



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Gold-Level of Governance



President – Bill Mayer • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Bryon Gutow

**NOTICE OF THE REGULAR MEETING
OF THE INTERNAL OPERATIONS COMMITTEE
OF THE TOWN OF DISCOVERY BAY**
Wednesday, June 5, 2019
STANDING INTERNAL OPERATIONS COMMITTEE REGULAR MEETING
4:30 P.M. – 5:30 P.M.
Community Center
1601 Discovery Bay Boulevard, Discovery Bay, California
Website address: www.todb.ca.gov

Internal Operations Committee Members

*Chair Robert Leete
Vice-Chair Kevin Graves*

- A. ROLL CALL**
1. Call business meeting to order 4:30 p.m.
 2. Roll Call.
- B. PUBLIC COMMENTS (Individual Public Comments will be limited to a 3-minute time limit)**
During Public Comments, the public may address the Committee on any issue within the District's jurisdiction which is not on the Agenda. The public may comment on any item on the Agenda at the time the item is before the Committee for consideration by filling out a comment form. The public will be called to comment in the order the comment forms are received. Any person wishing to speak will have 3 minutes to make their comment. There will be no dialog between the Committee and the commenter as the law strictly limits the ability of Committee members to discuss matters not on the agenda. We ask that you refrain from personal attacks during comment, and that you address all comments to the Committee only. Any clarifying questions from the Committee must go through the Chair. Comments from the public do not necessarily reflect the view point of the Committee members.
- C. DRAFT MINUTES TO BE APPROVED**
1. May 9, 2019 Regular Internal Operations Committee DRAFT meeting minutes.
- D. DISCUSSION ITEMS**
1. Discussion Regarding the Revised Internal Operations Bylaws.
 2. Discussion Regarding the DRAFT Public Works Contracts Policy.
- E. FUTURE DISCUSSION/AGENDA ITEMS**
- F. ADJOURNMENT**
1. Adjourn to the next Standing Internal Operations Committee meeting at the Community Center located at 1601 Discovery Bay Boulevard.

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

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



TOWN OF DISCOVERY BAY

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President – Bill Mayer • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Bryon Gutow

**MINUTES OF THE REGULAR MEETING
OF THE INTERNAL OPERATIONS COMMITTEE
OF THE TOWN OF DISCOVERY BAY**

Thursday, May 9, 2019

STANDING INTERNAL OPERATIONS COMMITTEE REGULAR MEETING 4:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: www.todb.ca.gov

Internal Operations Committee Members

Chair Robert Leete

Vice-Chair Kevin Graves

A. ROLL CALL

1. Call business meeting to order 4:00 p.m. – By Chair Leete.
2. Roll Call – All present.

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

None.

C. DRAFT MINUTES TO BE APPROVED

1. February 28, 2019 Special Internal Operations Committee DRAFT meeting minutes – Approved.

D. DISCUSSION ITEMS

1. Discussion Regarding Approval of the Revised Bylaws.

General Manager Davies – Provided the details regarding the revised Bylaws and aligning the committee meetings with the 1st Board meeting of the month (even numbered months).

Motion by: Vice-Chair Graves to approve the Revised Bylaws.

There was discussion regarding Article III: Membership – Section 1 of the Bylaws.

General Manager Davies – Stated that there may be legal reasons why section 1 is listed with all committee members (Board Members, TODB Staff and Consultants).

Motion Amended by: Chair Leete to approve the Revised Bylaws unless quoted differently by Legal related to Article III: Membership Section 1.

Second by: Vice-Chair Graves.

Vote: Motion Carries – unanimous vote of the members of the Internal Operations Committee.

2. Discussion Regarding Personnel Manual Draft Revisions regarding Part Time Workers.

General Manager Davies – Provided the details regarding the Personnel Manual revisions related to the benefits and overtime pay. There was discussion regarding the Personnel Manual revisions. The recommendation from the Internal Operations Committee to the Board is to approve the Personnel Manual revisions.

3. Discussion Regarding Draft Classification Descriptions for Projects Manager and Assistant General Manager.

General Manager Davies – Provided the details of the classification descriptions for the Projects Manager and the Assistant General Manager. There was discussion regarding the reimbursable items (within budget), and the salary on the classification description which are updated annually and on our website.

4. Discussion Regarding the Cancellation of the Internal Operations Committee meeting on June 5, 2019.

General Manager Davies – Provided the details regarding the Internal Operation Committee meeting on June 5, 2019; Chair Leete will be unavailable for the June 5th Internal Operations Committee meeting (possibly cancel the meeting). There was discussion regarding agenda items for the meeting of June 5th and to possibly schedule a special meeting if needed. The consensus of the Internal Operations Committee is to cancel the June 5, 2019 Internal Operations Committee meeting.

5. Discussion Regarding the Cancellation of the Board and Committee meetings on July 3, 2019.
General Manager Davies – Provided the details regarding the cancellation of the July 3rd Board and committee meetings. The recommendation from the Internal Operations Committee to the Board is to cancel the meetings for July 3, 2019.

E. FUTURE DISCUSSION/AGENDA ITEMS

None.

F. ADJOURNMENT

1. The meeting adjourned at 4:19 p.m. to the next Standing Internal Operations Committee meeting at the Community Center located at 1601 Discovery Bay Boulevard.

//cmc – 05-10-19

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

DRAFT

Carol McCool

From: Mike Davies
Sent: Thursday, May 23, 2019 11:09 AM
Cc: Carol McCool
Subject: Notice of Proposed Amendment to the Internal Operations Committee Bylaws
Attachments: Internal Operations Committee Bylaws Rev 050919.docx

Internal Operations Committee Members: Robert Leete and Kevin Graves

If you recall from the last Internal Operations Committee Meeting, the committee voted to amend the bylaws to reflect two things:

1. The meeting date and time to: every even numbered month on the first Wednesday at 4:30PM; AND
2. Change Article III Section 1: "The Committee shall be comprised of 2 Board Members." (removed other listed committee members).

The vote, regarding item 2 above, was contingent upon approval by legal.

Legal states that pursuant to Article XI Section 2, "Notice of any proposed amendment must be given to all members of the Committee at least one week prior to the meeting at which the amendment is proposed to occur."

Item #2, was not provided to the members at least a week ahead of the meeting. The proposed amendment of bylaws is attached for your review, and will be on the June 5th committee meeting Agenda for a vote.

Thanks, Mike

DISCOVERY BAY COMMUNITY SERVICES DISTRICT
INTERNAL OPERATIONS

COMMITTEE BYLAWS
Revised June 5, 2019

Article I: Name of Committee

The Discovery Bay Community Services District (“Discovery Bay”) Board of Directors (“Board”) has created the Internal Operations Committee (“Committee”).

Article II: Function

The Committee shall be an advisory standing committee that shall provide information and recommendations to the Board on matters relating to personnel policies and general administration of the organization.

Article III: Membership

Section 1. The Committee shall be comprised of 2 Board Members.

Section 2. The Committee members with voting authority shall consist of:

- a) two Directors as appointed by the Board

Section 3. Staff members selected by the General Manager shall also attend Committee meetings and assist the General Manager and appointed Directors with operation of the Committee.

Article IV. Term of Office

The Board appointees to the Committee shall serve for a term of two years.

Article V: Meetings

Section 1. The Committee shall establish a regular place and time for meetings of the Committee. Board Policy requires that all committee meetings occur at least once quarterly. Committee meetings for Internal Operations will be held at the Community Center, 1601 Discovery Bay Boulevard, Discovery Bay, CA 94505 and will occur every even numbered month on the first Wednesday at 4:30 P.M.

Section 2. The Board may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee that are consistent with the Committee’s designated function.

Article VI: Attendance

The members of the Committee are expected to attend the meetings of the Committee on a regular basis.

Article VII: Removal

The Board may recommend removal of any member of the Committee. A majority vote of the members of the Board shall be required to approve any removal of a Board Director.

Article VIII: Officers and Rules

Section 1. The Committee shall elect from among its membership a Chair and Vice-Chair. The term of office for each shall be one year.

Section 2. The Committee may adopt rules and procedures for its meetings. The Committee shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Article IX: Staff

The staff of Discovery Bay shall be available to aid the Committee in its work and a staff member shall serve as Secretary to the Committee.

Article X: Required Training

State law (AB 1234) requires that local officials that receive compensation, salary, stipends, or expense reimbursements must receive training in public service ethics laws and principles every two years. The requirement applies not only to the governing body of a local agency, but also commissions, committees, boards, or other local agency bodies, whether permanent or temporary, decision-making or advisory. Committee members must receive training within one year of becoming a member, and thereafter, receive training every two years while still on the committee.

Article XI: Amending Bylaws

Section 1. These bylaws may be amended by a two-thirds (2/3) vote of all voting members of the Committee.

Section 2. Notice of any proposed amendment must be given to all members of the Committee at least one week prior to the meeting at which the amendment is proposed to occur.



Town of Discovery Bay

Program Area: Administrative	Policy Name: Public Works Contracts	Policy Number: ???
Date Established: June 19, 2019	Date Amended:	Resolution:

POLICY

The Policy of the Town of Discovery Bay CSD is to comply with the legal obligations arising from public works projects with regard to competitive bidding, prevailing wage, and reporting requirements to the Department of Industrial Relations (“DIR”).

PROCEDURES

In determining the Town’s obligations with respect to competitive bidding, prevailing wage and DIR reporting requirements, staff is to consider, analyze and comply with the following procedural steps outlined below.

1. IS COMPETITIVE BIDDING REQUIRED?

- a. Is it a public works contract?
 - i. Is it a contract for erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind, including maintenance?¹ (PCC § 1101, LC 1773.)
 1. If yes, then go to 1(b)
 - i. If no, then it is not a public works contract
- b. Is the cost of the public works project more than \$25,000?² (PCC § 20682.5.)
 - i. If yes, then competitive bidding
 - ii. If no, then competitive bidding not required. Abide by Discovery Bay procurement procedures

¹ Maintenance means “Routine, recurring and usual work for the preservation, protection and keeping of any publicly operated facility (plant, building, structure, ground facility, utility system or any real property) for its intended purposes in a safe and continually usable condition for which it has been designed, improved, constructed, altered or repaired.” (8 CCR § 16000.)

² Public works projects amounts are based on the amount of the entire project, not a contractor’s subcontracted amount of the project.

2. IS PREVAILING WAGE REQUIRED?

- a. Is the public works project more than \$1,000? (LC § 1771.)
 - i. If yes, then prevailing wages are required
 - ii. If no, then prevailing wages are not required

3. WHAT IS THE TOWN'S RESPONSIBILITY REGARDING PREVAILING WAGE?

- a. Inform Prime Contractor of the following requirements (this can be accomplished in the call for bids or at a pre/post award conference with Prime Contractor):
 - i. That public works contract is subject to prevailing wage requirements and specify identified rates. (LC § 1771.1, 1771.4, 1773.2.)
 - ii. To use appropriate number of apprentices, which is at least one hour of apprentice work for every five hours of journeyman work. (LC § 1777.5)
 - iii. To keep accurate timecard records (LC § 1812)
 - iv. That payroll records may be inspected (LC § 1776)
- b. If the Town suspects public works prevailing wage violations, Town staff may search payroll reports submitted by the contractors on specific Town projects at: <https://efiling.dir.ca.gov/eCPR/pages/search>.

4. ARE CONTRACTORS REQUIRED TO BE REGISTERED WITH THE DIR?

- a. Is the public works project for construction? (LC § 1725.5.)
 - i. If yes, then go to 4(a)(i)(1) below. If no, then go to 4(b)
 1. Is the public works project more than \$25,000?
 - a. If yes, then the contractor must be registered by DIR. Go to 4(c).
 - b. If no, then the contractor is not required to be registered by DIR
- b. Is the public works contract for maintenance?
 - i. Is the public works maintenance project for more than \$15,000?
 1. If yes, then the contractor must be registered by DIR. Go to 4(c)
 2. If no, then contractor is not required to be registered by DIR
- c. Does the contractor need to be registered prior to accepting bid? (LC § 1771.1.)
 - i. Are federal funds being used on the project? (PCC § 10164, 20103.5.)
 1. If yes, then bidder is not required to be registered prior to Town accepting bid. But at the time the contract is awarded, the contractor shall be properly registered by DIR

2. If no, then go to 4(c)(ii)
- ii. Yes, the contractor is not qualified to bid on or be listed in a bid proposal without being registered by the DIR. (LC § 1771.1.)

5. WHEN DOES THE TOWN NEED TO REGISTER PROJECTS WITH THE DIR?

- a. Is the public works project for construction? (LC § 1773.3.)
 - i. If yes, then go to 5(a)(i)(1) below. If no, then go to 5(b)
 1. Is the public works project more than \$25,000?
 - a. If yes, then the Town shall provide notice to the DIR within 30 days of the award, but in no event later than the first day in which a contractor has workers employed upon the public work. The PWC-100 project registration form can be submitted electronically to the DIR at:
<https://www.dir.ca.gov/pwc100ext/>
 - b. If no, then Town is not required to register the public works project with the DIR
 - b. Is the public works project for maintenance?
 - i. Is the public works maintenance project for more than \$15,000?
 1. If yes, then Town shall provide notice to the DIR within 30 days of the award, but in no event later than the first day in which a contractor has workers employed upon the public work
 2. If no, then the Town is not required to register the public works project with the DIR