

Mike Davies

From: Charles Helfrick <bhelfrick@cwhdb.com>
Sent: Tuesday, March 31, 2020 2:56 PM
To: Attebery, Rod
Cc: Mike Davies; Dina Breitstein; Dawn Marie Fehr (dmcp83@yahoo.com); Charles Helfrick; Bill Mayer; Bill Pease; Bryon Gutow; Kevin Graves; Robert Leete
Subject: RE: Agenda for the April 1 Regular Meeting of the CSD Board

Thank you for your assurance that there have been no private meetings or other types of meetings that would be in violation of the Brown Act regarding the rate study approval.

It is helpful to know that the Board does not need to hear the report from the Finance Committee before having a vote on the options for implementing the new water and wastewater rates derived from the April 1, 2020 rate study.

You state that "I have opted not to reply to all as you are clearly in error with your comment..." Is my comment in error because I suggested the Finance Committee Report should be presented before the full Board has a Discussion and Possible Action regarding Making a Final in on the Proposed Rate Increase Option the Water and Wastewater Enterprises?

Obviously, your definition of "superior transparency" must be different from mine. The first that I heard about a new office was at the THURSDAY, MARCH 5, 2020 SPECIAL BOARD PLANNING MEETING-4:00 P.M. at that meeting, Mr. Davies listed the reasons why a new office was needed. There was no information provided on cost, on location or anything else about the office. I know of no other discussions, meetings where the need and cost for a new office was held. It appears the CSD is tagging the \$3,170,300 for the "Move District Main Office Building" to the capital needs budget being used to set the new rates to a rate study that is up against Proposition 218 time requirements.

So, if this rate study is approved when will we be seeing a "Staff Report" recommending building a new office complex with a Fiscal Impact stating, "sufficient budgeted funds available."?

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From: Attebery, Rod <rattebery@neumiller.com>
Sent: Tuesday, March 31, 2020 2:07 PM
To: Charles Helfrick <bhelfrick@cwhdb.com>
Cc: Mike Davies <mdavies@toddb.ca.gov>; 'Dina Breitstein (dbreitstein@toddb.ca.gov)' <dbreitstein@toddb.ca.gov>; Attebery, Rod <rattebery@neumiller.com>
Subject: RE: Agenda for the April 1 Regular Meeting of the CSD Board

Mr. Helfrick,

As General Legal Counsel for the town of Discovery Bay Community Service District and on behalf of the District, we are in receipt of your email dated March 27th.

Although you copied numerous individuals, including myself as legal counsel, I have opted not to reply to all as you are clearly in error with your comment as well as your accusation that the Board has or will be violating the Brown Act. As you aware, the District takes such accusations very seriously as the District maintains superior transparency and continues to do so during these unprecedented times.

When the Board considers the proposed rate increase options the Finance Committee will have already met. During the presentation of the item to the full Board, staff and any Finance Committee member can discuss the direction/recommendation of the Finance Committee. As I believe you are aware, items on an agenda that can be taken in any order and obviously there is no obligation to wait for Committee reports prior to taking action on a Board item. A Committee Member or staff member may provide the Committee recommendation at any time and would obviously do so during the discussion of a specific related Board Agenda item.



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From: Charles Helfrick <bhelfrick@cwhdb.com>

Sent: Friday, March 27, 2020 4:47 PM

To: Dina Breitstein (dbreitstein@todb.ca.gov) <dbreitstein@todb.ca.gov>; Mike R. Davies, General Manager <Mdavies@todb.ca.gov>

Cc: Terry Laughlin <terrylaughlin@sbcglobal.net>; Dawn Marie Fehr (dmcp83@yahoo.com)

<dmcp83@yahoo.com>; Attebery, Rod <rattebery@neumiller.com>; Bill Mayer <bmayer@todb.ca.gov>; Bill Pease <bpease@todb.ca.gov>; Byron Gutow <bgutow@todb.ca.gov>; Kevin Graves <kgraves@todb.ca.gov>; Robert Leete <rleete@todb.ca.gov>

Subject: Agenda for the April 1 Regular Meeting of the CSD Board

According to the agenda at item G. 1., you will be discussing and making a final decision on the Proposed Rate Increase Option for the Water and Wastewater Enterprises.

The problem is, the Director's Report for the Finance Committee, which is scheduled to meet earlier Wednesday at 3:30 p.m., where at item E. 1., the committee was to have a "Discussion regarding Final Rate Study Options." is item I. 1. a. which would be after the discussion and vote by the full Board on item G. 1. How can the full Board approve the rate increase without hearing the recommendation from the Finance Committee? Has there been some meeting amongst the directors in violation of the Brown Act, discussing what to do about the rate increase already; thus not needing to hear the Finance Committee Report before the vote?

The public should have the ability to comment on the Finance Committee Report before the rate study is brought to the full Board for their unanimous approval.

Bill Helfrick

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Mike Davies

From: Charles Helfrick <bhelfrick@cwhdb.com>
Sent: Tuesday, March 31, 2020 2:03 PM
To: Mike Davies; Dina Breitstein
Cc: Dawn Marie Fehr (dmcp83@yahoo.com); Charles Helfrick; Bill Mayer; Bill Pease; Bryon Gutow; Kevin Graves; Robert Leete
Subject: Relocation of the District's Office Building

In the Finance Committee Agenda Packet is a document entitled "Town of Discovery Bay Community Service District 2020 Water Rate Study Draft Tables-April 1, 2020."

- It opens with a note: "Options Have Been Revised since March 18 Board Meeting;" Additional projects added (40% water/60% sewer) for the relocation of the Districts office building, district security and vehicle and equipment purchases

Please confirm that in both the water capital cash flows and the wastewater capital cash flows in fiscal year 2020/21 and fiscal year 2021/22 , there are amounts for "Move District Main Office Building." The total for this category comes to \$3,170,300.

How was this amount determined?

Was this amount added into the cash flow needs without prior discussion by the Board and approval by the Board?

If the Board approved this rate study and you don't get negative votes from 50% of the ratepayers, money will be borrowed for the building of a new office complex?

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Mike Davies

From: Charles Helfrick <bhelfrick@cwhdb.com>

Sent: Tuesday, March 31, 2020 1:48 PM

To: Dina Breitstein <dbreitstein@todb.ca.gov>

Cc: Bill Mayer <bmayer@todb.ca.gov>; Bill Pease <bpease@todb.ca.gov>; Bryon Gutow <bgutow@todb.ca.gov>; Kevin Graves <kgraves@todb.ca.gov>; Robert Leete <rleete@todb.ca.gov>

Subject: One Of the Bills Being Requested to Be Paid on the 04/01 Meeting Consent Calendar

WorleyParsons Group, Inc. - \$40,628.32

What services were provided to generate this request of payment?

Is this some kind of ongoing consulting contract? If yes, what is the estimated total cost of the contract?

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Mike Davies

From: Charles Helfrick <bhelfrick@cwhdb.com>

Sent: Tuesday, March 31, 2020 1:37 PM

To: Dina Breitstein <dbreitstein@todb.ca.gov>

Cc: Robert Leete <rleete@todb.ca.gov>; Bill Mayer <bmayer@todb.ca.gov>

Subject: Finance Committee Meeting 04/01 @ 3:30 pm - Attend by Teleconference

Will you only be able to hear what is being discussed?

How will the public be able to make comments?

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