



TOWN OF DISCOVERY BAY

Resolution No. 2003-01

RESOLUTION CONCERNING THE TOWN OF DISCOVERY BAY WATER TREATMENT/STORAGE ADMINISTRATIVE BUILDINGS

WHEREAS, the Town of Discovery Bay ("Town"), in compliance with California Government Code 65402 and 53091, having determined that the general plan and zoning ordinance of the County of Contra Costa does not apply to the location of the water treatment facilities, including the water treatment/storage administrative buildings, water treatment facility storage tanks on that certain property located at 1800 Willow Lake Road, such determination having occurred by action of the Board on November 25, 2000 and such facilities already been located; and

WHEREAS, the town of Discovery Bay, pursuant to California Government Code 53096, has held a public hearing concerning the location of the water treatment/storage administrative buildings; and

WHEREAS, notice of the public hearing has been mailed to all property owners within 300 feet of the property in accordance with California Government Code 53096;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Town of Discovery Bay as follows:

1. The Board finds that there is no feasible alternative to the location of the facilities including the water treatment/storage administration buildings and the zoning ordinance of the County of Contra Costa is inapplicable to the use of the property by the Town of Discovery Bay as described.

PASSED AND ADOPTED by the Board of Directors of the Town of Discovery Bay, at their regular meeting thereof, held on May 21, 2003, by the following vote:

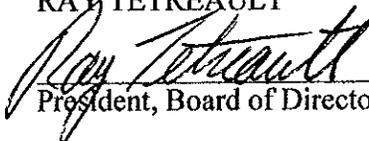
AYES: 4

NOES: 0

ABSTENTIONS: 0

ABSENT: 1

RAY TETREAULT



President, Board of Directors

ATTEST:



Secretary, Board of Directors

SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held on Tuesday, the 4th day of November, 2003. The purpose of the election is to choose 2 member(s) of the board of directors of the District.
2. This district board hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the district, as provided in Elections Code 10400.
3. The district will reimburse the county for the actual cost incurred by the county elections official in conducting the general district election upon receipt of a bill stating the amount due as determined by the elections official.
4. The district has determined that the Candidate will pay for the Candidate's Statement. The Candidate's Statement will be limited to 200 words.
5. The district directs that the County Registrar of Voters of the principal county publish the notice of election in a newspaper of general circulation that is regularly circulated in the territory.

PASSED AND ADOPTED by the Board of Directors of the Town of Discovery Bay, at their regular meeting thereof, held on May 21, 2003 by the following vote:

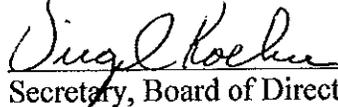
AYES: 4
NOES: 0
ABSTENTIONS: 0
ABSENT: 1

RAY TETREAULT



President, Board of Directors

ATTEST:



Secretary, Board of Directors



TOWN OF DISCOVERY BAY

Resolution No. 2003-02

RESOLUTION ORDERING ODD-YEAR BOARD OF DIRECTORS ELECTION; CONSOLIDATION OF ELECTIONS; AND SPECIFICATIONS OF THE ELECTION ORDER

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

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

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

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

WHEREAS, Elections Code Section 12112 requires the elections official of the principal county to publish a notice of the election once in a newspaper of general circulation in the district;

NOW, THEREFORE, IT IS ORDERED that an election be held within the territory included in this district on the 4th day of November, 2003, for the purpose of electing members to the board of directors of said district in accordance with the following specifications:

Commission 198 Cal.App. 3d 480, in that there is no physical change to the environment, there is not anticipated to be, nor is it reasonably foreseeable there will be, any construction or physical change to the environment caused by activation of the latent power, and such activation neither accommodates nor presages a change in the type or extent of use of the land involved, because the dry levee has already been constructed, and Contra Costa County has already given approval for the construction of the Lake's Project.

2. A public hearing, as required by Government Code § 56824.12, was held on April 02, 2003.
3. The Board hereby adopts the Maintenance Plan, which is the same as for the Lakeshore Project.
4. The Board hereby adopts the Plan of Services, which a copy is at the District's office.
5. The Board finds that this proposal is consistent with the sphere of influence of the Town.
6. The Board states that the reason for this proposal is to aid the residents of the Town.
7. The Board hereby requests that the Contra Costa County Local Agency Formation Commission review and approve the exercise by the Town of Discovery Bay, a Community Services District, of the functions specified in California Government Code § 61000(q).
8. The General Manager and Attorney of the Town are hereby authorized and directed to make such filings and execute such documents as may be required to carry out the intent of this Resolution.

PASSED AND ADOPTED by the Board of Directors of the Town of Discovery Bay, at their regular meeting thereof, held on June 04, 2003, by the following vote:

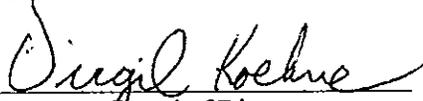
AYES: 5
NOES: 0
ABSTENTIONS: 0
ABSENT: 0

RAY TETREAULT



Chair, Board of Directors

ATTEST:



Secretary, Board of Directors



TOWN OF DISCOVERY BAY

RESOLUTION NO. 2003-03

RESOLUTION OF APPLICATION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY, A COMMUNITY SERVICES DISTRICT (TOWN) REQUESTING THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO) APPROVE THE MODIFICATION OF EXISTING SERVICE BY THE TOWN

WHEREAS, the Hofmann Land Development Co., Inc., a California Corporation, herein called "Developer", pursuant to that certain condition of approval number 44.E.4.a. on the rezoning approval approved by Contra Costa County on July 9, 1996, (Application # 2963-RZ), has constructed a dry levee in the Lakes Project (also known as Discovery Bay West Village III & IV); and

WHEREAS, Developer has determined that the inspection and maintenance of that dry levee will be performed by a homeowners' association, but has been informed by the Federal Emergency Management Agency (FEMA) that, in order to revise the Flood Insurance Rate Map for the "Lake's" Project, a governmental agency must assume ultimate authority for the maintenance of the dry land levee; and

WHEREAS, Developer has requested of Town that Town assume such ultimate authority, and has proposed a method of financing Town's cost in doing so by preparing a First Amendment to the Declaration of Covenant, Conditions and Restrictions of the "Lake's", a Planned Development Project, Tract 8570 (CCRs), which provides that the homeowners' association shall pay all such costs, and if it shall not, the Town shall have the right to impose liens for such costs on the Lots subject to the CCRs; and

WHEREAS, FEMA requires that an officially adopted maintenance plan be prepared; and

WHEREAS, Developer has prepared such a plan, entitled Levee Operation, Inspection and Maintenance Manual for the "Lake's", a Planned Development Project Discovery Bay West Village III & IV (the Maintenance Plan); and

WHEREAS, the Board of Supervisors of Contra Costa County has approved the exercise by Town of the power specified in California Government Code § 61600(q), the exercise of which has previously been approved by the voters of the Town; and

WHEREAS, this proposal to exercise the functions specified in Government Code § 61000(q) is made pursuant to Division 3, Part 1 of the California Government Code;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board finds and certifies as lead agency pursuant to the California Environmental Quality Act (CEQA), that activation of the voter – approved power to construct, maintain, and operate flood protection works and facilities, as set forth in California Government Code § 61600(q) (the "latent power") is not a project subject to CEQA, pursuant to the standards expressed in Simi Valley Recreation and Park District v. Local Agency Formation Commission (1975) 51 Cal.App. 32 648 and City of Agoura Hills v. Local Agency Formation

Section 2. Fifth Amended JPA Agreement. The Amended JPA Agreement, proposed to be executed and entered into by and between the District and members of the Special District Risk Management Authority, in the form presented at this meeting and on file with the District Secretary, is hereby approved. The District Board President, Ray Tetreault and Authorized Officers ("The Authorized Officers") are hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver to the Authority the Amended JPA Agreement in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Programs Participation. The district board of directors approves participating for three full program years in Special District Risk Management Authority Property and Liability Program.

Section 4. Other Actions. The Authorized Officers of the Town of Discovery Bay are each hereby authorized and directed to execute and deliver any and all documents which is necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the Board of Directors of the Town of Discovery Bay, at their regular meeting thereof, held on September 3, 2003, by the following vote:

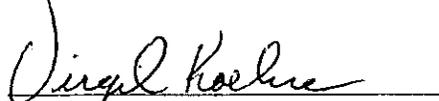
AYES: 5
NOES: 0
ABSTENTIONS: 0
ABSENT: 0

RAY TETREAULT



Chair, Board of Directors

ATTEST:



Secretary, Board of Directors



TOWN OF DISCOVERY BAY

RESOLUTION NO. 2003-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY, A COMMUNITY SERVICES DISTRICT APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A FIFTH AMENDED JOINT POWERS AGREEMENT AND PARTICIPATION IN THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY PROPERTY AND LIABILITY PROGRAM

WHEREAS, the Town of Discovery Bay, a community services district duly organized and existing under and by virtue of the laws of the State of California (the "District"), has determined that it is in the best interest and to the advantage of the District to participate for at least three years, in the property and liability program commencing July 1, 2003, offered by the Special District Risk Management Authority (the "Authority"); and

WHEREAS, California Government Code Section 6500 *et seq.*, provides that two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, Special District Risk Management Authority was formed in 1986 in accordance with the provisions of California Government Code 6500 *et seq.*, for the purpose of providing its members with risk financing and risk management programs; and

WHEREAS, California Government Code Section 990.4 provides that a local public entity may self-insure, purchase insurance through an authorized carrier, or purchase insurance through a surplus lines broker, or any combination of these; and

WHEREAS, participation in Special District Risk Management Authority programs requires the District to execute and enter into a Fifth Amended Joint Powers Agreement (the "Amended JPA Agreement"); which states the purpose and powers of the Authority; and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the District is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Findings. The Board hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Discovery Bay Community Services District adopts the Mitigated Negative Declaration as presented as well as the findings made in support thereof, subject to implementation of the Mitigation Monitoring Program.

2. Effective Date: This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the Board of Directors of the Town of Discovery Bay, at their regular meeting thereof, held on September 3, 2003, by the following vote:

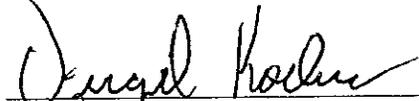
AYES: 5
NOES: 0
ABSTENTIONS: 0
ABSENT: 0

RAY TETREAULT



President, Board of Directors

ATTEST:



Secretary, Board of Directors



**TOWN OF DISCOVERY BAY
RESOLUTION NO. 2003-05**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY, A COMMUNITY SERVICES DISTRICT
ADOPTING A MITIGATED NEGATIVE DECLARATION AND FINDINGS AND
MITIGATION MONITORING PROGRAM FOR THE DISCOVERY BAY
WASTEWATER TREATMENT PLANT UPGRADE**

WHEREAS, the Town of Discovery Bay Community Services District is proposing to expand its wastewater treatment plant; and

WHEREAS, the project has been reviewed pursuant to the provisions of the California Environmental Quality Act, Public Resources Code § 21000, et seq. and a Mitigated Negative Declaration has been prepared in connection with the project; and

WHEREAS, a copy of the Mitigated Negative Declaration is on file at the office of the Town of Discovery Bay Community Services District located at 1800 Willow Lake Road, Discovery Bay, California; and

WHEREAS, the Mitigated Negative Declaration was circulated for public review on July 30, 2003, and the public comment period ended on August 28, 2003.

WHEREAS, no comments were received by the close of the public comment period.

WHEREAS, based on the Mitigated Negative Declaration, there will be no significant environmental effects as a result of this project; and

WHEREAS, the Board makes the following findings in support of the Mitigated Negative Declaration:

1. The Board finds that in light of the whole record, there is no substantial evidence, which would support a fair argument that the Project with mitigation would have a significant effect on the environment.
2. The project may result in some minor effects on the environment as outlined in the Initial Study. However, the Board finds that those effects will be mitigated by implementation of the attached Mitigation Monitoring Program, and therefore reduce all environmental effect to a less than significant level.



TOWN OF DISCOVERY BAY

RESOLUTION NO. 2003-06

RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY, A COMMUNITY SERVICES DISTRICT APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM UNDER THE SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE FOR THE FOLLOWING PROJECT:

COMMUNITY CENTER - PUBLIC PARK GREENBELT

WHEREAS, the Legislature of the State of California has enacted AB 471 (Chapter 106 of the Statutes of 1989), which is intended to provide \$10 million annually for a period of 10 years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities; and

WHEREAS, the Resources Agency has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected; and

WHEREAS, said procedures and criteria established by the Resources Agency require a resolution certifying the approval of application by the applicant's governing body before submission of said application to the State; and

WHEREAS, the application contains assurances that the applicant must comply with; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY, A COMMUNITY SERVICES DISTRICT:

1. Approves the filing of an application for the Environmental Enhancement and Mitigation Program for grant assistance.
2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.
3. Appoints District's General Manager as agent of the Town of Discovery Bay to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.
4. Effective Date: This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the Board of Directors of the Town of Discovery Bay, at their regular meeting thereof, held on November 5, 2003, by the following vote:

Ayes: 4
 Noes: 0
 Abstentions: 0 k
 Absent: 1

RAY TETREAUULT

President, Board of Directors

ATTEST:

Secretary, Board of Directors