Tina Dodson**, DVC

**STAFF:** Keith Freitas, Director of Airports  
Beth Lee, Assistant Director of Airports

**OPENING COMMENTS  
BY CHAIR:** Ronald Reagan thanked attendees and asked for introductions.

**PUBLIC COMMENT  
PERIOD:** On behalf of one of the Airport tenants, Duane Allen requested stronger soap that will cut grease for the men's restroom out on the East Ramp.

Art Thompson, president and owner of Pacific States Aviation (PSA), read and provided a copy of a prepared statement to protest the reappointment of Mike Bruno to the Aviation Advisory Committee (AAC).

Keith Freitas, Director of Airports, requested that the meeting be adjourned in memory of three long-time pilots of Buchanan Field: John Sumners, Ken Elford, and Bob Gonzales.

After the meeting was adjourned, Steve McCaffrey, a local resident, expressed his concerns regarding noise issues. Keith Freitas suggested that this be put on the agenda for a future meeting.

**APPROVAL OF MINUTES:**

Moved by Tom Weber; seconded by Mike Bruno. Approved unanimously. Yes: Mike Bruno, Maurice Gunderson, DeWitt Hodge, Derek Mims, Rudi Raab, Ronald Reagan, and Russell Roe. No: None. Abstained: Keith McMahon and Tom Weber. Absent: Roger Bass and Tina Dodson.

**APPROVAL OF CONSENT ITEMS:**

Moved by Maurice Gunderson; seconded by DeWitt Hodge. Approved unanimously. Yes: Mike Bruno, Maurice Gunderson, DeWitt Hodge, Keith McMahon, Derek Mims, Rudi Raab, Ronald Reagan, Russell Roe and Tom Weber. No: None. Abstained: None. Absent: Roger Bass and Tina Dodson.

**PRESENTATION/SPECIAL REPORTS:** None

**DISCUSSION/ACTION ITEMS:**

**a. Items Pulled from Consent**

None

**b. Byron Construction**

Keith Freitas reported that the approximately \$1 million dollar project at Byron Airport is complete. The project included crack-sealing, pavement rejuvenation and remarking of all the pavement and replacement of all airfield signs with updated and LED signs. Tenants had operational use of the airfield at all times even with scheduled runway closures. Tenant feedback has been positive.

**c. Airport Strategic Business Plan**

Beth Lee explained that the Airports Division will be updating its mission, values, goals, and other strategic business plan elements. This process will be expanded to include stakeholder involvement and is scheduled to begin in about 3 weeks.

**d. Bylaws**

Tom Weber reported that Supervisor Mitchoff is in agreement with the Bylaw amendments.

Derek Mims made a motion to approve the Bylaws as updated by the working group and submit them to the Airport Committee for their approval.

**Moved by Derek Mims; seconded by Maurice Gunderson. Approved unanimously. Yes: Mike Bruno, Maurice Gunderson, DeWitt Hodge, Keith McMahon, Derek Mims, Rudi Raab, Ronald Reagan, Russell Roe and Tom Weber. No: None. Abstained: None. Absent: Roger Bass and Tina Dodson.**

e. **Business Items:**

- **TDMC:**

Beth Lee reported that TDMC gave notice at the end of December to terminate their lease. In February they asked to rescind the termination and requested to have the lease assigned to another party. Options are being reviewed through the County process.

- **Parcel C:**

Parcel C is located on the northwest corner of Marsh Drive and Solano Way. Two-thirds of this parcel is located in the City of Concord's jurisdiction and the rest is in the County's jurisdiction. In order for any development to take place an agreement is required between the City of Concord and the County which determines sales tax share and which entity will oversee the entitlement process. Several attempts have been made over the last 10 years, but changes in City and County personnel plus economic downturn interrupted the process. Once the agreement is established the parcel will be jointly marketed. The process is as close to completion as it has ever been; the City of Concord will oversee the entitlement process since they have the largest vested interest in the property.

- **Industrial Business Park**

The 3-acre parcel is located on the northeast corner of Sally Ride Drive and Marsh Drive. A letter of interest was received to develop a 3-acre industrial business park in that location which is consistent with the Master Plan. As there is no other competitive interest for this parcel, it is going before the Board of Supervisors on March 29, 2016, to authorize lease negotiations. This property has an atypical development limitation which will be addressed through a General Plan Amendment process.

- **Potential Scheduled Airline Charter Service:**

This agenda item was moved to the beginning of the meeting.

Lisa Whalen, of JetSuite, stated that they expect to provide service from Buchanan Field to an airport in Southern California around mid-April pending the FAA approval process. Keith Freitas reported that a rental agreement between the County and JetSuite was approved by the Board of Supervisors on March 1, 2016. Once FAA has given their approval, JetSuite will publicly announce the new service and locations. Airports staff will work with the County Public Information Officer and other stakeholders to disseminate more detailed information to the community to manage expectations. For example, Buchanan Field currently averages about 300 operations per day and JetSuite's three flights daily would add a very small fraction of jet aircraft already operating at the airport.

DeWitt Hodge asked how consumer questions and concerns will be addressed. Noise issues will continue to be handled by Airport staff and service issues would be handled by JetSuite (contact information will be available on their website).

Russell Roe asked who will be in charge of security and questioned whether the AAC and the Airport need to take another look at the perimeter security. Mr. Freitas responded that security for this business will be provided by JetSuite. Buchanan Field still maintains its Part 139 Certificate, but this business model

does not require additional security improvements. The Airport just had an FAA inspection which included security and fencing assessments and is in line for additional upgrades when funding is available.

Keith McMahon welcomed JetSuite on behalf of the City of Concord.

Tom Weber stressed the importance of taking this opportunity to be proactive and reach out to the community. Beth Lee reported that Airport staff had a launch meeting with city representatives, chamber representatives, and the District IV Supervisor to discuss scheduled charter service and outreach efforts. The response was very positive. Part of the launch roll-out will include the cities and their economic development staff.

Mr. Hodge asked if there would be increased nightly patrols and/or installation of cameras due to increased overnight parking. Mr. Freitas responded that nightly patrols will continue and CCTV is already in the works.

- **OverWatch Flight & Conditioning:**

Keith Freitas reported that, about a year ago, a company made a business model proposal which was submitted to the FAA. The FAA determined that the business was not an aviation/aeronautical use. Subsequently the business submitted a new proposal to switch from a crossfit training gym to a flight school with a limited fitness component. After six months of operation, there is question as to whether all of the business activity conducted is aviation and consistent with the use requirements in the License Agreement. Airport staff is working with the business to make that determination. If the aviation and use requirements are not being met, there are two options: 1) terminate the agreement, or 2) Enter into a new temporary agreement to allow non-aviation use, but increasing the rent to market rate (as required by the FAA), which would more than double the rent. The risk of allowing a non-aviation business in this hangar at less than the market rate for that type of use is that the Airport could lose FAA grant funding.

- **1500 Sally Ride Drive:**

Russell Roe recused himself from this discussion.

The Lessee for this address is the Picchi Family Trust and the principal parties of the trust have passed away. The surviving family members have no interest in maintaining the lease and have requested that it be assigned to the Airport business that has been renting the facility. As lessee, the business has committed to significant building upgrades which will benefit the County at the end of the term. Financing these improvements, however, requires the lease be amended to extend the term. The draft lease amendment and assignment is being reviewed by County Counsel and is expected to go to the Board of Supervisors in the next few months.

- **MOGAS:**

Airport staff has been working with an individual who would like to provide MOGAS (an alternative to 100 Low Lead) at Buchanan Field. MOGAS is a less expensive fuel that requires pilots to have FAA approval to use it in their aircraft. This was one of the activities of interest on the Economic Development Incentive

Program (EDIP) priorities list. The environmental process is near completion for a temporary location on a portion of the ramp at 101 John Glenn Drive. If the enterprise is successful, they will undergo the lease and environment process to develop a site for long-term use. Pilots approved to use MOGAS will register their aircraft and get a code to input when fueling at the self-serve facility.

**f. 2016 Construction Project Taxiway Echo & Kilo**

Keith Freitas explained that the remainder of the pavement on Taxiway Echo and all of Taxiway Kilo will be overlaid or reconstructed and pilot-controlled lighting will be added pending FAA funding. The project should begin in the summer and is projected to take approximately 2 to 2 ½ months to complete. Every effort will be made to minimize impacts to tenants.

## **UPDATES/ANNOUNCEMENTS**

**a. What is happening at Buchanan Field & Byron Airports/Other Airports**

Beth Lee introduced Daniel Wick, the Airport's new Environmental and Community Relations Officer. She also announced that the Airport's annual Tenant Appreciation BBQ will be on Thursday, May 5, 2016, and that an Evite will be going out to tenants soon. Airports staff greatly needs timely tenant RSVP responses to the invitation in order to plan for the event.

**b. Airport Land Use Commission (ALUC) Update**

Tom Weber reported that the ALUC is working to institute a cost recovery process so that the Airport does not get charged whenever the County reviews a land use permit. The applicant applying for a land use permit should bear this cost. Keith Freitas added that cost recovery is the norm for ALUC functions throughout the state. Anything that goes to the ALUC for review and approval is currently billed to the Airport; to give an example of impact, the Airport was charged \$62,000 for the Mariposa Energy Plant.

Keith McMahon questioned whether the end-user should be responsible for bearing the cost of the ALUC review process since the County will also benefit from the development projects. Cost recovery is normally shared between the County/cities and developers throughout the state. Russell Roe added that even though the County may benefit, the Airport itself does not and the funds used are derived from users of the Airport.

**c. AAC Announcements**

Ronald Reagan attended the Transportation Commission meeting which included a presentation on funding priorities with limited mention of the 239 TriLink project. Members of the public addressed the 239 project; they explained the need for the connector to the Byron Airport, which lasted nearly 1 ½ hours. East County residents feel ignored with respect to the 239 project due to continual delays.

Tom Weber reported that there has been positive feedback regarding AAC members' attendance at flight club meetings. Mr. Weber will be a guest speaker at the next EAA meeting.

d. **Airport Staff Announcements**

None

**FUTURE AGENDA ITEMS/COMMENTS**

- Dick Sperling, Board member of the Vietnam Helicopter Museum, indicated that they have an interest in the TDMC hangar and would like this topic to be on the agenda in a future meeting when Mike Haus and Chris Miller can attend to make a presentation. Ronald Reagan explained that Mike Haus already made a presentation to the AAC and the AAC asked Mr. Haus to provide a business plan. A business plan must be provided to Airport staff before this issue can be addressed by the AAC.

**ADJOURNMENT:** The meeting was adjourned by the Chair at 11:09 a.m. in memory of John Sumners, Ken Elford, and Bob Gonzales.

**DRAFT**



**CONTRA COSTA COUNTY  
AVIATION ADVISORY COMMITTEE  
MINUTES OF MEETING  
April 14, 2016**

**MEETING CALLED:** Chair Ronald Reagan called the meeting to order at 10:00 a.m.

**PRESENT:** **Roger Bass**, District II  
**Mike Bruno, Vice Chair**, CCC Airports Business Association  
**DeWitt Hodge, Secretary**, Member at Large  
**Keith McMahon**, City of Concord  
**Derek Mims**, City of Pleasant Hill  
**Rudi Raab**, District I  
**Ronald Reagan, Chair**, District III  
**Russell Roe**, District V  
**Tom Weber**, District IV

**ABSENT:** **Maurice Gunderson**, Member at Large

**STAFF:** Keith Freitas, Director of Airports  
Judy M. Evans, Airport Secretary

**OPENING COMMENTS  
BY CHAIR:** Ronald Reagan welcomed attendees.

**PUBLIC COMMENT  
PERIOD:** Steve McCaffree, a local resident, expressed his discontent with aircraft at Buchanan Field doing touch-and-goes off of Runway 1R and would prefer they do these exercises off of Runway 19L. He also expressed concern about potential noise issues with the new JetSuiteX service.

**APPROVAL OF  
MINUTES:** Moved by Rudi Raab; seconded by Mike Bruno. Approved unanimously. Yes: Roger Bass, Mike Bruno, DeWitt Hodge, Keith McMahon, Derek Mims, Rudi Raab, Ronald Reagan, Russell Roe, and Tom Weber. No: None. Abstained: None. Absent: Maurice Gunderson.

**APPROVAL OF  
CONSENT ITEMS:**

Moved by Mike Bruno; seconded by Keith McMahon. Approved unanimously. Yes: Roger Bass, Mike Bruno, DeWitt Hodge, Keith McMahon, Derek Mims, Rudi Raab, Ronald Reagan, Russell Roe, and Tom Weber. No: None. Abstained: None. Absent: Maurice Gunderson.

**PRESENTATION/SPECIAL REPORTS: None**

**DISCUSSION/ACTION ITEMS:**

**a. Items Pulled from Consent**

None

**b. Hangar Waiting List Complaint Letter/Response**

An anonymous letter was sent to Contra Costa County Board Members, Concord City Council Members, Airports staff, Mount Diablo Pilots Association, individuals on the hangar wait list, and news media regarding a complaint about the hangar rental process. The letter alleged that there is at least one tenant without an aircraft in the hangar, which precludes applicants on the hangar waiting list to obtain a hangar. The letter did not include names or other specific information required to respond and was included in the AAC packet as an informational item. Keith Freitas explained that hangar inspections are performed every four years in order to ensure tenants are in compliance with the terms of the hangar agreements as well as procedures to prove aircraft ownership.

**c. Helicopter Museum Proposal**

Ronald Reagan stated that this item was requested to be put back on the agenda by Dick Sperling. However, it was made clear at a previous AAC meeting that in order for Airport staff and the AAC to consider this proposal, a business plan must first be submitted.

Tom Weber reported that Dick Sperling brought up the Helicopter Museum proposal at the last EAA meeting. It was explained to him again that nothing can be done until there is a business plan.

**d. Tenant BBQ May 5, 2016**

Ronald Reagan announced that the Tenant Appreciation BBQ will be held on May 5, 2016.

**e. Business Items:**

• **Potential Scheduled Airline Charter Service:**

Keith Freitas reported that a news release went out on April 5, 2016, announcing JetSuiteX's scheduled charter service at Buchanan Field Airport. The inaugural VIP flight is scheduled for Tuesday, April 19<sup>th</sup> starting at about 7:45 a.m. JetSuite has entered into an agreement to lease the Old Terminal Building and will start with two flights per day to Burbank and one flight on the weekends to Las Vegas.

Steve McCaffree asked if there would be more noise from the JetSuiteX jets. Keith Freitas explained that while the configuration inside the aircraft is different, the jets are no different than those currently operating at the Airport.

Derek Mims asked what kind of responses Airport staff has been receiving regarding JetSuiteX. Mr. Freitas stated that there are a few who are concerned about noise issues, but the majority of the callers are excited about the new jet service.

Mr. McCaffree asked if there are any safety or security concerns with the new jet service. Mr. Freitas explained that JetSuiteX is working with the FAA and TSA to implement required security measures.

Russell Roe explained further that there is already charter service at Buchanan Field; the only difference is that JetSuiteX is scheduled charter service.

Keith McMahan stated that as representative of the City of Concord, he has heard nothing but enthusiasm from community members about the new JetSuiteX service. Many remember the old commercial service out of Buchanan and held onto the hope that it may one day return. They feel frustrated driving past Buchanan Airport on their way to Oakland or San Francisco Airport. Mr. McMahan said that there is some concern that Buchanan Field is turning into a hobbyist airport. The community believes this is their airport and the JetSuiteX service, along with the flight schools and various clubs, serves to fortify that belief.

- **MOGAS:**

Mr. Freitas explained that Airport staff is currently working with the entity to complete the use agreement and environmental review process. They will be one of the few MOGAS service providers in the area and, because it does not contain any low lead mixture, it is more environmentally friendly.

Harvard Holmes stated that a fair number of planes use MOGAS and explained the benefit of MOGAS. Russell Roe added that the availability of MOGAS at Buchanan would likely bring more business to the area.

**f. 2016 Construction Projects for Upcoming Year's FAA Grant**

Keith Freitas reported that Airports staff is currently awaiting FAA funding for the Taxiway Echo and Kilo pavement replacement/reconstruction and electrical enhancements project (including pilot-controlled lighting), which they hope to begin this summer. This project is dependent on FAA funding. Additionally, a consultant has been selected to design the overlay and reconstruction of Runway 14L/32R. This will be about a \$3.5 million project and is scheduled for 2017.

**g. Aerobatic Noise Letter**

Aerobatic activity has been occurring in the Brentwood area for several decades. However, growth in the area has led to some complaints from residents regarding aerobatic activity. A letter was sent in 2015 to let pilots know that these activities are generating noise complaints. The community noticed a decline in operations after the initial letter was sent. As aerobatic operations began to increase again, a request was

made to re-send the letter. None of the aerobatic activity is based at Buchanan Field or Byron Airports.

Russell Roe wanted to make sure that the correct parties are being targeted to receive the aerobatic letter.

**h. AAC Officer Elections**

- Rudi Raab nominated Ronald Reagan to continue as Chair.  
**Moved by Rudi Raab; seconded by Tom Weber. Approved unanimously.**  
**Yes: Roger Bass, Mike Bruno, DeWitt Hodge, Keith McMahon, Derek Mims, Rudi Raab, Ronald Reagan, Russell Roe, and Tom Weber. No: None. Abstained: None. Absent: Maurice Gunderson.**
- Tom Weber nominated Mike Bruno to continue as Vice Chair.  
**Moved by Tom Weber; seconded by Derek Mims. Approved unanimously.**  
**Yes: Roger Bass, Mike Bruno, DeWitt Hodge, Keith McMahon, Derek Mims, Rudi Raab, Ronald Reagan, Russell Roe, and Tom Weber. No: None. Abstained: None. Absent: Maurice Gunderson.**
- Derek Mims nominated DeWitt Hodge to continue as Secretary.  
**Moved by Derek Mims; seconded by Roger Bass. Approved unanimously.**  
**Yes: Roger Bass, Mike Bruno, DeWitt Hodge, Keith McMahon, Derek Mims, Rudi Raab, Ronald Reagan, Russell Roe, and Tom Weber. No: None. Abstained: None. Absent: Maurice Gunderson.**

**i. AAC Submit Brown Act Verification**

Ronald Reagan reminded AAC members to complete the Brown Act certifications and submit to Airport staff.

**UPDATES/ANNOUNCEMENTS**

**a. What is happening at Buchanan Field & Byron Airports/Other Airports**

Nothing to add.

**b. Airport Land Use Commission (ALUC) Update**

Tom Weber reported that the ALUC is going through the approval process for the former K-Mart shopping center.

**c. AAC Announcements**

Ronald Reagan announced that the Transportation Authority pulled out the Vasco to Armstrong Road Airport connector project from the rest of the Route 239 project so it will be a separate item. Mr. Reagan read a statement from a member of the Transportation Authority. After the plan is approved, it will be submitted to each city and county for approval in order to make it onto the November ballot.

**d. Airport Staff Announcements**

None

**e. Statement from Art Thompson, PSA, at March Meeting**

The written statement from Art Thompson regarding the Aviation Business representative selection process was reviewed by County staff and it was determined that there was no violation of the Brown Act. Ronald Reagan asked for public comments. Being none, he gave Mike Bruno an opportunity to respond to the allegations made in Mr. Thompson's statement. Mr. Bruno distributed a written response and made copies available to interested parties. Russell Roe suggested that Mike Bruno's response letter be included in the next AAC agenda packet.

**FUTURE AGENDA ITEMS/COMMENTS**

- Proposed implementation of wind turbines near Byron Airport
- Improving facilities at Byron Airport

**ADJOURNMENT:** The meeting was adjourned by the Chair at 10:50 a.m.



# EAST CONTRA COSTA FIRE PROTECTION DISTRICT

## Meeting Minutes Board of Directors Regular Meeting

**Monday April 4, 2016 – 6:30 P.M.**

Meeting Location: 3231 Main Street, Oakley

<b>BOARD OF DIRECTORS</b>		
Steve Barr	Joel Bryant-President	Randy Pope
Robert Kenny	Ronald Johansen-Vice President	Erick Stonebarger
	Cheryl Morgan	Joe Young

**CALL TO ORDER:** (6:31 P.M.)

**PLEDGE OF ALLEGIANCE:** (6:31 P.M.)

**ROLL CALL:** (6:32 P.M.)

Directors Present: Barr, Bryant, Kenny, Johansen, Morgan, Stonebarger, Young

Directors Absent: Pope

President Bryant announced the resignation of Director Jonathan Michaelson, and recognized and thanked him for his service to the community as a member of this Board.

**PRESENTATION:** (6:33 P.M.)

Hal Bray from East County Voters for Equal Protection made a presentation on “Funding a Sustainable ECCFPD,” and a proposed reallocation of property tax funds from all other public agencies in the District’s jurisdiction. Mr. Bray answered questions and responded to input from the Board.

**PUBLIC COMMENTS:** (7:27 P.M.)

There was one (1) Public Speaker – Mark Whitlock

### CONSENT CALENDAR

**C.1** Approve Minutes from March 7, 2016 Regular Board of Directors Meeting: (7:30 P.M.)

**Motion by: Director Kenny to approve consent item C.1**

**Second by: Director: Young**

April 4, 2016 Minutes  
Page 1 of 3

**Vote: Motion carried: 7:0:0**  
**Ayes: Barr, Bryant, Johansen, Kenny, Morgan, Stonebarger, Young**  
**Noes:**  
**Abstained:**  
**Absent: Pope**

## **DISCUSSION ITEMS**

### **D.1 Receive Update from the Multi-Jurisdictional Fire Task Force: (7:31 P.M.)**

There were two (2) Public Speakers – Hal Bray, Bob Mankin

### **D.2 Adopt Policy for Public Records Requests : (8:18 P.M.)**

There were no (0) Public Speakers

**Motion by: Director Barr to adopt Policy for Public Records Requests**  
**Second by: Director: Young**  
**Vote: Motion carried: 7:0:0**  
**Ayes: Barr, Bryant, Johansen, Kenny, Morgan, Stonebarger, Young**  
**Noes:**  
**Abstained:**  
**Absent: Pope**

### **D.3 Elect to Become Subject to the Uniform Public Construction Cost Accounting Act for Building and Maintenance and Introduce and Waive First Reading of Ordinance to Provide Informal Bidding Procedures for Construction Contracts: (8:25 P.M.)**

There were no (0) Public Speakers

**Motion by: Director Johansen to table item D.3 and refer the matter to the Finance Committee for further discussion on the Bidding Process and Procedures.**  
**Second by: Director: Young**  
**Vote: Motion carried: 6:1:0**  
**Ayes: Barr, Bryant, Johansen, Morgan, Stonebarger, Young**  
**Noes: Kenny**  
**Abstained:**  
**Absent: Pope**

### **D.4 Receive Operational Update for March 2016: (8:44 P.M.)**

Chief Henderson gave an update on the Operations for March 2016

There were no (0) Public Speakers

## **INFORMATIONAL STAFF REPORTS**

Receive Update on Firefighter Recruitment: (8:48 P.M.)

Chief Henderson gave an update on the Firefighter Recruitment.

## **DIRECTORS' COMMENTS: (8:51 P.M.)**

Director Morgan requested that additional Directors join the Outreach Committee.

## **INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS: (8:51 P.M.)**

Director Barr requested a the Finance Committee agendize further discussion of the proposed property tax transfer presented tonight by Hay Bray so that a recommendation may be made to the full Board.

## **RECESS TO CLOSED SESSION ON THE FOLLOWING MATTERS: : (8:52 P.M.)**

1. Conference With Labor Negotiator Pursuant to Government Code Section 54957.6  
Agency Designated Representatives: Fire Chief and Glenn Berkheimer  
Employee Organization: East Contra Costa Battalion Chiefs Association
2. Coference with Real Property Negotiator Pursuant to Government Code Section 54956.8  
Property: 1535 Discovery Bay Boulevard, Discovery Bay, California  
Agency Negotiator: Fire Chief  
Negotiating party: Town of Discovery Bay Interim General Manager Catherine Kutsuris  
Under negotiation: Price and terms of payment

## **REPORT ON THE CLOSED SESSIONS: (9:33 P.M.)**

Director Bryant announced that direction was provided to the relevant negotiators for Items 1 and 2.

## **ADJOURN TO THE REGULAR BOARD MEETING SCHEDULED: May 2, 2016: (9:33 P.M.)**