



# TOWN OF DISCOVERY BAY CSD

President - Kevin Graves • Vice-President - Mark Simon • Director - Brian Dawson • Director -- Chris Steele • Director - Ray Tetreault

**NOTICE OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Wednesday December 15, 2010  
1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)**

**REGULAR MEETING at 7:00p.m.**

**A. ROLL CALL**

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

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

The public may address the Board on any issue in 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 taken up. 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. PRESENTATIONS**

**D. CHAIR REPORT AND DIRECTORS' COMMENTS**

**E. CONSENT CALENDAR**

1. Minutes of Regular Meeting for December 1, 2010
2. District Invoices
3. Annual "State of the town" Chamber of Commerce Event for 2011
4. Approve Lowest Responsive Bid to in the amount of \$16,300 to LMH to Replace Filter Media at the Willow Lake Water Treatment Plant

**F. NEW BUSINESS AND ACTION ITEMS**

1. Award of Contract for the Discovery Bay Boulevard / Sand Point Road Landscape Improvement Project to Green Valley Landscape
2. Consideration of a "No Cash" Transaction Policy

**G. VEOLIA REPORT**

1. Monthly Report – November

**H. MANAGERS REPORTS**

**I. GENERAL MANAGER REPORT**

**J. DISTRICT LEGAL COUNSEL REPORT**

1. County Auditor Letter

**K. CORRESPONDENCE-Discussion and Possible Action**

1. R -- Letter from the County of Contra Costa, Office of the Sheriff, regarding the commending of Lieutenant Mike Burton date November 16, 2010.
2. R -- Letter from the County of Contra Costa, Office of the Sheriff, regarding the P-6 Zone Funds dated November 17, 2010.
3. R -- Transplan Committee Meeting Minutes for June 10, 2010.
4. R -- State Route 4 bypass Authority Meeting Minutes for November 18, 2010.
5. R -- Announcement of Upcoming Special District Vacancy on LAFCO, Call for Nominations and for Names of Voting Delegates dated December 6, 2010.

**L. PUBLIC RECORD REQUESTS RECEIVED**

Request from William Richardson -- Brian Dawson's Email addresses -- response to our letter -- Dated November 15, 2010

Request from Don Flint -- Piepho's PRR from Mankin -- Dated November 18, 2010

**M. FUTURE AGENDA ITEMS**

**N. ADJOURNMENT**

Adjourn to next Regular meeting of January 5, 2011 starting at 7:00pm at 1800 Willow Lake Road-Located in back of the Delta Community Presbyterian Church.

"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 CSD

President - Kevin Graves • Vice-President - Mark Simon • Director - Brian Dawson • Director - Chris Steele • Director - Ray Tetreault

MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Wednesday December 1, 2010  
1800 Willow Lake Road, Discovery Bay, California  
REGULAR MEETING 7:00 P.M.  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

A. **ROLL CALL**

The meeting was called to order at 7:00p.m. President Graves led in the Pledge of Allegiance. Roll call was taken and all Directors were present.

**SPECIAL RECOGNITION**

President Graves presented Director Piepho with several awards for his Service and Dedication to the Town of Discovery Bay CSD. Director Piepho wanted to thank the Board of Directors and the staff for their hard work towards the common goals of making Discovery Bay a better place to live. Director Piepho also added that his time with the Town of Discovery Bay CSD has been an experience of a life time. There was a short recess for refreshments.

President Graves – The meeting was called back to order.

President Graves – Announced that our District Legal Counsel, Mike McGrew passed away. The sudden death is a shock to all who knew him. District Legal Counsel, Mike McGrew, was always professional, had a wonderful personality and was famous for wearing his Bowtie. Our thoughts and prayers go out to Mike's wife Judy and his family. President Graves asked for a moment of silence in Michael McGrew's honor.

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

None

C. **AREA AGENCIES REPORTS / PRESENTATION**

1. **DEPUTY SHERIFF /MARINE PATROL REPORT**

Tony Fontenot - Resident Crime Prevention Specialist – Presented his report and explained in detail the items on the report. He announced that they will be doing the "Cops for Kids Program" for the children that are 13 and younger. Also, Tony Fontenot pointed out that most of the home burglaries have been due to homes and vehicles being unlocked, and reiterates to be sure to lock all of your doors.

2. **CHP REPORT** – No Report

3. **FIRE DISTRICT REPORT**

Battalion Chief Burris – Provided the Incident Summary Report and explained the report in detail. Battalion Chief Burris reiterates that if your house does not have a brick chimney, then your fireplace is not designed to burn presto logs or wood, and is possibly a fire hazard. Battalion Chief Burris suggests having the fireplace plumbed with gas or not to have fires in the fireplace.

4. **EAST CONTRA COSTA FIRE PROTECTION DISTRICT REPORT** – No report

5. **COUNTY'S CODE ENFORCEMENT DEPARTMENT REPORT** – No Report

**6. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT –**

**Karyn Cornell** – Wanted to extend their gratitude to Director Piepho for his longstanding dedication to the Discovery Bay CSD and to Contra Costa County. She also stated that they are looking forward to recognizing him at the upcoming Contra Costa County Board of Supervisors Meeting. Karyn also provided a flier that announced the 2010 Holiday Food Drive that is being held November 22 through December 31 2010, along with Supervisor Piepho's Holiday Open House held on December 8, 2010 at the Brentwood Office and December 9, 2010 held at the Danville Office.

**D. CONSENT CALENDAR**

1. Minutes of Regular Meeting for November 17, 2010
2. District Financials
3. District Invoices
4. Adopt Resolution 2010-20 Rescinding Resolution 2010-06 Pertaining to Warrants

**Motion made** – by Vice-President Simon to approve the Consent Calendar and seconded by Director Piepho. Motion carried by the following vote: AYES: 5, NOES: 0

**E. NEW BUSINESS AND ACTION ITEMS**

**1. 2009-2010 Audit Presentation**

**General Manager Howard** – Stated that the agenda had an error and that the audit year being presented is 2008-2009. General Manager Howard introduced Mark Croce and Pauline Sanguinetti. Mark Croce provided the details of the Auditors' Report for the year 2008-2009.

**President Graves** – Asked what the amounts are for under other income for governmental and business-type activities on page 12.

**Mark Croce** – Stated that some of the amounts are Community Center sales. Some of the other amounts are business types of activities, such as refunds, and those amounts may be posted into a miscellaneous income account.

**President Graves** – Asked about the amount that is on page 17 that is the bad debt expense.

**Mark Croce** – Stated that a number of the amounts are from residents that had moved out of the community and did not pay their outstanding debt.

**Pauline Sanguinetti** – Stated that she believes that the high amount of bad debt is due to the large water users, and that the amount was written off and considered bad debt.

**Director Piepho** – Had a comment to the Board that in the upcoming workshop they focus on the bad debt and aim to bring that amount down.

A brief discussion continued on the 2008-2009 Audit. Also, Mark Croce commended the Staff working with the County and the smooth process that takes place.

**General Manager Howard** – Stated that the final report will be presented to the Board once the Auditors' have taken the suggestions from tonight's meeting and done their final review, probably sometime in January, under the Consent Calendar. General Manager Howard also noted that the changes will be a year to year comparison, along with the bad debt expense.

**2. Award Contract for Landscape Maintenance Services for Discovery Bay Landscape and Lighting Zone #9, and Contra Costa Landscape & Lighting Zones 35, 57 & 61 to Odyssey Landscaping, Inc.**

**General Manager Howard** – Presented the information of the Award on the Contract for the Landscape Maintenance Services to Odyssey Landscape, Inc. The contract amount would be for \$118,000 in the first year of a two (2) year term. The contract is a two (2) year term with two (2) one (1) year extensions, which allows better pricing.

**Landscape Manager Perez** – Stated that there were six (6) Contractors that attended the mandatory walk-through and that she and Sue had telephone interviews with every reference that was given. Landscape Manager Perez provided the slides from the references sites. The company chosen, Odyssey Landscape, Inc, has a management plan and experience that will bring a benefit to the Town of Discovery Bay CSD.

The Board complimented Landscape Manager Perez for her presentation.

**Motion made** – by Director Piepho to award the contract to Odyssey and seconded by Director Tetreault.  
Motion carried by the following vote: AYES: 5, NOES: 0

**F. 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

**G. CHAIR REPORT AND DIRECTORS' COMMENTS**

**Director Dawson** – Submitted report and stated that he attended the last School Board meeting and the calendar for the 2011-2012 school year has been accepted. Director Dawson also stated that the Byron School District's schedule will be more in line with the Liberty School District.

Director Dawson would like to say that Director Piepho has been a tremendous help and appreciates the time that he has spent answering his questions and would like to say thank you.

**Director Piepho** – Stated that the Byron School entrance will no longer be off of J-4, which has been a dangerous entrance for quite some time. The new entrance will now be off of Byer Road, and that the ribbon cutting ceremony will be today for the entrance change.

The Board and General Manager Howard expressed that working with Director Piepho has been a pleasure and that he will truly be missed. We all wish Director Piepho good luck.

**H. GENERAL MANAGER'S REPORT**

**General Manager Howard** – Announced that Dan Schroeder will be taking the place of Mike McGrew. Also, Michael Fisher visited from the State Water Quality Control Board and they did the annual compliance inspection on the Wastewater Treatment Plant. Also, Gerald Smart from Veolia said that Michael Fisher informed him that there was significant improvement over the last two (2) inspections.

**I. LEGAL COUNSEL REPORT**

**Legal Counsel Schroeder** – Wanted to thank everyone for the comments regarding the passing of Mike McGrew and will pass those comments to Mike McGrew's family. Also, Legal Counsel Schroeder would ask that the County Auditors Report be moved to the next meeting for more time to review.

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

None

**K. PUBLIC RECORD REQUESTS RECEIVED**

None

**L. FUTURE AGENDA ITEMS**

**Vice-President Simon** – Stated that he would like to have the "no cash received" added to the agenda.

**General Manager Howard** – Stated that he would like to have a Planning and Goal Setting Session set for sometime in January, possibly on the 22<sup>nd</sup> of January. General Manager Howard would also like the session to be off site, preferably on a Saturday from 9:00a.m. to noon. The Board concurred that the Meeting will be held on Saturday January 22, 2010 from 9:00a.m. to noon.

**M. ADJOURNMENT**

The meeting was adjourned, in the memory of Mike McGrew, at 8:25p.m. to the next regular meeting on December 15, 2010 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

cmc – 12.06.10



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

December 15, 2010

**Prepared By:** Liz Hardy, Accounts Assistant  
**Submitted By:** Rick Howard, General Manager *RH*

### Agenda Title

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** \$92,107.66

**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

Town of Discovery Bay CSD Operating and Capital Budgets

Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District #8

Discovery Bay Lighting & Landscape District #8 Operating and Capital Budgets

Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District #9

Discovery Bay Lighting & Landscape District #9 Operating Budget

AGENDA ITEM: E - 2

Request for authorization to pay invoices  
 For the Meeting on December 15, 2010  
 Town of Discovery Bay CSD  
 For Fiscal Year's 7/10 - 6/11

Acct Code

1	7002	Express Employment	Inv# 99062156-7 dtd 11/23/10, Payroll for Temp Services	\$867.12
2	7002	Express Employment	Inv# 99084459-9 dtd 12/01/10, Payroll for Temp Services	<u>\$551.28</u>
			<b>Sub-Total</b>	<b>\$1,418.40</b>
3	7010	Herwitt Engineering	Inv# 10-11, dtd 11/30/10 Prof services for DB Comm Serv District	\$14,074.50
	0910-007	Herwitt Engineering	Inv# 10-11, dtd 11/30/10 Prof services for DB Comm Serv District	<u>\$2,216.00</u>
			<b>Sub-Total</b>	<b>\$16,290.50</b>
4	7010	Caselle Inc.	Inv# 36766, dtd 12/1/10 Contract Support Charges from Feb - April 2011	\$435.00
5	7010	CC Water District	Inv# AR2280, dtd 11/22/10 Prof Services for prep of E CCC IRWM Grant Prop	\$2,409.22
6	7280	SWRCB	Inv# WD-0047317, dtd 11/16/10 Annual Permit Fee	\$5,703.00
7	7280	SWRCB	Inv# WD-0048961, dtd 11/16/10 Annual Permit Fee	<u>\$1,226.00</u>
			<b>Sub-Total</b>	<b>\$6,929.00</b>
8	7300	American Retrofit Systems	Inv# 2, dtd 11/22/10 Check noise in p2 at LS/F & reprogram controller p1	\$200.00
9	7300	American Retrofit Systems	Inv# 4, dtd 11/22/10 Rewire Decant pump station feeders for WWTP1	\$650.00
10	7300	American Retrofit Systems	Inv# 6, dtd 11/22/10 Build and install 2 AC filters for Bio cabinets units	\$150.00
11	7300	American Retrofit Systems	Inv# 7, dtd 11/22/10 Clear bio sump pump contrl sens	\$200.00
12	7300	American Retrofit Systems	Inv# 3, dtd 11/22/10 Work on influent P4 for installation	\$200.00
13	7300	American Retrofit Systems	Inv# 5, dtd 11/22/10 Replace broken fitting on P4 Booster shaft seal	\$110.00
14	7300	American Retrofit Systems	Inv# 12, dtd 12/03/10 Repair vac pump switch for lab sample vac.	\$100.00
15	7300	American Retrofit Systems	Inv# 17, dtd 12/06/10 Influent pump station for flow's going to plnt #2	\$850.00
16	7300	American Retrofit Systems	Inv# 18, dtd 12/07/10 Replace male grounded cord cap on ext cord	\$150.00
17	7630	American Retrofit Systems	Inv# 9, dtd 11/22/10 Install new tubes in flourescnt lights and motion sens	\$350.00
18	7630	American Retrofit Systems	Inv# 11, dtd 11/22/10 Check power and fuses to pole light next to p-station	\$100.00
19	7690	American Retrofit Systems	Inv# 20, dtd 12/08/10 Boom truck install plug for jumper cables	<u>\$100.00</u>
			<b>Sub-Total</b>	<b>\$3,160.00</b>
20		<u>Ace Hardware Account # 808 Closing Date 11/30/10</u>		
	7300	General Repairs Water / Sewer		\$35.32
	7630	Site Maintenance / Landscape		\$31.60
	7685	Tools		\$16.70
	7690	Maint / Fuel		<u>\$5.69</u>
			<b>Sub-Total</b>	<b>\$89.31</b>
21		<u>Capitol One Account - Printout for Oct 15 - Nov 09, 2010</u>		
	7685	Tools		\$84.83
	7690	Maint / Fuel		\$71.41
	7952	Misc. - Zones Reimbursable		<u>\$88.24</u>
			<b>Sub-Total</b>	<b>\$244.48</b>
22	7300	Conco West Inc.	Inv# 5666, dtd 11/30/10 Water line repair	\$2,459.36
23	7300	Delta Cable & Supply, Inc.	Inv# 35403, dtd 11/16/10 Cable to reinstall aerator @ digester/p2	\$1,865.21
24	7300	J.W. Backhoe & Const	Inv# 1430, dtd 11/21/10 Leak at TODB pump station at 1037 DB Blvd	\$6,775.50
25	7300	J.W. Backhoe & Const	Inv# 1432, dtd 11/21/10 Leak at 5671 Schooner Loop	\$2,959.01
26	7300	J.W. Backhoe & Const	Inv# 1433, dtd 11/29/10 Leak at 5572 Riverlake Rd	<u>\$4,145.10</u>
			<b>Sub-Total</b>	<b>\$13,879.61</b>
27	7300	Radiant Industrial Solutions	Inv# 23394, dtd 11/27/10 UV Lamp replacement parts	\$624.41
28	7300	Radiant Industrial Solutions	Inv# 23401, dtd 12/03/10 Barrier Trojan 3000	<u>\$1,276.97</u>
			<b>Sub-Total</b>	<b>\$1,901.38</b>
29	7300	Shape Inc.	Inv# 115434, dtd 11/30/10 Labor at FL 3152 Pump at WWTP	\$500.00
30	7300	Steven Engineering	Inv# 1933579-01, dtd 12/1/10 Newport wtr bster pmp #2 replcmnt of exit unit	\$2,129.70
31	7300	Steven Engineering	Inv# 1933579-00, dtd 12/1/10 Newport water booster pump #2	<u>\$140.85</u>
			<b>Sub-Total</b>	<b>\$2,270.55</b>

32	7330	Basic Chemical Solutions	Inv# SI5809188, dtd 11/19/10	1800 Willow Lake Drive	\$1,374.18	
33	7330	Basic Chemical Solutions	Inv# SI5809189, dtd 11/19/10	1800 Newport Drive	<u>\$831.46</u>	
				<b>Sub-Total</b>	<b>\$2,205.64</b>	
34	7330	Nalco Co.	Inv# 95563658, dtd 11/29/10	Tote polymer Prosedim	\$4,483.73	
35	7420	MailFinance	Inv# N2075106, dtd 11/20/10	Lease for Dec 19 - Jan 18, 2011	\$69.56	
36	7430	Office Depot	Inv# 541428043001, dtd 11/17/10	Office Supplies	\$30.28	
37	7430	Office Depot	Inv# 541428181001, dtd 11/17/10	Office Supplies	\$5.40	
38	7430	Office Depot	Inv# 542264287001, dtd 11/24/10	Office Supplies	\$21.48	
39	7430	Office Depot	Inv# 542796474001, dtd 11/30/10	Office Supplies	<u>\$34.58</u>	
					<b>\$91.74</b>	
40	7510	Spectral Wireless	Inv# 3383, dtd 10/27/10	Monthly Internet Serv Qrt Oct-Dec & credit for Oct	\$1,120.66	
41	7520	Verizon Wireless	Inv# 0927863374, dtd 11/26/10	Monthly usage charges Oct 27-Nov 26	\$533.68	
42	7630	Brut Force Janitorial	Inv# 12, dtd 11/30/10	Cleaning of Office for December	\$110.00	
43	7690	Brentwood Tire Co	Inv# 20438, dtd 11/24/10	2006 Chevy HHR LT new tires	\$396.54	
44		<u>Petty Cash Reimbursement Receipts for Sept 09 - Oct 13, 2010</u>				
	7690	Maint / Fuel			\$10.00	
	7950	Miscellaneous			<u>\$116.80</u>	
				<b>Sub-Total</b>	<b>\$126.80</b>	
45	7720	Frank Cramer	Expense Report meetings, dtd 12/02/10	for November	\$40.00	
46	7720	Kevin Graves	Expenses for Meetings, dtd 11/22/10	in Nov 2010	\$369.00	
47	7720	Ray Tetreault	Expenses for Meetings, dtd 12/09/10	in Oct 2010	\$300.00	
48	7825	CCC Public Works Dept.	Dtd 12/03/10	Encroachment permit inspectn charges permit# EP10-26232	\$6,392.41	
49	7950	Discovery Bay Designs	Inv# 647, dtd 11/23/10	Port Authority J778, royal/blk XL emb TODB	\$77.55	
50	7950	UPS	Inv# 000012X417490, dtd 12/04/10	Late fee	\$1.22	
51	7952	Brentwood Repro	Inv# 2010-3371, dtd 11/23/10	Reg Park missing pg copies Dev Plan Mod***	\$9.54	
52	7952	Brentwood Repro	Inv# 2010-3464, dtd 12/03/10	Slifer prints proj review possible future improv***	<u>\$2.27</u>	
		***To be Reimbursed by Zone 57			<b>Sub-Total</b>	<b>\$11.81</b>
53	7952	J V L Ortiz Landscaping	Inv# 111926, dtd 11/20/10	Rmvl fallen tree Tyler Mem Park 4000 Regatta	\$110.00	
54	7952	Watersavers	Inv# 11017518, dtd 11/29/10	Parts for landscaping at Slifer Park Hwy 4/Bixler***	\$81.28	
55	7952	Watersavers	Inv# 11018025, dtd 12/01/10	Parts for landscaping at Regatta/Slifer***	<u>\$67.34</u>	
		***To be Reimbursed by Zone #'s 57 and 61			<b>Sub-Total</b>	<b>\$148.62</b>
56	0809-002	Elkin's Industrial	Inv# 09108-006, dtd 11/29/10	Well #6 pump station project - contract # 08*3-045	\$8,410.68	
57	0910-007	McFadden Construction	Proj# 452, dtd 09/10	UV System and Bypass Pipeline App #5 Correction	\$3,497.61	
58	0910-007	Bank of Sacramento	For: McFadden Construction Proj# 452, dtd 09/10	UV System and Bypass Pipeline App #5	\$388.62	
		<b>TODB TOTAL...</b>			<b>\$82,737.89</b>	



Acct. #	TOWN OF DISCOVERY BAY CSD OPERATING BUDGET 2010/2011 Approved at 06/16/10 Meeting Account Description	2009/2010 Budget	2009/2010 YTD ACTUALS	2009/2010 % of Budget YTD	2010/2011 Budget	Jul 10 Month to Date Expenses 8/25/2010	Aug 10 Month to Date Expenses 7300	Sep 10 Month to Date Expenses \$650.00	Oct 10 Month to Date Expenses S/B in #0809-002 S/B in #7630	Nov 10 Month to Date Expenses	Dec 10 Month to Date Expenses	Jan 11 Month to Date Expenses	Pending Approval 12/15/10	2010/2011 YTD REIMB.	2010/2011 YTD ACTUALS	2010/2011 % of Budget YTD
						8/25/2010	7300	\$650.00	S/B in #0809-002							
						8/25/2010	7300	\$225.00	S/B in #7630							
						8/25/2010	7300	\$96.00	remove - Bd 7/27/10							
						8/25/2010	7320	\$177.99	S/B in #7300							

Acct. #	SEWER	TOWN of DISCOVERY BAY CSD CAPITAL IMPROVEMENT PROGRAM 2010/2011 Approved at 6/16/10 Meeting	Account Description	2009/2010 ACTUALS	2009/2010 % of Budget YTD	2010/2011 BUDGET	Aug 10 M-T-D Exp.	Sep 10 M-T-D Exp.	Oct 10 M-T-D Exp.	Nov 10 M-T-D Exp.	Dec 10 M-T-D Exp.	Jan 11 M-T-D Exp.	Plan to Approve 12/15/10	2010/2011 YTD REIMB.	2010/2011 ACTUALS	2010/2011 % of Budget YTD
0910-004			Rehab Manholes	\$0	0%	\$15,000		\$14,893							\$14,893	99%
0910-005			Landscape Plant #1	\$2,636	53%	\$5,000									\$0	0%
0910-006			Replace Sewer Main	\$457,297	114%	\$200,000	\$151,290	\$7,450	\$44,407	\$134,389	\$34,976		\$6,102		\$158,740	#DIV/0!
0910-007			UV System	\$0	0%	\$200,000	\$28,439	\$49,196							\$295,396	#DIV/0!
0910-008			Salinity Project	\$35,470	71%	\$85,000		\$5,590							\$0	0%
0910-009			Pumps / Motors Replacement	\$8,304	1%	\$80,000									\$0	0%
0910-010			Wetlands	\$0		\$20,000					\$4,513				\$10,102	13%
1011-001			By-Pass Pipeline	\$0		\$60,000				\$500					\$0	0%
1011-002			Replace PLC's	\$0		\$20,000									\$0	0%
1011-003			Bio-Solids Pumps (2) Wet Well	\$0		\$60,000									\$500	1%
1011-004			Rehab Lift Station W	\$0		\$125,000									\$0	0%
1011-005			Bypass Valve Lift Station S	\$0		\$25,000									\$0	0%
1011-006			Metal Cover for UV Area	\$0		\$15,000									\$0	0%
1011-007			Clarifier Cleaning Devices	\$0		\$80,000									\$0	0%
1011-008			Paving for Bio-Solids Area	\$0		\$25,000									\$0	0%
1011-009			New Moles (2)	\$0		\$80,000			\$42,608						\$42,608	53%
1011-010			Road Crossing Ramps	\$0		\$25,000									\$0	0%
			<b>Sewer Sub Total</b>	<b>\$581,375</b>	<b>36%</b>	<b>\$769,000</b>	<b>\$179,729</b>	<b>\$71,539</b>	<b>\$92,604</b>	<b>\$134,889</b>	<b>\$39,489</b>	<b>\$0</b>	<b>\$6,102</b>	<b>\$0</b>	<b>\$522,739</b>	<b>68%</b>
0809-002			Well #6 Design & Drill Test Hole	\$475,615	216%	\$6,000	\$1,400	\$816	\$5,612	\$937	\$1,278				\$10,043	0%
0910-011			Security Door Locks (12)	\$12,980	0%	\$2,000									\$0	0%
0910-012			Ladder Vandal Guard	\$0	20%	\$500,000									\$0	0%
0910-013			Pumps / Motors Replacement	\$2,972	13%	\$40,000									\$0	0%
0910-014			Water Meter Program	\$63,079		(\$500,000)									\$21,360	4%
1011-011			Water Meter Program: Reimbursements	\$0		\$30,000									\$0	0%
1011-012			Filter Media Replacement	\$0		\$40,000									\$0	0%
1011-013			Stabilize Around Willow Lake	\$0		\$60,000									\$0	0%
1011-014			Rehab Well(s)	\$0		\$20,000									\$0	0%
1011-015			Replace Water Mains	\$0		\$20,000									\$0	0%
1011-015			Water Meter Trailer	\$0		\$148,000									\$0	0%
			<b>Water Sub Total</b>	<b>\$555,237</b>	<b>106%</b>	<b>\$148,000</b>	<b>\$1,400</b>	<b>\$816</b>	<b>\$26,455</b>	<b>\$1,205</b>	<b>\$1,278</b>	<b>\$0</b>	<b>\$8,411</b>	<b>\$0</b>	<b>\$31,403</b>	<b>21%</b>
OTHER																
1011-016			Pickup Truck (1)	\$0		\$20,000									\$0	0%
1011-017			K-Rail for Bulk Material	\$0		\$15,000									\$0	0%
1011-018			Portable Message Units	\$0		\$30,000									\$4,408	29%
1011-019			GPS Tracking Device	\$0		\$12,000									\$0	0%
1011-020			Replace Fence Near Marina	\$0		\$15,000									\$0	0%
1011-021			New Chairs for Board Room	\$0		\$6,000									\$0	0%
			<b>Other Sub Total</b>	<b>\$7,251</b>	<b>19%</b>	<b>\$88,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,408</b>	<b>4%</b>						
0102-00			Pipeline Replace Reserve	\$0		\$0									\$0	0%
CREDITS			Reimbursement to Town of DB	\$0		\$0									\$0	0%
			<b>Total CIP Budget</b>	<b>\$1,143,864</b>	<b>71%</b>	<b>\$1,015,000</b>	<b>\$181,129</b>	<b>\$72,354</b>	<b>\$119,059</b>	<b>\$136,094</b>	<b>\$40,767</b>	<b>\$0</b>	<b>\$14,513</b>	<b>\$0</b>	<b>\$558,550</b>	<b>#DIV/0!</b>

Miscellaneous Adjustments:		
Date	Acct #	Description
7/21/2010	7300	\$4,408.00 S/B in #1011-017
8/4/2010	0809-002	\$38,032.20 removed - paid on 7/28/10

Request for authorization to pay invoices  
 For the Meeting on December 15, 2010  
 Town of Discovery Bay, D.Bay L&L Park #8  
 For Fiscal Year's 7/10 - 6/11

<u>Acct Code</u>			
1		<u>Capital One 10/11 Statement for Oct 15- Nov 14,2010.</u>	
	2272	Gasoline / Fuel for Equipment	\$78.00
	4789	L & L Playground Equipment	<u>\$130.50</u>
		<b>Sub-Total</b>	<b>\$208.50</b>
2		<u>Ace Hardware Account # 808 Closing Date 11/30/10</u>	
	2130	Small Tools & Instruments	\$19.73
	2282	Grounds Maintenance	<u>\$13.40</u>
		<b>Sub-Total</b>	<b>\$33.13</b>
3	2281	JaniKing Inv# OAK12100260, dtd 12/01/10 Monthly contract billing amt for Dec	<b>\$350.00</b>
4	2282	Fairin Perez dtd 12/03/10 Other expenses Artificial Flowers for pots at front entrance	<b>\$35.78</b>
5	2282	American Retrofit Systems Inv# 8, dtd 11/22/10 Install GFI plug low voltage pwr suply at Newport	\$175.00
6	2282	American Retrofit Systems Inv# 14, dtd 12/06/10 Replace entrance tree light lens	\$280.00
7	4265	American Retrofit Systems Inv# 10, dtd 11/22/10 Install GFI outlets to entrance to TODB	\$275.00
8	4265	American Retrofit Systems Inv# 16, dtd 12/06/10 Replace E entrance upper tree light W side ballast	<u>\$390.00</u>
		<b>Sub-Total</b>	<b>\$1,120.00</b>
9	4789	M.A.K. Associates, Inc. Inv# 19522, dtd 11/09/10 Removal of existing play structures and swing	<b>\$6,630.00</b>
10	4829	Watersavers Irrig Inv# I1016190, dtd 11/18/10 DB Blvd and Sandpoint repairs	<b>\$33.79</b>
		<b>TOTAL</b>	<b>\$8,411.20</b>

County Acc#	Town of Discovery Bay/D.Bay L&L Park #8 Operating Expense Budget 10/11 Approved at 6/16/10 Meeting	Account Description	2009/2010		2009/2010 Budget YTD % of Budget	2010/2011 Budget	Jul 10 Month to Date Expenses	16.67%	Aug 10 Month to Date Expenses	25.00%	Sep 10 Month to Date Expenses	33.33%	Oct 10 Month to Date Expenses	41.67%	Nov 10 Month to Date Expenses	50.00%	Dec 10 Month to Date Expenses	58.33%	Jan 11 Month to Date Expenses	Plan to Approve 12/15/2010	2010/2011 Actuals	2010/2011 % of Budget YTD
			2009/2010 Budget	2009/2010 Actuals																		
2100		Office Expenses	\$500	\$1,076	215%	\$850		\$105	\$51	\$163	\$332	\$60	\$382	\$100	\$100	\$100	\$100	\$100		\$701	82%	
2102		Books, Periodicals & Subscriptions	\$50	\$25	49%	\$150															\$150	107%
2110		Postage	\$50	\$0	0%	\$50															\$0	0%
2110		Communications (Messenger, Radio, etc.)	\$1,500	\$1,140	76%	\$1,785															\$0	0%
2120		Utilities (Street Lights, Water, & Garbage)	\$105,000	\$89,858	86%	\$117,000	\$239	\$7,702	\$12,060	\$5,281	\$11,981										\$60	3%
2130		Small Tools & Instruments	\$1,000	\$875	87%	\$750	\$100	\$736	\$107	\$124	\$388										\$49,345	41%
2131		Minor Equipment, Furniture Less than \$1000.	\$500	\$1,208	242%	\$975														\$20	\$1,456	194%
2170		Household Items	\$800	\$1,209	151%	\$900															\$75	9%
2190		Public Notices	\$100	\$633	633%	\$150															\$879	8%
2200		Memberships	\$200	\$0	0%	\$450															\$0	0%
2250		Rent & Lease of Equipment	\$100	\$95	95%	\$500															\$120	27%
2251		Computer Software	\$500	\$0	0%	\$500															\$220	44%
2270		Maintenance of Equipment	\$700	\$1,858	265%	\$950															\$80	9%
2271		Automotive Supplies & Repairs	\$1,300	\$9	1%	\$2,000															\$86	52%
2272		Gasoline/Fuel for Equipment	\$4,100	\$2,246	55%	\$4,000															\$181	28%
2281		Maintenance of Buildings	\$5,000	\$5,402	108%	\$5,300															\$350	33%
2282		Grounds Maintenance	\$250,000	\$189,315	76%	\$166,484	\$9,915	\$30,450	\$1,854	\$11,890	\$13,215	\$12,691									\$350	48%
2284		Requested Maintenance from County (3620)	\$500	\$0	0%	\$500															\$504	48%
2301		Auto Mileage/Employee Reimbursement	\$300	\$790	263%	\$100															\$0	0%
2303		Other Travel Employee Expenses	\$200	\$102	51%	\$1,500															\$0	0%
2310		Professional Services	\$10,000	\$11,116	111%	\$9,100	\$366														\$0	0%
2310		Staff Payroll	\$63,000	\$39,064	62%	\$72,000															\$497	12%
2360		Insurance	\$8,000	\$10,389	130%	\$5,200															\$528	19%
2470		Road/Construction Materials (Street Signs)	\$1,000	\$0	0%	\$500															\$787	25%
2479		Other Special Expenses	\$5,000	\$5,810	116%	\$3,500															\$59	0%
2490		Miscellaneous Services & Supplies	\$200	\$21	10%	\$300															\$778	42%
3530		Taxes & Assessments	\$4,500	\$0	0%	\$500															\$27	66%
3611		Interfund Exp - Gov/Gov (Investment Svcs&Property Tax Adm. Costs)	\$500	\$0	0%	\$500															\$0	0%
5011		Reimbursement-Gov/Gov County Administration Chrgs	\$500	\$0	0%	\$500															\$0	0%
		Reserves	\$0	\$0	0%	\$0															\$0	0%
		Total Expenses	\$465,100	\$362,238	78%	\$394,494	\$10,619	\$52,065	\$17,134	\$20,580	\$27,399	\$25,001	\$0	\$952	\$152,798	\$0					\$0	39%
		Miscellaneous Adjustments:																				

County Acct#	Account Description	2009/2010 Budget	2009/2010 Actuals	2009/2010 % of Budget YTD	2010/2011 Budget	Aug 10 Month to Date Expenses	Sep 10 Month to Date Expenses	Oct 10 Month to Date Expenses	Nov 10 Month to Date Expenses	Dec 10 Month to Date Expenses	Jan 11 Month to Date Expenses	Approve 12/15/2010	2010/2011 Actuals	2010/2011 % of Budget YTD
4265	Various Improvements	\$7,500	\$4,842	65%	\$7,500							\$665	\$0	0%
4546	Structure & Walkway Repairs	\$3,500	\$0	0%	\$3,500								\$0	0%
4789	DB L&L Zone #8 Playground Equipment	\$3,000	\$0	0%	\$115,000				\$3,080	\$966		\$6,761	\$3,946	3%
4829	DB L&L Zone #8 Landscape Master Plan Entrai	\$0	\$0		\$0			\$50,366				\$34	\$50,366	#DIV/0!
***	DB L&L Zone #8 Landscape Clipper Drive Phas	\$0	\$0		\$0			\$33,798					\$0	#DIV/0!
4834	DB L&L Zone #8 Misc. Projects (1)	\$233,100	\$9,314	4%	\$350,000	\$1,965	\$3,188	\$33,798		\$468			\$39,440	11%
4953	Cornell Park - Discovery Bay Vehicle Purchase	\$3,000	\$0	0%	\$7,500		\$17,030						\$0	0%
4956	Tools & Sundry Equipment	\$1,000	\$26	3%	\$1,000			\$464					\$0	0%
	Total	\$251,100	\$14,182	6%	\$484,500	\$1,965	\$20,218	\$84,627	\$3,080	\$1,334	\$0	\$7,459	\$111,245	23%

\*\*\* DB L&L Zone #8 Misc. Projects (1)

- 1 Willow Lake Rd \$120,000
  - 2 Discovery Bay Blvd. (East) \$230,000
- \$350,000

Request for authorization to pay invoices  
For the Meeting on December 15, 2010  
Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)  
For Fiscal Year's 7/10 - 6/11

<u>Acct Code</u>			
1	2100	Office Depot Inv# 541428043001, dtd 11/17/10 Office supplies	\$27.17
2	2103	UPS Inv# 000012X417470, dtd 11/20/10 #9 Splash Pad Plans to James Breneman	\$23.46
3	2120	PG&E / Acct# 0422260312-0 Ravenswood - Tract 8710	\$559.97
4	2130	Watersavers Inv# 11018025, dtd 12/01/10 Orange flag	\$16.97
5		<u>Capital One 10/11 Statement for Oct 15 - Nov 14, 2010</u>	
	2272	Gasoline/Fuel for Equipment	\$79.00
6	2282	Cleary Bros Inv# i-64949, dtd 07/09/10 Foreman Irrig repairs for May-June 2010 parts	\$252.00
<b>TOTAL</b>			<b>\$958.57</b>

County Account#	Operating Expense Budget Approved at 6/16/10 Meeting	2009/2010 Budget	2009/2010 YTD ACTUALS	2009/2010 % of Budget YTD	2010/2011 Budget	Jul 10 Month Expenses	Aug 10 Month Expenses	Sep 10 Month Expenses	Oct 10 Month Expenses	Nov 10 Month Expenses	Dec 10 Month Expenses	Jan 10 Month Expenses	Planned to Pay 12/15/2010	2010/2011 YTD REIMB.	2010/2011 YTD ACTUALS	2010/2011 % of Budget YTD
2100	Office Expenses	\$150	36	24%	\$150	\$51	\$51	\$51	\$62	\$13	\$89	\$27	\$27	\$287	\$287	178%
2102	Books, Periodicals & Subscriptions	\$50	120	240%	\$50				\$16	\$24	\$24	\$24	\$24	\$24	\$24	49%
2110	Communications (Messenger, Radio, etc.)	\$50	8,706	17412%	\$50				\$60	\$60	\$60	\$60	\$60	\$60	\$60	72%
2120	Utilities (Street Lights, Water, & Garbage)	\$5,000	103	2%	\$12,500	\$1,497	\$1,497	\$1,497	\$120	\$7,188	\$21	\$560	\$560	\$8,706	\$120	18%
2130	Small Tools & Instruments	\$100	193	193%	\$100				\$103	\$57	\$17	\$17	\$17	\$177	\$177	177%
2131	Minor Equipment, Furniture Less than \$1000.	\$100	253	253%	\$500									\$108	\$108	21%
2170	Household Items	\$0	581	#DIV/0!	\$700	\$193	\$193	\$193						\$193	\$193	28%
2200	Memberships	\$50	38	76%	\$150	\$53	\$53	\$53	\$40	\$40	\$40	\$40	\$40	\$40	\$40	24%
2250	Rent & Lease of Equipment	\$500	0	0%	\$165											169%
2251	Computer Software	\$500	0	0%												24%
2270	Maintenance of Equipment	\$200	109	55%	\$500											0%
2271	Automotive Supplies & Repairs	\$300	0	0%	\$200				\$80						\$80	40%
2272	Gasoline/Fuel for Equipment	\$300	0	0%	\$500				\$87	\$87	\$87	\$87	\$87	\$87	\$87	29%
2282	Grounds Maintenance	\$54,000	32,593	60%	\$48,540	\$81	\$3,720	\$3,970	\$2,920	\$3,830	\$2,968	\$252	\$252	\$17,489	\$407	81%
2301	Auto Mileage/Employee Reimbursement	\$100	129	129%											\$17,489	35%
2303	Other Travel/Employee Expenses		46	#DIV/0!	\$250										\$0	0%
2310	Professional Services	\$5,000	2,890	58%	\$2,000	\$840	\$2,100	\$285		\$597					\$3,792	190%
2310	Staff Payroll	\$13,000	356	3%	\$25,500					\$1,189					\$1,189	5%
2360	Insurance	\$5,000	0	0%	\$1,850				\$175						\$175	9%
2470	Road/Construction Materials (Street Signs)		0	#DIV/0!											\$0	0%
2479	Other Special Expenses		1,249	#DIV/0!	\$500										\$0	0%
2490	Miscellaneous Services & Supplies		0	#DIV/0!	\$300				\$333						\$333	67%
3530	Taxes & Assessments	\$1,000	0	0%	\$500										\$0	0%
5011	Reimbursement-Gov/Gov County Admin. Chrgs	\$100	0	0%											\$0	0%
Misc. Reserves			0	#DIV/0!											\$0	0%
	Total Expenses	\$85,150	47,578	56%	\$95,955	\$921	\$7,814	\$4,669	\$3,915	\$15,031	\$3,123	\$0	\$959	\$33,472	\$33,472	35%

Reserves=  
Total Reserves  
\* Maintenance includes bioswales/mitigation areas.  
\* Future budget for utilities etc. to be based on actuals.

Town of Discovery Bay/L&L #9 Ravenswood  
Capital / Asset

For 2007/08 there is no planned Capital Improvement Plans  
Miscellaneous Adjustments:



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

December 15, 2010

**Prepared By:** Rick Howard, General Manager  
**Submitted By:** Rick Howard, General Manager *RH*

**Agenda Title**

Annual "State of the Town" Chamber of Commerce Event for 2011

**Recommended Action**

Authorize the Board of Directors to attend the annual "State of the Town" event scheduled for Saturday, January 22, 2011, authorize payment of the event for the board member and payment of a stipend for attending the event

**Executive Summary**

Each year, the Discovery Bay Chamber of Commerce hosts its annual "State of the Town" Dinner Banquet. As in past years, the 2011 event will again take place at the Discovery Bay Country Club. This year's event is scheduled for Saturday, January 22, 2011.

As is customary, it is appropriate for the Board of Directors to attend these types of community/public events. They foster positive involvement in the community, provide an opportunity to obtain feedback, and offer enhanced access to the business of the District.

CSD Law (GC§61047 (e)(2)) qualifies this type of event as a qualifying stipend activity if the following takes place: "Representation of the district at a public event, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and that the member(s) delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public event".

The cost to attend this year's event has not yet been determined. It is anticipated that the cost will be approximately \$60.00 to \$65.00 per person. If all five members of the Board attend, the total cost will be between \$300.00 to \$325.00 for the event.

**Fiscal Impact:**

Amount Requested Approximately \$300-\$325

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**

Authorization to attend 2010 State of the Town event.

**Attachments**

N/A

AGENDA ITEM: E-3



# Town of Discovery Bay CSD AGENDA REPORT

Meeting Date

December 15, 2010

**Prepared By:** Virgil Koehne, Water & Wastewater Manager  
**Submitted By:** Rick Howard, General Manager

**Agenda Title**

Approve Lowest Responsive Bid to in the amount of \$16,300 to LMH to Replace Filter Media at the Willow Lake Water Treatment Plant.

**Recommended Action**

Approve Purchase of Water Filtration Media Materials to LMH in the amount of \$16,300.00.

**Executive Summary**

Approximately every 7-10 years the filter media located at the water treatment facilities inside of the District's large water filter vessels need to be replaced. It's a process very similar to replacing a filter cartridge under one's sink on their reverse osmosis unit, except on a much larger scale.

The filter media consists of 410 85-lb bags of greensand and 274 50-lb bags of anthracite that needs to be removed and replaced. Staff obtained three quotes and LMH provided the District with the best pricing for the needed materials.

**Fiscal Impact:**

Amount Requested \$ 16,300

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

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

**Previous Relevant Board Actions for This Item**

N/A

**Attachments**

Spreadsheet showing various Quotes

AGENDA ITEM: E-4

Quotes to Replace Filter Media  
for  
Filters A B  
Willow Lake Site

12/15/2010

CONTRACTOR	PRICE	COMMENTS
LMH	\$16,300	
Conco West	\$29,600	
Cowan Thompson	\$23,450	

SCOPE OF WORK: Filter A & B are about 18-feet long by 8-feet wide, it has a 20-inch round hinged manway for entry, it has two other 12-in by 16-in inspection hatch's and a forklift can access the front of the 20-inch round manway very easy. The contractor will need to perform the following:

- 1) Remove (22) 1 1/2-inch PVC pipe-lateral's which are located on the top, inside of this filter vessel
- 2) Remove about 12-inch's of existing Anthracite and dispose
- 3) Remove about 18-inch's of Manganese greensand and dispose. Note there is a 2-inch "Sand" barrier under the existing greensand.
- 4) Re-level existing sand layer
- 5) Install and level about 18-inch's of new Manganese greensand (District Furnish)
- 6) At this point an initial "backwash" is needed, then scrap off the upper 1/4 - 1/2 of manganese greensand and remove.
- 7) Backwash system again, drain and scrap greensand again.
- 8) Install and level about 12-inch's of new Anthracite (District Furnish)
- 9) Note: There should be a 4-inch clearance between the new installed Anthracite and the (22) 1 1/2-inch PVC laterals and nozzles
- 10) Clean all (22) 1 1/2-inch PVC laterals and nozzles and re-install. Note: There should be either 3 or 4 nozzles per 1-1/2-inch lateral:



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

December 15, 2010

**Prepared By:** Fairin Perez, Landscape Manager  
**Submitted By:** Rick Howard, General Manager

### Agenda Title

Award of Contract for the Discovery Bay Boulevard/Sand Point Road Landscape Improvement Project to Green Valley Landscape

### Recommended Action

Accept lowest responsible bid and award construction contract for the Discovery Bay Boulevard/Sand Point Road Landscape Improvement Project in the amount of \$96,236.00 to Green Valley Landscape

### Executive Summary

Staff received Board authorization to contract for design services for the Discovery Bay Boulevard/Sand Point Road Landscape Improvement Project on April 7, 2010. Funding for the project is included in the 2010-2011 Capital Improvement Program Budget.

Final drawings and specifications were received on August 25, 2010 and the project was released for public bid on October 26, 2010. All bids were received by the posted bid deadline of December 7, 2010 at 2:00 p.m., where they were then opened.

Out of the six (6) responsive bidders, Green Valley Landscape was the lowest with a total package (Mobilization/Site Protection, Demolition/Removals, Soil Preparation, Landscape Plantings, and Maintenance) bid amount of Ninety Six Thousand Two Hundred and Thirty Six Dollars (\$96,236.00).

Staff thoroughly reviewed the complete bid package and license(s) status and found all documents and requirements to be satisfactory.

Staff recommends board approval and accepting the lowest responsible bid and awarding the contract for the Discovery Bay Boulevard/Sand Point Road Landscape Improvement Project to Green Valley Landscape in the amount of \$96,236.00.

### Fiscal Impact:

Amount Requested - \$96,236

Sufficient Budgeted Funds Available?: Yes

Zone # 8 Category: Capital Fund# 4829

### Previous Relevant Board Actions for This Item

Approved award of Contract for Discovery Bay Blvd. / Sand Point Road Design Services (Consent) – April 7<sup>th</sup>, 2010

Approval and Adoption of the Proposed Final 2010-2011 Operating and Capital Improvement Budgets for the Discovery Bay Lighting & Landscaping Zone #8 & Zone #9 – June 16, 2010

Approval & Authorization to Staff to sign and record the Notice of Exemption (CEQA) for the Discovery Bay Blvd. / Sand Point Road Landscape Planting Capital Improvement Project (Consent) – September 15, 2010

### Attachments

Discovery Bay Boulevard / Sand Point Road Landscape Improvement Project, Bid Summary & Breakdown

Complete Bid Package for Green Valley Landscape

Discovery Bay Lighting & Landscaping Zone #8 Final Budget 2010-2011

AGENDA ITEM: F-1

**BID SUMMARY**

Landscaping Improvements to Discovery Bay Blvd and Sanpoint Road in Discovery Bay

Owner: Town of Discovery Bay CSD  
 Project: Discovery Bay Blvd and Sanpoint Road Landscaping Improvements - Discovery Bay  
 Date: December 7, 2010 @ 2:00p.m.

Bids Opened by:  
 Witness:

CONTRACTOR /COMPANY NAME	DATE RCVD	TIME RCVD	Acknowledgement	NON COLLUSION AFFIDAVIT	BOND	BIDDER'S RESPON.	BID FORM	Subcontractor	Bid dollar Amount
Clean Cut Landscape	12/6/2010	11:00a.m.	yes	yes	yes	yes	yes	yes	\$188,358.00
Blossom Valley Construction	12/7/2010	11:11a.m.	yes	yes	yes	yes	yes	yes	\$129,037.00
Cleary Bros.	12/7/2010	12:44p.m.	yes	yes	yes	yes	yes	yes	\$150,000.00
Dominguez Landscaping	12/7/2010	1:07p.m.	yes	yes	yes	yes	yes	yes	\$157,491.39
Green Valley Landscape	12/7/2010	1:29p.m.	yes	yes	yes	yes	yes	yes	\$96,236.00
TruGreen LandCare	12/7/2010	1:33p.m.	yes	yes	yes	yes	yes	yes	\$274,667.00
<b>BID ITEM BREAKDOWN</b>									
Clean Cut Landscape	Item #1 - Mobilization & Site Protection	Item #2 - Demolition & Removals	Item #3 - Soil Preparation	Item #4 - Landscape Plantings	Item #5 - Maintenance				
Blossom Valley Construction	\$25,000.00	\$25,000.00	\$19,110.00	\$113,248.00	\$6,000.00				\$188,358.00
Cleary Bros.	\$3,500.00	\$7,500.00	\$15,562.00	\$88,391.00	\$14,084.00				\$129,037.00
Dominguez Landscaping	\$43,800.00	\$12,000.00	\$5,200.00	\$83,500.00	\$5,500.00				\$150,000.00
Green Valley Landscape	\$35,806.52	\$26,015.30	\$3,366.72	\$85,441.25	\$6,861.60				\$157,491.39
TruGreen LandCare	\$4,169.00	\$16,322.00	\$2,630.00	\$59,770.00	\$3,345.00				\$96,236.00
	\$27,466.00	\$82,400.00	\$54,933.00	\$88,666.00	\$41,202.00				\$274,667.00

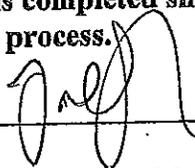
# ACKNOWLEDGEMENT

## Discovery Bay Blvd. / Sandpoint Road – Landscape Improvements

To ensure all bid materials were received, this Acknowledgement must be completed and returned in a sealed envelope prior to 2:00 p.m. Tuesday, December 7, 2010.  
This sheet acknowledges receipt of the following materials:

1. Notice Inviting Sealed Bids
2. Instructions for Bidders
3. Sample Contract and General Conditions
4. Bid Table (A)
5. List of Subcontractors (B)
6. Bidders Responsibility Statement (C1-C6)
7. Non Collusion Affidavit (D)
8. Bid Guarantee (E)
9. Discovery Bay Blvd Project Manual  
Sections: 011000, 012300, 012500, 013100, 015639, 017700, 017839,  
311000, 328600, 329300, & 330100, all dated August 25<sup>th</sup>, 2010
10. Discovery Bay Boulevard Streetscape Improvements Drawings:  
L0.01, L0.02, L1.01, L1.02, L2.01, L2.02, and L3.01, all dated  
August 25<sup>th</sup>, 2010
11. Addenda(s) receipt(s) through No. 3, if applicable

**Bid submittals received without this completed sheet will be deemed incomplete and will not be considered in the award process.**

Acknowledged by:   
Company: Green Valley Landscape  
License No. 458951  
Bidder: Frank N. Smith  
Title: President  
Date: 12/7/10

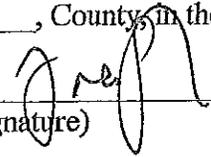
**"NONCOLLUSION AFFIDAVIT"**  
**TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID**

State of California  
County of Alameda

Frank N. Smith, being first duly sworn, deposes and says under penalty of perjury under the laws of the State of California, that he or she has the right, power, legal capacity, and authority to execute this Affidavit, as President of Green Valley Landscape the party making the foregoing Bid, that the Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Bid is genuine and not collusive or sham; that the Bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the Bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the Bid are true; and, further, that the Bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid."

IN WITNESS WHEREOF, the undersigned represent and, warrant that they have the right, power, legal capacity, and authority to sign this document on behalf of the Bidder, and have caused this document to be executed by setting thereto their names, titles and signatures at Alameda, County, in the State of California.

BIDDER:

  
(Signature)

12/7/10

(Date)

(Name and Title of Signatories)

Green Valley Group dba Green Valley Landscape  
(Legal Name of Bidder)

3991 First St., Ste. B, Livermore, Ca. 94551  
(Address)

THE GUARANTEE COMPANY OF NORTH AMERICA USA  
Bid Bond

**COPY**

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned,  
Green Valley Group, Inc. DBA Green Valley Landscape

as Principal, and The Guarantee Company of North America USA, a corporation of the  
State of Michigan, as Surety, are hereby held and firmly bound unto Town of Discovery Bay

In the penal sum of Ten Percent of the Total Amount Bid (\$ 10% )  
for the payment of which, well and truly to be made, we hereby jointly and  
severally bind ourselves, our heirs, executors, administrators, successors and assigns.

Signed, this 2nd day of December, 20 10

The condition of the above obligation is such that whereas the Principal has submitted to  
Town of Discovery Bay  
a certain bid, attached hereto and hereby made a part hereof, to enter into a contract in writing for

Discovery Bay Blvd./Sandpoint Rd. - Landscape Improvements

**NOW, THEREFORE,**

- (a) If said bid shall be rejected, or in the alternate
- (b) If said bid shall be accepted and the Principal shall execute and deliver a contract in the form of contract attached hereto, properly completed in accordance with said bid, and shall furnish a bond for the faithful performance of said Contract, and for the payment of the persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said bid;

THEN, THIS OBLIGATION SHALL BE VOID, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of time within which the said bid may be accepted; and said Surety does hereby waive notice of any such extension.

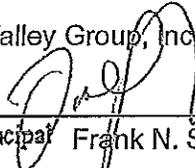
IN WITNESS WHEREOF, the Principal and the Surety have hereto set their hands and seals, and such of them as are corporations have caused their corporate seals, to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Signed, sealed and delivered in the presence of:

ATTEST: \_\_\_\_\_

ATTEST: Leah Spangle

Green Valley Group, Inc. DBA Green Valley Landscape

  
Principal Frank N. Smith, President

The Guarantee Company of North America USA

By: 

Jenny Hon  
Attorney-In-Fact

Bid Bond Date December 7th, 2010

SEE ATTACHED ACKNOWLEDGMENT

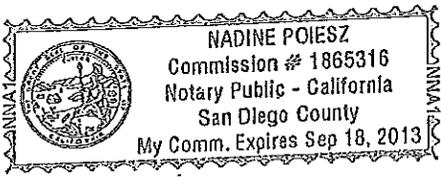
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Alameda

On December 3, 2010 before me, Nadine Poesz, Notary Public

personally appeared Frank N. Smith



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Handwritten Signature]

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Bid Bond

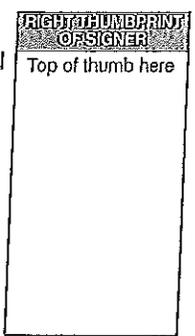
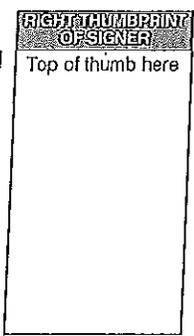
Document Date: \_\_\_\_\_ Number of Pages: 1

Signer(s) Other Than Named Above: \_\_\_\_\_

Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s):
Individual
Partner — Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



THE GUARANTEE COMPANY OF NORTH AMERICA USA  
Southfield, Michigan

POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS: That THE GUARANTEE COMPANY OF NORTH AMERICA USA, a corporation organized and existing under the laws of the State of Michigan, having its principal office in Southfield, Michigan, does hereby constitute and appoint

Robert W. Babcock, Daniel Law, Lynna M. Ludwig, Jenny Hon, Aubri Lee  
R. W. Babcock Insurance Brokerage, Inc.

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

The execution of such instrument(s) in pursuance of these presents, shall be as binding upon THE GUARANTEE COMPANY OF NORTH AMERICA USA as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at the principal office.

The Power of Attorney is executed and may be certified so, and may be revoked, pursuant to and by authority of Article IX, Section 9.03 of the By-Laws adopted by the Board of Directors of THE GUARANTEE COMPANY OF NORTH AMERICA USA at a meeting held on the 31<sup>st</sup> day of December, 2003. The President, or any Vice President, acting with any Secretary or Assistant Secretary, shall have power and authority:

1. To appoint Attorney(s)-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto; bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof; and
2. To revoke, at any time, any such Attorney-in-fact and revoke the authority given, except as provided below
3. In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner - Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of the Company adopted at a meeting duly called and held on the 31<sup>st</sup> day of December 2003, of which the following is a true excerpt:

RESOLVED that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, contracts of indemnity and other writings obligatory in the nature thereof, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, THE GUARANTEE COMPANY OF NORTH AMERICA USA has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 13th day of November, 2007.

THE GUARANTEE COMPANY OF NORTH AMERICA USA



STATE OF MICHIGAN  
County of Oakland

Stephen Dullard, Vice President

Randall Musselman, Secretary

On this 13th day of November, 2007 before me came the individuals who executed the preceding instrument; to me personally known, and being by me duly sworn; said that each is the herein described and authorized officer of The Guarantee Company of North America USA; that the seal affixed to said instrument is the Corporate Seal of said Company; that the Corporate Seal and each signature were duly affixed by order of the Board of Directors of said Company.

Cynthia A. Takai  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires February 27, 2012  
Acting in Oakland County

IN WITNESS WHEREOF, I have hereunto set my hand at The Guarantee Company of North America USA offices the day and year above written.

Cynthia A. Takai

I, Randall Musselman, Secretary of THE GUARANTEE COMPANY OF NORTH AMERICA USA, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by THE GUARANTEE COMPANY OF NORTH AMERICA USA, which is still in full force and effect.

IN WITNESS WHEREOF, I have thereunto set my hand and attached the seal of said Company this 2nd day of December, 2010.



Randall Musselman, Secretary

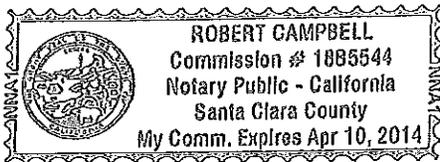
# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of SANTA CLARA }

On DECEMBER 2, 2010 before me, ROBERT CAMPBELL, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer

personally appeared JENNY HON  
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature [Handwritten Signature]  
Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

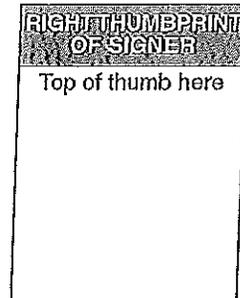
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

**BIDDER'S RESPONSIBILITY STATEMENT**

1. SCOPE OF THIS STATEMENT

In order to allow the Town of Discovery Bay CSD to make a determination of the Bidder's responsibility, the Bidder shall provide the following information as a part of its Bid. The Town of Discovery Bay CSD shall consider the information contained in this Statement as personal and proprietary to the Bidder, and the Town of Discovery Bay CSD shall use the information for the sole purpose of determining the Bidder's responsibility. Unless otherwise compelled by a court order, the Town of Discovery Bay CSD shall not consider this Statement to be a public record; provided, however, that the Bidder shall indemnify, defend, and hold the Town of Discovery Bay CSD harmless from any claim or litigation related to the Town of Discovery Bay CSD's classification of this document as exempt from disclosure under the Public Records Act. If additional pages are required to respond to any of the questions set forth in this Statement, the Bidder shall describe and list the additional pages in Section 8, below.

2. EXPERIENCE

- a. How many years has the Bidder been performing work as a contractor under the present business name? 1.5
- b. If any of the experience listed in this document refers to work performed under a different name, list the different business names and describe the relationship to the present business name on a separate page (list the additional pages in Section 8 below). N/A

3. CURRENT WORK IN PROGRESS

- a. How many construction projects, which are currently under construction, is the Bidder under contract to perform? 7  

---
- b. What is the total dollar amount of the construction contracts listed in Section 3.a. above? 1.5M  

---

4. COMPLETED WORK

Provide the requested information set forth below for the: (a.) three most recent projects completed and (b.) three most recent public works projects completed.

a. Three most recent projects completed:

Project Name: Estakhri Residence

Project Description: Landscape, irrigation, lighting  
drainage

Contract Amount: \$179,820

Date Completed: 7/10

Contact Person: Bill DeBene

Contact Person's Phone: (925) 244-0202

Project Name: Westlake Village

Project Description: Landscape and irrigation

Contract Amount: \$169,641

Date Completed: 9/10

Contact Person: Lisa Salazar

Contact Person's Phone: (925) 260-4753

Project Name: RE Lewis Building

Project Description: Landscape and irrigation

Contract Amount: \$47,687

Date Completed: 9/10

Contact Person: John Smithyman

Contact Person's Phone: (510) 957-0540

5. CLAIMS HISTORY

- a. Has any claim (whether mediated, arbitrated, or litigated) been made against your company in the past five years? Yes/Cross Complaint
- b. Has your company made any claim (whether mediated, arbitrated, or litigated) against any Public Agency or claim in the past five years? NO
- c. If you answered "yes" to subsections 5.a. or 5.b. above, describe the claim(s) using the format below: (use additional sheets if necessary).

Project Name: Laguna Oaks, Elk Grove, Ca.

Claim Amount: \$26,888

Other Party Contact: Law Office of Michael Estep

Name and Phone: (415) 399-0680

Describe the claim(s) on a separate sheet (see Section 8, below).

6. CONTRACT TERMINATION

- a. Has your company ever been terminated by a City or client, or rejected from bidding on a public works project in the last five- (5) years? NO. If yes, provide an explanation below:

Project Name: \_\_\_\_\_

City/Client Contact  
Name and Phone: \_\_\_\_\_

Date of Termination/Rejection: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If more than one (1), describe on additional sheet (see Section 8 below).

7. COMPLETION BY SURETY

- a. Has your company every failed to satisfactorily complete a construction contract, or has a surety ever completed any portion of a construction contract of your company within the last five (5) years? NO. If yes, provide an explanation below:

Bid Table

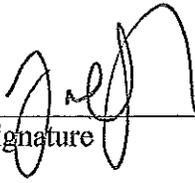
Discovery Bay Boulevard / Sandpoint Road  
Landscape Improvements

Bid Dollar Amount:

Bid Item #1 – Mobilization & Site Protection	\$ <u>4169.</u>
Bid Item #2 – Demolition & Removals	\$ <u>16,322.</u>
Bid Item #3 – Soil Preparation	\$ <u>2630.</u>
Bid Item #4 – Landscape Plantings	\$ <u>69,770.</u>
Bid Item #5 – Maintenance	\$ <u>3345.</u>
	<u>\$96,236.</u>

Written total dollar amount NINETY SIX THOUSAND TWO HUNDRED THIRTY SIX

Authorized signature of Bidder:

  
Signature

Frank N. Smith  
Printed Name

12/7/10  
Dated

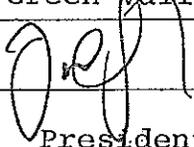
LIST OF SUBCONTRACTORS

In Compliance with the provisions of Sections 4100 to 4113 of the Government Code of the State of California, and any amendments thereof, each Bidder shall set forth below the names and locations of the mill, shop or office of each subcontractor who will perform work or labor or render service to the Contractor on or about the construction of the Work or improvement to be performed under these specifications and the portion of the Work which will be done by each subcontractor.

If the Contractor fails to specify a subcontractor for any portion of the Work to be performed under the contract, he shall be deemed to have agreed to perform such portion himself, and he shall not be permitted to subcontract that portion of the Work except under the conditions hereinafter set forth.

Subletting or subcontracting of any portion of the Work as to which no subcontractor was designated in the original Bid shall only be permitted in cases of public emergency or necessity.

<u>DIVISION OF WORK</u>	<u>SUBCONTRACTOR</u>	<u>LOCATION</u>
Tree & Stump Removal	Atlas Tree Service	PO Box 23342 Pleasant Hill, Ca

FIRM NAME: Green Valley Landscape  
BY:   
TITLE: President

BID GUARANTEE

Attached hereto and made a part hereof is United States Currency, Cashier's Check, Certified Check or Surety Bond No. \* in the amount of \$ 10% which is not less than ten percent (10%) of the total amount of the total bid, as a guaranty that the Bidder will enter into a Contract in the form bound with these Specifications within five (5) days after the notice of award of the Contract by the Owner (hereinafter "Security").

\* see attached Bid Bond

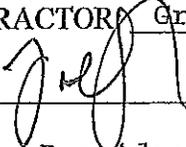
The undersigned hereby agrees that, in case his Bid is accepted, he will within five (5) days after notice thereof, execute a Contract with the Owner in the form hereto attached and, if required by law, shall furnish a bond in the sum of the Contract price to secure the payment of all labor and material bills, and also a bond in the sum of the Contract price to secure the faithful performance of the Contract according to the terms and provisions therein; and in case of failure to execute the Contract and furnish the bonds within said period or such extension thereof as may be allowed by resolution duly passed and adopted, it is expressly agreed that the Town of Discovery Bay CSD may award the Contract to the second lowest bidder and the amount of Bidder's Security shall be applied by the Town of Discovery Bay CSD to the difference between Bidder's Bid and the second lowest Bid, and the surplus, if any, shall be returned to Bidder if cash or a check is used, or to the surety on Bidder's bond if a bond is used.

It is understood by the undersigned that the quantities of material of work specified in the "Notice Inviting Sealed Bids" are estimated and are given only for the purpose of comparing bids and that the prices quoted are not conditioned upon the accuracy or approximate accuracy of the estimate.

It is understood that the Owner may award a Contract as the interests of the Owner may dictate.

Attached hereto and made a part of this Bid is a Bidder's Responsibility Statement, and a List of Subcontractors as required by the provisions of Sections 4100 to 4113 of the Government Code of the State of California.

CONTRACTOR: Green Valley Landscape

BY: 

TITLE: President

ADDRESS: 3991 First St., Ste. B

Livermore, Ca. 94551

CONTRACTOR'S LICENSE NUMBER: 458951

TELEPHONE NUMBER: (925) 243-1420



Page C-7

December 7, 2010

To: Town of Discovery Bay, CSD

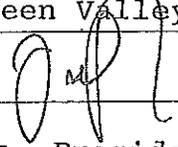
Re: Sandpoint Road Landscape Improvements

Description of claim history for bid item 5c:

Homeowner(s) have filed a construction defect claim against the builder (CalProp Corp.) for a project completed in 1999. The builder filed a cross-complaint against all subcontractors who worked on the project regardless of responsibility. Our insurance company is handling this matter.

## CERTIFICATION BY CONTRACTOR

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

CONTRACTOR: \_\_\_\_\_  
Green Valley Landscape  
BY:  \_\_\_\_\_  
TITLE: President \_\_\_\_\_

CONTRACTOR'S LICENSE NUMBER: 458951

TELEPHONE NUMBER: (925) 243-1420

**D.Bay L&L Park #8 District  
Revenue & Expenditure Budget vs. Actuals Worksheet 2009-2010  
FINAL Budget for 2010-11**

	Acct. Code	2007/2008 Actuals	2008/2009 Actuals	2009/10 Budget	2009/10 Actuals thru May	2009/10 % of Budget	2009/10 Estimates for Yr End	2010/11 Proposed Budget	
<b>Revenue:</b>									
Current Funds in Contra Costa County	740	\$1,219,793	\$1,451,185	\$1,456,919	\$1,723,467	118%	\$1,723,467	\$1,732,129	
Accounts Payable - Yr End	500								
Retainage Account	510	\$16	\$16		\$16		\$16		
Disbursements	830	(\$5,987)	(\$6,595)		(\$5,072)		(\$5,072)	(\$5,885)	
Current Property Taxes	9010	\$662,675	\$539,369	\$500,000	\$423,567	85%	\$423,567	\$381,210	
Property Tax Supplemental/Unitary/Secured	9011/13/30/31	\$13,436	\$12,697		(\$1,786)		(\$1,786)		
SRAF State Rev Transfer	9018				(\$45,668)		(\$45,668)		
Property Taxes-Current Unsecured	9020	\$17,889	\$18,576		\$17,623		\$17,623	\$18,029	
Property Taxes-Prior-Unsecured	9035	(\$993)	\$244		\$104		\$104		
Earnings on Investment	9181	\$29,510	\$9,262	\$7,000	\$1,604		\$1,800	\$1,000	
H/O Prop Tax Relief/State Aid/In Lieu Taxes	9385/9435/9580	\$5,814	\$5,617		\$2,383		\$2,383		
Misc Revenue & Services	9799&9975	\$3,603	\$13,640						
<b>Total Revenue</b>		<b>\$1,845,846.00</b>	<b>\$2,044,011.00</b>	<b>\$1,963,919</b>	<b>\$2,116,238</b>		<b>\$2,116,434</b>	<b>\$2,126,484</b>	
<b>% Yr End Estimate vs. Budget</b>							<b>108%</b>		

	Acct. Code	2007/2008 Actuals	2008/2009 Actuals	2009/10 Budget	2009/10 Actuals thru May	2009/10 % of Budget	2009/10 Estimates for Yr End	2010/11 Proposed Budget	
<b>Expenditure: Operating Expenses</b>									
Office Expenses, Books, Postage	2100	(\$588)	(\$341)	(\$500)	(\$1,237)	247%	(\$1,237)	(\$850)	
Books, Periodicals & Subscriptions	2102			(\$50)		0%		(\$160)	
Postage	2103			(\$50)		0%		(\$50)	
Communications	2110	(\$35)	(\$1,016)	(\$1,500)	(\$772)	51%	(\$800)	(\$1,785)	
Utilities (Street Lights, Water & Garbage)	2120	(\$111,902)	(\$100,693)	(\$105,000)	(\$74,844)	71%	(\$93,256)	(\$117,000)	
Small Tools & Instruments	2130		(\$1,167)	(\$1,000)	(\$642)	64%	(\$642)	(\$750)	
Vinor Equipment, Furniture less than \$1000	2131	(\$981)	(\$834)	(\$500)	(\$742)	148%	(\$742)	(\$975)	
Household Items	2170	(\$1,318)	(\$265)	(\$800)	(\$1,095)	137%	(\$1,095)	(\$900)	
Public Notices	2190	(\$377)	(\$90)	(\$100)		0%	(\$100)	(\$150)	
Memberships	2200	(\$165)		(\$200)		0%		(\$450)	
Rent & Lease of Equipment	2250			(\$100)		0%		(\$500)	
Computer Software	2251			(\$500)		0%			
Maintenance of Equipment	2270	(\$331)	(\$618)	(\$700)	(\$1,544)	221%	(\$1,650)	(\$950)	
Automotive Supplies & Repairs	2271	(\$3,758)	(\$1,673)	(\$1,300)	(\$9)	1%	(\$9)	(\$2,000)	
Gasoline	2272	(\$3,221)	(\$2,081)	(\$4,100)	(\$1,804)	44%	(\$2,010)	(\$4,000)	
Maintenance of Buildings	2281	(\$4,686)	(\$4,947)	(\$5,000)	(\$4,183)	84%	(\$4,791)	(\$5,300)	
Grounds Maintenance	2282	(\$132,100)	(\$140,670)	(\$250,000)	(\$158,909)	64%	(\$172,122)	(\$166,464)	
Requested Maintenance from County	2284/3620			(\$500)		0%			
Auto Mileage/Employee Reimbursement	2301	(\$241)		(\$300)	(\$790)	263%	(\$850)	(\$100)	
Other Travel Employee Expenses	2303			(\$200)		0%		(\$1,500)	
Professional Services/Specialized Services	2310	(\$8,871)	(\$1,860)	(\$10,000)	(\$13,551)	136%	(\$13,551)	(\$8,100)	
Staff Payroll	2310	(\$57,798)	(\$18,332)	(\$63,000)	(\$26,866)	43%	(\$35,300)	(\$72,000)	
Insurance	2360	(\$5,500)	(\$7,101)	(\$8,000)	(\$5,097)	64%	(\$5,097)	(\$5,200)	
Road/Construction Materials (Street Signs)	2470	(\$12,437)		(\$1,000)		0%		(\$500)	
Other Special Expenses	2479	(\$165)	(\$1,438)	(\$5,000)	(\$3,319)	66%	(\$3,319)	(\$3,500)	
Miscellaneous Services & Supplies	2490	(\$646)	(\$470)	(\$200)	(\$225)	113%	(\$225)	(\$300)	
Taxes & Assessments	3530/3550		(\$4,152)	(\$4,500)		0%			
Interfund Exp.(Investment & Property Tax Adm.)	3611			(\$500)		0%		(\$500)	
Reimbursement for County Adm. Costs	5011			(\$500)		0%		(\$500)	
<b>Total Operating Expenses</b>		<b>(\$345,120)</b>	<b>(\$287,748)</b>	<b>(\$465,100)</b>	<b>(\$295,629)</b>	<b>64%</b>	<b>(\$336,796)</b>	<b>(\$394,494)</b>	
<b>% Yr End Estimate vs. Budget</b>							<b>72%</b>		

	Acct. Code	2007/2008 Actuals	2008/2009 Actuals	2009/10 Budget	2009/10 Actuals thru May	2009/10 % of Budget	2009/10 Estimates for Yr End	2010/11 Proposed Budget	
<b>Expenditure: Capital/Asset</b>									
Various Improvements	4265	(\$31,480)	(\$7,418)	(\$7,500)	(\$4,842)	65%	(\$6,850)	(\$7,500)	
Structure & Walkway Repairs	4546	(\$1,388)		(\$3,500)		0%		(\$3,500)	
Playground Equipment	4789			(\$3,000)		0%		(\$115,000)	
Landscape Master Plan	4829	(\$16,657)	(\$6,636)						
Disc. Projects - Willow Lake Road				(\$150,000)	(\$459)	0%	(\$459)	(\$120,000)	
Disc. Projects - South Point				(\$50,600)		0%			
Disc. Projects - Laguna Court				(\$39,000)					
Disc. Projects - Discovery Point (Small Island)				(\$31,000)			(\$7,500)		
Disc. Projects - Discovery Bay Blvd (East)							(\$12,500)	(\$230,000)	
Tomell Park	4834		(\$796)	(\$3,000)		0%		(\$7,500)	
Vehicle Purchase	4853		(\$16,586)				(\$15,000)		
Tools & Sundry Equipment	4956			(\$1,000)		0%	(\$5,200)	(\$1,000)	
<b>Total Capital/Asset</b>		<b>(\$49,525)</b>	<b>(\$31,436)</b>	<b>(\$288,600)</b>	<b>(\$5,301)</b>	<b>2%</b>	<b>(\$47,509)</b>	<b>(\$484,500)</b>	
<b>% Yr End Estimate vs. Budget</b>							<b>16%</b>		

<b>Reserves</b>		(\$300,000)	(\$300,000)	(\$300,000)	(\$300,000)			(\$300,000)
<b>Grand Total of Operating/Capital/Reserves</b>		<b>(\$694,645)</b>	<b>(\$619,184)</b>	<b>(\$1,053,700)</b>	<b>(\$600,930)</b>	<b>57%</b>	<b>(\$384,305)</b>	<b>(\$1,178,994)</b>
<b>Revenue Total minus Operating/Capital/Reserves</b>	<b>Fund Balance</b>	<b>\$1,151,201</b>	<b>\$1,424,827</b>	<b>\$910,219</b>	<b>\$1,515,308</b>	<b>n/a</b>	<b>\$1,732,129</b>	<b>\$947,490</b>



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

December 15, 2010

**Prepared By:** Rick Howard, General Manager

**Submitted By:** Rick Howard, General Manager *RH*

### Agenda Title

Consideration of a "No Cash" Transaction Policy

### Recommended Action

Review, Comment and Take Action, as necessary

### Executive Summary

Prior to 2008, the Town of Discovery Bay CSD rarely received cash at the District offices for anything other than park rental fees and public records requests. In 2008 the District began metering water consumption and initiated water billing for approximately 1800 residential and commercial water users. As a result of this transition, payment for water bills is paid directly to the District. While the majority of payments are by check, there are a number that are made with cash, cashier's checks, or money orders. We continue to accept these same forms of payment for park reservations and public records requests. As an example, the District received \$9,868.73 in cash over the past 90 days, \$9,848.73 for water billings and \$20.00 over the same period for other transactions. Presently, we do not accept credit/debit cards and we do not have online bill pay.

There are pros and cons to accepting cash. Some residents do not use banks and rely solely on cash, cashier's checks, or money orders. Whatever their reason; the economy, type of employment they are in, or economic situation, many choose to pay in this manner. Some of the benefits of not accepting cash include enhanced employee safety, increased internal financial controls, and less staff time spent reconciling cash deposits.

In order to proceed with a "No Cash" transaction option, the District would first need to establish credit card processing agreements with a bank or other business services provider. The District's website was constructed to accommodate online bill pay functions, making it easier for customers to pay online through a safe and secure website.

...Continued

### 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

N/A

### Attachments

N/A

AGENDA ITEM: F-2

On Thursday, December 9, 2010 staff met with our banking partner, ECC Bank, and received a business services presentation and description regarding credit/debit card transactions and the steps that would be necessary in order to implement those convenience features.

It should be noted that if the Board determines that the "No Cash" transaction policy for all services and charges is the desirable method of collecting receivables, then it would be appropriate to impose the policy across the board for all types of business transactions at the District.

If it is the direction of the Board to migrate to a no cash transaction policy, it would be appropriate at that time to provide the public four (4) months notice before we stop accepting cash at our offices for payments, allowing the public an opportunity to make alternative arrangements to pay their utility and or/other charges to the District.

Regardless of the direction of the Board, however, staff does recommend that the District transition to accepting Credit/Debit cards and online bill pay providing residents the ability to make online payments. This is not an uncommon option for savvy computer users in today's electronic banking age.

Options before the Board include the following:

1. Do nothing, and leave the existing policies in place, continue to accept cash, and do not implement online bill pay or credit/debit card transaction options.

By selecting this option, no further Board action will be necessary.

2. Leave current cash collection procedures in place, implement credit/debit card options and implement online bill pay features.

By selecting this option, Staff will (a) return to the Board with a business banking services agreement(s) that would be necessary in order to implement credit/debit card transaction services; and (b) activate the online bill pay feature to the Districts website allowing for safe and secure business transactions.

3. Eliminate all cash collection at the District, implement credit/debit card options and implement online bill pay features.

By selecting this option, Staff will return to the Board with (a) a "No Cash Transaction" Board Policy; (b) a business banking services agreement(s) that would be necessary in order to implement credit/debit card transaction services; and (c) activate the online bill pay feature to the Districts website allowing for safe and secure business transactions.

Additionally, if Option 3 is the preferred alternative, staff recommends the Board identify May 1, 2011 as the date to initiate this action and begin the process of notifying residents that cash will no longer be accepted and that credit/debit cards and online bill pay will be offered at that time.



## MONTHLY OPERATIONS REPORT

November 2010

Town of Discovery Bay, CA

### **SAFETY & TRAINING:**

Discovery Bay project has had "No Lost-Time" Accidents

As of November 26, 2010, Veolia Water has worked a total of 17,272.6 hours of Incident Free Operation.

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#### Training

- Slip, Trips and Falls
- UV incident contractor cut finger-MSA review
- Safe Driving-Reviewed in morning meeting on 11/03/10.
- Safe Backing-Reviewed in morning meeting on 11/09/10.
- Distracted Driving-Reviewed in morning meeting on 11/17/10.
- Safe Speed-Reviewed in morning meeting on 11/22/10.
- Cold Stress Prevention-Inclement Weather
- Hand and Portable Powered Tools
- Environmental Alert- Missed sampling in Discovery Bay-Discussed in morning meeting on 11/16/10.
- UV Operations Review
- SSO Reporting
- Plant 1 influent lift station operation

### **Compliance Summary:**

- No Wastewater permit limit excursions occurred in November.
- No Water violations or excursions occurred in November.
- No SSO events occurred in November.

Because the data is not available until late November, the October report indicated no violations. The effluent disinfection capability was affected due to high turbidity levels in September. A 7-day median calculation indicated that the permitted limitation value was exceeded. Much of the data submitted used for this calculation was outside of the laboratory holding time due to the available laboratory sample receiving hours. As a result of consultation with the RWCQB, it was directed that only the samples collected and submitted within the total coliform holding times



should be used. The resulting data from samples collected and delivered to the laboratory outside of the holding time are to be reported on a separate attached form in the electronic self monitoring report. The October SMR report was modified as instructed by the Water Board and resulted in one day outside of the 7-day median limits.

The lack of proper disinfection due to high turbidity caused total coliform 7-day median violation. The high NTU was due to Plant 1 and RAS 2 pumps loss of prime. The recent installation of the by pass will allow the effluent to be diverted when the turbidity is outside of normal operating ranges or during periods when routine clarifier cleaning is needed.

The October data tabulated below indicates one violation or excursions

Parameter	Previous Month's Performance
	October
<i>WW Influent /Effluent</i>	
Flow, MG Effluent	50.67
Influent BOD <sub>5</sub> , mg/L/day, <b>monthly avg.</b>	135
Influent TSS, mg/L/day, <b>monthly avg.</b>	163
Effluent BOD <sub>5</sub> , mg/L, <b>monthly avg.</b>	<1.0
Effluent TSS, mg/L, <b>monthly avg.</b>	15.5
Total Coliform 7 day Median Max	27.0
Total Coliform Daily Maximum	70
TSS Effluent Composite Max Result <b>MG/L</b>	20
TSS Effluent Composite Max Result <b>LBS</b>	267

*Only previous month's data is provided as current month's data has not been fully received from laboratory.*

**Total Wastewater Treated Million Gallons MG**

Month	Totals (million gallons)
November	56.52
October	59.01
September	51.21



**Total Water Produced: Million Gallons MG**

Month	Willow Lake WTP	Newport WTP	Totals (million gallons)
November	37.06	35.02	72.08
October	40.36	77.87	118.23
September	55.04	76.94	131.98

**Water Quality Reports:**

Samples collected	No. Total Coliform Positives	No. Fecal/E. coli Positives
20	0	0

**Operations Summary:**

There were no brown water calls in November. The effluent By-Pass to tie into the effluent discharge line was conducted on 11/8 beginning at 0500. The work was completed and the flow returned to export discharge at 1800 hours. Wires need to be landed into the PLC by the town's contractor and Veolia will connect system to the PLC and SCADA. Veolia relocated the turbidity and the transmittance sensors to a centralized location. Both UV channels can use the same sensor signals from this location. There is no redundancy at this time.

Amended permit language may reduce or eliminate the turbidity triggered monitoring requirement. RWQCB meetings have been scheduled to review proposals.

The Mercury Reduction Progress Report was submitted to the Town of Discovery Bay and the RWQCB.

Internet service disruption continues to hinder the pace of business. An option was that ATT may be able to bring in a line to plant 1 and the signal sent by radio to plant 2 or setup another antenna to redirect the signal and thereby removing interference.

During November the NTU (Nephelometric Turbidity Unit) was over the value that triggers additional monitoring. Fifty-one (51) monitoring events took place over a thirty day period. Eighteen (18) of these were taken during rain and high flow events. In discussion with the RWQCB the 18 samples were dismissed because they were out of laboratory hold time.



An Algae bloom in the clarifiers occurred November 9<sup>th</sup> and 10<sup>th</sup> and resulted in fourteen (14) triggered samples. During the algae bloom we were directed by the RWQCB to only collect every two hours opposed to hourly and not outside of normal laboratory hours.

Clarifier 1 at WWTP was taken offline for maintenance. The RAS pumps lose prime and can quickly cause high turbidity in the effluent. The clarifier was drained back into the oxidation ditch, cleaned and inspected.

Filter "A" at Willow Lake WTP continues to indicate a need for new media. Differential pressure builds up within a 24 hour period requiring backwashing. The Town of Discovery Bay has ordered new media for this filter. Filter "B" is showing signs of building differential pressure over shorter periods of operation.

Brushes have been replaced at both head works augers. Wear plates will be installed by an outside contractor.

The Trojan Field Technician completed his service on the Trojan 3000 system. The system is being operated in auto mode. Dose data is being recorded and is part of the monthly submittal to the RWQCB. The new UV system can not be operated and in compliance with the current permit monitoring requirements until process control data is made available to operators where it can then be reported in the monthly eSMR. The largest part of this programming work can be conducted remotely however with the internet connection not allowing this to be accomplished; site visits will need to be scheduled. It may be after the first of the year when contractors will be available to complete this work.

The NPDES Discharge Monitoring Reports were submitted to appropriate agencies for the month of October. The eSMR was submitted.

Call Outs:	Veolia Operation			
	Total	TODB Water	W & WW Operations	Collections-LS
	18	0	18	0

Veolia recorded 18 total call outs for the month of November. The majority of these calls were pump failure or process outside of ranges.

**Maintenance & Repair Work:**

PM's	Regulatory	Hours
203	21	117.00



### **General**

Veolia has hired a Matt Fiedler as a Maintenance Technician III. He has a strong background in electrical and instrument technology. Chris Cilliers is a roving IT Specialist who travels to the three Veolia Projects in close proximity of each other. Chris is scheduled to be at Discovery Bay once each week or more if needed and can be called for emergencies.

Plant I Influent pump P-4 was installed. The VFD that controls P-4 is not operating at this time. Programming needs to be completed. Discovery Bay's electrical contractor is working to download the needed program to operate this equipment. The ultra sonic level control is installed and functioning at Plant 1 influent station.

Staff replaced the upper right side gear reducing auger motor and assembly at belt press.

### **Electrical & Programming**

Installed a pole light at WWTP2 outside the Administration Office and repaired the pole light at RAS area.

Replaced a defective Endress Houser level controller at influent wet well for WWTP 2 flow. Evaluated the solar cell outside sensors and relocated a humidity sensor to the environmental sensing pole location. A new humidity sensor was ordered for solar cell "B". The breaker for P-1 had tripped at lift station "F". It was check and reset. Reported hearing a possible bearing noise to Virgil for this lift station. All line voltage connections were assessed. Evaluated Jockey pump 2 at Newport water and found the VFD bad, showing no high voltage on DC bus. The unit was removed and sent to the factory for repair.

### **Collections - Willow Lake and Newport WTP**

Veolia introduced the new underground asset maintenance management called Infonet to Town of Discovery Bay management. This is the system that will be used in the future and replaces ICOMMM.

Staff purchased the calibration chemicals for the old Endress Hauser chlorine pre filter monitoring system. This system has not been functioning. Remedial efforts include repair and replacement of components using purchased kits. Calibration is difficult as the digital display is not working and requires a technician on the phone to walk through the procedure. Veolia recommends changing this unit to the Hach CL 17 to keep consistency with other chlorine monitoring equipment.



Lakeshore wet well was vacuumed and the pump returned to service. The quarterly samples for Iron and Manganese at the water storage facilities and Cyanide from well 2 and well 5 were collected.

JW Constructors took Well 1 B offline for repair of leak. Repair was completed and the well was put back online.

Four thousand eight hundred (4843.70) feet of collection lines were cleaned in November.

**Maintenance Costs for November: \$**

A breakdown detail of the costs are provided to the Town of Discovery Bay.

NO BACK UP  
DOCUMENTATION  
FOR THIS AGENDA  
ITEM # H

NO BACK UP  
DOCUMENTATION  
FOR THIS AGENDA  
ITEM # I

NEUMILLER & BEARDSLEE  
A Professional Corporation

Memorandum

TO: Discovery Bay Board Members  
FROM: Michael F. McGrew *M. F. M.*  
DATE: November 24, 2010  
FILE: 18632-25857  
RE: Discovery Bays Municipal Advisory Council Function

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This Municipal Advisory Council (MAC) issue keeps coming up. The Contra Costa Local Agency Formation Commission (LAFCO) and the Board of Supervisors transferred the old Discovery Bay Municipal Advisory Council's advisory functions to the Discovery Bay Community Services District upon its formation. Recently, the County Auditor - Controller sent a memorandum to private citizens with his analysis and recommendation concerning this transfer. Notwithstanding any confusion, it is within the powers of the Town of Discovery Bay to provide advisory functions similar to a MAC.

On November 5, 2010, Mr. Stephen J. Ybarra, the Contra Costa County Auditor - Controller, issued a memorandum to four private citizens entitled, "Response to Allegation Concerning the Keller Canyon Mitigation Fund". On November 9, 2010, Mr. Ybarra transmitted Section II of his memorandum to our General Manager calling attention to Mr. Ybarra's Recommendation 6 which pertains to Discovery Bay's MAC advisory responsibilities.

Recommendation 6 provides:

(a) Establish a Discovery Bay Municipal Advisory Council (DBMAC), pursuant to Government Code 31010, and appoint the DBCSD's members as the DBMAC members; or (b) eliminate the advisory council functions performed by the DBCSD.

Mr. Ybarra expresses his reason as a Condition which provides:

The DBMAC was terminated by LAFCO (later ratified by the Board of Supervisors) and its advisory functions assigned to the DBCSD. That action has created confusion regarding the proper governance and funding of the DBCSD's advisory functions.

Mr. Ybarra correctly recites the fact concerning the formation of the Discovery Bay Community Services District and the transfer of the then existing Municipal Advisory Council functions to Discovery Bay.

The Contra Costa Local Agency Commission approved the formation of the Discovery Bay Community by Resolution 96-16, "Resolution of the Local Agency Formation Commission (LAFCO) of Contra Costa County making determinations and approving the Discovery Bay Boundary Reorganization and establishment of the sphere of influence (SOI) Boundary of the Discovery Bay Community Services District (DBCSD)."

The Contra Costa County Board of Supervisors as the conducting authority of the LAFCO determination ordered the formation of the Discovery Bay Community Services District by Resolution 97/925, "Discovery Bay Reorganization." Both the LAFCO and Board of Supervisors Resolutions state, "...in order to create a smooth transition of 'in-progress' advisory functions to the newly-created DBCSD, the Discovery Bay Municipal Advisory Council shall be terminated on December 1, 1998 and its advisory responsibilities shall be assumed by the DBCSD Board of Directors."

Mr. Ybarra challenges the authority of LAFCO in 1996 to be involved in the transfer of the advisory functions of a MAC to a community services district. He cites the 2005 change in the CSD Law that permits CSDs to fund MACs (Government Code § 61100 (ad)). He believes there was no authority prior to 2006.

The transfer of the then existing Discovery Bay Municipal Advisory Council's advisory functions to the new Discovery Bay Community Services District may have been unusual but it was not without authority. Factually, neither LAFCO or the Board of Supervisors designated Discovery Bay as the MAC. They only transferred the MAC's advisory functions.

LAFCO's may impose a wide array of conditions provided the conditions do not directly regulate land use, property development or land use. LAFCO may condition its approval on "[a]ny other matters necessary or incidental to any of the terms and conditions specified in ...section [56886]." This permits LAFCO to condition its approval on "a virtually limited array of factors." *Board of Supervisors v. Local Agency Formation Commission*. (1992) 3 Cal. 4th 903, 912.

One of the LAFCO conditions which is found in section 56886(r) is "[t]he continuation or provision of any service provided at that time, or previously authorized to be provided by the official act of the local agency." The condition is not limited to a specific "local agency". A "local agency" may be city, county, or district (section 56054). Because LAFCO had the MAC issue before it without the County's objection, LAFCO was able to transfer its functions.

If there was an irregularity in this determination, it was cured by the Third Validating Act of 1998 (Statute 1998, Chapter 537). The Validating Act declares that all public bodies "organized or existing under any color of any law, are hereby declared to have been

legally organized and to be legally functioning..." If the acts are not challenged in the court within six months, the matters "shall be held to be valid and every respect legal and incontestable." The Validating Act cured any irregularities.

On top of all this, the 2005 changes to the Community Services District Law grandfathered in terms and conditions made by local agency formation commissions prior to January 1, 2006 (Government Code § 61003 (f)). The Community Services District law grandfathered in the Contra Costa LAFCO determination transferring the advisory functions to Discovery Bay.

In summary, the Town of Discovery Bay Community Services District correctly assumed the advisory functions of a municipal advisory council without becoming a municipal advisory council. That does not mean to say that it precludes the Board of Supervisors from designating Discovery Bay Board of Directors as a Municipal Advisory Council if it is the wish of the Board of Supervisors and the Board of Directors consents.



County of Contra Costa  
**Office of the Sheriff**  
Warren E. Rupf  
Sheriff

Town of Discovery Bay CSD

Received 11/22/10  
Emailed to Board + GM  
+ Staff  
RWR  
ca / File

November 16, 2010

J. Kevin Graves, President  
Town of Discovery Bay CSD  
1800 Willow Lake Road  
Discovery Bay, CA 94505-9376

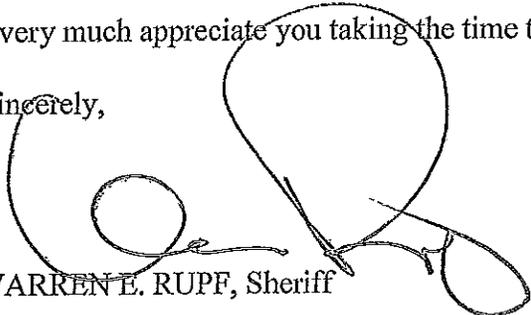
Dear President Graves:

Please convey my appreciation to your Board for your recent letter commending the performance of our Lieutenant Mike Burton. I am pleased to learn that the Town of Discovery Bay has been well served by Lieutenant Burton. Mike is a fine example of the dedicated men and women who make up the Contra Costa County Office of the Sheriff that help us maintain the high standard that we have long enjoyed.

I will personally convey your appreciation to Lieutenant Burton and will ensure that a copy of your commendation letter is placed in his personnel files.

I very much appreciate you taking the time to write to me with your kind comments.

Sincerely,



WARREN E. RUPF, Sheriff

WER:mw



County of Contra Costa  
**Office of the Sheriff**  
Warren E. Rupf  
Sheriff

Received 11/23/10  
1/22 Emailed to Board + GM

November 17, 2010

The Honorable Mary N. Piepho  
Supervisor, District III  
181 San Creek Road Suite L  
Brentwood, CA 94513

Dear Ms Piepho:

Your recent letter illustrates the slow speed at which government moves. In May of this year this Office put forward to the County Administrator our proposal to spend P-6 Zone Funds during Fiscal Year 2010-11. On September 1, 2010, at the request of the County Administrator, we modified our proposal and requested that the modified request be brought to the Board of Supervisors. On September 8, 2010, Mr. Mankin, chairperson of your Discovery Bay P-6 Zone Advisory Committee, sent us a letter in which he raised the same issues described in your recent correspondence. I responded to him in a letter dated September 21, 2010. You were provided a courtesy copy of both letters. Your November 10, 2010 letter was received in this Office on November 16, advising me that: "...it is premature...to consider approval...absent community input..."

I am at a loss to understand how a request for spending is described as "premature" as the budget year passes its mid-point. While you may disagree, my view is that you have had ample time to gather input from the community. What is most puzzling is that in this relatively minor transaction you seem compelled to prevent progress over issues that, in my experience, have never caused outrageous delays. When the County considers its total budget, you accept requests and comments and then typically adopt the County Administrator's recommended budget. The community input occurs before the whole Board during public hearings.

On September 16, 2010, Mr. Mankin participated in a Sheriff's Municipal Advisory Committee meeting and again issues of concern to him were discussed. My counsel to him at that meeting was consistent with my previous advice that he should provide his thoughts and recommendations to you. Mr. Mankin has impressive intellect and is a wonderful communicator, so I must assume that he has shared his views with you.

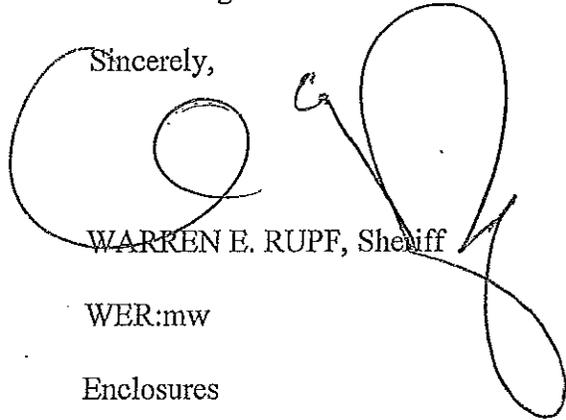
Supervisor Mary N. Piepho  
November 17, 2010  
Page 2

These referenced conversations and correspondence are merely a few of countless opportunities, potential or realized, for members of your committee or the community at-large to offer comments or recommendations. Where and when we could, all requests for information have been satisfied. In any event, while you continue to report that your committee has not received "...requested documentation..." from this Office, clearly, anything they may have requested from us is also available from you or the County Administrator. Virtually all of our information is either received from other county sources and/or is communicated to your Board via the County Administrator.

Now we are in the middle of November, and I again suggest that you have ample information to allow placement of these matters on a Board of Supervisor's agenda. As the full Board considers them during public debate, you may endorse, or not, the spending and staffing plan described in my proposal.

As you consider this, please keep in mind that neither of us, but rather the community suffers as governmental inaction chews up time and money.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

WARREN E. RUPF, Sheriff

WER:mw

Enclosures

Cc: David Twa, County Administrator  
✓Kevin Graves, President Discovery Bay CSD  
Sheriff's Municipal Advisory Committee Members via e-mail

Discovery Bay  
P-6 Zone  
Citizen  
Advisory  
Committee



Office of Supervisor Mary N. Piepho  
Contact: Karyn Cornell  
181 Sand Creek Road Ste L  
Brentwood, CA 94513  
925-240-7260

September 8, 2010

Warren E. Rupf, Sheriff  
651 Pine St., 7<sup>th</sup> Floor  
Martinez, CA 94553

Dear Sheriff Rupf:

As you are aware, through a board order of the Contra Costa Board of Supervisors in June of 2009 a P-6 Zone Citizen Advisory Committee was formed to advise the Board on issues related to enhancing police services in the Town of Discovery Bay funded through P-6 zone funds.

The purpose of the committee as has been explained to us and we understand it is to advise the Board of Supervisors and provide a conduit of information related to police services to our community. Also, to provide a level of transparency to the rate payers so that they might understand they are receiving an equitable return for their tax dollars.

To properly address these issues we must receive some level of cooperation and information from your office, including interface with designated members of your staff and through fulfillment of information requests. Only with that can we provide our advisories with the most complete set of facts in consideration.

To that end, no doubt your annual appropriations request to support the recently restored resident Deputy program is one of the more important documents which should come before the committee for review and comment. You outline this request in a May 26, 2010 memo. You have previously expressed an intention of taking the appropriations request before the Public Protection Committee. But the Board of Supervisors will not take action on your request without input from our committee as well. If the purpose of the memo was to simply float ideas, wouldn't our committee play a more important role than the PPC in the discussion?

The manner in which it was handed to us by Lt. Burton at our June meeting did not allow us to include it with the agenda that evening. We are confused why a document dated May 26, 2010 could not be submitted to us well in advance of our June 12, 2010 meeting date so that we could include it in our agenda for discussion in accordance with the Brown Act requirements. The best we could do under the circumstances was to direct Staff to reach out to your office for additional information and bring the item

back for our July meeting for proper discussion. Your response was that such a request was burdensome on your staff, yet you make just such information available to the Alamo P2-B police services district(see attached). Is there some reason we are not aware of why Discovery Bay cannot be provided equivalent information?

Your memo proposes what amounts to a deficit spending plan, on the order of 28% in excess of current FY revenues. In these difficult times, we don't feel that's sound fiscal behavior.

There are other items of concern including the 18% increase in air support costs and a proposed new sharing of costs for a community services officer on top of the one we already have. I would remind you that we have made repeated requests of your office in regards to the air support program and have not received any response.

Previous County Administrator John Cullen explained in a July 2, 2008 memo to your office that annual reports to the Board of Supervisors were part of the three step process to access the fund. Providing a copy of this report to the committee would perhaps fulfill our needs and allow us to properly deliberate the matter. If that annual report policy has since changed, please advise.

Sheriff Rupf, we welcome the opportunity to work with your office so that we can go forward in representing the residents of Discovery Bay and providing them with piece of mind that they a reasonably equitable return on their tax dollar. We owe it to the community to bring to them some level of transparency and we must remain vigilant in this difficult fiscal environment that we don't allow the resident deputy program to overrun revenue streams to the degree that is proposed here.

We ask that you work with us to improve the channels of communication and make available the information needed in a more timely manner so that the resident Deputy program does not suffer through unnecessary delays.

Feel free to contact me directly on what I can do to assist in that effort.

Sincerely,



Bob Mankin  
Chair, Discovery Bay P-6 Zone Citizen Advisory Committee

Cc: Mary N. Piepho, Supervisor, District III  
[Karyn.cornell@bos.cccounty.us](mailto:Karyn.cornell@bos.cccounty.us)  
David Twa, County Administrator  
Sharon L. Anderson, County Counsel  
Kevin Graves, President, Town of Discovery Bay CSD  
Lakeshore Residential Owners Association  
The Lakes Residential Owners Association

# Alamo Police District - Service Area P-2B

Balance Sheet  
Fund 265700, Dept. 7657, Org 7657

7/28/2010

8/2/2010

Assets:		2009-10		2010-2011	
0010	CASH	\$356,892.70		313,199.02	
0060	ADVANCE ON TAXES	\$0.00		136,201.62	
0100	ACCTS RECEIVABLE-YEAR END	\$2,836.33		(2,836.33)	
0160	ADVANCE ON SUPPLMTL TAXES	(\$365.32)		0.00	
0180	DUE FROM OTHR FNDS-YR END	\$88.85		(88.85)	
0210	INVESTMENTS	\$0.00			
0240	FUTURE LONG TERM DEBT REQ	\$12,932.88		0.00	
0250	PREPAID EXPENSE	(\$43,491.01)		32,560.14	
0340	EQUIPMENT	\$22,347.80	\$351,242.23	0.00	479,035.60
<b>Liabilities:</b>					
0500	ACCOUNTS PAYABLE-YEAR END	(\$11,736.52)		11,736.52	
0510	ACCOUNTS PAYABLE	\$0.00		0.00	
0540	DUE TO OTHER FUNDS-YR END	(\$2,319.89)		2,322.20	
0640	EMPLOYEE FRINGE BNFT PAY	(\$12,932.88)		0.00	
0660	DEPOSITS FROM OTHERS	(\$2,933.00)		0.00	
0690	INVESTMENT IN FIXED ASSET	(\$22,347.80)		0.00	
0710	RESERVE FOR ENCUMBRANCES	\$0.00		0.00	
0720	RES FOR VEHICLE REPLCMENT	(\$26,021.97)		0.00	
0740	BEGINNING FUND BALANCE	(\$285,621.70)		0.00	
0750	FUND BALANCE AVAILABLE	\$4,874.17	(\$359,039.59)	(356,892.70)	(342,833.98)
<b>Fund Balance:</b>					
0780	BUDGET CONTROL CUR YEAR	\$285,622.00		192,000.00	
0810	REVENUE	(\$210,878.93)		(136,201.62)	
0820	EXPENDITURES	\$218,676.29		0.00	
0910	ESTIMATED REVENUE	\$240,748.00		209,700.00	
0930	APPROPRIATIONS-CUR AND PR	(\$526,370.00)		(401,700.00)	
0940	ENCUMBRANCES	\$0.00	\$7,797.36	0.00	(136,201.62)

(\$0.00)

\$0.00

# Alamo Police District - Service Area P-2B

## Revenue Summary

Fund 265700, Dept. 7657, Org 7657

7/25/2010

Obj	Sub Obj	Description	2009-10			2010-11	
			Estimated Revenue	Adjustments	Received Year-to-Date	Estimated Revenue	Under(Over) Estimate
<b>Taxes:</b>							
9000	9010	Prop Taxes - Current Secured	137,000.00	0.00	135,526.20	1,473.80	
9000	9011	Prop Tax-Supplemental	1,000.00	0.00	1,805.47	(805.47)	(201.62)
9000	9013	Prop Tax-Unitary	1,300.00	0.00	1,490.72	(190.72)	1,000.00
9000	9020	Prop Tax - Current Unsecured	4,000.00	0.00	5,054.49	(1,054.49)	1,500.00
9100	9030	Prop Tax - Prior-Secured	(100.00)	0.00	(928.50)	828.50	4,500.00
9100	9031	Prop Tax-Supplemental	0.00	0.00	(1,082.91)	1,082.91	(500.00)
9100	9035	Prop Tax-Prior-Unsecured	100.00	0.00	73.12	26.88	0.00
9100	9066	Special Tax - Fire/Police	65,000.00	0.00	64,881.00	119.00	100.00
		<b>Total Taxes</b>	<b>208,300.00</b>	<b>0.00</b>	<b>206,819.59</b>	<b>1,480.41</b>	<b>65,000.00</b>
<b>Equipment:</b>							
8980	8982	Equip Replacement Release	0.00	21,148.00	0.00	21,148.00	
9800	9922	Sale of Equip	0.00	1,200.00	2,255.25	(1,055.25)	0.00
		<b>Total Equipment Revenue</b>	<b>0.00</b>	<b>22,348.00</b>	<b>2,255.25</b>	<b>20,092.75</b>	<b>0.00</b>
<b>Miscellaneous:</b>							
9000	9018	SRAF State Rev Transfers	0.00	0.00	0.00	0.00	
9300	9150	Vehicle Code Fines	100.00	0.00	183.55	(83.55)	0.00
9400	9181	Earnings on Investments	8,500.00	0.00	91.70	8,408.30	100.00
9500	9385	H/O Prop Tax Relief	1,500.00	0.00	1,521.75	(21.75)	500.00
9500	9580	Other In Lieu Taxes	0.00	0.00	7.09	(7.09)	1,500.00
		<b>Total Miscellaneous</b>	<b>10,100.00</b>	<b>0.00</b>	<b>1,804.09</b>	<b>8,285.91</b>	<b>2,100.00</b>
		<b>Total Revenue</b>	<b>218,400.00</b>	<b>22,348.00</b>	<b>210,878.93</b>	<b>29,869.07</b>	<b>73,498.38</b>



County of Contra Costa  
**Office of the Sheriff**  
Warren E. Rupf  
Sheriff

September 21, 2010

Bob Mankin, Chair  
Discovery Bay P-6-Zone Citizen Advisory Committee  
181 Sand Creek Road, Ste. L  
Brentwood, CA 94513

Dear Mr. Mankin:

Your letter of September 8, 2010, overly complicates some rather simple and straight forward relationships. You correctly write that your P-6 Zone Citizen Advisory Committee was "formed to advise the Board..." You also write, however, that your Committee's role is to help the Discovery Bay community "to understand they are receiving an equitable return for their tax dollars." Thereafter, you begin a debate on spending, terming our budgeting proposals "a deficit spending plan," and suggesting implicitly that with your assistance you could improve our policing plan. You say our use of funds is not "sound fiscal behavior." You request that we provide you with financial reports, claiming you need these to make a proper analysis and to develop appropriate advice, but I don't see where the lack of such information in any manner curbed your ability to criticize our financial determinations.

Reading through your requests or demands led me to question my memory as to the actual duties of the Discovery Bay P-6 Citizen Advisory Committee's purposes and role. Fortunately, I have kept a copy of your organizing document, Here, in full, is your authority:

"AUTHORIZE the formation of a P-6 Citizen Advisory Committee for Zones 500, 501, 502, 503 and 504 within the Discovery Bay area to make reports and recommendations to the Board of Supervisors on extended police protection services which shall include, but not be limited to, enforcement of the State Vehicle Code where authorized by law, crime prevention, and litter control."

First, I would like to point out that while you state that your Committee "was formed to advise the Board on issues relating to enhanced police services in the Town of Discovery Bay," you are in error. Your charge is limited to five specific P-6 Zones. Indeed, in the Committee's formative document, Supervisor Piepho writes that, "My recommendation limits the scope of the committee's review and advice to police service needs and the expenditure of P-6 revenues from Zones 500-504 and provides that the committee will make its recommendations and reports to the Board of Supervisors."

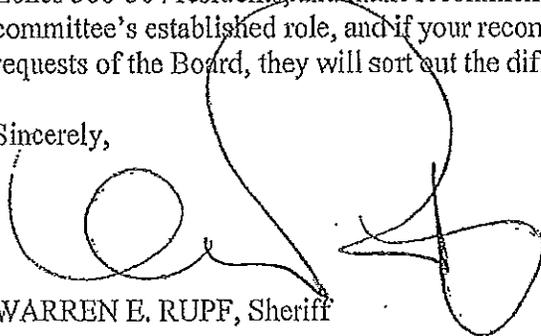
Bob Mankin  
September 21, 2010  
Page 2

With regards to our proposals, they were written and submitted on a timeline consistent with our understanding and directed to the County Administrator as is our practice. The County Administrator's staff has always had the discretion to voluntarily share the details of those transactions with whomever they choose. I have good reason to believe that even without public records act requests, they are often available to individual members of the Board of Supervisors.

With respect to your reference to the Alamo P-2B Police Services District, I offer that your on-going interest in taking on the appearance of a Polices Services District led our staff to ask for a zone funded sergeant, as is the case with P-2 B. (For those that may read this letter without the benefit of previous correspondence, P-6 Zones are not police services districts either in law or in practice.) We felt by making this request, we were being responsive to the stated interest of your committee.

Mr. Mankin, I also want what is best for Discovery Bay and I want transparency on all government business. I suggest that your committee gather input from Discovery Bay P-6 Zones 500-504 residents, and make recommendations to your supervisor per your committee's established role, and if your recommendations are in conflict with our requests of the Board, they will sort out the differences in public hearings.

Sincerely,



WARREN E. RUPF, Sheriff

WER:mw

cc: Mary Piepho, Supervisor, District III  
David Twa, County Administrator  
Kevin Graves, President, Discovery Bay Community Services District  
Lakeshore Residential Owners Association  
The Lakes Residential Owners Association

## Sheriff's Municipal Advisory Committee-Meeting Notes

September 16, 2010

- Meeting called to order by Undersheriff Daly at 11:32 AM.
- Group Introductions.
- Corrections/Additions to meeting notes, June 24, 2010:

Bob Mankin advised that at the last meeting, Undersheriff Daly reported that the P6 Zone revenue required for the proposed Sergeant position would eventually be available through approved parcels that were not yet generating revenue. Mankin stated that by his calculation, there would be a 28% shortfall in funding if all approved parcels were paying. Undersheriff Daly will provide an exact numbers for the next meeting.

- Undersheriff Daly did further research through the Community Development Department after the SMAC meeting. In addition to 613 approved parcels that are not yet built, the Pantages development has proposed 292 parcels and Newport Point has proposed 67 parcels.

**When these 972 parcels are built out and occupied, Discovery Bay P6 Zones will generate an additional \$194,000 per year.**

Group discussion about the use of the CAB reserve funds. The Sheriff advised Mankin to make the committee's recommendation to Supervisor Piepho.

- Lieutenant Burton gave a Discovery Bay activity report; specific discussion of a recent upsurge in residential burglaries, a recent drowning and a recent boat explosion. Further discussion of crime and arrest statistics.
- Group discussion:

Bob Mankin thanked the Sheriff and staff for increased enforcement activities.

Commander Pascoe reported back to Jeff Barber that all of our Marine Patrol vessels are equipped with PAS devices. The incident in question (from the June meeting) involved a San Joaquin County Marine Patrol vessel only because of a jurisdictional question. Once that was resolved, San Joaquin cleared.

Brian Dawson advised that it was a common community view that the Excelsior School Resources Officer was doing an excellent job, and we should do everything possible to find funding to keep the position past the expiration of the grant in November. Some discussion of grant funding sources and the possibility of using P6 Zone funds to augment the funding for that position.

Group discussion regarding the ongoing graffiti and loitering problems at Cornell Park. Additional discussion of the possibility of the CSD posting "hours of use" for the park. There is an historical problem with non-reporting or under reporting of activity at the park. The Sheriff suggested that if the CSD would publish the cost of repairs and replacement due to vandalism and the cost of police patrol, the community would become much more attentive to the problems.

- General group discussion.
- Next meeting set for Wednesday, November 17, 2010 @ 11:30 AM, at the Discovery Bay Steak House.
- Meeting adjourned at 12:18 PM.



County Supervisor Mary Nejedly Piepho, District III

CONTRA COSTA COUNTY BOARD OF SUPERVISORS

COMMITTEES

Internal Operations Committee

Delta Protection Commission

Transportation, Water &  
Infrastructure Committee

Tri Valley Transportation  
Committee

Local Agency Formation  
Commission

Central Contra Costa  
Solid Waste Authority

Airport Committee

Association of Bay Area  
Governments

Contra Costa Regional Medical  
Center Joint Services Committee

Dougherty Valley Oversight  
Committee

South West Area Transportation

November 10, 2010

Sheriff Warren E. Rupf  
Contra Costa County Sheriff-Coroner  
651 Pine Street, 7<sup>th</sup> Floor  
Martinez, CA 94533

RE: 2010/11 P-6 Zone Deployment Plan (San Ramon and Discovery Bay)

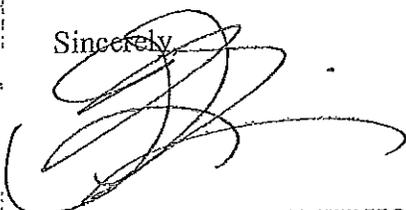
Dear Sheriff Rupf,

Absent community input and support for the P-6 Zone deployment plans (San Ramon and Discovery Bay) it is premature for the Contra Costa County Board of Supervisors to consider approval of these items.

It is my understanding the Discovery Bay P-6 Zone Community Citizen Advisory Committee has requested documentation regarding the proposals affecting their community prior to providing comments and I am unaware if the other areas have provided comments with regards to matters that would affect their communities.

Please feel free to contact my office at (925) 240-7260 regarding this or any future items.

Sincerely,

  
MARY NEJEDLY PIEPHO  
County Supervisor, District III

Cc: Sheriff-Elect David Livingston  
Bob Mankin, Chair, Discovery Bay P-6 Zone CAC  
Julie Enea, Contra Costa County Administrator Office

MNP: kc

To: Board of Supervisors  
From: Warren Rupf, Sheriff-Coroner  
Date: October 20, 2010



Contra  
Costa  
County

Subject: SHERIFF'S 2010/11 COUNTY SERVICE AREA P-6 ZONE DEPLOYMENT PLAN

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Sheriff-Coroner to expend funds from the County Service Area (CSA) P-6 Zone Central Administrative Base (CAB) Fund to provide extended police protection services in certain unincorporated county areas and partially fund the Sheriff's Helicopter Program.

**FISCAL IMPACT:**

100% County Service Area (CSA) P-6 Central Administrative Base (CAB) Fund (Fund No. 262900). Total costs of \$1,416,000; \$1,006,000 budgeted in 2010/11 and \$410,000 new allocation.

**TOTAL COMPENSATION IMPACT:** \$1,162,000 in total compensation; \$752,000 budgeted in 2010/11 and \$410,000 new allocation. Increase of total compensation of \$410,000; \$218,000 for one Sergeant to be assigned to Discovery Bay and \$192,000 for one Deputy Sheriff to be assigned to San Ramon West/Camino Tassajara area.

**PENSION IMPACT:** Of the \$410,000 allocation of new personnel costs, pension costs account for \$126,716; \$67,960 for the Sergeant and \$58,756 for the Deputy Sheriff. Note that this figure reflects the county's share of pension costs only.

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 11/09/2010

APPROVED AS RECOMMENDED

OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYES \_\_\_\_\_ NOES \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

RECUSE \_\_\_\_\_

Contact: Eileen Devlin,  
925-335-1557

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 9, 2010

David J. Twa, County Administrator and Clerk of the Board  
of Supervisors

By: , Deputy

cc:

**BACKGROUND:**

The Office of the Sheriff has reviewed the projected funding for County Service Area (CSA) P-6 Zones county-wide for fiscal year 2010/2011, and proposes the following expenditures:

**Discovery Bay:** Currently, CSA P-6 Zones in the Discovery Bay area generate \$541,000 per year. Costs for personnel currently assigned to Discovery Bay (2 Deputy Sheriffs and 1 Sheriff's Specialist) are \$469,000. We propose the addition of 1 Sergeant position, at a maximum cost of \$218,000. This addition is modeled after a service model in CSA P-2B(Alamo) and CSA P-5(Round Hill). The Sergeant will ensure that the existing personnel are scheduled and utilized for the maximum benefit of the community and will assist community representatives in planning and logistical requirements for a number of special events. The total personnel cost (less any overtime expended for the benefit of the community) allocated to the Discovery Bay would be a maximum of \$687,000.

This addition will require the expenditure of funds from the Community Administrative Base (CAB) fund. Discovery Bay zones currently have accumulated approximately \$1.8 million in reserve funding located in the CSA P-6 Central Administrative Base fund (Fund No. 262900).

**Bay Point:** Currently, CSA P-6 Zones in the Bay Point area generate \$145,000 per year. Costs for personnel assigned to Bay Point (1 Deputy Sheriff) are \$203,000. We propose no changes to P6 Zones expenditures for the Bay Point community in the current fiscal year.

This will require the expenditure of funds from the Community Administrative Base (CAB) fund. Bay Point zones currently have accumulated approximately \$1 million in reserve funding located in the CSA P-6 Central Administrative Base fund (Fund No. 262900).

**North Richmond/San Pablo:** Currently, CSA P-6 Zones in the North Richmond/San Pablo area generate \$62,433 per year. North Richmond/San Pablo zones partially fund 1 Deputy Sheriff at \$80,000 annually. We propose no changes to the CSA P-6 Zone expenditures for the North Richmond/San Pablo community in the current fiscal year.

This will require the expenditure of funds from the Community Administrative Base (CAB) fund. North Richmond/San Pablo zones currently have accumulated approximately \$230,000 in reserve funding located in the CSA P-6 Central Administrative Base fund (Fund No. 262900).

**Pacheco:** Currently, CSA P-6 Zones in the Pacheco area generate approximately \$54,000 per year. Costs to support a vehicle and other supplies for 1 Deputy Sheriff are \$54,000. We propose no changes to the CSA P-6 Zones expenditures for the Pacheco community in the current fiscal year.

This will require the expenditure of funds from the Community Administrative Base (CAB) fund. Pacheco zones currently have accumulated approximately \$220,000 in reserve funding located in the CSA P-6 Central Administrative Base fund (Fund No. 262900).

**San Ramon West/Camino Tassajara:** Currently, CSA P-6 zones in the San Ramon West/Camino Tassajara area generate \$231,508 annually. We are not currently expending these funds. We propose the addition of 1 Resident Deputy Sheriff position, at a maximum cost of \$192,000, in the San Ramon Valley, to focus on these communities.

**STARR 1 Helicopter Program:** As in past years, we will augment State Supplemental Law Enforcement Services Fund (SLESF) funding to operate the helicopter program without the use of County General Funds. Although the exact amount needed will not be known until the close of the fiscal year, we estimate the transfer of approximately \$200,000 for this purpose. This is due to the many revenue streams that fund the helicopter program.

The program that we have proposed for fiscal year 2010/2011 recognizes the fact that the County is in the midst of the worst budget crisis that it has ever faced. CSA P-6 zone revenues remain a valuable and underutilized resource to maintain vital law enforcement services countywide.

**CONSEQUENCE OF NEGATIVE ACTION:**

Negative action would result in the displacement of existing personnel assigned to the communities of Discovery Bay, Bay Point, North Richmond/San Pablo, and Pacheco. In addition, newly proposed personnel resources for the communities of Discovery Bay and San Ramon West/Camino Tassajara would not be deployed. The Sheriff's STARR 1 helicopter may have reduced flight hours depending on revenue streams from other sources.

**CHILDREN'S IMPACT STATEMENT:**

No Impact.

Please wait to print... saving Agenda Item Request Information.

To: Board of Supervisors  
From: Warren Rupf, Sheriff-Coroner  
Date: September 21, 2010



Contra  
Costa  
County

Subject: P300 NO. 20864: ADD ONE SERGEANT AND ONE DEPUTY SHERIFF

**RECOMMENDATION(S):**

ADOPT Position Adjustment Request No. 20864 to add one Sergeant (6XTA) (represented) position at salary level VHX-1835 (\$6,305-7,855) and one Deputy Sheriff (6XWA) (represented) position at salary level VHX-1688 (\$5,451-6,791) to the Field Operations Bureau-Patrol Division for assignment to the Discovery Bay and San Ramon West - Camino Tassajara areas, in the Office of the Sheriff.

**FISCAL IMPACT:**

Annual cost increase of \$410,000; 100% funded by County Service Area P-6, Central Administrative Base Fund.

**Total Compensation Impact:** Increase to total compensation of \$410,000; \$218,000 for the Sergeant and \$192,000 for the Deputy Sheriff.

**Pension Impact:** Of the \$410,000 annual increase to total compensation, pension costs account for \$126,716; \$67,960 for the Sergeant and \$58,756 for the Deputy Sheriff. Note that this figure reflects the county's share of pension costs only.

APPROVE	OTHER
RECOMMENDATION OF CNTY ADMINISTRATOR	RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 11/09/2010 APPROVED AS RECOMMENDED OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYES \_\_\_\_\_ NOES \_\_\_\_\_  
ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_  
RECUSE \_\_\_\_\_

Contact: Eileen Devlin,  
925-335-1557

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 9, 2010  
David J. Twa, County Administrator and Clerk of the Board  
of Supervisors

By: , Deputy

cc: T. MENA, Human Resources, Otilia Parra, Roxana Mendoza, Eileen Devlin

**BACKGROUND:**

This action item implements service level augmentations to the certain unincorporated communities that generate County Service Area P-6 zone revenue for fiscal year 2010/11. The Town of Discovery Bay will be assigned one Sergeant position and the unincorporated area of San Ramon-Camino Tassajara will be assigned one Deputy Sheriff position. This action is a companion to Item C.XX, which is being proposed on this agenda.

**CONSEQUENCE OF NEGATIVE ACTION:**

Service level enhancements will not be deployed to certain county unincorporated areas.

**CHILDREN'S IMPACT STATEMENT:**

No impact.

TOWN OF DISCOVERY BAY  
RECEIVED  
12-6-10

**TRANSPLAN COMMITTEE**  
**Antioch - Brentwood - Pittsburg - Oakley and Contra Costa County**

MINUTES  
June 10, 2010

The TRANSPLAN Committee meeting was called to order in the Tri Delta Transit Board Room, 801 Wilbur Avenue, Antioch, California by Chair Robert Taylor at 6:30 P.M.

**ROLL CALL**

PRESENT: Gil Azevedo (Antioch), Will Casey (Pittsburg), Jim Frazier (Oakley), Carmen Gaddis (Alternate, Contra Costa County Board of Supervisors), Federal Glover (Contra Costa County), Brian Kalinowski (Antioch), Bruce Ohlson (Pittsburg), Kevin Romick (Oakley), Duane Steele\* (Contra Costa County Planning Commission), Joe Weber (Brentwood), and Chair Robert Taylor (Brentwood)

ABSENT: None

STAFF: John Cunningham, TRANSPLAN Staff

\* Arrived after Roll Call

**PUBLIC COMMENT**

There were no comments from the public.

**CONSENT ITEMS**

On motion by Jim Frazier, seconded by Kevin Romick, TRANSPLAN Committee members unanimously adopted the following items under the Consent Calendar.

4. Adopted Minutes from May 13, 2010 TRANSPLAN meeting
5. Accepted Correspondence
6. Accepted Recent News Articles
7. Accepted Status Report on Major Projects

**INTRODUCTION OF RANDY IWASAKI, EXECUTIVE DIRECTOR – CONTRA COSTA TRANSPORTATION AUTHORITY (CCTA)**

John Cunningham, TRANSPLAN staff, noted that Robert McCleary had retired from the CCTA some months ago. He took this opportunity to introduce Randy Iwasaki, the new Executive Director of the CCTA, a former Caltrans Director and Chief Engineer.

Chair Taylor expressed his pleasure that the CCTA had been able to obtain Mr. Iwasaki given his talents and experience.

Randy Iwasaki commented that this would have been his 27<sup>th</sup> year with Caltrans. He expressed his appreciation for the receptions in his honor and stated that he had chosen to apply for the job given that the County was supportive of transportation and understood the tie between transportation and the economy. He commended CCTA staff and looked forward to working on the projects designated for the future. He recognized the responsibility of getting the most out of gas taxes and stated that he would do everything he could to advance transportation for East County.

Chair Taylor thanked Mr. Iwasaki for his attendance.

#### **VEHICLE REGISTRATION FEE (VRF) UPDATE**

Mr. Cunningham advised that a \$10 vehicle registration fee (VRF) that could generate up to \$8.5 million for transportation purposes in Contra Costa County had previously been discussed.

Hisham Noeimi, Engineering Manager of the CCTA, described the proposed ballot measure for a \$10 fee to improve transportation in East County. He explained that an Expenditure Plan Advisory Committee comprised of representatives of the Regional Transportation Planning Committees (RTPCs), transit operators and other stakeholders had met at the end of April to consider an Expenditure Plan which the TRANSPLAN Committee had reviewed at its May 13 meeting. Expenditure Plan options had been discussed by each RTPC. TRANSPLAN Committee members had unanimously supported a VRF Expenditure Plan of 80 percent for Local Road Improvement and Repair, 15 percent for Transit for Congestion Relief, and 5 percent for Pedestrian and Bicycle Access and Safety.

Since that time, Mr. Noeimi stated that the Expenditure Plan Advisory Committee had considered the recommendations from the RTPCs and had supported the percentages for the various activities, to vary by subregion. Adding the Expenditure Plan together he explained that there was 71 percent Countywide for Local Road Improvement and Repair, 21 percent for Transit for Congestion Relief, and 8 percent for Pedestrian and Bicycle Access and Safety, although the actual percentage would be based on the particular region. Once the revenues were secured, they would be divided by the four subregions based on the most current population data. He added that transit funds would go to each RTPC to decide which transit projects should get the funds.

Mr. Noeimi explained that a subcommittee of the Advisory Committee had discussed a requirement for compliance with the Growth Management Program, which all cities had to meet, so that requirement would not represent an extra burden.

Following the meeting, Legal Counsel had advised that would jeopardize the legality of the measure. As such, that provision had not been included in the Expenditure Plan.

Another provision had sought to include pedestrian/bicycle consideration with every road project, if applicable. The language had been crafted and an agreement had been reached. The language would impose no additional burden to the cities.

With those two provisions, a draft Expenditure Plan had been presented to the CCTA's Administration and Projects Committee on June 3. The draft Expenditure Plan would be presented to the full CCTA Board on June 16, with final approval at its next meeting. A funding estimate for each city by region had been included in the staff report.

Jim Frazier asked how often the calculations would be done by population, reported by Mr. Noeimi that the Expenditure Plan indicated that the most current available population data would be used.

In response to Mr. Frazier with respect to the administration fee, Mr. Noeimi advised that fee could be up to 5 percent. What had been proposed was to take the actual cost for administration which could be no more than 5 percent. He added that total could not be estimated at this point, but if it ended up at 1 percent that would be the cost and the remainder of the funds would be distributed to the regions. He reminded the Committee that the administration cost would pay for the \$1 million election cost and the cost of the consultant assisting with the Expenditure Plan.

Joe Weber questioned whether or not the VRF fee was intended to backfill the losses associated with Measure J, to which Mr. Noeimi clarified that in Contra Costa County alone over the next 25 years there would be a \$25 million shortfall on pavement projects with no recession or other challenge. As a result, additional sources were needed to attempt to fill that gap and the \$10 fee would help address that need. He did not think the intention was to backfill the reduction in return to source funds; it was to help every city to recover what it needed to fund transportation projects.

In response to Mr. Weber as to whether or not there would be a sunset to the VRF fee similar to the sunset associated with Measure J, Mr. Noeimi stated that there had been a discussion of sunset provisions. The Board had indicated that since it was such a small amount it was preferred to apply in perpetuity rather than to include a sunset date. While discussed, the direction had been not to include a sunset unless it was required. He also explained when asked by Mr. Weber, that while the fees could be drawn back based on zip code, what had been determined was that the DMV aggregated zip codes from the unincorporated areas into the cities. As a result, there is no capability to distribute funds to the County. As such, the proposal had not considered a distribution by zip code.

Gil Azevedo asked if there was any data on the percentage of the total cost of road projects ending up being sidewalk and other repair, to see if the numbers were realistic.

Mr. Noeimi did not have that information and suggested the cities would be the best source of that information.

Bruce Ohlson verified with Mr. Noeimi that Measure J indicated that return to source funds could be used for sidewalks and bike lanes. He also verified that the VRF funds would be applied in the same manner.

Mr. Noeimi referred to the staff report to advise that the funds could be used for bicycles, pedestrians, signs and striping for bike lanes, sidewalk installation and repair, bus stop improvements and the like. That flexibility had been built into the description of each category to ensure the ability to use the money for all forms of transportation.

Brian Kalinowski suggested that the unknown quantity over time and the infinite timeline could create problems. He suggested therefore there needed to be a sunset of the VRF at some point in the future.

Mr. Noeimi clarified that \$10 was the maximum able to be imposed under SB 83 unless that legislation was modified in the future.

Chair Taylor urged caution in that the public was cautious and the marketing of the fee would have to be strongly identified as a return to source fee. He was leery of the ability to approve the fee in the current climate, particularly given that there was also a proposed \$18 fee for State Parks to be placed on the ballot.

Mr. Kalinowski added that the Antioch Unified School District and the City of Antioch would also have a tax on the ballot, which would further complicate the proposal.

Mr. Noeimi explained that the polling had taken other ballot measures into consideration. The 54 percentage support from that polling had assumed other competing ballot measures. The \$18 proposed fee for parks had been tested prior to consideration of the \$10 proposed transportation fee, although there had been no discussion of the Expenditure Plan itself.

Chair Taylor stated that how it was on the ballot would decide how people would vote for the measure. He also wanted to emphasize that the State could not take those funds and that the funds would remain in Contra Costa County.

**DISCUSS, REVISE (AS APPROPRIATE), AND APPROVE, THE 2010/2011 WORK PROGRAM AND BUDGET, AND RECEIVE PRELIMINARY REPORT ON 2009/2010 BUDGET**

Mr. Cunningham presented the proposed Work Program and Budget and highlighted the standing items for TRANSPLAN staff. He noted the several projects and programs and explained that the proposed budget for next year was slightly less than last year.

Mr. Cunningham added that he had spoken with TRANSPLAN members from all jurisdictions and there were no reported problems with the budget.

On motion by Federal Glover, seconded by Joe Weber, TRANSPLAN Committee members unanimously approved the 2010/2011 Work Program and Budget and received the Preliminary Report on the 2009/2010 Budget.

**ACCEPT STAFF OR COMMITTEE MEMBERS' REPORTS**

Joe Weber asked for a report from the County or the CCTA as to the condition of eastbound Highway 4 at the Willow Pass Grade given the deterioration of Lanes 3, 4 and 5. He suggested they were not safe.

Susan Miller of the CCTA advised that she would talk to Caltrans. She noted that there was an historic slide at that site. She would bring a report back to the TRANSPLAN Committee.

**ADJOURNMENT**

With no further business to come before the TRANSPLAN Committee, Chair Taylor adjourned the meeting at 7:15 P.M. to July 8, 2010 at 6:30 P.M. or other day/time as deemed appropriate by the Committee.

Respectfully submitted,

Anita L. Tucci-Smith  
Minutes Clerk

12-6-10

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

**A JOINT EXERCISE OF POWERS AGENCY**

**MINUTES**  
November 18, 2010  
**\*\*Special Meeting\*\***

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Oakley City Council Chambers by Chair Jim Frazier at 6:00 P.M.

**ROLL CALL**

**PRESENT:** Chair Jim Frazier (Oakley), Brian Kalinowski (Antioch) and Bob Taylor (Brentwood)

**ABSENT:** Federal Glover (Contra Costa County),

**STAFF:** Dale Dennis, Program Manager

**CLOSED SESSION**

Chair Frazier adjourned into closed session at 6:01 P.M.

- A. Conference with Legal Counsel – Pending litigation pursuant to Government Code §54954.2(a): One case. City of Brentwood vs. Peter C. Landgraf, et. al., Contra Costa County Superior Court Case #MSC08-01723

Chair Frazier reconvened from closed session at 6:20 P.M. and advised that there was nothing to report.

**PUBLIC COMMENT**

There were no comments from the public.

**CONSENT ITEMS**

On motion by Director Kalinowski, seconded by Director Taylor, the Authority unanimously adopted the Consent Items, as follows:

- A. APPROVE minutes of October 14, 2010 meeting.
- B. APPROVE an amendment to the Consulting Services Agreement with PB Americas in the amount of \$20,047, for a not to exceed amount of \$6,429,170, to complete archeological services related to improvements being constructed on Marsh Creek Road by a developer under an Authority-issued encroachment permit, and AUTHORIZE the Secretary or designee to sign the amendment on behalf of the Authority. (All costs are reimbursable by the developer through an inspection deposit.)

DETERMINATION ITEMS

A. RECEIVE Status Report on the SR4 Bypass Projects.

Mr. Dennis provided a status report on the progress of the delivery of phase one and phase two of the SR4 Bypass, as well as a status of the transfer and relinquishment of the SR4 Bypass to Caltrans.

BOARDMEMBER COMMENTS

There were no Boardmember comments.

CORRESPONDENCE

There was no correspondence.

ADJOURNMENT

With no further business to come before the State Route 4 Bypass Authority, Chair Frazier adjourned the meeting at 6:25 P.M. to the next meeting scheduled for December 9, 2010.

CLAMP OF DISCOVERY BAY  
RECEIVED  
12-6-10



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
651 Pine Street, Sixth Floor • Martinez, CA 94553-1229  
e-mail: LTexte@lafco.cccounty.us  
(925) 335-1094 • (925) 646-1228 FAX

December 6, 2010

**TO:** Each Board Member and General Manager of Each Independent Special District  
in Contra Costa County

**FROM:** Lou Ann Texeira, LAFCO Executive Officer

**SUBJECT:** **Announcement of Upcoming Special District Vacancy on LAFCO, Call for  
Nominations and for Names of Voting Delegates**

This is to advise all independent special districts of a vacant special district regular seat on the Contra Costa Local Agency Formation Commission (LAFCO) created by the departure of David Piepho. We are seeking nominations to fill the unexpired term on LAFCO ending May 7, 2012.

Pursuant to Government Code Section 56332 and the Procedures for the Special District Selection Committee, both of which are enclosed, I am announcing the election and calling for nominations for the vacancy to be submitted to the LAFCO office by January 5, 2011.

The following summarizes the process.

Selection Committee: The Independent Special District Selection Committee (ISDSC) consists of the presiding officer (or his/her designee) of the legislative body of each independent special district. This group appoints the special district members of LAFCO.

Attached please find the current roster of the ISDSC, which was used in conjunction with the April 2010 election. Please review and provide us with any updates. For those who did not previously respond, please provide us with the name of your District's presiding officer or designee (must be a board/trustee member). Please respond by **January 5, 2011**.

Nominations: Each candidate must be nominated by a Special District Board resolution and must be a board member/trustee of an independent special district. The nomination should include the name of the nominee and the district they serve. The nominating resolution must be submitted to LAFCO by the deadline of **January 5, 2011**. Each independent special district is entitled to nominate a maximum of one board member.

In accordance with established Procedures for the Special District Selection Committee, nominations (by Board resolution) may be made from the floor during the Selection Committee meeting, *but only if no prior nominations by resolution were submitted by any of the independent special districts.*

Election Procedures: A publicly noticed meeting of the Independent Special District Selection Committee is scheduled for Monday, January 24, 2011 at 10:00 a.m. in conjunction with the quarterly meeting of the Contra Costa Special Districts Association, to be held at the Pleasant Hill Community Center, 320 Civic Drive in Pleasant Hill.

Prior to the meeting, a list of candidates and nominating resolutions will be sent to each special district.

Official ballots will be distributed at the meeting on January 24. Please ensure that the presiding officer/designated alternate for your district attends this meeting. *Without a quorum of Independent Special Districts no action can be taken at the meeting to fill the vacancy.* Only the presiding officer, or his/her Board designee can vote; staff members/counsel are not authorized to vote.

Prior to or at the election meeting, eligible nominated candidates may circulate a statement of qualifications. At the Selection Committee meeting, each candidate will be given an opportunity to make a brief presentation to the Selection Committee.

Majority Vote: For the Selection Committee to transact business on January 24, a quorum (50% plus one) of independent special districts must be present. I encourage presiding officers to attend; but if they cannot, please authorize another member of the governing board to attend the meeting.

Obligation to Serve on LAFCO: The Commission typically meets monthly on the second Wednesday. Meetings start at 1:30 p.m. and are generally over before 5:00 p.m. Most meetings are held in the County Administration Building in Martinez. A packet of materials to review for each meeting is distributed to Commissioners approximately one week prior to the meeting.

The Commission consists of two city members, two county members, two special district members and one public member, and an alternate member in each category. Alternates generally attend Commission meetings, participate in the deliberations and vote when a regular member in their category is absent or excused from voting.

Please contact the LAFCO office if you have any questions or need additional information.

c: Each Member of the Commission

**CONTRA COSTA COUNTY SPECIAL DISTRICTS**  
**Procedures for the Special District Selection Committee**  
**(Revised January 2010)**

The California Government Code, specifically Section 56332, sets forth requirements for the Independent Special Districts Selection Committee ("Selection Committee"). The procedures contained herein are intended to supplement the code and provide local rules relating to the selection of special district members to the Contra Costa Local Agency Formation Commission (LAFCO).

Selection Committee Purpose

The purpose of the Selection Committee shall be to appoint the regular and/or alternate special district members to the Contra Costa LAFCO whenever a term expires or a vacancy exists for the regular or alternate special district member seats. The term of office of each LAFCO member shall be four years and until the appointment and qualification of his or her successor (Gov. Code §56334).

Selection Committee Membership

The Selection Committee shall be comprised of the presiding officer of the legislative body of each independent special district. If the presiding officer is unable to attend a Committee meeting, the district may appoint one of its other members to attend the meeting (Gov. Code §56332).

Selection Committee Meetings

The LAFCO Executive Officer shall notify all independent special districts of a vacancy or impending vacancy in the position of regular or alternate special district member and shall schedule a meeting of the Selection Committee.

To the extent possible, Selection Committee meetings shall be scheduled in conjunction with meetings of the Contra Costa Special Districts Association as a convenience to members and for efficiency.

The Executive Officer shall provide a schedule to submit nominations to all independent special districts prior to the Selection Committee meeting.

All meetings of the Selection Committee shall be open meetings and comply with all applicable provisions of the Ralph M. Brown Act.

Quorum

Each presiding officer (or appointed alternate board member) attending the Selection Committee meeting shall be required to register their attendance. Members representing a majority of the eligible districts shall constitute a quorum for the conduct of the Selection Committee business. No meeting shall be convened prior to establishing a quorum. The Committee shall act by majority vote of the quorum, or if more than a quorum is present at the meeting, by majority vote of those members present.

Nomination Procedures

Members of governing boards of independent special districts may be nominated to serve as a regular or alternate special district member of the Contra Costa LAFCO (Gov. Code §56332).

Each independent special district shall be entitled to nominate a maximum of one board member per vacancy (i.e., for each regular and each alternate seat) from any district. Districts are required to make nominations by adoption of a Board resolution.

Upon selection of a nominee, the presiding officer of the district shall provide written notification of the nomination, including a copy of the Board resolution, to the LAFCO Executive Officer.

All nominations received in sufficient time prior to a Selection Committee meeting will be copied and distributed to the presiding officer of each independent special district.

Nominations may be made from the floor at the Selection Committee meeting, but only if no prior nominations by resolution were submitted by any of the independent special districts.

#### Balloting Process

Each nominee will be afforded an opportunity to make a brief statement (maximum of five minutes) at the Selection Committee meeting. Following these presentations, members of the Selection Committee may discuss the appointment prior to the vote being taken.

Nominees shall be selected based on the following process:

- A ballot listing all known nominees shall be prepared and copied for the meeting. Each ballot shall have opposite the nominee's name a box to record the vote. In the event that no prior nominations by resolution are submitted, a ballot containing blank lines to vote for nominees who are put forth from the floor at the Selection Committee meeting shall be distributed at the meeting.
- Each ballot shall have a line for the name of the special district that is casting the vote and a line for the name of the voting delegate. The ballot will not be counted if the name of the special district and voting delegate are not included.
- After votes are tallied, each delegate's vote will be announced during the meeting.

#### Selection of LAFCO Members

The person selected to serve shall have received a majority of the votes cast in the election.

If there are more than two nominees for a single seat and no individual receives the majority of the total votes cast in the first ballot there shall be a run-off election between the two nominees who received the greatest number of votes.

If there are only two nominees for a single seat and each receives an equal number of votes, the selection to serve on LAFCO shall be done by a "straw draw" unless one of the two candidates chooses to relinquish the position.

If, as a result of an election, the Alternate Special District member on LAFCO is chosen as a Regular Special District Member, another election shall be held at a subsequent Selection Committee meeting to fill the new vacancy in the Alternate Member position.

#### Alternate Nominating and Balloting Process

In the event that the LAFCO Executive Officer determines that securing a quorum of Selection Committee members for a meeting is not feasible, the Executive Officer may conduct the business of the Selection Committee in writing (Gov. Code §56332).

**Government Code Section 56332.** (a) The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. However, if the presiding officer of an independent special district is unable to attend a meeting of the independent special district selection committee, the legislative body of the district may appoint one of its members to attend the meeting of the selection committee in the presiding officer's place. Those districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll. Each member of the committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer. Members representing a majority of the eligible districts shall constitute a quorum.

(b) The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held under one of the following circumstances:

**(1) Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the committee,**

**(2) Whenever a vacancy exists among the members or alternate \*\*\* member representing independent special districts upon the commission.**

**(3) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.**

(c) (1) If the executive officer determines that a meeting of the special district selection committee, for the purpose of selecting the special district representatives or for filling a vacancy, is not feasible, the executive officer may conduct the business of the committee in writing, as provided in this subdivision. The executive officer may call for nominations to be submitted in writing within 30 days. At the end of the nominating period, the executive officer shall prepare and deliver, or send by certified mail, to each independent special district one ballot and voting instructions. If only one candidate is nominated for a vacant seat, that candidate shall be deemed selected, with no further proceedings.

(2) As an alternative to the delivery by certified mail, the executive officer, with the prior concurrence of the district, may transmit the ballot and voting instructions by electronic mail, provided that the executive officer shall retain written evidence of the receipt of that material.

(3) The ballot shall include the names of all nominees and the office for which each was nominated. The districts shall return the ballots to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballots to the districts.

(4) If the executive officer has transmitted the ballot and voting instructions by electronic mail, the districts may return the ballots to the executive officer by electronic mail, provided that the executive officer retains written evidence of the receipt of the ballot.

(5) Any ballot received by the executive officer after the specified date is invalid. The executive officer shall announce the results of the election within seven days of the specified date.

(d) The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed special district officers residing within the county but shall not be members of the legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. The representation by a regular district member who is a special district officer shall not disqualify, or be cause for disqualification of, the member from acting on a proposal affecting the special district. The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the district of which the member is a representative.

(e) If the office of a regular district member becomes vacant, the alternate member may serve and vote in place of the former regular district member until the appointment and qualification of a regular district member to fill the vacancy.

**(f) For purposes of this section, "executive officer" means the executive officer or designee as authorized by the commission. (Amended by Stats. 2010, Ch. 47)**

## SPECIAL DISTRICT SELECTION COMMITTEE 2011 ELECTION SCHEDULE

<u>Date</u>	<u>Task</u>
12/6/10	Send letter announcing vacancy and election schedule, call for nominations and names of voting delegates
12/27/10	Send notice of Special District Selection Committee meeting to newspapers (for publication on 1/3/11)
1/5/11	Deadline for submitting names of voting delegates and nominating resolutions
1/6/11	Send meeting reminder and list of candidates and nominating resolutions to each independent special district
<u>1/24/11</u>	<u>Conduct election in conjunction with CCSDA meeting</u>
1/31/11	Transmit election results (within 7 days of election by statute)

DISTRICT	NAME	TITLE	ALTERNATE
ALAMO-LAFAYETTE CEMETERY DIST	Primo Facchini	BOARD PRESIDENT	Primo Facchini
AMBROSE REC & PARK DIST	Judy Dawson	BOARD CHAIR	
B-B-K-U CEMETERY DIST	Carlos Tabarini	BOARD DIRECTOR	
BETHEL ISLAND MID	Marquerite Lawry	BOARD PRESIDENT	
BYRON SANITARY DISTRICT	Lee Cummings	BOARD DIRECTOR	Mike Nisen, Danny Hamby, Randy Knaus
CENTRAL CONTRA COSTA SANITARY DIST	Michael R. McGill	BOARD PRESIDENT	Jerry Lucey
CONTRA COSTA MOSQUITO & VECTOR CONTROL	Jim Fitzsimmons	BOARD PRESIDENT	
CONTRA COSTA RESOURCE CON DIST	Igor Skaredoff	BOARD PRESIDENT	
CONTRA COSTA WATER DISTRICT	John Burgh	BOARD DIRECTOR	
CROCKETT COMMUNITY SERVICES	Patrick Glover	BOARD DIRECTOR	
DIABLO CSD			
DIABLO WATER DISTRICT	Edward Garcia	BOARD DIRECTOR	
TOWN OF DISCOVERY BAY CSD	Kevin Graves	BOARD PRESIDENT	
EAST CONTRA COSTA IRRIGATION DIST	Glenn Stonebarger	BOARD PRESIDENT	Mark Dwelly
GREEN VALLEY REC & PARK DIST	Blythe Soria	BOARD DIRECTOR	
IRONHOUSE SANITARY DIST	Lenny Byer	BOARD PRESIDENT	Michael Painter
KENSINGTON FIRE PROTECTION DISTRICT	Nina Harmon Ramsey	PRESIDING OFFICER	
KENSINGTON POLICE PROT & CSD	Chuck Toombs	BOARD PRESIDENT	
TOWN OF KNIGHTSEN CSD	Linda Weekes	BOARD DIRECTOR	
LOS MEDANOS HEALTHCARE DIST	Darnell Turner	BOARD PRESIDENT	
MORAGA-ORINDA FIRE PROTECTION DIST	John Wyro	BOARD DIRECTOR	
MT. DIABLO HEALTHCARE DIST			
MT. VIEW SANITARY DIST	Stan Caldwell	BOARD PRESIDENT	
PLEASANT HILL REC & PARK DIST	Sherry Sterrett		Dennis Donaghu
RECLAMATION DIST (RD) 799			
RD 800			
RD 830	Tom Williams	BOARD PRESIDENT	
RD 2024			
RD 2025	David Forkel	Chairman	
RD 2026	David Forkel	Chairman	
RD 2059			
RD 2065	Coleman Foley	BOARD PRESIDENT	Baldocchi Jr. or Sr.
RD 2090			
RD 2117			
RD 2121			
RD 2122			
RD 2137			
RODEO-HERCULES FIRE PROTECTION DIST	Bill Prather	DIRECTOR	
RODEO SANITARY DISTRICT	Barbara Russey	DIRECTOR	
ROLLINGWOOD-WILART REC & PARK DIST			
SAN RAMON VALLEY FIRE PROTECTION DIST	Malt Stamey	BOARD DIRECTOR	
STEGE SANITARY DISTRICT	Al Miller	BOARD DIRECTOR	
WEST CONTRA COSTA HEALTHCARE	Eric Zell	BOARD TREASURER	
WEST COUNTY WASTEWATER DIST	Paul Soltow	BOARD PRESIDENT	