



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

February 4, 2015

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

Agenda Title

Bylaws of the Town of Discovery Bay, Article IV Section 2, A 4 and Appointment of Board Members to District Representative Committee Positions

Recommended Action

Approve Appointment of Board Members to District Representative Committee Positions and Approve Resolution No. 2015-02 amending the Bylaws of the Town of Discovery Bay

Executive Summary

Pursuant to the Bylaws of the Town of Discovery Bay, Article IV Section 2, A 4, the Board President "Shall appoint such committees and other working groups as confirmed by the Board."

The Board held their annual Board Planning Workshop on Saturday, January 31, 2015. At the workshop, the Board considered amending the Board's By-Laws and the procedure of appointing Board members to both Town Sub-Committees as well as Regional Committee assignments.

In order for any modification that changes the existing Bylaws, the Board must amend the Bylaws of the Town of Discovery Bay, Article IV Section 2, A 4 to correspond with the direction of the Board.

At the Workshop, the Board directed staff to agendize and return to the Board for consideration the consolidation of the Budget, Investment Oversight, and Public Financing Subcommittees into the Finance Sub-Committee; the consolidation of the Community Center, Landscape, and Parks and Recreation Sub-Committees into the Parks and Recreation Sub-Committee; and recommended the addition of adding a new sub-committee, Waterways and Invasive Species. The attached consolidated Committee Listing identifies both Regional and Sub-Committees as discussed by the Board at the January 31, 2015 Workshop.

Article IV Section 2, A 4 of the Bylaws has been edited, removing Section 2,A 4 in its entirety, and as noted in the attachment. Additionally, Section 2. Terms and Responsibilities of Elected Officers has been amended, as follows:

Board members may serve on Regional Committees and in-house staff committees, referred to as Sub-Committees, as necessary.

Regional Committees are to be assigned based upon the position held by the Board member and the seniority of each member of the Board. Board members will have preference of committee selections in the following order: President, Vice-President, and President Pro-Tempore, senior most Board member followed by the least senior Board member. In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure. This procedure shall be used to fill Primary and Alternate members to respective Regional Committees.

"Continued to the next page"

Sub-Committees are to be assigned based upon the position held by the Board member and the seniority of each member of the Board. Board members will have preference of committee selections in the following order: President, Vice-President, and President Pro-Tempore, senior most Board member followed by the least senior Board member. In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure. This procedure shall be used to fill two Sub-Committee appointees to each sub-committee.

The Board may establish Committees that may become necessary from time to time to receive input from the public on a specific subject matter and limited in term, and are formed by Resolution of the Board.

It is appropriate at this time for the Board to provide feedback and comments.

Fiscal Impact:

Amount Requested \$

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

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

Previous Relevant Board Actions for This Item

January 7, 2015 Committee Appointments
January 31, 2015 Board Workshop Recommendations

Attachments

Town of Discovery Bay Board District Representative Listing
Bylaws of the Town of Discovery Bay
Resolution No. 2015-02



Town of Discovery Bay - District Representative Listing for 2015 - Revised

Regional Committee Appointments

Committee Name	Location	Day and Time	Director Appointed	Alternate
Contra Costa County Aviation Advisory Committee	550 Sally Ride Dr. Concord or 500 Eagle Court	1st Thursday of the Month at 10:00 a.m.		
Contra Costa County Code Enforcement		Thursday's at 1:30 p.m.		
Contra Costa Special Districts Association	5019 Imhoff Place, Martinez	Quarterly -		
East Contra Costa County Fire Protection District Liaison	3231 Main Street, Oakley	1st Monday of the Month at 6:30 p.m.		
East County Water Management Association				
LAFCO Liaison	651 Pine 6th Floor, Martinez	Wednesday's 1:30 p.m.		
Police Service (P6 Committee)				
School District Representative Liaison	14301 Byron Highway	3rd Thursday of the Month at 7:00 p.m.		
Regional Transportation Agencies	As Necessary			

Board Sub-Committee Appointments

Committee Name			Director Appointed	Director Appointed
Finance Committee (Budget Sub-Committee, Investment Oversight Sub-Committee, Public Financing Authority)				
Communications Sub-Committee				
Parks and Recreation Sub-Committee (Community Center Sub-Committee, Park and Recreation Sub-Committee, Landscape Sub-Committee)				
Water and Wastewater Sub-Committee				
Waterways Sub-Committee				

* Adoption of this Listing constitutes approval of the Board for attendance at meetings and representation of the Town of Discovery Bay, by the designated representative (or in that representative's absence, the alternate) concerning the subject for which the appointment is made but does not address the issue of whether such attendance may be compensated or whether expenses may be paid for such attendance, as those issues are addressed by law and by separate policy of the Board.



Town of Discovery Bay - District Representative Listing for 2015 - Revised

Regional Committee Descriptions

Contra Costa County Aviation Advisory Committee: This involves attending meetings of this committee to discuss airport operations and activities.

Contra Costa County Code Enforcement: This involves meeting with public officials, public employees and community groups covering issues of code enforcement in, or affecting, the Town.

Contra Costa Special Districts Association: This involves attending meeting of the Contra Costa Special Districts Association.

East Contra Costa County Fire Protection: District Liaison: This involves attending meetings of the East Contra Costa County Fire Protection District, and meeting with public officials, public employees and community groups concerning issues of fire protection in, or affecting, the Town.

East County Water Management Agency: This involves attending meetings of this association, made up of representatives of local water and wastewater agencies to discuss, and exchange, information pertaining to water and wastewater operations.

LAFCO Liaison: This involves attending meetings of LAFCO when an issue affecting the Town is before LAFCO.

Police Services (P6 Committee): This involves meeting with public officials, public employees and community groups covering issues of police services in, or affecting, the Town.

School District Representative Liaison: This involves attending meetings of the School Districts, and meeting with public officials, public employees or community groups concerning issues affecting the relationship between the Town and the Town's residents and School Districts whose area involves any

Regional Transportation Agencies: This involves attending meetings with public officials, public employees, and community groups concerning transportation issues affecting the residents of the Town.

Board Sub-Committee Descriptions

Finance Committee Includes: Budget Subcommittee works with staff in the development of the District's annual Operating and Capital Improvement Program Budgets. The subcommittee may also meet periodically through the year to review existing budgets or to meet with staff to address budgetary issues. Investment Oversight Subcommittee is responsible for working with staff and financial advisors (when applicable) on making recommendations regarding the District's investment portfolio that are consistent with the District's Investment Policy. Public Financing Authority Subcommittee meets with staff, consultants, legal counsel, and other necessary individuals regarding the issuance of municipal debt of the Public Financing Authority on an as necessary basis.

Communications Subcommittee: The Communications Subcommittee is tasked with assisting in various methods of communication in which the Town of Discovery Bay communicates its activities, information, and mission to the public.

Parks & Recreation Sub-Committee Includes: Community Center Subcommittee works on the planning and future development of the Community Center. This may involve meetings with public officials, public employees, Town staff and developers concerning issues involving the Community Center project. Park and Recreation Subcommittee that meets with staff on park and recreation functions of the District. Landscaping Subcommittee works with staff on making recommendations involving all landscape areas within the Town's jurisdiction.

Water and Wastewater Subcommittee: The Water and Wastewater Subcommittee meets with staff, contractors, engineers, and other necessary individuals regarding matters pertaining to the Town's Water and Wastewater operations.

Waterways Sub-Committee: The Waterways Sub Committee seeks to find solutions to invasive water weed species while working cooperatively with regional and state agencies, including the California Department of Boating and Waterways, and local, state and federal representatives.



Town of Discovery Bay

Program Area: Board	Policy Name: Bylaws	Policy Number: 002
Date Established: March 25, 1998	Date Amended: April 3, 2013	Resolution: 2013-07

ARTICLE I

NAME

This unit of local government shall be known as the Town of Discovery Bay, a Community Services District, with powers and territorial boundaries as prescribed in Resolution No. 97/295 of the Board of Supervisors of Contra Costa County, State of California, dated June 10, 1997, and as provided by law.

ARTICLE II

PURPOSE

The purposes of the Town of Discovery Bay, as approved by the Local Agency Formation Commission and by law, are

- A. To Operate as a Community Services District and provide water distribution, wastewater connection and treatment; and parks, landscaping and recreation services to the residents of Discovery Bay.
- B. To provide for those exercise of those powers set forth in Government Code §61000 et seq. (Community Services District Law).
- C. To continue the advisory responsibilities of the Discovery Bay Municipal Advisory Council;
- D. To serve the residents of the Town of Discovery Bay, in the manner provided by law.

ARTICLE III

BOARD OF DIRECTORS

Section 1. Board of Directors

The governing body of the District shall consist of five (5) elected Directors, each of whom shall serve for a term of four (4) year staggered terms. During elections every two (2) years, either

two (2) or three (3) Directors are elected to serve to the District for the next four (4) years. The initial Directors, their terms and term expirations, are:

William Slifer	4 years	Expires December 1, 2001
Mike Dohren	4 years	Expires December 1, 2001
David Piepho	4 years	Expires December 1, 2001
Virgil Koehne	2 years	Expires December 1, 1999
Chet Loveland	2 years	Expires December 1, 1999

Section 2. Compensation

The Board may authorize each Director to receive compensation of One Hundred and Fifteen Dollars (\$115.00) for each meeting of the Board attended, and One Hundred Fifteen Dollars (\$115.00) for each day's service not to exceed Six Hundred Ninety Dollars (\$690.00) per month as provided in Government Code §61047 and Chapter 2 commencing with Section 20200 of Division 10 of the Water Code. Traveling and such other necessary expenses actually incurred in performing District Duties shall be reimbursed, and such reimbursement shall be in addition to the compensation specified herein consistent with the authorized Reimbursement and Travel Policy.

Section 3. Vacancies

- A. Vacancies on the Board shall be filled in accordance with Government Code § 1780.
- B. Vacancies shall be deemed to exist as provided in Government Code § 1770.

Section 4. Resignation

A Director may resign at any time by giving written notice to the Board, to the President, or to the Secretary of the Board. Any such resignation shall take effect at the date of the receipt of such notice or at any later time specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

ARTICLE IV

OFFICERS

Section 1. Elected Officers

The elected officers shall be chosen by the Board from among the five (5) members of the Board and shall consist of a President (who may be called "Chair"), a Vice-President (who may be called "Vice-Chair"), and a President Pro-Tempore.

Section 2. Terms and Responsibilities of Elected Officers

Elected Officers of the Board, as provided in Article IV, Sec. 1, shall be elected by the Board at the January meeting and shall serve for one (1) year, said term to commence upon election. All elected officers shall be eligible to serve successive terms, except that the President shall be eligible to serve not more than two (2) full successive terms as President.

Board members may serve on Regional Committees and in-house staff committees, referred to as Sub-Committees, as necessary.

Regional Committees are to be assigned based upon the position held by the Board member and the seniority of each member of the Board. Board members will have preference of committee selections in the following order: President, Vice-President, and President Pro-Tempore, senior most Board member followed by the least senior Board member. In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure. This procedure shall be used to fill Primary and Alternate members to respective Regional Committees.

Staff Sub-Committees are to be assigned based upon the position held by the Board member and the seniority of each member of the Board. Board members will have preference of committee selections in the following order: President, Vice-President, and President Pro-Tempore, senior most Board member followed by the least senior Board member. In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure. This procedure shall be used to fill two Sub-Committee appointees to each sub-committee.

The Board may establish Committees that may become necessary from time to time to receive input from the public on a specific subject matter and limited in term, and formed by Resolution of the Board.

A. General Responsibilities of the Board President

1. Shall preside at all meetings of the board and such other meetings approved by the Board, and have authority to call for short recesses during meetings unless a majority of the Directors by vote oppose a recess.
2. Cooperatively work with the General Manager/Board Secretary and Staff on the preparation of CSD Meeting Agendas and its contents.
3. Shall serve as official spokesperson for the Board.
- ~~4. Shall appoint such committees and other working groups as confirmed by the Board.~~
- ~~5.4.~~ Shall designate Directors or others to represent the Board at various meetings, hearings, and conferences, as confirmed by the Board. May co-sign all checks for warrants approved by the Board.
- ~~6.5.~~ Shall perform such other duties as necessary to carry out the work of the Board.
- ~~7.6.~~ Shall perform such duties as prescribed by law.

B. General Responsibilities of the Vice-President

1. Shall serve in the absence of the President.

C. General Responsibilities of the President Pro-Tempore

1. Shall serve in the absence of the President and the Vice-President.

ARTICLE V

APPOINTED OFFICERS

Section 1. Appointed Officers

- A. The appointed officers of the District shall be General Manager, and a Secretary, who may be the same person, but neither of whom shall be a Director. The duties of the appointed officers shall be as specified in law, and as directed by the Board.
- B. Pursuant to Government Code §61050(b), the treasurer of the County of Contra Costa shall serve as the District Treasurer, and shall be the depository and have the custody of all of the district's money except those accounts that are authorized under the Community Services District laws and/or in effect prior to January 1, 2006.

The Board may appoint such other officers as it deems necessary.

Section 2. General Responsibilities of the General Manager

- A. Appraise and evaluate the effects of the Board policies and the manner of their execution, and the efficiency of District personnel in terms of services rendered to the people of the District.
- B. Provide leadership to staff in identifying District needs, establishing priorities and determining the objectives, which will achieve the established goals of the District.
- C. Encourage and assist staff in the performance of their duties and encourage their professional growth.
- D. Ensure evaluation of personnel under his/her direction.
- E. Interpret and publicize the programs and services of the District for and to the public.
- F. Provide financial oversight of the District and Contra Costa County pursuant to funds on deposit at that agency.
- G. Lead the District management team in the preparation of the budget, control of expenditures, inventory control, program planning, changing priorities and public relations.

- H. Perform the function of the District's Public Information Officer.
- I. Participate in community activities.
- J. Continue a program of professional development to assure and enhance staff's professional growth.
- K. Keep the Board informed of all communications affecting the District.

Section 3. General Responsibilities of the Secretary of the Board

- A. Certify official documents and letters as required.
- B. Maintain the official files and records of the Board.
- C. Prepare the agenda for the Board meetings.
- D. Prepare and distribute minutes of the meeting of the Board.
- E. Maintain historical record and newspaper articles.
- F. Post agendas, minutes, public notices and proposed action documents as required by Board and government regulations.

ARTICLE VI

MEETINGS

Section 1. Regular and Special Meetings

- A. The Board shall hold a regular meeting on the first (1st) and third (3rd) Wednesdays of each month, at the District Office located at 1800 Willow Lake Road, Discovery Bay, California 94505. Such regular meetings shall be for considering reports of the affairs of the District and for transacting such other business as may be properly brought before the meeting. Such meetings may be altered as to date, time and place, as provided for in a Resolution adopted by the Board.
- B. Special meetings may be called in accordance with the California Ralph M. Brown Act of 1953, as amended (hereafter Brown Act).

All meetings shall be conducted in accordance with the Brown Act.

Section 2. Quorum

The Board shall be empowered to conduct the business of the District whenever there is present at a properly called meeting, a quorum, as defined as comprising a majority of the

existing Directors; normally three (3); except as otherwise provided by law. Pursuant to Government Code §61045, the affirmative votes of three (3) members of the Board are required for action to be taken.

Section 3. Voting

- A. Voting shall only be conducted at proper noticed meeting where a quorum has been established and members are physically present.
- B. Voting shall be by voice, show of hands, or roll call vote.
- C. Any vote that is other than unanimous shall be recorded by name of the voting member and whether the member voted "AYE", "NO" or "ABSTAIN".

Section 4. Notice of Regular and Special Meetings

- A. Notices of Regular Meetings shall be pursuant to the Brown Act. Such notices shall specify the place, the day, and the hour of the meeting and accompanying the notice shall be a copy of the agenda for that meeting.
- B. Notices of Special Meetings shall be pursuant to the Brown Act. In the case of special meetings, the notice, written or by telephone, shall specify the specific nature of the business to be transacted.

ARTICLE VII

PAYMENTS, CONTRACTS, AND REPORTS

Section 1. Payments

All checks, warrants, drafts, or other orders for payment of money, notes, or other evidences of indebtedness issued in the name of, or payable to, the District, shall be signed or endorsed by both the President and Vice President, or by the President Pro-Tempore, and one other Director, or, in the absence of the elected officers, any two (2) Directors.

Section 2. Contracts

The Board, except as in the Bylaws otherwise provided, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of, and on behalf of, the District. Such authority may be general or confined to specific instances. Unless so authorized by the Board, no officer, agent, or employee shall have any power or authority to bind the District by any contract or engagement, to pledge its credit, or to render it liable for any purpose or to any amount.

Section 3. Reports

The Board shall prepare and cause to be sent an annual water quality report to the residents of the District.

ARTICLE VIII

PARLIAMENTARY AUTHORITY

Rosenberg's Rules of Order, current edition or such other authority as may be subsequently adopted by resolution of the Board is to apply to all questions of procedure and parliamentary law not specified in these Bylaws or otherwise by law. All motions made at Board meetings shall require a second to the motion prior to the Directors voting. The President of the Board may unilaterally call for a recess at any time during a Regular or Special Meeting of the Board. The Board President may unilaterally adjourn the meeting unless a majority of the Board votes to continue the meeting.

ARTICLE IX

AMENDMENTS

The Bylaws may be repealed or amended, or new Bylaws may be proposed, by resolution and the affirmative vote of at least three (3) members of the Board at any regular meeting of the Board, provided notice of such proposal shall be in compliance with the Brown Act, as amended.



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2015-02**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
AMENDING THE BYLAWS OF THE TOWN OF DISCOVERY BAY**

WHEREAS, Town of Discovery Bay Community Services District (CSD) is a public agency and complies with a number of federal and state statutes, and local laws and regulations; and

WHEREAS, it is in the public's interest that Board of Directors adopts and from time to time reviews a set of established Town of Discovery Bay Bylaws to provide for those exercise of powers as established in California Government Code §61000 et seq (Community Services District law); and

WHEREAS, the Bylaws of the Town of Discovery Bay were originally adopted by Resolution No. 98-07 on March 25, 1998, and were most recently amended by Resolution No. 2011-21 on November 2, 2011 and Resolution No. 2013-07 on April 3, 2013 respectively; and

WHEREAS, it is now necessary to make certain changes and amend the Town of Discovery Bay Bylaws.

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

SECTION 1. The Amended Bylaws shall become effective immediately and incorporated as part of this Resolution.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 4th DAY OF February 2015.

Chris Steele
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on February 4, 2015 by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Richard J. Howard
Board Secretary