



TOWN OF DISCOVERY BAY CSD

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Board Members

President-Ray Tetreault	raytetreault@comcast.net
Vice President-Mark Simon	marsi1950@yahoo.com
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Director-Shannon Murphy-Teixeira	smt@politician.com

MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY CSD

April 1, 2009

1800 Willow Lake Road, Discovery Bay, California

Website address: www.townofdiscoverybay.org

REGULAR MEETING at 7:00p.m.

A. ROLL CALL

1. President Ray Tetreault called the meeting to order 7:00p.m.
2. President Ray Tetreault led in the Pledge of Allegiance. General Manager Koehne called the roll which reflected that Treasurer Dove and Director Murphy-Teixeira were not in attendance.

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

There were no public comments.

C. AREA AGENCIES REPORTS / PRESENTATION

1. DEPUTY SHERIFF /MARINE PATROL REPORT

Lieutenant Burton passed out copies of his report for the month of February 2009, which is on file in the District Office. He also stated that Lieutenant Duke of the Marine Patrol will not be able to attend meetings on a regular basis and will not be in attendance at this meeting.

2. **CHP REPORT** Officer Gottman reported that there had been 36 citations issued in our area. He reported that the majority were for speeding, eleven were registration or equipment violations and two were DUI arrests. He reported that there were 97 citations written in the areas surrounding Discovery Bay and those were almost all for speeding.

3. **FIRE DISTRICT REPORT** No one in attendance.

4. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** Karyn Cornell reported that the Contra Costa County Board of Supervisors (CCCBOS) deliberated on the reduction of services for the 2009/2010 year budget. She reported that Supervisor Piepho received support from the CCCBOS for the support of the UC Cooperative Extension and have it funded for the remainder of the year 2008/2009. She reported that on February 25, 2009 the Metropolitan Transportation Committee granted Contra Costa County \$10 million for Vasco Road Safety Improvement Project and they are moving forward with the Brushy Creek Area Barrier Project and passing lane extension. She reported that on March 10, 2009 the County Planning Commission approved the Boat Storage Ordinance and that it will now go before the CCCBOS. She reported that the Supervisor hosted a meeting regarding State Route 239 and the \$14 million Federal earmark that was received for the route from Brentwood to Tracy. She gave an update regarding the Byron/Knightsen Area Transportation Study. She reported that the

Supervisor had received the letter from the Town regarding the use of P-6 funds. She reported that the Supervisor had sent a request to County Counsel regarding vehicle enforcement and the establishment of an oversight committee with regards to the P-6 funds. She reported that the Supervisor continues to advocate for the protection of the Delta. She reminded the board that there is a joint MAC meeting hosted by Bethel Island on April 11, 2009 and that there is a Youth Summit on April 25, 2009 at Los Medanos College, hosted by the City of Pittsburg. She reported that there have been public meetings held regarding the Los Vaqueros Reservoir Expansion and there will be one on April 2, 2009 in Oakley to discuss the draft Environmental Impact Review. She reported that on March 30, 2009 the East Contra Costa Fire Protection had held a meeting with all the cities in the district to discuss service levels. She stated that the proposed ideas will be taken before the CCCBOS. She stated that she had copies of open positions for committees in District 3.

D. DISTRICT FINANCIAL REPORT

General Manager Koehne presented the financial report. He reported that the District has \$3 million in reserves with a total after reserves of \$5.2 million. He commented that staff would bring before the board at a later date to transfer some of that \$5.2 million into the reserves.

E. CONSENT CALENDAR

1. Director Piepho motioned to approve the Consent Calendar. Vice-President Simon 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

President Tetreault made a Chair report of his attendance at the East Contra Costa Fire Protection. He stated that there had been some talk about one of our Stations possibly being closed down. He reported that they were going to leave our stations as they are with two man engines. He reported that to beef up the two big cities without adding extra people, but with overtime, they are going to put a five man engine in downtown Brentwood and beef up Oakley to three man engines. He stated their goal is to have eleven or twelve people to any structure fire within ten minutes. He reported that they are going to move the AMR vehicle from the Byron station to our Station 59 because the number of medical emergencies are far greater in Discovery Bay than in Byron. He also reported that they have a fast attack (QRV) vehicle stationed at John Muir on the Bypass and that vehicle can make it to Byron in less than ten minutes with the Bypass. He reported that there will not be any need for additional funds at this time. He responded to a question that the governance of the Fire District will still remain with the CCCBOS. He also commented that he attended this meeting because Directors Dove and Simon could not attend and he felt that the District needed to be represented.

General Manager Koehne asked that an item be added to the agenda regarding a presentation by Dolores Long of the Byron Unified School District with reference to An Emergency Evacuation Grant. He stated that this is a time sensitive issue. President Tetreault motioned to add this to the agenda as Item F1A. Director Piepho 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

F. NEW BUSINESS FOR BOARD CONSIDERATION

- 1A. **Presentation by Dolores Long of the Byron Unified School District.** Dolores Long asked the Board for a collaboration/partnership for a readiness and emergency grant available from the Federal Government. She stated that she had some information for the board's school district representatives. She stated that this is at the very beginning and that they are not sure how it will evolve but that they will be working with all the governmental, county and mental health agencies. She passed out a form for the Board to fill out and the President to sign. She asked that the Board look at the form and fill it out and return it by next Tuesday, April 7, 2009. Legal Counsel suggested that this should be delegated to possibly the President to sign this by the due date. Director Piepho motioned to give the president the authority to sign this form and work with staff to add on whatever they feel is necessary and relevant. Vice-President Simon 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

- 1B. Discuss and Possible Action on Proposed Video System for Community of Discovery Bay (Tetreault)** President Tetreault presented this item and Mr. Pastorini, the presenter to the board. Mr. Pastorini commented that they are at a point of making a decision to go forward with their proposed video system or not if it is not approved by the local agencies. He stated that they have raised to-date approximately \$38,000.00 to fund this project. He stated that in order to do a complete system for the entire community it would cost approximately \$80,000.00. He stated that he had come to the board to ask for the board's recommendation to the Board of Supervisors for this project. He stated that this is a gift and they are working on going through the proper channels to accomplish this and that they were told by the Board of Supervisors that they needed to get a recommendation from the Town. Mr. Pastorini then made a short presentation about some of the types of Video Systems they are looking at putting in the community. There was discussion about the feasibility of the project, where would the funds come from for the continued maintenance of the system, and who would monitor the system or take ownership of the system. There was discussion about using the funds to put cameras on the sheriff's car that was to be designated to Discovery Bay through the P-6 funds. Director Piepho motioned to send a letter to the Board of Supervisors asking them to explore opportunities with Mr. Pastorini and the Sheriff's Department to see if these funds could be put to good use in the community in a camera type of a system. Vice-President Simon 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 o abstain)
2. **Discuss and Possible Action on Funding of MAC Responsibilities (Tetreault)** President Tetreault asked if there could be two Directors delegated as liaisons to go to the County to get a commitment of a source of revenue and that staff would give these two directors an idea of the amount of funding needed. Legal Counsel stated that this would be an Ad-Hoc committee. Director Piepho motioned to remove this item from the agenda, for this period, to gather more information primarily from the County. The persons that gather this information would be the Ad-Hoc advisory committee consisting of the President and Director Piepho with staff accompanying the committee. Vice-President Simon 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
3. **Discuss and Consider for Approval, Termination Agreement with Southwest Water /SWWC (Stovall)** Legal Counsel Stovall presented this item to the board. He stated that in December of 2008 the town had received a request from Southwest Water to terminate their contract. He stated that Southwest Water terminated their agreement on December 31, 2008. He stated that this had been brought before the board and that the board had asked for certain things in the agreement to terminate. He stated that the board at that time had asked that staff and legal counsel go out and negotiate. He stated that they had negotiated and that it had been finalized in January or February of 2009 and that by that time the board had changed directors. He stated that in the original contract it stated that Southwest Water was liable for fines that are caused by their actions and that does not go away through this termination agreement, it is kept in place. He stated that he and staff have reviewed this agreement and they are bringing it back to the board for approval. Director Piepho motioned that the board sign the termination agreement. Vice-President Simon 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
4. **Discuss, Direction, or Possible Action on Funds for Escrow Account per SWWC Termination Agreement (Koehne)** General Manager Koehne explained that in December 2008 the board instructed staff to get a check for \$231,000.00 available in case it was needed to pay the fines and hold it. This check is still being held and staff asked the board for approval to redeposit the \$231,000.00 into the Town account and cut a check for the amount of \$124,000.00 that is owed to Southwest and deposit that check into escrow. Vice-President Simon motioned to deposit the \$231,000.00 check back into our account and that a check be cut for \$124,148.88 to be deposited into escrow. Director Piepho 2nd. The motion passed. (3 ayes, 0 nos, 0 abstain)
5. **Discuss and Approve Purchase of (2) Pumps as Replacement for Lift Station E (Koehne)** General Manager Koehne presented this item to the board. He explained that this is a capital improvement item that was on the current budget and that Lift Station E has been acting up lately. He stated that staff had gone out for quotes to rebuild or replace the pumps. He further explained the fact that the new pumps

he is suggesting have chopper blades in them which helps to eliminate some back ups of things like baby wipes and fibrous types of towels that get into the sewer system. Director Piepho motioned that staff purchase the chopper pumps not-to-exceed \$14,000.00. Vice-President Simon 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

6. **Discuss and Possible Action to Purchase A-Frame Signs to Advertise Upcoming CSD Meetings (Tetreault)** President Tetreault commented that after looking at the various costs and the fact that the county would require a permit he decided to withdraw the agenda item. General Manager Koehne suggested that the President direct staff to verify the costs and requirements of the county for these signs and bring it back to the board. President Tetreault agreed. Staff was also directed to look at other ways this could be accomplished.
7. **Discussion regarding Issues of having Staff Members on Sub-Committees (Piepho)** Director Piepho motioned to establish a policy that only when specific direction identifying on the Board will any staff member be a member of a committee and that staff will serve as staff at the request of the committee or the committee chair as the case may be. Vice-President Simon 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
8. **Discuss and Consider Making Minor Changes to "List of Committees" or Assignments that Directors are Appointed to Represent (Tetreault)** President Tetreault presented this to the board. He stated that to avoid confusion on the listing which is really not committees that they could be called District Liaisons. He also stated that there was a possible error on the listing of the Landscape and Parks. He asked Director Piepho which position he wished to hold. Director Piepho responded that he would be primary. President Tetreault commented that the only committee on the listing that needs to remain a committee would be the Community Center. He asked for a motion that the listing with the exception of the Community Center be changed to a listing of District Representatives. Director Piepho motioned to correct the nomenclature to avoid confusion and to correct Parks and Landscaping so that it is side by side only not separate. Vice-President Simon 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
9. **Discuss, Consider, and Possible Action of Re-naming "Committees" to "Representative" and Inform other Agencies of Any CSD "Representative(s)" that have been Formed and the Name of the Representative Member(s) (Piepho)** Director Piepho commented that this had been handled in Item 8 and asked that staff forward the listing to the local agencies. Director Piepho made a motion to direct staff to forward a letter to the effected agencies of our new designations and the members that are those designated. Vice-President Simon 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
10. **Discuss and Approve Resolution No. 2009-04 re: Amending District Bylaws (Stovall)** Legal Counsel Stovall stated that recently when amending the bylaws he had gone through all the bylaws and found that in the minutes that the President is a member of all committees. He stated that this has never been done and that the procedure has always been followed that once a year the board goes through the committees and if the President is going to be on a committee it is listed specifically. He asked that the board amend the bylaws to take out the old reference so that there is no confusion regarding this issue. Vice-President Simon motioned to approve Resolution 2009-04. Director Piepho 2nd the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
11. **Discuss and Possible Action on Having Legal Staff at Board Meetings, Once Per Month (Tetreault)** President Tetreault commented that in the past when he had served on the Board legal had attended meetings once a month. He stated that he brings this to the board in an effort to save money on legal expenses. He also commented that he would think that it should be presented when there is a full board. He stated that he would like to table the item to the next meeting.
12. **Discuss and Possible Action for September 2009 Election for the Special District Risk Management Authority Board of Directors (Koehne)** General Manager Koehne presented this item to the board and asked if any of the board members would be interested in running for one of these positions. All directors declined.

G. COMMITTEE/LIAISON REPORTS

1. **East County Planning Report** No representative. President Tetreault asked that this report be dropped from the list.
2. **Trans-Plan Report** No representative. Director Piepho will attend because he is the representative for Roadways.
3. **Code Enforcement Report** Director Piepho commented that he had turned in the Code Enforcement report last month and that he was on vacation this month during the time of this meeting.
4. **Special Districts Report**** No meeting.

**These meetings are held Quarterly

H. DIRECTORS' COMMENTS

Director Piepho commented that he had attended two meetings in the month of March. The first was the Community Center meeting hosted by the County. He stated that the County made a presentation and had a draft document. He stated that they are still identifying the property and a timeframe. He stated that he and President Tetreault will be attending a Community Center meeting on April 8, 2009 where more will be discussed to finalize these issues and that they will bring the information back to the next meeting. He stated he had also attended a stakeholder meeting regarding State Highway 237. He turned in a report from the meeting and asked that staff copy it and put it on the table for the next meeting. He stated that these meetings will be held quarterly.

Director Simon had no comment.

I. GENERAL MANAGER REPORT

1. **Update on Wastewater Spills** General Manager Koehne reported there were no new spills. General Manager Koehne reported that the Vac Truck had been purchased and was in the yard to view. He stated they were still putting more safety lights on. He reported that he had attended a salinity conference. He advised that the district has started a rate study. He reported that there had been two minor water leaks on Beaver Lane. He stated that at Lift Station "S" a pump had broken down. He announced that the Water Meter person has been out for two weeks on Worker's Compensation and may be for another two weeks. He noted that there about 1200 homes on the meter program. Vice-President Simon asked about the large user program. General Manager Koehne responded that he would be reporting on that at the next meeting. There was discussion about the reviewing and reporting of the new contractor, Veolia. It was discussed that there be a quarterly report from the contractor placed on the agenda.

J. LEGAL COUNSEL REPORT

1. **Discuss Use of Private E-mails as Public Records** Legal Counsel Stovall gave a report regarding whether or not emails sent by elected officials from their personal computers are public records subject to the Public Records Act. He stated that they are not, with two exceptions. He stated the reason they are not is that the definition of a public record is a writing containing information relating to the conduct of the public's business which is prepared, owned, used or retained by the local agency. He then stated that the only case where an email from an elected official would be; a.) they sent it to the public agency and the agency kept it or b.) they were acting as an agent specifically designated by the board to prepare something.

K. CORRESPONDENCE – Discussion and Possible Action

1. R – State Route 4 Bypass Meeting Minutes for January 7, 2009
2. R – Contra Costa County Aviation Advisory Committee Minutes for January 20, 2009
3. R – Letter from Supervisor Piepho to Silvano Marchesi, County Council re: P-6 zone monies dated February 11, 2009
4. R – State Route 4 Bypass Meeting Minutes for February 12, 2009

5. R – Letter from Supervisor Piepho to Sheriff Rupf re: P-6 zone monies dated February 13, 2009
6. R – Contra Costa County Aviation Advisory Committee Minutes for February 17, 2009
7. R – Letter from Supervisor Piepho to Ray Tetreault re: Preservation of Agricultural Lands and Promotion of Agricultural Tourism dated February 18, 2009
8. R – Letter from California Regional Water Quality Control Board re: Waste Discharge Requirements for the Byron Wastewater Treatment Facility dated February 19, 2009
9. R – Letter from Supervisor Piepho to Ray Tetreault re: Petition for Temporary Transfer of Water/Water Rights dated February 26, 2009
10. R – Letter from Supervisor Piepho to Capt. Cahoon, CHP, re: Traffic congestion and speed violators on Marsh Creek Rd. dated March 6, 2009
11. R – Document from Diablo Water District re: Public Hearing on Water Conservation Rate Changes scheduled for April 22, 2009 received March 6, 2009
12. R – Memo from Supervisor Glover to MAC members re: Joint Municipal Advisory Council Meeting scheduled for April 11, 2009 dated March 9, 2009
13. R – Letter from Supervisor Glover to Shannon Teixeira-Murphy re: Contra Costa County Youth Summit scheduled for April 25, 2009 dated March 9, 2009
14. R – Press Release from Supervisor Piepho re: Kick-off Plan for New State Highway 239 dated March 10, 2009
15. R – Letter from Supervisor Piepho to Ray Tetreault re: Vasco Road Overlay Project dated March 12, 2009
16. R – Letter from Contra Costa County Administrator David Twa to Virgil Koehne re: Health, life and retirement benefits for staff dated March 18, 2009
17. R – Letter from Allan Petersdorf, Jr. of Discovery Bay Elementary School to all TODB Board Members re: a competitive speech program scheduled for May 30, 2009 received March 16, 2009
18. R – Notice from Department of Conservation and Development re: Notice of Public Review and Intent to Adopt a Proposed Negative Declaration dated March 16, 2009 (Back-up Environmental Checklist Form available at District Office)

President Tetreault commented he would like to be a judge for item K17. Staff stated he would contact the school.

L. FUTURE AGENDA ITEMS

Director Piepho asked that there be a quarterly report on the agenda from Veolia. General Manager Koehne commented that this would be listed under General Manager's report and that Veolia would be in attendance. Director Piepho also commented that the website needs to be on the agenda. It was asked that the General Manager's Report be put at the beginning of the meeting for the reporting from Veolia. President Tetreault asked that there be an item on the agenda to talk about renegotiating our legal contract to propose a fixed fee per meeting instead of an hourly fee.

M. ADJOURNMENT

The meeting was adjourned at 9:11 pm to next Regular meeting on April 15, 2009

lh 4/07/09