



**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**

Regular Meeting of Wednesday

June 15, 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 June 15, 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 June 1, 2016
2. Approval of DRAFT minutes of regular meeting for June 1, 2016
3. Approve Register of District Invoices

#### D. PRESENTATIONS

1. Senior Community Library Manager Liz Fuller - Contra Costa Library System Update

#### E. MONTHLY WATER AND WASTEWATER REPORT – VEOLIA

1. Veolia Report – Month of May 2016

#### F. BUSINESS AND ACTION ITEMS

1. Consider Resolution No. 2016-08 approving the proposed final Revenue, Operating and Capital Budget for Fiscal Year 2016-17 and Fiscal Year 2017-18 - Open Public Hearing, Accepting any Public Comment, Closing Public Hearing.
2. Introduce Ordinance 2016-27 that amends Ordinance 25 (Emergency Drought Regulations), waive reading and set July 6, 2016 for hearing and adoption.
3. Consider the release of a portion of the remaining retention for Plant No. 2 Secondary Improvements Project.
4. Consider voting for John Carapiet or Ryan Clausnitzer for seat B of the California Special District Association 2016 Board Elections.
5. Consider approving a lease effective June 13, 2016 with Delta Seaweed Removal in the amount of \$500.00 per month for the use of a vacant portion of the Plant No. 1 property for water weeds removed from the bays in the community

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

**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. Received - East Contra Costa Fire Protection District meeting minutes 05-02-2016
2. Received - State Route 4 Bypass Association meeting minutes 05-12-2016
3. Received - Contra Costa County Supervisor Piepho letter regarding Discovery Bay P6 Community Advisory Committee requests 06-02-2016
4. Received - Contra Costa County Notice of Public Hearing for the General Plan & Ordinance Code regarding flooding 06-14-2016

**N. PUBLIC RECORD REQUESTS RECEIVED**

**O. FUTURE AGENDA ITEMS**

**P. ADJOURNMENT**

1. Adjourn to the next Regular meeting of July 6, 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, June 1, 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**

1. Call business meeting to order 6:30 p.m. – by President Pease
2. 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.

**D. CLOSED SESSION:**

1. 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

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

(Government Code Section 54957.1)

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

**F. ADJOURNMENT**

1. The meeting adjourned at 7:00 p.m. to the Regular Meeting on June 1, 2016 at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

//cmc – 06-02-16

<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 June 1, 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. by President Pease
2. Pledge of Allegiance - Led by Vice-President Leete
3. Roll Call - All Present

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

There were 7 public comment speakers regarding the 1) Pickleball courts and the tennis Courts; 2) Quick response from the Sheriff on the speeding issue and also heighten the enforcement and install a radar system for the Sheriff Department; 3) Add a stop sign on Newport Drive; 4) Would like to have the Tennis Courts stay at the Community Center and the Pickleball Courts be at Cornell Park – there could be tennis tournaments at the Community Center which would bring in revenue to the community, USTA will go into partnership with Discovery Bay up to \$20,000 for lighting on the Tennis Courts; 5) Enforcement of the No Wake Zones, Sheriff made a note to contact Marine Patrol; 6) Thanked the Sheriff and CHP for the quick response on speeding, there needs to be more enforcement on the side streets; 7) Litter along Newport Drive, speeding on Newport Drive; 8) Pickleball at Cornell Park has brought on more use of the Park, the courts need to be improved.

President Pease – Asked staff to look into traffic regulations for stop signs and speed bumps.

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

##### 1 Sheriff's Office Report

Crime Prevention Specialist Fontenot - Provided the law enforcement report for the month of May. Crime Prevention Specialist also stated that it is nice to see the residents attending the meeting and voicing their concerns on traffic issues; getting that information to the Sheriff will assist with the traffic issue, he also informed the residents at the meeting to attend the P6 Quarterly Committee meeting and voice their concerns with traffic issues along with crime; the P6 meeting will give a more personalized report of what is going on. The next meeting is July 13, 2016 at 6:00 p.m.

##### 2. CHP Report

Officer Thomas – Provided an update of the services to the Town of Discovery Bay regarding citations issued on Thursday and Friday of last week; there were more than 50 citations for speeding, 33 were residents of Discovery Bay.

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

Chief Henderson – No report

##### 4. Supervisor Mary Piepho, District III Report

Alicia Nuchols Field Representative – Provided an update regarding roadwork on Vasco and construction on Orwood Bridge – will be complete late summer 2017. Alicia also stated she will take down email addresses from the residents to provide information on updates that she receives.

**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 regular meeting for May 18, 2016
2. Approve Register of District Invoices

Motion by: Director Simon to approve the Consent Calendar

Second by: Director Graves

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

**F. PRESENTATIONS**

1. Sergeant Williams-Cain County Animal Control Services regarding leash laws and issues related to animals at public parks

Sergeant Williams-Cain – Provided details regarding the Contra Costa County Animal Control Ordinance, along with the information regarding the importance of appropriate animal and owner behavior at the Parks, including the leash requirements at all Parks with the exception of the Dog Park.

**G. BUSINESS AND ACTION ITEMS**

1. Discuss and receive input, comments and direction to the Proposed Fiscal Year 2016-17 and Fiscal Year 2017-18 Proposed DRAFT Operating, Capital and Revenue Budgets

Finance Manager Breitstein – Provided the details regarding the Proposed Fiscal Year 2016-17 and Fiscal Year 2017-18 Proposed DRAFT Operating, Capital and Revenue Budgets. The board thanked the Finance Manager on the great presentation with the Budget. Also, Finance Manager Breitstein will provide an update on the options for financing projects at the June 15, 2016 meeting.

2. Consider approving a lease with Delta Seaweed Removal in the amount of \$500.00 per month for the use of a vacant portion of the Plant No. 1 property for water weeds removed from the bays in the community

Interim General Manager Kutsuris – Provided the details regarding a lease with Delta Seaweed Removal; received a call from Delta Seaweed and subsequently, they do not see the need to move forward at this time, the recommendation is to move this item off of the agenda at this time and should they wish to come back, the lease information is ready to go.

3. Consider approving Resolution No. 2016-07 for the proposed Fire Hydrant Policy

Interim General Manager – Provided information regarding the Town of Discovery Bay Fire Hydrants and the need for a policy.

Water Services Technician Goldsworthy – Provided the information regarding the unauthorized usage of the Town of Discovery Bay fire hydrants, details of the two types of hydrant meter applications, the fees related to an application, deposit for meter rental, and the fines associated with the unauthorized use of fire hydrants. There was discussion between the Board and the Water Services Technician regarding the need for a policy, increasing fees associated with fines, and the difficulty of monitoring the use of a fire hydrant. Interim General Manager commented that the first step is to adopt a policy; second step is to bring back to the board the fire hydrant fees at the June 15, 2016 meeting.

Motion by: Director Steele to adopt Resolution No. 2016-07 establishing a Fire Hydrant Policy for the Town of Discovery Bay

Second by: Vice-President Leete

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

4. Accept the report of water conservation regulation, and consider establishing a voluntary conservation goal, and direct staff to revise Ordinance No. 25

Interim General Manager Kutsuris – Provided the details regarding water conservation.

Luhdorff & Scalmanini Shobe – Provided additional details regarding the state requirements along with the local recommendation.

Motion by: Director Graves to accept the report on water conservation regulations, determined mandatory water restrictions can be substituted with voluntary 15% to 20%, and directed staff to return with an

amendment to Ordinance No. 25. Request that the residents with an even address water on even days and an odd address water on odd days.

Second by: Director Simon

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

5. Authorize the General Manager to sign a contract for Construction Management Services for the Effluent Filtration Project

Interim General Manager Kutsuris – Provided the details regarding a contract for Construction Management Services and that President Pease and Director Graves had additional questions and this item will be brought back at a later date.

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

None

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

None

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

None

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

None

**L. DISTRICT LEGAL COUNSEL REPORT**

None

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

None

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

1. Received – Discovery Bay Tennis - Pickleball 2016 Committee - 04-20-2016
2. Received – Notice of Public Hearing – Land Use Permit LP 16-2001 establish a master take-out food establishment permit, Discovery Bay Shopping Center, allow a weekly outdoor farmers market, and up to 10 outdoor non-profit special events per year - 05-23-2016
3. Received - Staff report for LP16-2001 Discovery Bay Shopping Center for the June 6, 2016 Zoning Administrator meeting 05-26-2016

**O. PUBLIC RECORD REQUESTS RECEIVED**

None

**P. FUTURE AGENDA ITEMS**

None

**Q. ADJOURNMENT**

1. The meeting adjourned at 8:34 p.m. to the next regular meeting of June 15, 2016 starting at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

//cmc – 06-03-16

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



# Town of Discovery Bay

*"A Community Services District"*

## AGENDA REPORT

Meeting Date

June 15, 2016

**Prepared By:** Dina Breitstein, Finance Manager & Lesley Marable, Sr. Accounts Clerk  
**Submitted By:** Catherine Kutsuris, Interem General Manager *Cat*

### 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** \$ 284,312.12

**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 June 15, 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>				
Trugreen	46830523	Weed & Feed Plus Dimension (Z61)	05/18/16	\$1,550.00
Trugreen	46842329	Weed & Feed Plus Dimension (Z57)	05/18/16	\$925.00
U.S. Bank Corporate Payment System	4246044555703473/516	Landscape Reimb. (Z35,Z57,Z61)	05/25/16	\$41.58
Watersavers Irrigation Inc.	1694601-00	Landscape Reimb. (Z61)	06/03/16	\$442.73
Watersavers Irrigation Inc.	1700387-00	Landscape Reimb. (Z61)	05/24/16	\$16.69
Watersavers Irrigation Inc.	1701031-00	Landscape Reimb. (Z61)	05/25/16	\$164.43
Watersavers Irrigation Inc.	1701665-00	Landscape Reimb (Z61)	05/26/16	\$41.48
<b>Contra Costa County</b>			<b>Sub-Total</b>	<b>\$3,181.91</b>

**Water**

American Retrofit Systems	1177	Install Light	05/13/16	\$100.00
Big Dog Computer	BDC33225	Email And Application Service Call	05/31/16	\$39.00
Brentwood Ace Hardware	808/053116	Building Maintenance	05/31/16	\$24.14
CaliforniaChoice Benefit Admin	2461588/53040	Health Insurance July 2016	05/26/16	\$3,839.11
Cash	60716	Petty Cash Reimbursement	06/07/16	\$44.28
Fastenal Company	CABRE14745	Misc. Small Tools	05/17/16	\$116.88
J.W. Backhoe & Construction, Inc.	2581	Hydrant Leak Cambridge Dr	05/23/16	\$13,777.53
J.W. Backhoe & Construction, Inc.	2583	Water Leak Surfside Place	05/23/16	\$1,792.33
J.W. Backhoe & Construction, Inc.	2584	Located Services On Surfside	05/23/16	\$592.40
J.W. Backhoe & Construction, Inc.	2586	Water Leak On Sand Point Rd	05/23/16	\$2,553.78
J.W. Backhoe & Construction, Inc.	2588	Located Services On South Point	05/23/16	\$437.40
J.W. Backhoe & Construction, Inc.	2590	Paved Beaver Lane	05/24/16	\$6,203.00
J.W. Backhoe & Construction, Inc.	2591	Leak on Wayfair Court	06/01/16	\$3,500.23
Lesley Marable	MAY 2016	Expense Report May 2016	06/02/16	\$40.16
Luhdorff & Scalmanini	31826	General Engineering Services April 2016	04/30/16	\$3,508.40
Mail Stream	520412	Prop 218 Mailers	06/01/16	\$514.63
Neumiller & Beardslee	277844	Professional Services April 2016	05/27/16	\$5,203.60
Office Depot	840182357001	Office Supplies	05/17/16	\$52.83
Office Depot	840182610001	Office Supplies	05/17/16	\$4.15
Office Team	45814374	Temporary Employee	05/23/16	\$6.39
Office Team	45851822	Temporary Employee	05/25/16	\$528.00
ReliaStar Life Insurance Company	#JR52 457(B) 061516	457(b) 06/01/16-06/15/16	06/01/16	\$372.27
SDRMA	19782	Ancillary Benefits June 2016	05/26/16	\$435.24
U.S. Bank Corporate Payment System	4246044555703473/516	Travel & Meetings	05/25/16	\$135.68
U.S. Bank Corporate Payment System	4246044555703473/516	Training & Education	05/25/16	\$144.60
U.S. Bank Corporate Payment System	4246044555703473/516	Membership	05/25/16	\$100.00
U.S. Bank Corporate Payment System	4246044555703473/516	Telephone General	05/25/16	\$462.94
U.S. Bank Corporate Payment System	4246044555703473/516	Telecom Networking	05/25/16	\$110.00
U.S. Bank Corporate Payment System	4246044555703473/516	Vehicle & Equipment Fuel	05/25/16	\$406.20
U.S. Bank Corporate Payment System	4246044555703473/516	General Repairs	05/25/16	\$81.82
U.S. Bank Corporate Payment System	4246044555703473/516	Info System	05/25/16	\$121.68
U.S. Bank Corporate Payment System	4246044555703473/516	Minor Office Equipment	05/25/16	\$167.60
U.S. Bank Corporate Payment System	4246044555703473/516	Postage	05/25/16	\$2.58
U.S. Bank Corporate Payment System	4246044555703473/516	Office Supplies	05/25/16	\$91.87
U.S. Bank Corporate Payment System	4246044555703473/516	Building Maintenance	05/25/16	\$78.04
U.S. Bank Corporate Payment System	4246044555703473/516	Special Expense	05/25/16	\$23.18
Univar	SJ747715	Chemicals Delivered 05/23/16	05/23/16	\$240.90
Univar	SJ747716	Chemicals Delivered 05/23/16	05/23/16	\$224.84
Veolia Water North America	58143	Well 7 Generator April 2016	05/24/16	\$3,704.41
Veolia Water North America	58246	Large Replacement April 2016	05/24/16	\$1,740.00
Veolia Water North America	58259	Preventative & Corrective April 2016	05/26/16	\$672.79
Veolia Water North America	58498	Monthly O&M Fee June 2016 & May 2016 Increase	06/07/16	\$61,115.88

**Water Sub-Total \$113,310.76**

**Wastewater**

American Retrofit Systems	1176	Re-secure Pump Box	04/26/16	\$100.00
American Retrofit Systems	1178	Install Outlet	05/17/16	\$200.00
American Retrofit Systems	1181	Install Conduit And Cat 5	05/26/16	\$1,575.00
American Retrofit Systems	CR1165	Credit For Rebill Ox Ditch	03/11/16	-\$700.00
Big Dog Computer	BDC33225	Email And Application Service Call	05/31/16	\$58.50
Big Dog Computer	BDC33226	Connectivity Issue	06/03/16	\$52.50
Brentwood Ace Hardware	808/053116	Vehicle Repair & Maintenances	05/31/16	\$30.42
Brentwood Ace Hardware	808/053116	General Repairs	05/31/16	\$50.23
Brentwood Ace Hardware	808/053116	Building Maintenance	05/31/16	\$36.22
CaliforniaChoice Benefit Admin	2461588/53040	Health Insurance July 2016	05/26/16	\$5,758.67
Cash	60716	Petty Cash Reimbursement	06/07/16	\$66.41
Cintas	185557895	Uniforms	06/01/16	\$14.20
Comcast	8155400350232946/616	Internet Service WWTP#1	06/06/16	\$91.12
Comcast	8155400350232938/616	Internet Service WWTP#2	06/06/16	\$116.17

County of Contra Costa Public Works Dept	919164	Encroachment Permit	05/20/16	\$463.21
Lesley Marable	MAY 2016	Expense Report May 2016	06/02/16	\$60.24
Mail Stream	520412	Prop 218 Mailers	06/01/16	\$771.95
Neumiller & Beardslee	277844	Professional Services April 2016	05/27/16	\$7,805.40
Office Depot	840182357001	Office Supplies	05/17/16	\$79.25
Office Depot	840182610001	Office Supplies	05/17/16	\$6.23
Office Team	45814374	Temporary Employee	05/23/16	\$9.59
Office Team	45851822	Temporary Employee	05/25/16	\$792.00
ReliaStar Life Insurance Company	#JR52 457(B) 061516	457(b) 06/01/16-06/15/16	06/01/16	\$558.41
SDRMA	19782	Ancillary Benefits June 2016	05/26/16	\$652.87
Town of Discovery Bay CSD	3	Reimbursement For PGE Funded Project	06/07/16	\$496.63
U.S. Bank Corporate Payment System	4246044555703473/516	Lift Station G	05/25/16	\$22.54
U.S. Bank Corporate Payment System	4246044555703473/516	Travel & Meetings	05/25/16	\$203.53
U.S. Bank Corporate Payment System	4246044555703473/516	Training & Education	05/25/16	\$29.40
U.S. Bank Corporate Payment System	4246044555703473/516	Membership	05/25/16	\$150.00
U.S. Bank Corporate Payment System	4246044555703473/516	Telephone General	05/25/16	\$1,003.60
U.S. Bank Corporate Payment System	4246044555703473/516	Telecom Networking	05/25/16	\$165.00
U.S. Bank Corporate Payment System	4246044555703473/516	Vehicle & Equipment Fuel	05/25/16	\$224.40
U.S. Bank Corporate Payment System	4246044555703473/516	General Repair	05/25/16	\$230.25
U.S. Bank Corporate Payment System	4246044555703473/516	Info System	05/25/16	\$182.52
U.S. Bank Corporate Payment System	4246044555703473/516	Computer Software	05/25/16	\$29.98
U.S. Bank Corporate Payment System	4246044555703473/516	Minor Office Equipment	05/25/16	\$251.41
U.S. Bank Corporate Payment System	4246044555703473/516	Postage	05/25/16	\$3.87
U.S. Bank Corporate Payment System	4246044555703473/516	Office Supplies	05/25/16	\$137.81
U.S. Bank Corporate Payment System	4246044555703473/516	Landscape Maintenance	05/25/16	\$98.90
U.S. Bank Corporate Payment System	4246044555703473/516	Building Maintenance	05/25/16	\$117.07
U.S. Bank Corporate Payment System	4246044555703473/516	Special Expense	05/25/16	\$34.78
Veolia Water North America	58142	Transfer Station Rehab April 2016	05/24/16	\$6,283.30
Veolia Water North America	58149	Vehicle Supplies & Repairs April 2016	05/24/16	\$294.98
Veolia Water North America	58245	General Repairs April 2016	05/24/16	\$117.50
Veolia Water North America	58246	Large Replacement April 2016	05/24/16	\$14,823.36
Veolia Water North America	58259	Preventative & Corrective April 2016	05/26/16	\$22,446.72
Veolia Water North America	58498	Monthly O&M Fee June 2016 & May 2016 Increase	06/07/16	\$91,673.82

**Wastewater Sub-Total \$157,669.96**

**Community Center**

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

**Grand Total \$274,162.63**

**Request For Authorization To Pay Invoices (RFA)  
For The Meeting On June 15, 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	BDC33225	Server Connectivity	05/31/16	\$68.46
Big Dog Computer	BDC33225	Community Center-Server Connectivity	05/31/16	\$68.47
Brentwood Ace Hardware	808/053116	Landscape Maintenance	05/31/16	\$66.20
Brentwood Ace Hardware	808/053116	Community Center-Landscape Maintenance	05/31/16	\$82.96
Cintas	185557895	Uniforms	06/01/16	\$52.74
Cintas	185557895	Community Center-Mats And Misc.	06/01/16	\$63.46
Commercial Tree Care	25237	Community Center-Pine Tree Pruning	05/24/16	\$2,040.00
Denalect Alarm Company	R33913	Community Center-Quarterly Alarm Charge	06/01/16	\$96.00
Discovery Bay Disposal	17-0001966/053116	Com 2 Yd Bin	05/31/16	\$300.53
Discovery Bay Disposal	17-0013218/053116	Community Center-Com 3 Yd Bin	05/31/16	\$419.77
Lucia Peters	2	Community Center-Program Fees	05/25/16	\$1,026.00
Office Depot	840951950001	Community Center-Office Supplies	05/20/16	\$42.35
Office Depot	840952291001	Community Center-Office Supplies	05/20/16	\$15.18
U.S. Bank Corporate Payment System	4246044555703473/516	Telephone General	05/25/16	\$100.49
U.S. Bank Corporate Payment System	4246044555703473/516	Vehicle & Equipment Fuel	05/25/16	\$523.23
U.S. Bank Corporate Payment System	4246044555703473/516	Office Supplies	05/25/16	\$21.15
U.S. Bank Corporate Payment System	4246044555703473/516	Community Center-Telephone General	05/25/16	\$159.62
U.S. Bank Corporate Payment System	4246044555703473/516	Community Center-Monthly Software	05/25/16	\$349.40
U.S. Bank Corporate Payment System	4246044555703473/516	Community Center-Landscape Maintenance	05/25/16	\$1,017.30
U.S. Bank Corporate Payment System	4246044555703473/516	Community Center-Pool Maintenance	05/25/16	\$222.37
U.S. Bank Corporate Payment System	4246044555703473/516	Community Center-Safety Supplies	05/25/16	\$697.39
U.S. Bank Corporate Payment System	4246044555703473/516	Community Center-Pre Employment Screening	05/25/16	\$35.33
U.S. Bank Corporate Payment System	4246044555703473/516	Community Center-Special Expense	05/25/16	\$125.30
Univar	SJ749071	Community Center-Pool Chemicals	05/27/16	\$829.36
			<b>Total</b>	<b>\$8,423.06</b>

**Request For Authorization To Pay Invoices (RFA)**  
**For The Meeting On June 15, 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>
Big B Lumber	443276	Splashpad Maintenance	06/03/16	\$119.72
Big Dog Computer	BDC33225	Server Connectivity	05/31/16	\$68.49
Brentwood Ace Hardware	808/053116	Equipment Maintenance	05/31/16	\$52.69
Cintas	185557895	Uniforms	06/01/16	\$52.74
Trugreen	46810905	Weed & Feed Plus Dimension	05/18/16	\$925.00
U.S. Bank Corporate Payment System	4246044555703473/516	Telephone General	05/25/16	\$107.83
U.S. Bank Corporate Payment System	4246044555703473/516	Vehicle & Equipment Fuel	05/25/16	\$299.87
U.S. Bank Corporate Payment System	4246044555703473/516	Vehicle Repair & Maintenance	05/25/16	\$55.31
U.S. Bank Corporate Payment System	4246044555703473/516	Office Supplies	05/25/16	\$44.78
			<b>Total</b>	<b>\$1,726.43</b>



# 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:

- D. PRESENTATIONS
  - F-1. Consider Resolution No. 2016-08 approving the proposed final Revenue, Operating and Capital Budget for Fiscal Year 2016-17 and Fiscal Year 2017-18  
Open Public Hearing, Accepting any Public Comment, Closing Public Hearing  
*Budget Provided prior to the meeting*
  - F-3 Consider the release of a portion of the remaining Retention for Plant No. 2  
Secondary Improvements Project  
*Provided Prior to the meeting*
- G. INFORMATIONAL ITEMS ONLY (NO ACTION NECESSARY)
- 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

## MONTHLY OPERATIONS REPORT

May 2016

Town of Discovery Bay, CA

**2467** Days of Safe Operations

**112,375** worked hours since last recordable incident

### TRAINING:

Safety, Operations, & Equipment

Safety	Hours
West Monthly Regional Safety Webinar Weekly Safety Topics Forklift Operations	4.0
Operations	
	0

### REPORTS SUBMITTED TO REGULATORY AGENCIES

Monthly Discharge Monitoring Report (DMR) Monthly electronic State Monitoring Report (eSMR) Monthly Coliform Report, State Water Board (WD)
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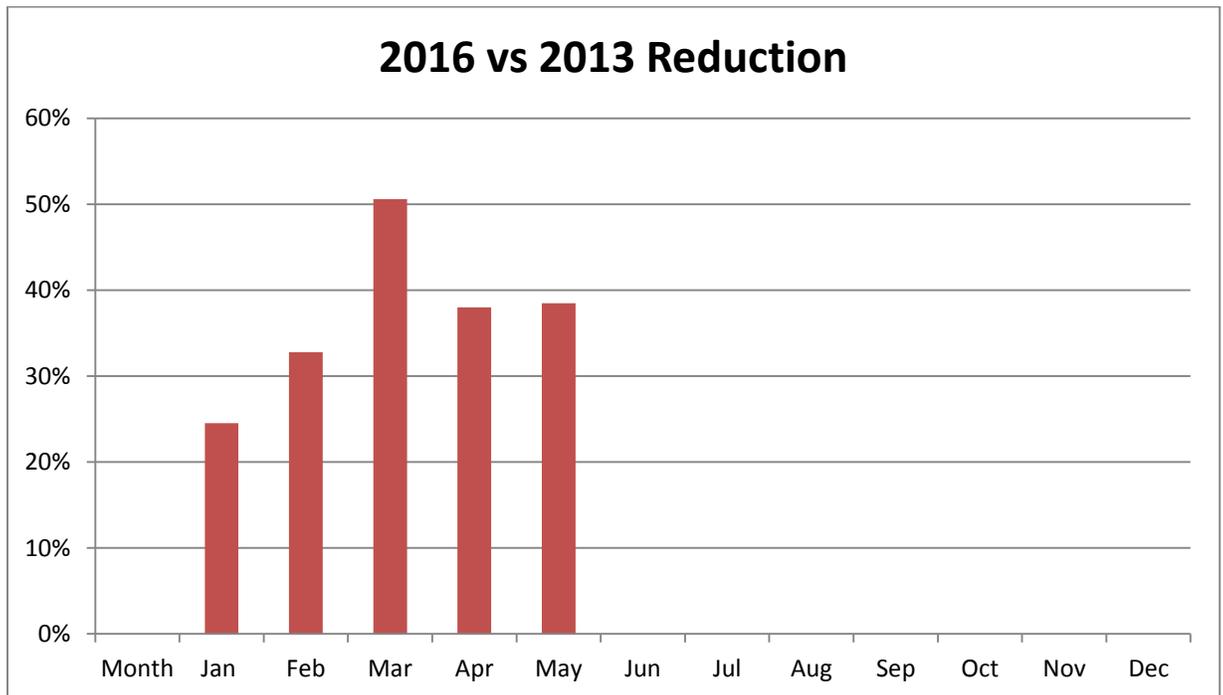
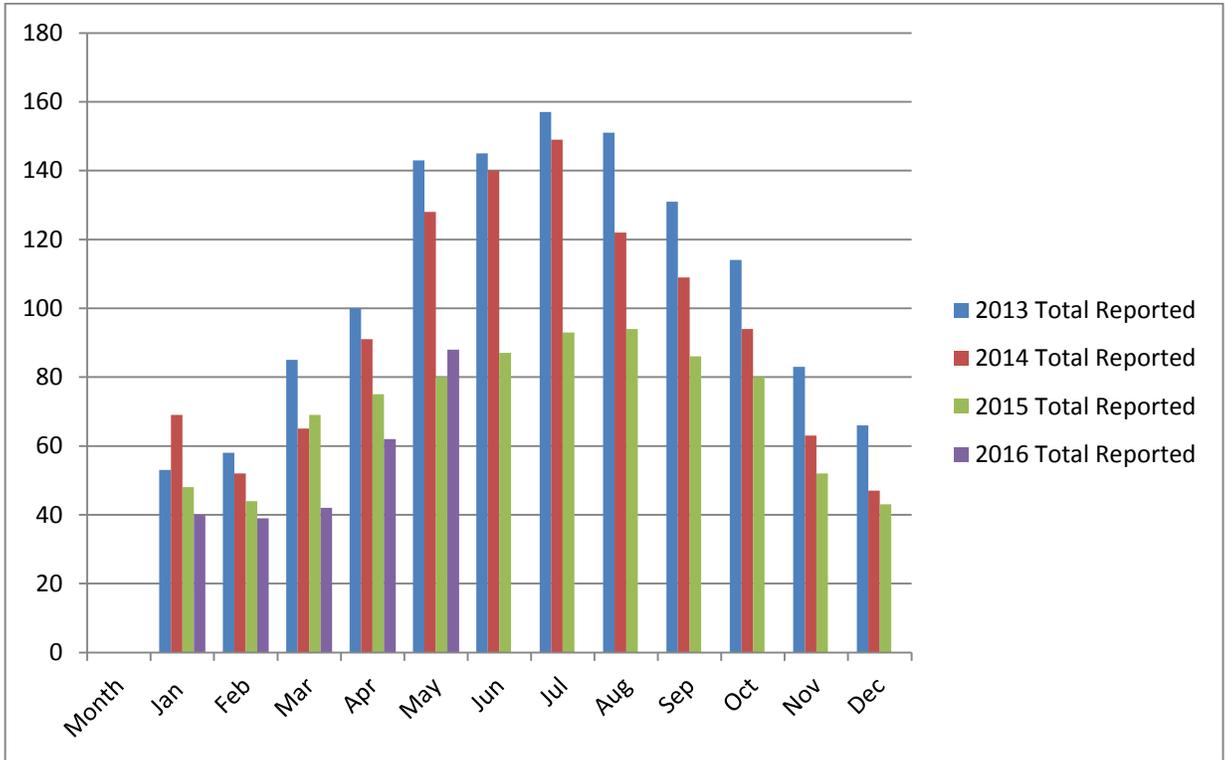
### WATER SERVICES

# of Active Wells	Water Produced (MG)	Chemical (Hypo) Delivered	Fire Hydrant Flushing
6	<b>88</b>	<b>3450</b>	<b>3</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>	<b>88</b>	
July	August	September	October	November	December



**Reused Water:**

**2.0 MG – January**                      **2.2 MG - April**  
**2.2 MG- February**                    **2.2 MG - May**  
**2.5 MG- March**

**Bacteriological Test Results:**

<b>Routine Bacteria Samples Collected</b>	<b>No. Total Coliform Positives</b>	<b>No. Fecal/E. coli Positives</b>	<b>Brown Water Calls</b>
<b>20</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>April Lab Data</i>	<i>May Lab Data</i>
Flow, MG Effluent, <b>monthly total</b>		<b>33</b>	<b>33</b>
Flow, MG Daily Influent Flow, <b>avg.</b>	<b>N/A</b>	<b>1.2</b>	<b>1.2</b>
Flow, MG Daily Discharge Flow, <b>avg.</b>	<b>2.1</b>	<b>1.1</b>	<b>1.1</b>
Effluent BOD <sub>5</sub> , lbs/d, <b>monthly avg.</b>	<b>350</b>	<b>24</b>	<b>17</b>
Effluent TSS, lbs/d, <b>monthly avg.</b>	<b>525</b>	<b>37</b>	<b>29</b>
Effluent BOD <sub>5</sub> , mg/L, <b>monthly avg.</b>	<b>20</b>	<b>2</b>	<b>3</b>
Effluent TSS, mg/L, <b>monthly avg.</b>	<b>30</b>	<b>4</b>	<b>3</b>
Total Coli form 7 day Median Max	<b>23</b>	<b>1.3</b>	<b>2.0</b>
Total Coli form Daily Maximum	<b>240</b>	<b>8</b>	<b>7.8</b>
% Removal BOD <sub>5</sub> , monthly avg.	<b>85% min.</b>	<b>99</b>	<b>99</b>
% Removal, TSS, monthly avg.	<b>85% min.</b>	<b>98</b>	<b>97</b>
Electrical Conductivity, umhos/cm <b>annual avg.</b>	<b>2100</b>	<b>2083</b>	<b>2118</b>

Blue – new parameter added

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

<b>NPDES Related Excursions</b>	<b>Permit Parameter</b>	<b>NPDES Parameter Limit</b>	<b>Actual Parameter Result</b>
<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>13</b>	<b>0</b>	<b>0</b>	<b>0</b>

# of Active Lift Stations	# of Inactive Lift Stations	SSO	Wastewater Received (MG)
<b>15</b>	<b>0</b>	<b>0</b>	<b>33</b>

**COLLECTION:**

- Flushing resume in the fall 0 ft.
- Inspected manhole & covers.
- Performed weekly lift station inspections.

**MAINTENANCE:**

**Preventive and Corrective**

Total # of WO's Completed	Total Hours
<b>176</b>	<b>148</b>

**Work Order Back-Log**

Aging 8 - 30 Days	Aging > 30 Days
<b>10</b>	<b>5</b>

**Call & Emergency Responses**

Call Outs	Emergencies
<b>5</b>	<b>0</b>

**Personnel Hours & Overtime:**

Regular Hours	Overtime
<b>1625</b>	<b>29</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

June 15, 2016

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

### Agenda Title

Consideration of Annual Fiscal Year 2016-17 and Fiscal Year 2017-18 Operating, Capital and Revenue Budgets and Adoption of Resolution 2016-08

### Recommended Action

Adopt the FY 2016-17 Operating, Capital and Revenue Budgets and Adopt Resolution 2016-08

### Executive Summary

At the Board meeting on June 1, 2016, the board of directors were presented with the proposed budget. To review and provide input to staff regarding the Town of Discovery Bay's revenue and spending plans for the coming Fiscal Year. At that meeting, the Board was presented a thorough presentation of the various components of the budget, including the programs, goals, and milestones included within. All changes that were made to the budget at the meeting have been incorporated into the budget document that will be presented to the Board on June 15, 2016 for adoption.

For this coming fiscal year, the Budget document continues to reflect the same two-year forecast as has been the case for the past two budget cycles. Staff has found the two-year budget process to be extremely beneficial for longer term planning purposes. The Capital Improvement Program continues to be a five-year plan allowing staff to more accurately plan for future capital expenses. While the Board is presented with a two year budget, only the upcoming fiscal year budget will be adopted. Each successive year's budget will result in the adoption of that year's budget prior to the next fiscal year.

The FY 2016-17 projected O&M water and wastewater expenditures (including debt service) are \$6,926,152. Funded Capital projects total \$908,000. This does not include the required NPDES mandated Title 22 Filtration project (and other associated capital projects 5,7,10 & 12) in the amount of \$7,070,740, or the Water Meter Project of \$3,000,000 for a total operating and capital budget of \$18,613,892. The Filtration and the Water Meter project are unconstrained, indicating that there is not an identified revenue source for this project. Once project funding has been identified, the district will then be prepared to match expenditures with anticipated revenues of \$18,613,892. The current projected Operating Budget for FY 2016-17 is 10% above the current fiscal year budget of \$6,201,443.

Revenues for the enterprise funds are sufficient to provide operating capital into the coming year with a rate increase. For the FY 2016-17 year, a proposed rate increase of 15% for water and 11% for wastewater is proposed, consistent with the five-year rate structure.

The Five (5) Year Capital Improvement Program Budget was prepared using the Water and Wastewater Master Plans as the primary project list and the RWQCB mandated projects. For FY 2016-17, the proposed CIP is \$11,687,740 (less carryover encumbrances from prior year projects that will be re-budgeted).

As has happened in the past, the Parks, Landscape and Recreation budgets will continue to be closely monitored.

Staff is available to address any questions at this time.

Adoption of the FY 2016-17 Operating, Capital and Revenue Budgets is recommended.

"Continue on next page"

**Fiscal Impact:**

**Amount Requested: \$18,613,892**

**Sufficient Budgeted Funds Available?: (Yes)**

**Prog/Fund # Category:**

**Previous Relevant Board Actions for This Item**

June 1, 2016 – Budget Submittal & Presentation of Proposed Budget FY 2016-2017

**Attachments**

1. FY 2016-17 and FY 2017-18 Operating, Five Year Capital Improvement Program, and Revenue Budgets
2. Resolution 2016-08

**AGENDA ITEM: F-1**



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION 2016-08**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY,  
A CALIFORNIA COMMUNITY SERVICES DISTRICT,  
ADOPTING THE OPERATING, CAPITAL IMPROVEMENT  
AND REVENUE BUDGETS FOR FISCAL YEAR 2016-17 AND FISCAL YEAR 2017-18**

**WHEREAS,** The Town of Discovery Bay Community Services District is required pursuant to California Government Code Section 61110 to annually adopt a budget that identifies certain types of expenditures for the fiscal year that begins July 1<sup>st</sup> of each year; and

**WHEREAS,** The Finance Manager has prepared and submitted to the Board of Directors a Proposed Operating, Capital Improvement and Revenue Budget for the fiscal year beginning July 1, 2016 and ending on June 30, 2017; and

**WHEREAS,** The Board of Directors has considered the budget and the comments thereon, and has determined that it is necessary for the efficient management of the District to appropriate revenues to the expenditure categories necessary to carry out the activities of the District as provided in the FY 2016-17 draft budget, and as may be amended.

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

SECTION 1. The annual Operating, Capital and Revenue budgets for all operational functions of the Town of Discovery Bay Community Services District for FY 2016-17 is hereby adopted.

SECTION 2. The Budget Document for FY 2016-17 is incorporated herein and is made a part of this Resolution.

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

PASSED, APPROVED AND ADOPTED THIS 15<sup>th</sup> DAY OF JUNE 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 regularly scheduled meeting, held on June 15, 2016, by the following vote of the Board:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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



# Town of Discovery Bay

"A Community Services District"

## AGENDA REPORT

Meeting Date

June 15, 2016

Prepared By: Virgil Koehne – Water & Wastewater Mgr.

Submitted By: Catherine Kutsuris - Interim General Manager *CMF for CK*

### Agenda Title

Proposal to Amend in its Entirety and Re-Number Ordinance No. 25 Drought Emergency Regulation Ordinance

### Recommended Action

Introduce Ordinance 2016-27 that amends in entirety Ordinance 25 (Emergency Drought Regulations), waive reading and set July 6, 2016 for hearing and adoption.

### Executive Summary

On September 3, 2014 the Town's Board of Directors adopted Ordinance No. 25 establishing Emergency Drought Regulations throughout Discovery Bay. Ordinance 25 was subsequently amended on July 01, 2015. The State Water Board adopted new regulations on May 18, 2016, which substitutes locally developed conservation standards in lieu of state standards, as well as eliminated the requirement that local agencies prohibit the watering of landscaping. The revised regulations will be effective until the end of February 2017.

The existing conservation regulations that remain prohibited are:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
2. The use of a hose that dispenses potable water to wash a motor vehicle except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
3. The application of potable water to driveways and sidewalks;
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;
5. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;
6. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development;
7. The irrigation of ornamental turf on public street medians with potable water;
8. The serving of drinking water other than upon request in eating or drinking establishments including but not limited to restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and/or purchased.

Proposed Ordinance 2016-27 eliminates the restriction that landscaping may only be watered two days per week. The Board of Directors, at the June 1, 2016 meeting, determined that a 15-20% voluntary conservation standard was appropriate for the community. The achievement of that standard is expected through the combination of the continued state water restrictions above in addition to voluntary community wide request that landscaping be watered every other day – those with even numbered addresses watering on even days and those with odd numbered addresses watering on odd numbered calendar days.

If adopted by the Board at a Public Hearing on July 6, 2016, the ordinance will become effective thirty days later.

"Continued to the next page"

**Fiscal Impact:**

Amount Requested \$ N/A

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

Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

**Previous Relevant Board Actions for This Item**

June 4, 2014 – Implementation of Voluntary 20% Water Reduction Directive

July 16, 2014 - Report to the Board on pending actions.

August 6, 2014 - Report to the Board on final actions and regulation by the State of California

September 3, 2014 - Adoption of Ordinance No. 25

May 20, 2015 - Report to the Board to introduce amendments and set date for July 1, 2015 for adoption

June 01, 2016 – Report to Board from Justin Shobe of Luhdorff & Scalmanini on Conservation

**Attachments**

1. September 3, 2014 adoption of Ordinance No. 25 Proposed Emergency Drought Regulations
2. State Water Board Emergency Water Conservation Regulations Fact Sheet
3. Proposed Ordinance amending District Ordinance No. 25

AGENDA ITEM. F-2

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2016-0029**

**TO ADOPT AN EMERGENCY REGULATION FOR  
STATEWIDE URBAN WATER CONSERVATION**

WHEREAS:

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order ([April 2014 Proclamation](#)) to strengthen the State's ability to manage water and habitat effectively in drought conditions, and called on all Californians to redouble their efforts to conserve water. The April 2014 Proclamation finds that the continuous severe drought conditions present urgent challenges across the State, including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity, if drought conditions continue into 2015. It orders that any provision of the governing document, architectural or landscaping guidelines, or policies of a common interest development will be void and unenforceable to the extent it has the effect of prohibiting compliance with the water-saving measures contained in this directive, or any conservation measure adopted by a public agency or private water company. The April 2014 Proclamation also suspends the environmental review required by the California Environmental Quality Act to allow the emergency regulation and other actions to take place as quickly as possible;
2. The April 2014 Proclamation references the [Governor's January 17, 2014 declaration of a drought State of Emergency in California due to severe drought conditions \(Proclamation No. 1-17-2014, January 2014 Proclamation\)](#). The January 2014 Proclamation finds that dry conditions and lack of precipitation present urgent problems to drinking water supplies and cultivation of crops, which put farmers' long-term investments at risk. The conditions also threaten the survival of animals and plants that rely on California's rivers, including many species in danger of extinction. The January 2014 Proclamation also calls on all Californians to reduce their water usage by 20 percent;
3. On December 22, 2014, in light of the continued lack of rain, Governor Brown issued [Executive Order B-28-14](#), which extends the California Environmental Quality Act suspension through May 31, 2016 for Water Code section 13247 and certain activities identified in the January 2014 and April 2014 proclamations;
4. On April 1, 2015, Governor Brown issued [Executive Order B-29-15](#) that directs the State Water Board to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems; along with other directives;

5. On May 5, 2015, the State Water Resources Control Board (State Water Board) adopted [Board Resolution No. 2015-0032](#) and an Emergency Regulation to address specific provisions of Executive Order B-29-2015 that included a mandatory 25 percent statewide reduction in potable urban water use between June 2015 and February 2016. To implement the Executive Order, the Emergency Regulation placed each urban water supplier in a conservation tier, ranging between 8 and 36 percent, based residential per capita water use for the months of July – September 2014. Resolution No. 2015-0032 also directed staff to work with stakeholders to further develop and consider a range of factors that contribute to water use, including but not limited to climate, growth, investment in local, drought resilient supplies, and others for adjustment to the current emergency regulation should it need to be extended into 2016;
6. On November 13, 2015, Governor Brown issued [Executive Order B-36-15](#) calling for an extension of urban water use restrictions until October 31, 2016, should drought conditions persist through January 2016. This Executive Order also directs the State Water Board to consider modifying the restrictions to incorporate insights gained from the existing restrictions;
7. On February 2, 2016, the State Water Board adopted [Board Resolution No. 2016-0007](#) and a revised, extended Emergency Regulation to address specific provisions of Executive Order B-36-15. The Emergency Regulation established adjustments to reduce the conservation standards of urban water suppliers in consideration of the differences in climate affecting different parts of the state, growth experienced by urban areas, and significant investments that have been made by some suppliers towards creating new, local, drought-resilient sources of potable water supply;
8. On May 9, 2016, Governor Brown issued [Executive Order B-37-16](#) calling on the State Water Board to adjust emergency water conservation regulations through the end of January 2017 in recognition of differing water supply conditions across the state;
9. Statewide precipitation in 2016 has been variable. Northern California received above-average rainfall, while much of southern California continued to experience below-average rainfall and warm temperatures. February 2016 was amongst the warmest and driest recorded for parts of southern California. Consequently, while major Northern California water reservoirs are near or above average water storage for this time of year, many Southern California reservoirs are significantly below average. In addition, the snowpack is melting fast and as of early May is at less than 50 percent of the average for this time of year;
10. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports";
11. On July 15, 2014, the State Water Board adopted an emergency regulation to support water conservation ([Resolution No. 2014-0038](#)). That regulation became effective July 28, 2014 upon approval by the Office of Administrative Law (OAL);

12. On March 17, 2015, the State Water Board amended and readopted the emergency regulation to support water conservation ([Resolution No. 2015-0013](#)), which became effective March 27, 2015 upon approval by OAL;
13. On May 5, 2015, the State Water Board significantly amended, and readopted, the emergency regulation to support water conservation ([Resolution No. 2015-0032](#)), which became effective May 18, 2015 upon approval by OAL and expires February 13, 2016;
14. On February 2, 2016, the State Water Board amended and readopted the emergency regulation to support water conservation ([Resolution No. 2016-0007](#)), which became effective February 11, 2016 upon approval by OAL and expires November 7, 2016;
15. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes will survive while receiving a decreased amount of water;
16. Although urban water suppliers have placed restrictions on outdoor watering, the State Water Board continues to receive reports of excessive outdoor water use;
17. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and to extend supplies into the next year. Water saved this summer is water available later in the season or next year, reducing the likelihood of even more severe water shortages should the drought continue. Extending current water supplies offers communities flexibility in managing their water portfolios and drought response options should the drought continue into the next water year;
18. Education and enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated;
19. Public information and awareness is critical to achieving conservation goals, and the Save Our Water campaign, run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response (<http://saveourwater.com>);
20. Many California communities are facing continued social and economic hardship due to the ongoing drought. The rest of us can make adjustments to our water use, including landscape choices that conserve even more water;
21. The California Constitution declares, at article X, section 2, that the water resources of the state must be put to beneficial use in a manner that is reasonable and not wasteful. Relevant to the current drought conditions, the California Supreme Court has clarified that "what may be a reasonable beneficial use, where water is present in excess of all needs, would not be a reasonable beneficial use in an area of great scarcity and great need. What is a beneficial use at one time may, because of changed conditions, become a waste of water at a later time." (*Tulare Dist. v. Lindsay Strathmore Dist.* (1935) 3 Cal.2d 489, 567.) In support of water conservation, the legislature has, through Water Code section 1011, deemed reductions in water use due to conservation as equivalent to reasonable beneficial use of that water. Accordingly, this regulation is in furtherance of article X, section 2 during this drought emergency. This temporary emergency

regulation is not to be used in any future administrative or judicial proceedings as evidence or finding of waste and unreasonable use of any individual water user or water supplier subject to this regulation, and are not to affect or otherwise limit any rights to water conserved under applicable law, including without limitation, water conserved consistent with Water Code section 1011;

22. Under the May 5, 2015 emergency regulation, as revised February 2, 2016, urban water suppliers, large and small, have reduced statewide potable water usage more than 23.9 percent compared to usage during the same months in 2013, through the significant efforts of the suppliers and their customers;
23. The State Water Board estimates that suppliers and their customers will save between 0.46 and 0.97 million acre-feet of water in response to the extended regulation from June 2016 through January 2017. This savings will be in addition to the 1.55 million acre-feet the State is on track to have saved from June 2015 through May 2016 compared to usage during the same months in 2013;
24. Directive one of the Governor's May 9, 2016 Executive Order Directs the State Water Board to adjust emergency water conservation regulations through the end of January 2017 in recognition of differing water supply conditions across the state;
25. On April 20, 2016 the State Water Board held a workshop to receive input on the potential modification of the current Drought Emergency Water Conservation regulation. The State Water Board solicited public comments on the proposed framework and received over 130 comments, primarily relating to the improved 2016 water year conditions, whether conservation regulations were necessary, the need to transition to a supply-based conservation regulation, and the ability of urban water suppliers to manage their own water supply options;
26. On May 9, 2016 the State Water Board issued staff-proposed regulatory language for public comment based in part on the April 20, 2016 workshop and comments received, and in part on Executive Order B-37-16. The staff proposal reflects careful consideration by the Board and staff of all comments including those directed at the levels of required reduction and the basis upon which water use reductions should be required. The draft regulatory language extends portions of the February 2016 emergency regulation and establishes a process for developing locally appropriate water conservation standards in recognition of differing water supply conditions across the state;
27. On May 13, 2016, the State Water Board initiated the formal emergency rulemaking process by issuing public notice that it would consider the adoption of the emergency regulation at the Board's regularly-scheduled May 18, 2016 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations;
28. As discussed above, the State Water Board is adopting the revised emergency regulation as directed by the Governor in Executive Order B-37-16 based on the ongoing need to prevent the waste and unreasonable use of water and to promote conservation during the ongoing drought emergency; and

29. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain the enforcement discretion in enforcing the regulation to the extent authorized. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 864.5 and amends and re-adopts sections 863, 864, 865, and 866 as appended to this resolution as an emergency regulation;
2. State Water Board staff will submit the regulation to OAL for final approval;
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or the Executive Director's designee may make such changes;
4. This regulation shall remain in effect for 270 days after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions, or unless the State Water Board renews the regulation due to continued drought conditions as described in Water Code section 1058.5;
5. The State Water Board directs staff to provide the Board with monthly updates on the implementation of the emergency regulation and its effect.
6. The State Water Board directs staff to condition funding upon compliance with the emergency regulation, to the extent feasible;
7. The State Water Board directs staff to work with DWR and the Save Our Water campaign to disseminate information regarding the emergency regulation; and
8. The State Water Board directs staff to update the electronic reporting portal to include data fields for reporting required by the emergency regulation.

THEREFORE BE IT FURTHER RESOLVED THAT:

10. The State Water Board shall work with DWR, the Public Utilities Commission, and other agencies to support urban water suppliers' actions to implement rates and pricing structures to incent additional conservation, as required by directive eight in the Governor's April 1, 2015 Executive Order. The Fourth District Court of Appeal's recent Decision in *Capistrano Taxpayer Association Inc. v. City of San Juan Capistrano* (G048969) does not foreclose the use of conservation-oriented rate structures;

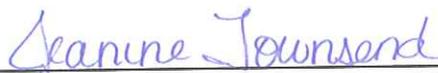
11. The State Water Board calls upon water suppliers to:
  - a. ensure that adequate personnel and financial resources exist to implement conservation requirements not only for 2016, but also for another year of drought should it occur. Water suppliers that face budget shortfalls due to reduced sales should take immediate steps to raise necessary revenues in a way that actively promotes continued conservation;
  - b. expedite implementation of new conservation programs by minimizing internal review periods and utilizing emergency authorities, as appropriate;
  - c. consider the relative water use and conservation practices of their customers and target those with higher water use to achieve proportionally greater reductions than those with low use;
  - d. minimize financial impacts to low-income customers;
  - e. preserve safe indoor water supplies in areas with very low R-GPCD and where necessary to protect public health and safety;
  - f. promote low-water use methods of preserving appropriate defensible space in fire-prone areas, consistent with local fire district requirements;
  - g. educate customers on the preservation of trees;
  - h. promote on-site reuse of water; and
  - i. promptly notify staff of the supplier's need for an alternate method of compliance pursuant to resolved paragraph 20 for any supplier that retains a conservation standard pursuant to section 865 of the emergency regulation.
12. The State Water Board calls upon all businesses within California's travel and tourism sectors to inform visitors of California's drought situation and actions visitors should take to conserve water;
13. The State Water Board calls upon all homeowners' associations to support and cooperate with water suppliers' and their residents' efforts to conserve water in community apartment projects, condominium projects, planned developments, and stock cooperatives statewide;
14. The State Water Board calls upon both landlords and tenants of residential and commercial properties to cooperate in taking actions that conserve potable water consistent with the emergency regulation and any applicable rules identified by the appropriate urban water supplier;
15. The State Water Board commends wholesale water agencies that have set aggressive conservation targets for their retail water suppliers;
16. The State Water Board commends water suppliers that have made investments to boost drought-resistant supplies, such as advanced treated recycled water and desalination. Those investments help to make communities more resilient in the face of drought;

17. The State Water Board commends the many water suppliers that have taken steps and made systemic changes that have led to them surpassing their 20x2020 conservation targets. Long-term conservation efforts are critical to maintaining economic and social well-being, especially in light of the impacts of climate change on California's hydrology;
18. The State Water Board commends the many water suppliers that have met or exceeded their conservation standards under the May 2015 emergency regulation and the February 2016 amended and extended emergency regulation. Those local efforts have helped the state achieve a statewide 23.9 percent potable water savings from June 2015 through March 2016 and have shown what dedicated Californians can achieve as we make water conservation a California way of life;
19. During this drought emergency, heightened conservation that extends urban resilience is necessary. The State Water Board's focus is primarily on immediate reductions in outdoor water use. Some short-term conservation efforts, such as landscape conversions and installation of efficient appliances, will also support long-term conservation objectives, and are encouraged wherever possible; and
20. The State Water Board recognizes that some commercial and industrial customers, while accounting for a significant portion of total use in a service area, have already taken steps to significantly reduce their water consumption and cannot further reduce their use without substantial impacts. However, the Board also recognizes that in many areas there are significant opportunities for reductions in water use by industries and commercial enterprises that have yet to take action, especially those with large areas of non-functional turf. The Board directs staff to respond promptly upon receipt of any request for alternate enforceable methods of compliance for suppliers that retain a conservation standard pursuant to section 865 of the emergency regulation. If the supplier believes the conservation standard is unachievable due to firm commercial and industrial water use and residential use reductions that would affect public health and safety, it should provide any supporting information or documentation for an alternate method of compliance or should use the new water supply reliability self-certification method provided for in section 864.5.

### CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 18, 2016.

AYE:           Chair Felicia Marcus  
                   Vice Chair Frances Spivy-Weber  
                   Board Member Steven Moore  
                   Board Member Dorene D'Adamo  
  
 NAY:           None  
 ABSENT:       None  
 ABSTAIN:      Board Member Tam M. Doduc

  
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 Jeanine Townsend  
 Clerk to the Board

## ADOPTED TEXT OF EMERGENCY REGULATION

### Article 22.5. Drought Emergency Water Conservation.

#### Sec. 863. Findings of Drought Emergency.

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) On April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February, 2016; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems;

(4) On November 13, 2015, the Governor issued an Executive Order that directs the State Board to, if drought conditions persist through January 2016, extend until October 31, 2016 restrictions to achieve a statewide reduction in potable usage;

(5) On May 9, 2016, the Governor issued an Executive Order that directs the State Board to adjust and extend its emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply conditions for many communities;

(56) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist; and

(67) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote conservation.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 102, 104, 105, and 275, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

#### Sec. 864. End-User Requirements in Promotion of Water Conservation.

(a) To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks;

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;

(5) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;

(6) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;

(7) The irrigation with potable water of ornamental turf on public street medians; and

(8) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

(b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

(c) ~~Immediately upon~~ Upon this subdivision taking effect, all commercial, industrial and institutional properties that use a water supply, any portion of which is from a source other than a water supplier subject to section 864.5 or 865 of this article, shall either:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week; or

(2) Target potable water use reductions commensurate with those required of the nearest urban water supplier under section 864.5 or, if applicable, section 865. Where this option is chosen, these properties shall implement the reductions on or before July 1, 2016.

~~(2) Reduce potable water usage supplied by sources other than a water supplier by 25 percent for the months of June 2015 through October 2016 as compared to the amount used from those sources for the same months in 2013.~~

(d) The taking of any action prohibited in subdivision (a) or (e), or the failure to take any action required in subdivision (b) or (c), is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(e)(1) To prevent the waste and unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:

(A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivision (a) of the Civil Code; or

(B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code.

(2) As used in this subdivision:

(A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.

(B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(D) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.

(F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (e)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, 4150, 4185, and 4735, Civil Code; Sections 102, 104, 105, 275, 350, and 10617, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

#### Sec. 864.5. Self-Certification of Supply Reliability for Three Additional Years of Drought.

(a) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's May 9, 2016 Executive Order, each urban water supplier shall:

(1) Identify and report no later than June 22, 2016, on a form provided by the Board, the conservation standard that the supplier will be required to meet under this section;

(2) Identify and report no later than June 22, 2016, on a form provided by the Board, the data and underlying analysis relied upon by the supplier to determine the conservation standard reported pursuant to this subdivision including, but not limited to identification of each source of supply the supplier intends to rely on and the quantity of water available under that source of supply given the assumptions of this section;

(3) Certify, no later than June 22, 2016, that the conservation standard reported pursuant to this subdivision is based on the information and assumptions identified in this section;

(4) Post, within two weeks of submittal to the board, the data and underlying analysis relied upon by the supplier to determine the conservation standard reported pursuant to this subdivision to a publicly-accessible webpage; and

(5) Beginning June 1, 2016, reduce its total potable water production by the percentage identified as its conservation standard in this section each month, compared to the amount used in the same month in 2013.

(b) Each urban water supplier's conservation standard pursuant to this section shall be the percentage by which the supplier's total potable water supply is insufficient to meet the total potable water demand in the third year after this section takes effect under the following assumptions:

(1) The next three years' precipitation is the same as it was in water years 2013-2015;

(2) No temporary change orders that increase the availability of water to any urban water supplier are issued in the next three years;

(3) The supplier's total potable water demand for each of the next three years will be the supplier's average annual total potable water production for the years 2013 and 2014;

(4) The supplier's total potable water supply shall include only water sources of supply available to the supplier that could be used for potable drinking water purposes;

(5) Each urban water supplier's conservation standard shall be calculated as a percentage and rounded to the nearest whole percentage point.

(c) The Board will reject conservation standards that do not meet the requirements of this section.

(d) Beginning June 1, 2016, each urban water supplier shall comply with the conservation standard it identifies and reports pursuant to this section.

(e) Compliance with the conservation standard reported pursuant to this section shall be measured monthly and assessed on a cumulative basis through January 2017.

(f) If a wholesaler and all of its urban water supplier customers agree, in a legally-binding document, those suppliers and wholesaler may submit to the board, in lieu of the individualized self-certified conservation standard applicable pursuant to section 864.5 or section 865, an aggregated conservation standard, with all supporting documentation required for individualized self-certified conservation standards by section 864.5.

(g) Each urban water wholesaler shall calculate, to the best of its ability, and no later than June 15, 2016, the volume of water that it expects it would deliver to each urban water supplier in each of the next three years under the assumptions identified in subdivision (b), and post that calculation, and the underlying analysis, to a publicly-accessible webpage.

(h) Submitting any information pursuant to this section that the person who submits the information knows or should have known is materially false is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(i) Any urban water supplier that does not comply with this section shall comply with the applicable conservation standard identified in section 865.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 102, 104, 105, 275, 350, 1846, 10617 and 10632, Water Code; Light v. State Water Resources Control Board (2014) 226 Cal.App.4th 1463.

Sec. 865. Mandatory Actions by Water Suppliers.

(a) As used in this ~~section~~article:

(1) "Distributor of a public water supply" has the same meaning as under section 350 of the Water Code, except it does not refer to such distributors when they are functioning solely in a wholesale capacity, but does apply to distributors when they are functioning in a retail capacity.

(2) "R-GPCD" means residential gallons per capita per day.

(3) "Total potable water production" means all potable water that enters into a water supplier's distribution system, excluding water placed into storage and not withdrawn for use during the reporting period, or water exported outside the supplier's service area.

(4) "Urban water supplier" means a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(5) "Urban water wholesaler" means a wholesaler of water to more than one urban water supplier.

(6) "Water year" means the period from October 1 through the following September 30. Where a water year is designated by year number, the designation is by the calendar year number in which the water year ends.

(b) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-user's exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, the number of days that outdoor irrigation is allowed, and monthly commercial, industrial and institutional sector use. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves.

(c)(1) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's ~~November 13, 2015~~May 9, 2016 Executive Order, each urban water supplier that fails to identify a conservation standard as required under section 864.5, or that has a conservation standard rejected by the Board under section

864.5, shall reduce its total potable water production by the percentage identified as its conservation standard in this subdivision section. Each urban water supplier's conservation standard considers its service area's relative per capita water usage.

~~(2) Each urban water supplier whose source of supply does not include groundwater or water imported from outside the hydrologic region in which the water supplier is located, and that has a minimum of four years' reserved supply available, may submit to the Executive Director for approval a request that, in lieu of the reduction that would otherwise be required under paragraphs (3) through (10), the urban water supplier shall reduce its total potable water production by 4 percent for each month as compared to the amount used in the same month in 2013. Any such request shall be accompanied by information showing that the supplier's sources of supply do not include groundwater or water imported from outside the hydrologic region and that the supplier has a minimum of four years' reserved supply available.~~

~~(32) Each urban water supplier whose average July-September 2014 R-GPCD was less than 65 shall reduce its total potable water production by 8 percent for each month as compared to the amount used in the same month in 2013.~~

~~(43) Each urban water supplier whose average July-September 2014 R-GPCD was 65 or more but less than 80 shall reduce its total potable water production by 12 percent for each month as compared to the amount used in the same month in 2013.~~

~~(54) Each urban water supplier whose average July-September 2014 R-GPCD was 80 or more but less than 95 shall reduce its total potable water production by 16 percent for each month as compared to the amount used in the same month in 2013.~~

~~(65) Each urban water supplier whose average July-September 2014 R-GPCD was 95 or more but less than 110 shall reduce its total potable water production by 20 percent for each month as compared to the amount used in the same month in 2013.~~

~~(76) Each urban water supplier whose average July-September 2014 R-GPCD was 110 or more but less than 130 shall reduce its total potable water production by 24 percent for each month as compared to the amount used in the same month in 2013.~~

~~(87) Each urban water supplier whose average July-September 2014 R-GPCD was 130 or more but less than 170 shall reduce its total potable water production by 28 percent for each month as compared to the amount used in the same month in 2013.~~

~~(98) Each urban water supplier whose average July-September 2014 R-GPCD was 170 or more but less than 215 shall reduce its total potable water production by 32 percent for each month as compared to the amount used in the same month in 2013.~~

~~(109) Each urban water supplier whose average July-September 2014 R-GPCD was 215 or more shall reduce its total potable water production by 36 percent for each month as compared to the amount used in the same month in 2013.~~

~~(d)(1) Beginning June 1, 2015, each urban water supplier that does not submit a self-certification in compliance with section 864.5 shall comply with the conservation standard specified in subdivision (c), with any modifications to the conservation standard pursuant to subdivision (f) applying beginning March 1, 2016.~~

~~(2) Compliance with the requirements of this subdivision shall be measured monthly and assessed on a cumulative basis through October 2016 January 2017.~~

~~(e)(1) Each urban water supplier that provides potable water for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b), may subtract the amount of water provided for commercial agricultural use from its~~

potable water production total, provided that any urban water supplier that subtracts any water provided for commercial agricultural use from its total potable water production shall:

(A) Impose reductions determined locally appropriate by the urban water supplier, after considering the applicable urban water supplier conservation standard specified in subdivision (c), for commercial agricultural users meeting the definition of Government Code section 51201, subdivision (b) served by the supplier;

(B) Report its total potable water production pursuant to subdivision (b)(2) of this section, the total amount of water supplied for commercial agricultural use, and shall identify the reduction imposed on its commercial agricultural users and each recipient of potable water for commercial agricultural use;

(C) Certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (b); and

(D) Comply with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order for all commercial agricultural water served by the supplier that is subtracted from its total potable water production.

(2) Submitting any information pursuant to subdivision (e)(1)(B) or (C) of this section that is found to be materially false by the Board is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f) In consideration of the differences in climate affecting different parts of the state, growth experienced by urban areas and significant investments that have been made by some suppliers towards creating new, local, drought-resilient sources of potable water supply, an urban water supplier's conservation standard identified in subdivision (c) shall be reduced by an amount, not to exceed eight (8) percentage points total, as follows:

(1) For an urban water supplier whose service area evapotranspiration (ET<sub>o</sub>) for the months of July through September exceeds the statewide average evapotranspiration, as determined by the Board, for the same months by five (5) percent or more, the supplier's conservation standard identified in subdivision (c) shall be reduced:

(A) By two (2) percentage points if the supplier's service area evapotranspiration exceeds the statewide average by five (5) percent or more but less than ten (10) percent;

(B) By three (3) percentage points if the supplier's service area evapotranspiration exceeds the statewide average by ten (10) percent or more but less than twenty (20) percent;

(C) By four (4) percentage points if the supplier's service area evapotranspiration exceeds the statewide average by twenty (20) percent or more.

(D) Statewide average evapotranspiration is calculated as the arithmetic mean of all urban water suppliers' service area default evapotranspiration values for the months of July through September. Default service area evapotranspiration will be based on the California Irrigation Management System (CIMIS) ET<sub>o</sub> Zones Map zone for which the supplier's service area has the greatest area of overlap. In lieu of applying its default service area evapotranspiration, a supplier may use specific data from CIMIS stations within its service area that have at least a five-year period of record, or a three year continuous period of record, to identify a more specifically-applicable evapotranspiration

for its service area. If no CIMIS station exists within the supplier's service area, a weather station of comparable accuracy, meeting the preceding period of record requirements, may be used. To qualify for the in-lieu climate adjustment, the supplier shall submit the following data to the Board by March 15, 2016 for each station: station ID; station location; and monthly average evapotranspiration, in inches per month, for July, August, and September for either the five-year period of record or the three-year continuous period of record.

(2) To account for water efficient growth experienced in the state since 2013, urban water suppliers' conservation standards shall be reduced by the product of the percentage change in potable water production since 2013 and the percentage reduction in potable water use required pursuant to subdivision (c), rounded to the nearest whole percentage point. Change in potable water production since 2013 shall be calculated as the sum of the following:

(A) The number of additional permanent residents served since January 1, 2013, multiplied by the average residential water use per person for that supplier's service area during the months of February through October, 2015, in gallons; and

(B) The number of new commercial, industrial and institutional connections since January 1, 2013, multiplied by the average commercial, industrial and institutional water use per connection for that supplier's service area during the months of February through October, 2015, in gallons.

(C) To qualify for the growth credit the supplier shall submit to the Board the following data by March 15, 2016: the number of additional permanent residents served since January 1, 2013 and the number of new commercial, industrial and institutional connections since January 1, 2013.

(3) For an urban water supplier that supplies, contracts for, or otherwise financially invests in, water from a new local, drought-resilient source of supply, the use of which does not reduce the water available to another legal user of water or the environment, the conservation standard identified in subdivision (c) shall be reduced:

(A) By one (1) percentage point if the supplier's qualifying source of supply is one (1) percent or more but less than two (2) percent of the supplier's total potable water production;

(B) By two (2) percentage points if the supplier's qualifying source of supply is two (2) percent or more but less than three (3) percent of the supplier's total potable water production;

(C) By three (3) percentage points if the supplier's qualifying source of supply is three (3) percent or more but less than four (4) percent of the supplier's total potable water production;

(D) By four (4) percentage points if the supplier's qualifying source of supply is four (4) percent or more but less than five (5) percent of the supplier's total potable water production;

(E) By five (5) percentage points if the supplier's qualifying source of supply is five (5) percent or more but less than six (6) percent of the supplier's total potable water production;

(F) By six (6) percentage points if the supplier's qualifying source of supply is six (6) percent or more but less than seven (7) percent of the supplier's total potable water production;

(G) By seven (7) percentage points if the supplier's qualifying source of supply is seven (7) percent or more but less than eight (8) percent of the supplier's total potable water production;

(H) By eight (8) percentage points if the supplier's qualifying source of supply is eight (8) percent or more of the supplier's total potable water production.

(I) To qualify for this reduction the supplier must certify, and provide documentation to the Board upon request demonstrating, the percent of its total potable water production that comes from a local, drought-resilient source of supply developed after 2013, the supplier's investment in that local, drought-resilient source of supply, and that the use of that supply does not reduce the water available to another legal user of water or the environment. To qualify for this reduction an urban water supplier shall submit the required certification to the Board by March 15, 2016.

(J) Certifications that do not meet the requirements of subdivision (f)(3)(I), including certifications for which documentation does not support that the source of supply is a local, drought-resilient source of supply, the use of which does not reduce the water available to another legal user of water or the environment, will be rejected. Submitting a certification or supporting documentation pursuant to subdivision (f)(3)(I) that is found to be materially false by the Board is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(4) No urban water supplier's conservation standard pursuant to this section shall drop below eight (8) percent as a consequence of the reductions identified in this subdivision. ~~No reduction pursuant to this subdivision shall be applied to any urban water supplier whose conservation standard is four (4) percent based on subdivision (e)(2).~~

~~(g)(1) To prevent waste and unreasonable use of water and to promote water conservation, each distributor of a public water supply that is not an urban water supplier shall take one or more of the following actions:~~

~~(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-user's exclusive control; and~~

~~—— (A) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or~~

~~—— (B) Reduce by 25 percent its total potable water production relative to the amount produced in 2013.~~

~~(2) Each distributor of a public water supply that is not an urban water supplier shall submit~~ Submit a report by ~~September~~ December 15, 2016, on a form provided by the Board, that ~~either confirms compliance with subdivision (g)(1)(A) or identifies total potable water production, by month, from December, 2015 through August~~ November, 2016, ~~and total potable water production, by month, for the same months in 2013, and any actions taken by the supplier to encourage or require its customers to conserve water.~~

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 102, 104, 105, 275, 350, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

Sec. 866. Additional Conservation Tools.

(a)(1) To prevent the waste and unreasonable use of water and to promote conservation, when a water supplier does not meet its conservation standard required by section 864.5 or section 865 the Executive Director, or the Executive Director's designee, may issue conservation orders requiring additional actions by the supplier to come into compliance with its conservation standard.

(2) A decision or order issued under this article by the Board or an officer or employee of the Board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

(b) The Executive Director, or his designee, may issue an informational order requiring water suppliers, or commercial, industrial or institutional properties that receive any portion of their supply from a source other than a water supplier subject to section 864.5 or 865, to submit additional information relating to water production, water use or water conservation. The failure to provide the information requested within 30 days or any additional time extension granted is a violation subject to civil liability of up to \$500 per day for each day the violation continues pursuant to Water Code section 1846.

(c) Orders issued under previous versions of this ~~subdivision~~section shall remain in effect and shall be enforceable as if adopted under this version. Changes in the requirements of this article do not operate to void or excuse noncompliance with orders issued before those requirements were changed.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 100, 102, 104, 105, 174, 186, 187, 275, 350, 1051, 1122, 1123, 1825, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.



# Fact Sheet

## 36 Month Urban Water Supply Now Basis For Local Emergency Water Conservation Efforts

On May 18, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the prior percentage reduction-based water conservation standard with a localized “stress test” approach – that mandates urban water suppliers act now to ensure at least a three year supply of water to their customers under drought conditions.

The adopted emergency regulation followed improved water supply conditions around most of the state and recognition that urban water suppliers are in a better position to plan for, and accommodate, local drought impacts to their water supply, following their experiences conserving upwards of 24 percent of their water use these past 10 months.

The adopted regulation establishes standards with locally developed conservation standards based upon each agency’s specific circumstances. The regulation now requires individual urban water suppliers to self-certify the level of available water supplies they have assuming three additional dry years, and the level of conservation necessary to assure adequate supply over that time.

This self-certification would include information provided by regional water distribution agencies (wholesale suppliers) about how regional supplies would fare during three additional dry years. Both urban water suppliers and wholesale suppliers are required to report the underlying basis for their assertions, and urban water suppliers are required to continue reporting their conservation levels.

Urban water suppliers are now required to reduce potable water use in a percentage equal to their projected shortfall in the event of three more dry years. In other words, if an individual water district projects it would, under the specified assumptions, have a 10 percent shortfall after the next three years at the current rate of use, their mandatory conservation standard would be 10 percent.

The regulation keeps in place the monthly reporting requirements and specific prohibitions against certain water uses. Those prohibitions include watering down a sidewalk with a hose instead of using a broom or a brush, or overwatering a landscape to where water is running off the lawn, over a sidewalk and into the gutter. Prohibitions directed to the hospitality industry also remain in place. Prohibitions against home owners associations taking action against homeowners during a declared drought remain as well. As directed by Governor Brown’s [Executive Order B-37-16](#), the Board will separately take action to make some of these requirements and prohibitions permanent.



The adopted regulation is the result of review of many meetings, written and oral comments from a public workshop on [April 20](#) to receive input on conservation needs through the summer and fall, and lessons learned since the Water Board first adopted drought emergency water conservation regulations.

**The new conservation standards will take effect in June and remain in effect until the end of January 2017.**

Improved Water Supply and Conditions; and Conservation – Reason for Change

Winter 2016 saw improved hydrologic conditions in parts of California. More rain and snow fell in Northern California as compared to Central and Southern California; yet, due to California's water storage and conveyance systems, concerns over supply reliability have eased compared to last year throughout urban California. Consequently, the unprecedented mandatory state-driven conservation standards in place over the last ten months must transition to conservation standards based on supply reliability considerations at the local level. However, conservation standards are still needed in case this winter was a short reprieve in a longer drought.

The Board has been monitoring state hydrology, water supply conditions, including local supply reliability, and the conservation levels achieved by the State's 411 urban water suppliers. Hydrologic conditions in parts of California – particularly northern California – have markedly improved relative to 2014 and 2015. Many reservoirs are above historic averages for late spring, and water allocations are up in most cases for the State Water Project.

In addition, the water production reports submitted to the State Water Board have shown that the majority of urban water suppliers have successfully responded to mandatory conservation expectations over the last 20 months. Public awareness of drought conditions and the public's extraordinary response this past ten months should lead to continuing conservation.

Should severe drought conditions return, the Board stands ready to return to stronger conservation mandates to ensure urban water suppliers can meet local water needs in the long term.

The adopted drought emergency water conservation regulation allows suppliers to define an individualized conservation standard on their specific water supply and demand conditions. Each water supplier is required to evaluate its supply portfolio and self-certify the accuracy of its information while also providing the underlying information and assumptions; the State Water Board would assign each supplier a mandatory conservation standard equal to the percentage deficiency the supplier identifies in its supply under specified assumptions. Additionally, certain statewide requirements on small suppliers and businesses would be lifted.

Governor and Board Actions Achieved Historic Conservation Statewide  
In his April 1, 2015 [Executive Order](#), Governor Brown mandated a 25 percent water use reduction by users of urban water supplies across California.

In May 2015, the State Water Board adopted an emergency regulation requiring a cumulative 25 percent reduction in overall potable urban water use over the following 9 months. The [May 2015 Emergency Regulation](#) used a sliding scale for setting conservation standards, so that communities that have already reduced their residential gallons per capita per day (R-GPCD) through past conservation had lower mandates than those that had not made such gains since the last major drought. Conservation tiers for urban water suppliers were set between eight percent and 36 percent, based on residential per capita water use for the months of July - September 2014.

During this time, statewide water conservation was [unprecedented](#). In the last 10 months alone, the state realized nearly a 24 percent savings in water use as compared to same period 2013, resulting in some 1.30 million acre-feet of water conserved throughout California, enough to supply 6.5 million people with water for an entire year.

On Feb. 2, 2016, based on Governor Brown's [November 2015 Executive Order](#), the State Water Board approved an updated and extended emergency regulation that continued mandatory reductions through October.

The [February 2016 Emergency Regulation](#) responded to calls for continuing the conservation structure that has spurred savings, while providing greater consideration of some localized factors that influence water needs around the state: climate differences, population growth and significant investments in new local, drought-resilient water supplies such as potable wastewater reuse and desalination. The February Emergency Regulation is longer in effect. Under the new reporting structure adopted by the Board May 18, water districts will continue to [report water use](#), but their conservation standard will be based on any shortfall in projected supply over three drought years.

On May 9, Governor Brown [issued an Executive Order](#) directing actions aimed at using water wisely, reducing water waste, and improving water use efficiency for the years and decades ahead. The Executive Order, in part, directed the State Water Board to extend the emergency regulations for urban water conservation through the end of January 2017. As called for in his Executive Order, it is anticipated the State Water Board will be working closely with the Department of Water Resources and other agencies to define and establish water efficiency standards for the state to ensure a more reliable water supply and to make state water users more resilient and prepared over the long-term.

*(This fact sheet was last updated May 18, 2016)*



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 2016-27**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY,  
A CALIFORNIA COMMUNITY SERVICES DISTRICT,  
DROUGHT REGULATION ORDINANCE  
AMENDING IN ITS ENTIRETY AND RE-NUMBERING ORDINANCE NO. 25**

Be it ordained by the Board of Directors of the Town of Discovery Bay Community Services District as follows:

**SECTION 1. Short Title**

This Ordinance shall be known and may be cited as Town of Discovery Bay Drought Regulation Ordinance ("Ordinance").

**SECTION 2. Purpose**

The purpose of this Ordinance is to protect the health, safety, and welfare of residents of the Town of Discovery Bay Community Services District ("District"); to continue to respond to the ongoing drought issues and to regulate water usage in the District for the purpose of conserving limited water resources.

**SECTION 3. Water Shortage Emergency Declaration and Response Authority**

The Board of Directors may declare a water shortage emergency by resolution upon finding that water use restrictions are necessary for the immediate protection of health and safety or as required by State law.

A water shortage emergency declaration is effective until the Board of Directors finds, and declares by resolution, that the water shortage emergency condition has abated, changed in degree, or no longer exists.

The Board of Directors has the authority to continue water conservation regulations to address water supply conditions within the District. The Board of Directors may also take additional action to prevent waste and unreasonable use of water and to further promote conservation.

**SECTION 4. Water Conservation Regulations**

While the District continues to be impacted by limited water supplies, the following activities are prohibited, except where necessary to address an immediate health and safety need:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

2. The use of a hose that dispenses potable water to wash a motor vehicle except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
3. The application of potable water to driveways and sidewalks;
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;
5. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;
6. The irrigation of landscapes outside of newly constructed homes and buildings with potable water in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development;
7. The irrigation of ornamental turf on public street medians with potable water;
8. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased.

#### **SECTION 5. Enforcement**

The General Manager of the District shall administer, implement and enforce the provisions of this Ordinance. Any powers or duties granted to the General Manager may be delegated by the General Manager to persons acting in the beneficial interest of or in the employ of the District.

#### **SECTION 6. Violation**

The General Manager, or his/her designee, may issue a Notice of Violation to any person, business, association, or other party who fails to comply with any conditions of this Ordinance. Any person, business, association or other party violating this Ordinance after issuance of a Notice of Violation shall be assessed a fine of \$25 for a first violation, a fine of \$50 for a second violation in any 6-month period, and a fine of \$100 for each additional violation in any 6-month period. Fines assessed pursuant to this Ordinance may be included in the offending party's water service bill or, for unmetered accounts which do not receive a water service bill, with the water service charges collected on the county tax roll on behalf of the District. Non-payment of water service bills or water service charges collected on the county tax roll on behalf of the District, including the non-payment of any fine included therein, may result in termination of service and disconnection from the water system pursuant to District Ordinance. In addition to any other action taken by the District, the District may utilize an outside collection agency to recover unpaid fines.

Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The District Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent, abate, or restrain the violation. All costs, fees and expenses in connection with such action shall be assessed as damages against the violation.

#### **SECTION 7. Appeals**

Any party subject to a Notice of Violation or fine issued pursuant this Ordinance may appeal for reconsideration. Appeals for reconsideration shall be processed as follows:

1. A party appealing for reconsideration a Notice of Violation or fine issued pursuant to this Ordinance shall do so in writing to the General Manager by either using forms provided by the District or by letter setting forth in detail the reasons for the appeal.
2. The General Manager shall review all appeals for consideration and shall within fifteen (15) days of receipt of the written appeal notify the appealing party of his or her decision to deny or sustain the appeal, or to modify the Notice of Violation or fine based on the evidence presented.
3. If the appealing party disagrees with the General Manager's decision, the decision may be appealed to the Board of Directors. An appeal to the Board of Directors shall be submitted in writing to the Clerk of the Board by either using forms provided by the District or by letter setting forth in detail the reasons for the appeal. Each appeal to the Board of Directors shall be accompanied by the payment of an appeal fee of \$25.00, or as set by resolution of the Board of Directors, to defray the costs of the appeal.
4. If an appeal to the Board of Directors is made, the appealing party shall be notified of a hearing date by mail. Such hearing shall be scheduled within thirty (30) days of receipt of the written appeal. A decision shall be forwarded to the appealing party within fifteen (15) days after completion of the hearing. Decisions by the Board of Directors are final.

#### **SECTION 8. Severability**

The various parts, paragraphs, section, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

#### **SECTION 9. Adoption and Effective Date**

This Ordinance is hereby declared to have been adopted by the District Board of Directors at a meeting thereof duly called and held on the 6<sup>th</sup> day of July, 2016, and ordered to be given effect thirty (30) days after its first publication as mandated by statute.

#### **CERTIFICATION**

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay Community Services District held on July 6, 2016 by the following vote:

---

Bill Pease  
Board President

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Catherine Kutsuris  
Board Secretary



# Town of Discovery Bay

*"A Community Services District"*

## AGENDA REPORT

Meeting Date

June 15, 2016

**Prepared By:** Carol McCool, Administrative Assistant, Board Clerk

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

### Agenda Title

Consider electing a representative for Seat B of the California Special District Association Board of Directors

### Recommended Action

Authorize the Board President to vote on behalf of the District for one candidate for seat B of the California Special District Association 2016 Board Elections.

### Executive Summary

The Town of Discovery Bay Community Services District is a member of the California Special Districts Association (CSDA). Each of California Special District's Association's six networks has three seats on the Board. Each candidate is either a board member or management-level employee of a member district located in our network. Each Regular Member (district) in good standing shall be entitled to vote for one director to represent its network.

The information for the two candidates is included as part of this report. Please vote for only one candidate to represent Seat B of the California Special District Association 2016 Board Elections.

### 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. CSDA 2016 Board Elections Mail Ballot Information 06-06-2016
2. CSDA 2016 Ballot

AGENDA ITEM: F-4

JUN 06 2016



**California Special  
Districts Association**  
*Districts Stronger Together*

## **CALIFORNIA SPECIAL DISTRICTS ASSOCIATION**

### **2016 BOARD ELECTIONS**

#### **MAIL BALLOT INFORMATION**

Dear Member:

A mail ballot has been enclosed for your district's use in voting to elect a representative to the CSDA Board of Directors in your Network for Seat B.

Each of CSDA's six (6) networks has three seats on the Board. Each of the candidates is either a board member or management-level employee of a member district located in your network. Each Regular Member (district) in good standing shall be entitled to vote for one (1) director to represent its network.

We have enclosed the candidate information for each candidate who submitted one. Please vote for **only one** candidate to represent your network in Seat B and be sure to sign, date and fill in your member district information. If any part of the ballot is not complete, the ballot will not be valid and will not be counted.

Please utilize the enclosed return envelope to return the completed ballot. Ballots must be received at the CSDA office at 1112 I Street, Suite 200, Sacramento, CA 95814 by **5:00pm on Friday, August 5, 2016**.

If you do not use the enclosed envelope, please mail in your ballot to:

**California Special Districts Association**  
**Attn: 2016 Board Elections**  
**1112 I Street, Suite 200**  
**Sacramento, CA 95814**

Please contact Charlotte Lowe toll-free at 877.924.CSDA or [charlottel@csga.net](mailto:charlottel@csga.net) with any questions.



California Special  
Districts Association  
*Districts Stronger Together*

## 2016 CSDA BOARD CANDIDATE INFORMATION SHEET

The following information **MUST** accompany your nomination form and Resolution/minute order:

Name: JOHN CARAPET

District/Company: SANITARY DISTRICT NO. 5 OF MARIN CO.

Title: BOARD DIRECTOR - SECRETARY

Elected/Appointed/Staff: SDS BOARD OF DIRECTORS

Length of Service with District: SINCE SEPTEMBER, 2013

1. Do you have current involvement with CSDA (such as committees, events, workshops, conferences, Governance Academy, etc.):

N/A

2. Have you ever been associated with any other state-wide associations (CSAC, ACWA, League, etc.):

3. List local government involvement (such as LAFCo, Association of Governments, etc.):

35 YRS w/ S.F. PUBLIC UTILITIES COMMISSION, RET. AS SR. WATER SERVICES INSPECTOR

4. List civic organization involvement:

CIVIL GRAND JURY, MARIN COUNTY

**\*\*Candidate Statement** – Although it is not required, each candidate is requested to submit a candidate statement of no more than 300 words in length. **Any statements received in the CSDA office after June 2, 2016 will not be included with the ballot.**



California Special  
Districts Association  
Districts Stronger Together

## 2016 CSDA BOARD CANDIDATE INFORMATION SHEET

The following information MUST accompany your nomination form and Resolution/minute order:

Name: Ryan Clausnitzer

District/Company: Alameda County Mosquito Abatement District

Title: District Manager

Elected/Appointed/Staff: 14 - Trustees ; 16 - Full time staff ; 6 - part-time

Length of Service with District: 9 months as District Manager, 2 years as Trustee

1. Do you have current involvement with CSDA (such as committees, events, workshops, conferences, Governance Academy, etc.):

Completed all 4 Modules of CSDA SDA ; completed Board Secretary/Clerk Program ; Supervisory Skills for the public Sector ; Attending Gov. Mgr. Leadership Summit

2. Have you ever been associated with any other state-wide associations (CSAC, ACWA, League, etc.):

Coastal Representative to Mosquito Vector Control Association of California's Regulatory Committee, CSDA Representative ; CA Conf. of Directors of Environmental Health

3. List local government involvement (such as LAFCo, Association of Governments, etc.):

Candidate to Bay Area Restoration Authority Advisory Committee, Hayward Area Shoreline Planning Agency

4. List civic organization involvement:

Returned Peace Corps Volunteer ; Big Brother / Big Sister of the Bay Area Sponsor ; former leader of Habitat for Humanity

**\*\*Candidate Statement** – Although it is not required, each candidate is requested to submit a candidate statement of no more than 300 words in length. **Any statements received in the CSDA office after June 2, 2016 will not be included with the ballot.**

RECEIVED

March 14, 2016

MAY 18 2016

Ms. Charlotte Lowe  
CSDA  
1112 I Street, Suite 200  
Sacramento, CA 95814

CSDA

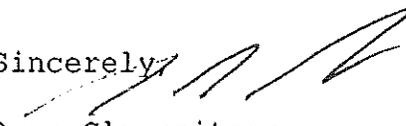
Re: CSDA Board of Directors Bay Area Network Seat B

I am applying as a CSDA board member representing the Bay Area. I should be considered seriously as a candidate from my public sector experience, education, training, leadership, volunteerism, the District's record, and dependable work ethic.

Coming from city, county, and national governments to working in special districts as staff, a board member, the board president, and now general manager provides a unique and valuable perspective. Also, there are no board members representing mosquito and vector control agencies. Leading an agency of our size requires the general manager to become the agency's fiscal, human resource, board procedures, and operational expert. I am able to effectively complete these tasks because of the CSDA. As a Trustee, I completed the Special District Leadership Academy. As a general manager, I attended the Board Secretary/Clerk training (as I also act as the Board Secretary). I will be soon applying for the Certificate of Transparency; a recognition that I am proud of and not easy to achieve.

Thank you for considering me as a Board member. I would be honored to have the opportunity to enjoy and excel in this position.

Sincerely,



Ryan Clausnitzer  
General Manager  
Alameda County Mosquito Abatement District  
23187 Connecticut Street  
Hayward, CA 94545  
5410-783-7744  
ryan@mosquitoes.org

Encl: Nomination form, candidate information sheet, nomination from board reflected in agenda and minutes

# CSDA BOARD OF DIRECTORS 2016 ELECTION



**BAY AREA  
NETWORK**

**SEAT B**  
term ends 2019

*Please vote for only one.*

- John Carapiet**  
*Sanitary District #5 of Marin County*
- Ryan Clausnitzer**  
*Alameda County Mosquito Abatement District*

*All fields must be completed for ballot to be counted.*

*\*incumbent running for re-election*

SIGNATURE:	DATE:
MEMBER DISTRICT:	

Must be received by 5pm, August 5, 2016. CSDA, 1112 I Street, Suite 200, Sacramento, CA 95814



# Town of Discovery Bay

"A Community Services District"

## AGENDA REPORT

Meeting Date

June 15, 2016

**Prepared By:** Catherine Kutsuris

**Submitted By:** Same

**Agenda Title:**

Authorize a lease with Delta Seaweed Removal in the amount of \$500.00 per month for a portion of vacant property at Plant No. 1 to be used as a drying area and transfer point for water weeds removed from the bays in the community

**Recommended Action:**

Authorize the General Manager to sign the attached contract, on behalf of the District, with Matthew and Janet Saale of Delta Seaweed Removal for a vacant portion of Plant 1 No. at the northerly end of the property

**Executive Summary:**

On May 27, 2015, the Board authorized a lease with Delta Seaweed Removal for a portion of vacant land at Plant No. 1. The leased area was to be used as a drying area and transfer point for water weeds removed from the bays in the community.

The lease terms included a \$500.00 monthly rate along with a \$1500.00 deposit. That lease was terminated by the lessee in November of 2015.

The company is interested in entering into another lease with the same rates. The proposed lease with the same financial terms is attached.

**Fiscal Impact:**

Amount Requested \$

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

Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

**Previous Relevant Board Actions for This Item**

May 20<sup>th</sup> and May 27<sup>th</sup> 2015

**Attachments**

Proposed Lease

AGENDA ITEM: F-5

**TOWN OF DISCOVERY BAY  
STORAGE SPACE AGREEMENT**

This LEASE AGREEMENT (“Lease”) is made and entered into as of June 13, 2016, by and between the Town of Discovery Bay, a community services district organized under the laws of the State of California (“Lessor”), and Delta Seaweed Removal (DSR) (“Lessee”).

**AGREEMENT**

1. Premises. Lessor hereby leases and lets to Lessee, and Lessee hereby takes and leases from Lessor, subject to the terms and conditions contained herein, the “storage” area which is an unimproved lot located at 2500 Channel Road, (the “Premises”) in Discovery Bay, California, more commonly referred to as Plant 1, and as outlined on the attached Exhibit “A.”

1.1. Lessee is granted the right at all times during the Lease Term to the nonexclusive use of the Premises. Lessee does not have any rights of access to or rights of use of Lessor’s treatment facility or pond located near the Premises. Lessor has the sole discretion to determine the manner in which the Premises are maintained and operated and the use of the Premises shall be subject to the Rules and Regulations, which may be amended at Lessor’s sole discretion from time to time, attached hereto as Exhibit “B”. Lessor shall enforce the Rules and Regulations in a consistent and nondiscriminatory manner regarding all tenants and occupants of the Premises, including their respective officers, agents, employees, independent contractors, and invitees. Lessee shall comply with all such rules and regulations as published, revised, and promulgated. Lessee acknowledges that the Premises may have additional tenants occupying designated portions of the Premises from time to time.

1.2. The access gate to the Premises shall remain locked at all times. Lessee shall be responsible for ensuring the access gate is locked upon Lessee’s entrance to and exit from the Premises. Lessor shall provide Lessee with a key to the access gate upon execution of this Lease.

1.3. Lessor may, from time to time, use the Premises for deliveries of materials and supplies as necessary to conduct the business of the Town of Discovery Bay.

2. Term. The term of this Lease shall commence on June 13, 2016 and shall terminate one year thereafter on June 13, 2017 (the “Term”).

2.1. The term of this Lease may be extended for additional periods upon the mutual written consent of the parties and only after approval by the Lessor’s Board of Directors.

2.2. Should Lessee hold over and continue in possession of the Premises after termination of the term of this Lease or any renewal or extension term of this Lease, Lessee’s

continued occupancy of the Premises shall be deemed a tenancy from month to month at an initial minimum rental based on the rent charged for the last month of the Term.

2.3. Lessee shall, on a regular basis, remove any non-organic material and debris that is present on the Premises as part of Lessee's business operations. Lessee shall spread all organic materials present on the Premises at least weekly to minimize odors from the organic materials. The Premises shall also regularly be cleaned to avoid any accumulation of non-organic material, debris and resulting residue. By October 31 of each year of the Term, the Premises shall be completely cleared of all organic and non-organic materials deposited by Lessee. This date may be extended if operational conditions of Lessee warrant and only upon approval of Lessor's General Manager.

2.4. During the Term of this Lease, should the organic material stored by Lessee on the Premises create odors that emanate out of the Premises and cause an odor issue on nearby properties, Lessee shall, upon written notice from Lessor, have three (3) calendar days to cure the cause of such odor. If Lessee fails to address the odor and its causes, this Lease may be terminated by Lessor on the fourth (4<sup>th</sup>) calendar day.

2.5. Upon termination of this Lease, any material, spoils, organic and non-organic material, debris, and residue, on or around the Premises and used by Lessee in its business operations, shall be removed and the Premises shall be thoroughly cleaned and returned to Lessor in the same condition as provided to Lessee upon commencement of this Lease.

3. Rent. Lessee shall pay monthly rent (the "Rent") in the amount of \$500.00 (Five Hundred Dollars). Rent shall be paid based upon the date of execution of this Lease and invoice shall be paid within ten calendar days of receipt of such invoice. All rent shall be paid by Lessee to Lessor at Town of Discovery Bay, 1800 Willow Lake Road, Discovery Bay, CA 94505-9376, or any other place or places that Lessor may from time to time designate by written notice given to Lessee. Rent for any partial month shall be prorated for that month based on a thirty (30) day month.

3.1. Lessee shall pay a security deposit in the amount of \$1500.00 (One Thousand Five Hundred Dollars).

3.2. In no event will the Lessor accept any ownership interest in the Lessee or other business entity, nor take any interest in any property, whether real, personal, or intellectual, in lieu of rent.

4. Use. Lessee shall have the right to use the Premises solely for storage purposes and the drying process of organic compounds/debris.

4.1. Lessee may, from time to time, store equipment that is utilized for the sole purpose of weed removal. The equipment expressly permitted to be stored on the Premises is listed on the attached Exhibit "C." All items stored on the Premises shall be kept neat and orderly. Notwithstanding the foregoing, Lessor through its General Manager, shall have the

authority to direct Lessee to remove equipment and containers from the Premises that are not deemed necessary for Lessee's day to day operations.

4.2. If during the Term of this Lease, or any extension hereof, the application of any statute, code or ordinance of any government, authority, agency, official or officer applicable to the Premises shall make it impossible or not economical for Lessee to operate in the Premises in accordance with Paragraph 4, then Lessee or Lessor, at its option, may terminate this Lease, whereupon the Rent and all other charges payable hereunder by Lessee shall be prorated in accordance with Paragraph 3 as of such date of termination.

4.3. Lessee shall not vacate or abandon the Premises at any time during the Term hereof or any extension term.

4.4. Only employees of Lessee shall be allowed to enter the Premises. Lessee shall not permit any non-employee of Lessee to enter the Premises.

4.5. The Premises shall only be used by the Lessee between the hours of 8 a.m. and 8 p.m.

4.6. Lessee shall only enter the site from Channel Road and Lessee is not permitted to enter the Pump Station, Treatment Facility or surrounding facilities for any reason.

5. Subletting or Assignment. Lessee may not sublet or assign this Lease.

6. Lessor's Representations and Warranties. Lessor represents and warrants that:

6.1. Lessor shall maintain the Premises in the manner in the same or better condition in which it was at the time Lessee initially began occupancy. The Lessee accepts the Premises in an "As Is" condition.

7. Lessee's Covenants. Lessee covenants and agrees it shall:

7.1. Pay rent when due without notice or demand;

7.2. Maintain the Premises in a clean, safe and good condition and return the Premises to Lessor at the Termination Date in accordance with Paragraph 10 hereof;

7.3. Comply with all statutes, codes, ordinances, rules and regulations applicable to the Premises;

7.4. Give Lessor prompt notice of any accident, damage, destruction, or occurrence affecting the Premises;

7.5. At its sole cost and expense, promptly perform all maintenance and repairs to the Premises ; and

7.6. Lessor shall have access to the Premises for inspection and necessary maintenance.

8. Insurance. Lessee, at its own expense, shall maintain automobile and commercial general liability insurance including bodily injury and property damage insuring itself and Lessor as an additional insured with minimum coverage as follows: One Million Dollars (\$1,000,000.00) combined single liability. Lessee shall deliver to Lessor copies of all such policies and all endorsements thereto within thirty (30) days after commencement of this Lease or, in case of renewals, fifteen (15) days prior to the expiration of any policy, with evidence that each policy is fully paid for, and that no cancellation, material change or non-renewal thereof shall be effective except after thirty (30) days' prior written notice from the insurer. Any insurance purchased by the Lessor covering the Premises or its contents will not provide any coverage for any property belonging to the Lessee. If the Lessee wishes such coverage for its property or for loss of Premises as a result of fire or other casualty, then Lessee will be solely responsible for purchasing same. In addition to the insurance requirements of this paragraph, Lessee shall maintain during the Term of this Lease, at its own expense, a business license issued by Contra Costa County.

9. Liability of Lessor. Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the demised Premises or any part thereof during the term of this Lease and any extension thereof. Lessee agrees to be liable for and insure against all claims for damages, no matter how caused, unless such claims or damages are substantially caused by the gross negligence or willful misconduct of Lessor, Lessor's agents, or as a result of the condition of the Premises prior to Lessee's occupation.

10. Liens. Lessee agrees not to permit any claim for labor, materials, or other claim of any kind whatsoever, to become a lien upon or to be reduced to judgment against the Premises or any part thereof. Lessor shall have the right to post notices of nonresponsibility.

11. Cancellation. Notwithstanding the provisions set forth in Paragraphs 2 and 2.1 herein, Lessee and Lessor shall have the right to cancel this Lease upon giving sixty (60) days written notice of its intent to cancel to the other party.

12. Hazardous Materials. Lessee shall be unconditionally and absolutely liable for all losses and damages sustained by Lessor as a result of any breach of, or the failure by Lessee to perform under, any environmental representation, warranty, covenant, obligation and indemnification provided in this Lease. Lessee shall only use or allow the use of Hazardous Materials (as that term is hereinafter defined) on or about the Premises in the ordinary course of Lessee's business, and in reasonable quantities. Such use of Hazardous Materials shall not in any manner violate the Environmental Laws (as that term is hereinafter defined). Except for the foregoing, Lessee shall not cause or permit the Premises to be used to generate, manufacture, refine, transport, treat, store, handle, dispose of, transfer, produce or process hazardous waste. Lessee shall not cause or permit any release or discharge of Hazardous Materials onto the Premises or onto any

adjacent property from the Premises as a result of any act or omission on the part of Lessee, its agents, employees, licensees or invitees. Lessee shall conduct and complete all investigations, studies, sampling and testing, and all removal, remediation and/or other actions necessary to clean up and remove all Hazardous Materials on, under, from or affecting the Premises if Lessee is required by the Environmental Laws to undertake such activities. Upon termination of this Lease, Lessee shall deliver the Premises to Lessor free of all Hazardous Materials brought there by Lessee, its agents, employees, licenses or invitees. The obligations herein shall survive the death or dissolution of any or all of the Lessee(s) and shall be binding upon the estate of any such deceased party and upon any surviving party the same as if such death had not occurred. Lessee shall pay any costs, expenses, claims, damages and attorney's fees due under this Paragraph 12 regardless of whether such amounts occur pre-petition or post-petition after the filing for any bankruptcy or reorganization relief under state or federal laws. For purposes hereof, "Hazardous Materials" include, without limitation, any "hazardous substances," "pollutants" and "contaminants" as used in, or defined pursuant to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 USC §§9601 et seq., and 40 CFR §§302.1 et seq.; "pollutants," "toxic pollutants," "oil" and "hazardous substances" as defined pursuant to the Federal Water Pollution Control Act, as amended, 33 USC §§1251 et seq., and 40 CFR §§116.1 et seq., 129.1 et seq. and 302.1 et seq.; and any other substance, waste, pollutant, contaminant or material, including petroleum products and derivatives, which are defined as hazardous or toxic or the use, transport, disposal, storage, treatment, recycling, handling, release, threatened release, discharge or emission of which is regulated or governed by any federal, state or local law, ordinance, rule or regulation, including the foregoing cited statutes and rules, or any guideline or publication promulgated pursuant thereto ("Environmental Laws").

13. Surrender. Upon the expiration or earlier termination of the Lease, Lessee shall surrender the Premises to Lessor in good order, condition, and repair, ordinary wear and tear excepted. Lessee shall, at its sole cost and expense, remove any and all of Lessee's personal property stored in the Premises, including furniture, furnishings, movable partitions and other fixtures, and improvements or alterations approved by Lessor. All fixtures and improvements not removed shall become the property of the Lessor.

14. Termination. Should Lessee (i) abandon or vacate the Premises prior to the expiration or termination of this Lease; (ii) fail to pay Rent upon the date when payment is due and such failure is not cured by Lessee within five (5) days of delivery of written notice to Lessee; (iii) create a hazardous situation or threat to health or safety due to the acts, omission operations of Lessee; (iv) fail to perform any obligation under this Lease and such failure continues for ten (10) days after written notice of such failure (except where a shorter period of time is specified in this Lease in which case the shorter period shall apply; (v) release or use any Hazardous Materials in violation of any laws or this Lease by reason of the acts or omissions of Lessee; then Lessor shall have the right to give a written termination notice to Lessee, and on the date specified in such notice, Lessee's right to possession shall terminate and this Lease shall

terminate. In no event, shall Lessor give Lessee less than three (3) calendar day's written notice of termination.

15. Notice. All notice, demands, requests, consents, approvals, offers, statements, and other instruments or communications required or permitted to be given hereunder in writing shall be deemed to have been given when delivered or when mailed by first class mail, postage prepaid, addressed to Lessor or Lessee as follows

As to Lessor:           Town of Discovery Bay  
                                  Attention: General Manager  
                                  Town of Discovery Bay CSD  
                                  1800 Willow Lake Road  
                                  Discovery Bay, CA 94505-9376

As to Lessee:

16. Amendments. This Lease may not be amended, modified, or terminated, nor may any obligation hereunder be waived orally, and no such amendment, modification, termination, or waiver shall be effective for any purposes unless it is in writing and signed by the party against whom enforcement thereof is sought.

17. Severability. If any provision of the Lease or any application thereof shall be invalid or unenforceable, the remainder of the Lease and any other application of such provision shall not be affected thereby.

18. Governing Law. This lease shall be governed by and construed in accordance with the laws of the Town of Discovery Bay and the State of California.

19. Indemnification. Lessee shall hold harmless and indemnify Lessor from and against any and all damage or claims that may arise during normal operation of Lessee's business, except loss or damage arising from any negligent act by Lessor, its agents or employees.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the day and year set forth above.

**LESSOR:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Catherine Kutsuris, Interim General Manager  
Town of Discovery Bay Community  
Services District

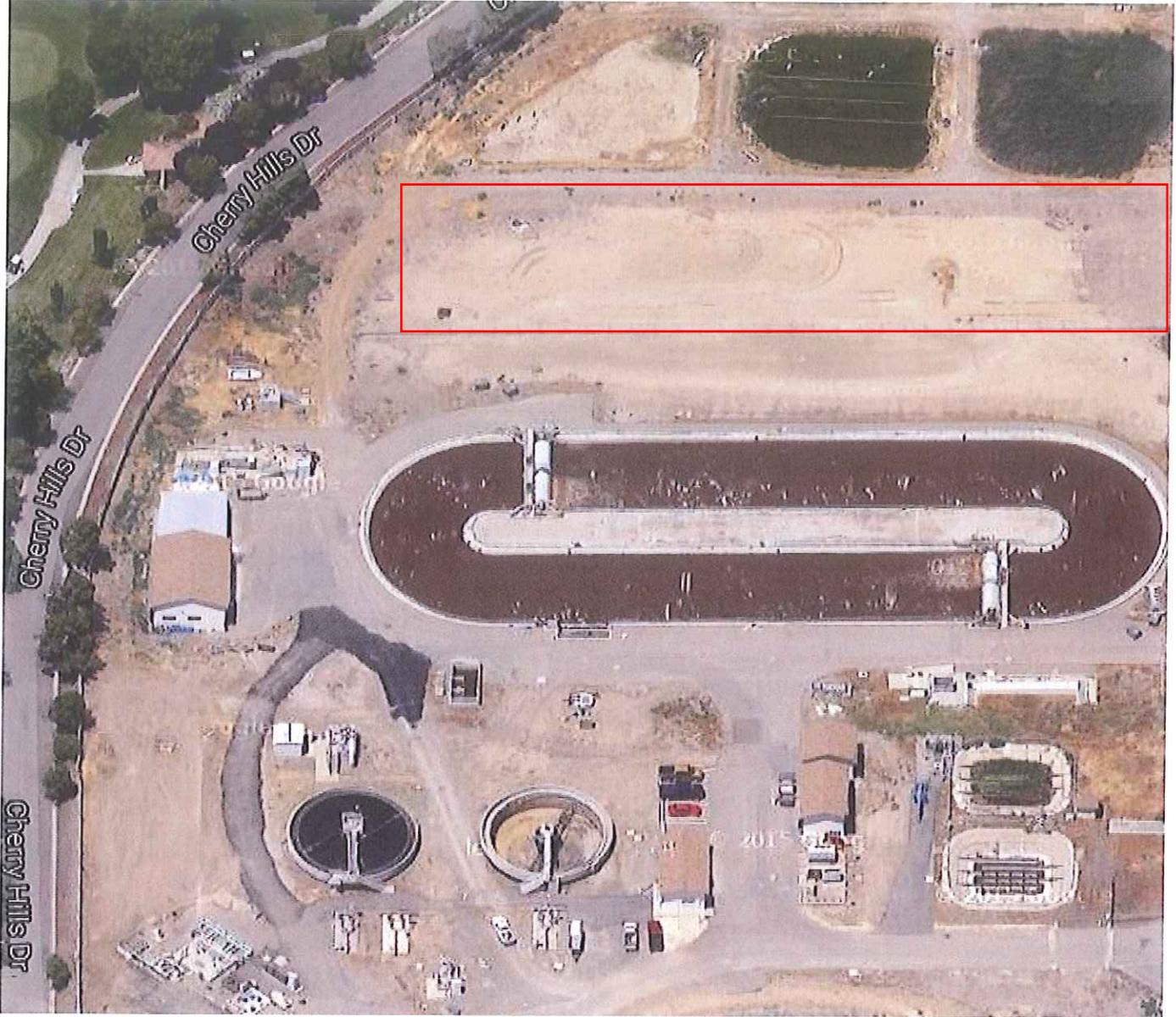
**LESSEE:**

---

Date

---

Matthew Saale, Delta Seaweed Removal



Google

Map data ©2016 Google Imagery ©2016, DigitalGlobe

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**EXHIBIT “B”**  
**RULES AND REGULATIONS**

All terms not otherwise defined herein shall have the same meaning as set forth in the Lease.

1. Lessor shall provide its own lock which shall be “daisy chained” to Lessor’s lock located on the exterior gate to the Premises.
2. Lessee and its employees shall not disturb other occupants of the Premises by making any undue or unseemly noise, or otherwise. Lessee shall not, without Lessor's written consent, install or operate in or upon the Premises any machine or machinery causing noise or vibration perceptible outside the Premises. All combustible material must be kept in OSHA approved containers. In no event shall hazardous materials be stored on the Premises.
3. Lessee shall install, construct, or erect any sheds, buildings or fixtures on the Premises without the consent of Lessor. The expense of remedying any breakage, damage or stoppage resulting from a violation of this rule shall be borne by Lessee.
4. Lessee shall have the non-exclusive right, along with other lessees of the Premises, to use Channel Road to access the Premises and any parking area, or driveway apron, located on the Premises.
5. Lessor assumes no responsibility for and shall not be liable for any damages resulting from any error in regard to any identification of Lessee or its employees from admission to or exclusion from the Premises.
6. The Lessor shall have no responsibility for janitorial and other custodial services. Reasonable care and caution shall be used by Lessee to keep all shared facilities by tenants and administrators clean.
7. Lessor reserves the right to exclude or expel from the Premises any person who, in the judgment of the Lessor is under the influence of alcohol or drugs, or someone who brings in or stores any drugs on the Premises, or who is in the judgment of Lessor, disturbing other Lessees or Lessor in any way or who shall in any manner do any act in violation of any city, state, or federal law or any of the rules and regulations of the Premises.
8. Lessor shall not be responsible to Lessee for the non-observance or violation of any of these Rules and Regulations by any other tenant. Lessor reserves the right to make such other reasonable rules and regulations as may be necessary or appropriate, in Lessor's sole

judgment, for the safety, care and cleanliness of the Premises, and for the preservation of good order therein. Subsequent rules and regulations shall be binding upon the parties hereto the same as if inserted in this Lease at the time of execution.

9. Lessee agrees not to store any merchandise crates, goods, supplies or other materials of any kind outside the gates of the leased Premises without special permission. Lessee further agrees to remove all trash and debris from the Premises at Lessees expense and not to burn trash or other substances in or on the exterior of, the leased Premises.

10. No sweepings, rubbish, rags, or other substances shall be thrown therein. All damages resulting from any misuse of the Premises shall be borne by Lessee who, or whose servants, employees, agents, visitors, or licensees, shall have caused the same.

\_\_\_\_\_  
(Company Name)

By: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

**EXHIBIT “C”  
PERMITTED EQUIPMENT**

1. Barge (24x12)
2. 2 weed harvesters
3. 30’ utility trailer
4. Backhoe



## EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Meeting Minutes  
Board of Directors Regular Meeting

**Monday May 2, 2016**

Meeting Location: 3231 Main Street, Oakley

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

**5:30 PM CALL TO ORDER:** (5:37 P.M.)

**PLEDGE OF ALLEGIANCE:** (5:37 P.M.)

**ROLL CALL:** (5:38 P.M.)

Directors Present: Barr, Bell, Bryant, Kenny, Morgan, Pope, Young

Directors Absent: Stonebarger, Johansen

**ORGANIZATION OF THE EAST CONTRA COSTA FIRE PROTECTION DISTRICT BOARD OF DIRECTORS:** (5:38 P.M.)

**A.1** Administration of Oath of Office for Director Bell, who has been appointed to the Board of Directors by the Oakley City Council

**WORKSHOP:** (5:43 P.M.)

1. Master Plan Standard of Coverage and Headquarters Staffing was presented by Stu Gary

***Director Johansen arrived at 6:12 pm***

***Director Johansen left at 7:00 pm***

***The Board recessed at 7:06 and reconvened at 7:13***

**PUBLIC COMMENTS:** (7:13 P.M.)

There were two (2) Public Speakers – Mark Whitlock, Richard Hanson

**CONSENT CALENDAR: (7:15P.M.)**

**C.1 Approve Minutes from April 4, 2016 Regular Board of Directors Meeting**

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

**Second by: Director Young**

**Vote: Motion carried: 5:0:2**

**Ayes: Barr, Bryant, Kenny, Morgan, Young**

**Noes:**

**Abstained: Bell, Pope**

**Absent: Johansen Stonebarger**

**DISCUSSION ITEMS**

**D.1 Receive Update from the Multi-Jurisdictional Fire Task Force (7:15 P.M.)**

There were no (0) Public Speakers

**D.2 Receive Legal Analysis and Consider Proposal to Seek PropertyTax Revenue Tranfers from Other Agencies in the ECCFPD Service Area**

There were two (2) Public Speakers – Stephen Smith, Hal Bray

**Motion by: Director Barr to remain netural on the proposal and authorize the Board President to draft a letter to the State Legisture to ask for re-allocate of funds\*\***

**Second by: Director Bell**

**Vote: Motion carried: 4:3:0**

**Ayes: Barr, Bell, Bryant, Kenny**

**Noes: Morgan, Pope, Young**

**Abstained:**

**Absent: Johansen, Stonebarger**

**\*\*Vote failed 4/3 absent 5 affirmative votes needed to pass.**

**Motion by: Director Pope to direct staff to prepare a resolution of support for reallocation to be sent to the legislature, and to share with the East County Voters citizens group .**

**Second by: Director Morgan**

**Vote: Motion carried: 7:0:0**

**Ayes: Barr, Bell, Bryant, Kenny, Morgan, Pope, Young**

**Noes:**

**Abstained:**

**Absent: Johansen, Stonebarger**

**D.3** Adopt Resolution Entering into a Joint Community Facilities Agreement with the California Statewide Communities Development Authority to form a Community Facilities District for the Delta Coves Project: (8:19P.M.)

There were one (1) Public Speaker – Don Hafer, Shea Homes

**Motion by: Director Barr to adopt Resolution Entering into a Joint Community Facilities Agreement with the California Statewide Communities Development Authority to form a Community Facilities District for the Delta Coves Project**

**Second by: Director Pope**

**Vote: Motion carried: 7:0:0**

**Ayes: Barr, Bell, Bryant, Kenny, Morgan, Pope, Young**

**Noes:**

**Abstained:**

**Absent: Johansen, Stonebarger**

**D.4** Adopt Resolution Authorizing Execution of an Agreement to Lease Closed Fire Station 58 (1535 Discovery Bay Boulevard, Discovery Bay, California) to the Town of Discovery Bay: (9:18 P.M.)

There were no (0) Public Speakers

**Motion by: Director Kenny to adopt Resolution Authorizing Execution of an Agreement to Lease Closed Fire Station 58 (1535 Discovery Bay Boulevard, Discovery Bay, California) to the Town of Discovery Bay:**

**Second by: Director :Pope**

**Vote: Motion carried: 7:0:0**

**Ayes: Barr, Bell, Bryant, Kenny, Morgan, Pope, Young**

**Noes:**

**Abstained:**

**Absent: Johansen, Stonebarger**

**D.5** Receive Operational Update for April 2016: (9:21 P.M.)

Chief Henderson gave an update on the Operations for April 2016  
Station 94 is scheduled to open July 2, 2016 @ 8:00 a.m.

There were no (0) Public Speakers

**Motion by: Director Barr to receive to Operational Update:**

**Second by: Director Bryant**

**Vote: Motion carried: 7:0:0**

**Ayes: Barr, Bell, Bryant, Kenny, Morgan, Pope, Young**

**Noes:**

**Abstained:**

**Absent: Johansen, Stonebarger**

## **INFORMATIONAL STAFF REPORTS**

1. Receive Update on New Firefighters and Recruitment: (9:24 P.M.)

Chief Henderson gave an update on the Firefighter Recruitment.

## **DIRECTORS' COMMENTS: (9:25 P.M.)**

Director Pope requested that Policy 1-3.16 – Voting be reviewed and brought back to the Board of the Directors for possible amendment to allow action by a majority of Directors present rather than a majority of the full Board.

## **INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS: (9:25P.M.)**

**ADJOURN TO THE REGULAR BOARD MEETING SCHEDULED: June 6, 2016: (9:27P.M.)**

**STATE ROUTE 4 BYPASS AUTHORITY**  
**Antioch - Brentwood - Oakley and Contra Costa County**

JOINT EXERCISE OF POWERS AGENCY

May 12, 2016

The regular Board meeting of the STATE ROUTE 4 BYPASS AUTHORITY was called to order in the Tri Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California, by Chair Doug Hardcastle at 4:30 P.M.

**ROLL CALL**

PRESENT: Robert (Bob) Taylor (Brentwood); Tony Tiscareno (Antioch); Vice Chair Mary N. Piepho, (Contra Costa County); and Chair Doug Hardcastle (Oakley)

ABSENT: None

STAFF: Dale Dennis, Program Manager  
Stephen Siptroth, Legal Counsel

**PUBLIC COMMENT**

There was no public comment.

**PUBLIC HEARING**

- A. HOLD public hearing and CONSIDER adoption of Resolution of Necessity for acquisition of real property rights required for the SR4/Balfour Road Interchange project as recommended by the SR4 Bypass Authority's Program Manager, Brentwood area.

Dale Dennis, Program Manager, explained that the item related to the consideration of Resolutions of Necessity for two properties; Meridian Balfour, and Balfour Properties. The properties are substitute property for Kinder Morgan utility relocation, and as such, Kinder Morgan's written agreement was required and obtained. While the Board had previously approved Resolutions of Necessity for the two properties, since that time revisions had been made to the Memorandum of Understanding among the SR4 Bypass Authority, Kinder Morgan (SFPP) and the Contra Costa Transportation Authority, and therefore required new Resolutions of Necessity. As a separate item, a revised Memorandum of Understanding, with attachments, executed by Kinder Morgan is included for Board consideration.

Lucy Owens, the Authority's Right-of-Way Agent, explained that the public hearing was scheduled for the Board to consider the adoption of the Resolutions of Necessity for acquisition of real property rights required for the SR4/Balfour Road Interchange project as recommended by the SR4 Bypass Authority's Program Manager, Brentwood area. She

recommended that the Authority take all the actions included in the staff report.

PUBLIC HEARING OPENED

There was no one to speak.

PUBLIC HEARING CLOSED

On motion by Director Piepho, seconded by Director Taylor, the Authority adopted the Resolutions of Necessity for acquisition of real property rights required for the SR4/Balfour Road Interchange project, as recommended by the SR4 Bypass Authority's Program Manager, Brentwood area, carried by the following vote:

AYES: Taylor, Tiscareno, Piepho, Hardcastle  
NOES: None  
ABSTAIN: None  
ABSENT: None

In response to Director Taylor, Mr. Dennis advised that with this action, staff could proceed with the preparation of the Right of Way Certification, which would then allow the project to commence. He indicated that it was anticipated that the Right of Way Certification could be completed in about six weeks.

### **CONSENT ITEMS**

On motion by Director Tiscareno, seconded by Director Piepho, the Authority adopted the CONSENT ITEMS, as shown. The motion carried by the following vote:

AYES: Taylor, Tiscareno, Piepho, Hardcastle  
NOES: None  
ABSTAIN: None  
ABSENT: None

- A. APPROVED minutes of the February 11, 2016 and the April 14, 2016 meetings, as submitted.
- B. **Balfour Road Interchange Project – MOU Among the Authority, the Contra Costa Transportation Authority and SFPP, L.P. (Kinder Morgan):** The Board took the following actions:
  - i. APPROVED a final Memorandum of Understanding (MOU) among the Authority, the Contra Costa Transportation Authority (CCTA), and SFPP, L.P. (Kinder Morgan) related to the relocation of the SFPP Pump Station for the Balfour Road Interchange on SR4 (formerly SR4 Bypass), and the acquisition of project-related property interests from Kinder Morgan.

- ii. AUTHORIZED the Secretary or Designee to execute the MOU on behalf of the Authority, substantially in the form attached to the staff report dated May 12, 2016, and to make non-substantive changes to the MOU.
- iii. DETERMINED that the Bypass Authority Property described in Attachment 3 to Exhibit A to the MOU is no longer required for highway purposes, pursuant to Streets and Highways Code Section 960.
- iv. AUTHORIZED the Chair to execute the Grant Deed with Reservations substantially in the form attached as Attachment 3 to Exhibit A to the MOU, which will convey to Kinder Morgan title to the Bypass Authority Property subject to the reservations stated therein.
- v. AUTHORIZED the Secretary or Designee to execute the agreements substantially in the forms attached as Exhibits A, C, and D to the MOU, and to execute the remaining deeds substantially in the forms attached to those exhibits.
- vi. AUTHORIZED the Secretary or Designee to accept, on behalf of the Bypass Authority, from Kinder Morgan (1) a highway easement substantially in the form attached as Attachment 1 to Exhibit A to the MOU, (2) a quitclaim deed substantially in the form attached as Attachment 2 to Exhibit A to the MOU, and (3) a grant deed with reservation of easement in favor of Kinder Morgan substantially in the form attached as Attachment 1 to Exhibit D to the MOU, subject to the terms and conditions of the MOU and its exhibits.

**C. Balfour Road Interchange Project – Right of Way Acquisition:** The Board authorized the Secretary or Designee to take the following actions, provided negotiations with Balfour Properties were successful for the amount shown below.

- i. APPROVED the Draft Right of Way Contract and ACCEPT the Grant Deed, Grant of Easement, and Temporary Construction Easement listed below:

<u>Grantor</u>	<u>Documents</u>	<u>Payee</u>	<u>Amount</u>
Balfour Properties, LLC	Right of Way Contract Grant Deed Grant of Easement Temporary Construction Easement	North American Title Company	\$55,000.00

- ii. Negotiated and Executed said Right of Way Contract as required on behalf of the State Route 4 Bypass Authority (Authority), pursuant to Streets & Highways Code Section 760. Should any substantial changes be required to the Right of Way Contract, it will be brought back to the Board for

approval.

- iii. APPROVED Authority's payment to Grantor, as listed above, for said property rights, and AUTHORIZED the Auditor-Controller to issue check in said amount payable to the listed payee, to be forwarded to the Real Estate Division for delivery to payee.
- iv. DIRECTED the Real Estate Division of the Public Works Department to cause said Grant Deed and Grant of Easement to be delivered to North American Title Company for recording.

### **DETERMINATION ITEMS**

- A. RECEIVE Status Report on Projects Associated with the Former SR4 Bypass

Program Manager Dennis advised that the status update regarding the Balfour Road Interchange Project had already been provided.

### **BOARDMEMBER COMMENTS**

Director Piepho requested that staff contact Caltrans with respect to the installation of signs on the SR4 Bypass northbound to Balfour Road to request that trucks and slow traffic stay to the right.

### **ADJOURNMENT**

Chair Hardcastle adjourned the State Route 4 Bypass Authority meeting at 4:38 P.M. to the next meeting scheduled for Thursday, June 9, 2016.

Respectfully submitted,

Anita L. Tucci-Smith  
Minutes Clerk



# County Supervisor Mary Nejedly Piepho, District III

CONTRA COSTA COUNTY BOARD OF SUPERVISORS, VICE CHAIR

Discovery Bay CAC  
Received

JUN 06 2016

### 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

June 2, 2016

Sheriff-Coroner David O. Livingston  
 Contra Costa County Sheriff's Department  
 651 Pine Street, Floor 7  
 Martinez, CA 94553

Re: Discovery Bay P6 Requests

Dear Sheriff Livingston,

The Discovery Bay P6 Community Advisory Committee (DB P6 CAC) has asked me to make a formal request for two items that will support the Discovery Bay community.

First, the members of the committee would like to request to use funds to add an extra deputy for Discovery Bay. With increased patrol being requested by residents not only at the Discovery Bay P6 meetings, but also at the Discovery Bay Community Services District meetings, I support the request.

Secondly, the P6 would like to request the use of \$15,000 for the radKIDS program. This will fund the training needed for the deputies in order to run the program in Discovery Bay. This is a Personal Empowerment Safety Education Program that covers character education, self-esteem building, and anti-violence education. I feel would be a great service to provide for our youth.

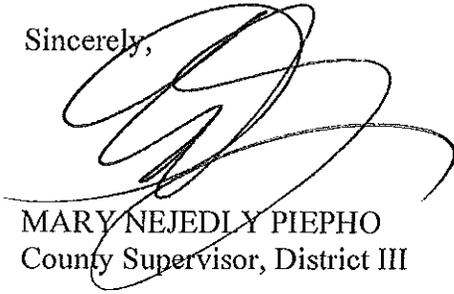
I hope that you will consider these requests and authorize the P6 funds be used for both these programs.

As always, it is an honor to work with you in service to the constituents of Contra Costa County.

(continued)

Please feel free to contact Alicia Nuchols in my office at 925-252-4500 with questions regarding this specific request or call me regarding this or any other matter of mutual interest.

Sincerely,



MARY NEJEDLY PIEPHO  
County Supervisor, District III

*Thank you  
for your  
consideration.  
M.*

Cc: Bill Pease, President, Town of Discovery Bay Board of Directors  
Catherine Katuris, General Manager, Town of Discovery Bay

MNP:an

JUN 06 2016

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# NOTICE OF A PUBLIC HEARING

You are hereby notified that on TUESDAY, JUNE 14, 2016, at 7:00 p.m. at 30 Muir Road, Martinez, California, the County Planning Commission will consider GENERAL PLAN AMENDMENT AND ZONING TEXT AMENDMENT applications as described below:

AMENDMENTS TO CONTRA COSTA COUNTY GENERAL PLAN AND ORDINANCE CODE REGARDING FLOODING (County File Nos. GP16-0004 and ZT16-0002): This project consists of County-initiated amendments to the Land Use, Conservation, and Safety elements of the 2005-2020 Contra Costa County General Plan and Chapter 82-28 (Floodplain Management) of the County Ordinance Code to address the requirements of Senate Bill 5, Assembly Bill 162, and related legislation pertaining to flood hazards.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County at, or prior to, the public hearing.

For further details, contact the Contra Costa County Department of Conservation and Development, Community Development Division, 30 Muir Road, Martinez, California, or William Nelson at 925-674-7791.

John Kopchik, Director  
Department of Conservation and Development