



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



President – Kevin Graves • Vice-President – Ashley Porter • Director – Bryon Gutow • Director – Michael Callahan • Director – Carolyn Graham

**NOTICE OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY
Wednesday December 21, 2022, 7:00 P.M.**

**NOTICE
Coronavirus COVID-19**

In response to the current proclaimed State of Emergency, indoor masking recommendations, and recommended measures to promote social distancing imposed by State and local officials, the Town of Discovery Bay Community Services District Board of Directors has arranged for members of the public to observe and address the meeting telephonically (if available) or in person.

TO ATTEND IN PERSON: The meeting will be held at the Community Center located at 1601 Discovery Bay Boulevard.

TO ATTEND BY ZOOM WEBINAR: <https://us06web.zoom.us/j/85454370841>

TO ATTEND BY PHONE: +1 (669) 444 9171 or +1 (719) 359 4580 **WEBINAR ID:** 854 5437 0841

Download Agenda Packet and Materials at <http://www.todb.ca.gov/>

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m.
2. Pledge of Allegiance.
3. Roll Call.
4. Oath of Office.

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

During Public Comments, the public may address the Board 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 Board for consideration. Any person wishing to speak will have 3 minutes to make their comment. There will be no dialog between the Board and the commenter as the law strictly limits the ability of Board 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 Board only. Any clarifying questions from the Board must go through the President. Comments from the public do not necessarily reflect the viewpoint of the Directors.

C. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approve Regular Board of Directors DRAFT Meeting minutes from December 7, 2022.
2. Approve Special Board of Directors DRAFT Meeting minutes from December 7, 2022.
3. Approve Register of District Invoices.
4. Approve Resolution 2022-42 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.
5. Approve the Storage Space Lease Agreement between the Town of Discovery Bay and the Discovery Bay Lions Club and a Storage Space Lease Agreement with the Discovery Bay Community Foundation.

D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS

E. PRESENTATIONS

1. Veolia Presentation

F. DISCUSSION AND POSSIBLE ACTION

1. Discussion and Possible Action to Approve Board and Management Attendance at the 2023 Annual Discovery Bay Chamber of Commerce State of the Town Event.

G. MANAGER'S REPORT

H. GENERAL MANAGER'S REPORT

1. Town Comment Letter in Response to Delta Conveyance Project Draft Environmental Impact Report.

I. DIRECTOR REPORTS

J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS

1. Liberty Union High School District Board Meeting – November 9, 2022. (President Kevin Graves)
2. LAFCO Meeting – November 9, 2022. (President Kevin Graves)
3. East County Water Management Association – November 3, 2022. (Vice-President Ashley Porter)

K. CORRESPONDENCE

1. Town Comment Letter in Response to Delta Conveyance Project Draft Environmental Impact Report Dated December 13, 2022.

L. LEGAL REPORT

1. General Manager's Annual Performance Evaluation

M. MUNICIPAL ADVISORY COUNCIL

N. FUTURE AGENDA ITEMS

O. ADJOURNMENT

1. Adjourn to the next Regular Meeting of the Board of Directors on January 18, 2023, beginning at 7:00 p.m. 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."

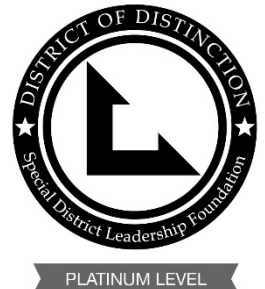
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TOWN OF DISCOVERY BAY

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President – Kevin Graves • Vice-President – Ashley Porter • Director – Bryon Gutow • Director – Michael Callahan • Director – Carolyn Graham

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY Wednesday December 7, 2022, 7:00 P.M.

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Meeting called to order at 7:00 p.m. President Graves opened the meeting asking for a moment of silence in memory of the attack on Pearl Harbor.
1. Pledge of Allegiance was led by Director Carolyn Graham.
2. Roll Call was taken and all Board Members were present.

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

1. Resident Leonard Woren spoke about the election. He also commented on the schedule of the committee meetings.

C. CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approve Regular Board of Directors DRAFT Meeting minutes from November 16, 2022.
2. Approve Register of District Invoices.
3. Approve Resolution 2022-39 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.

Director Gutow made a Motion to Approve the Consent Calendar.

Director Graham seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS

1. Supervisor Diane Burgis, District III Report.

Presented by Stephen Griswold via Zoom.

- Supervisor Burgis' office has received several calls re: the Old River Bridge Project. Residents are concerned about the amount of people who are running the red light and potentially causing accidents. CHP and Caltrans have been contacted to see what can be done to make that area safer for the duration of this project.
 - Supervisor Burgis' office is hosting a Holiday Open House that will be held December 8, 2022 from 4-6 p.m. at the Brentwood office located at 3361 Walnut Blvd, Brentwood, CA.
2. Assembly Member Lori Wilson's Office Report.
None.

3. Sheriff's Office Report.

Presented by Lieutenant Mark Johnson.

- Discovery Bay is getting a new resident Deputy in January.
- Since November, there have been 1-2 deputies assigned to the Sandy Cove shopping center due to shoplifting.
- There were 368 calls for service in Discovery Bay for the month of November.
- There were 2 DUI turnovers which were given to CHP.

4. CHP Report.
None.

5. ~~Contra Costa Fire Report~~ (Assignment by Con Fire Pending)
None.

E. PRESENTATIONS

None.

F. DISCUSSION AND POSSIBLE ACTION

1. Discussion and Possible Action to Approve Resolution 2022-41 Authorizing Five Star Bank as the Town of Discovery Bay's Main Depository.

General Manager, Dina Breitstein introduced Senior Vice President, Jerry Legg of Five Star Bank.

- Five Star Bank handles government banking throughout California.
- Investing the Town's money in a money-market account would earn 2.75% interest. There are no fees associated with this account.
- Five Star Bank sponsors community activities.

Director Gutow made a Motion to Approve Resolution 2022-41 Authorizing Five Star Bank as the Town of Discovery Bay's Main Depository.

Vice President Porter seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

2. Discussion and Possible Action Regarding Approval and Adoption of Resolution 2022-40 that Authorizes the Preparation and Submittal of a Sustainable Groundwater Management Act ("SGMA") Implementation Round 2 Funding Application to DWR; and Authorize the Board President to Sign a Letter of Support.

Presented by Michael Davies.

- Discovery Bay joined with other Groundwater Sustainability Agencies (GSA) to develop a Groundwater Sustainability Plan. This allowed the sharing of costs for the implementation of the Groundwater Sustainability Plan. In order to apply for a grant from the state of California, the Town of Discovery Bay must pass a resolution and select a lead agency that will process the grant. The City of Brentwood would be designated the lead agency.

Vice President Porter made a Motion Regarding Approval and Adoption of Resolution 2022-40 that Authorizes the Preparation and Submittal of a Sustainable Groundwater Management Act ("SGMA") Implementation Round 2 Funding Application to DWR; and Authorize the Board President to Sign a Letter of Support.

Director Graham seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

G. MANAGER'S REPORT

None.

H. GENERAL MANAGER'S REPORT

None.

I. DIRECTOR REPORTS

None.

J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS

None.

K. CORRESPONDENCE RECEIVED

None.

L. MUNICIPAL ADVISORY COUNCIL

None.

M. FUTURE AGENDA ITEMS

Director Graham requested asking Will Nelson or a representative from the planning department to come to a future Board of Directors meeting to discuss three proposed high-density housing developments.

N. ADJOURNMENT

1. Adjourned at 7:30p.m. to the next Regular Meeting of the Board of Directors on December 21, 2022, beginning at 7:00 p.m. 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."

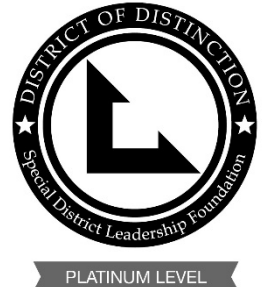
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**MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY
Wednesday December 7, 2022, 6:30 P.M.**

SPECIAL MEETING at 6:30 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Meeting called to order at 6:30 p.m.
2. President Graves held over the Pledge of Allegiance until the Regular Board Meeting held at 7:00p.m.
3. Roll Call was taken and all members were present.

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

None.

C. CONSENT CALENDAR

None.

D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS

None.

E. PRESENTATIONS

None.

F. DISCUSSION AND POSSIBLE ACTION

1. Discussion and Possible Action Regarding Location of Menorah Placement at the Community Center.

Presented by General Manager, Dina Breitstein.

- Rabbi Peretz Goldshmid contacted staff regarding placement of a Menorah next to the Holiday Tree at the Community Center. Volunteers will set-up the menorah and remove it by the weekend of January 7, 2023.
- There are two different methods to secure the menorah and Staff will be consulted before installation.

There was one public comment on this item.

- Speaker stated she thought it was an excellent idea to recognize diversity.

Vice President Ashley Porter made a Motion to approve, subject to compliance with staff conditions of approval, the temporary placement of a Holiday Menorah at the outdoor flagpole area of the Community Center.

Director Graham seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

Vice President Porter mad a motion to approve Board Direction to Town Staff to prepare a policy for all displays at the Town’s Community Center and until such policy is adopted, the Board authorizes the

Town's General Manager, upon the advice of legal counsel, to consider and approve any applications for public displays.

Director Gutow seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

G. MANAGER'S REPORT

None.

H. GENERAL MANAGER'S REPORT

None.

I. DIRECTOR REPORTS

None.

J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS

None.

K. CORRESPONDENCE RECEIVED

None.

L. MUNICIPAL ADVISORY COUNCIL

None.

M. FUTURE AGENDA ITEMS

None.

N. ADJOURNMENT

1. Meeting adjourned at 6:39p.m. to the next Regular Meeting of the Board of Directors on December 7, 2022, beginning at 7:00 p.m. 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."

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Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

December 21, 2022

Prepared By: Julie Carter, Finance Manager & Lesley Marable, Accountant
Submitted By: Dina Breitstein, General Manager

Agenda Title

Approve Register of District Invoices.

Recommended Action

Staff recommends that the Board approve the listed invoices for payment.

Executive Summary

District invoices are paid on a regular basis, and must obtain Board authorization prior to payment. Staff recommends Board authorization in order that the District can continue to pay warrants in a timely manner.

Fiscal Impact:

Amount Requested \$ 858,792.48

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

Prog/Fund # See listing of invoices. **Category:** Operating Expenses and Capital Improvements

Previous Relevant Board Actions for This Item

Attachments

Request For Authorization to Pay Invoices for the Town of Discovery Bay CSD 2022/2023

AGENDA ITEM: C3

Request for Authorization to Pay Invoices

For The Meeting On December 21, 2022

Town of Discovery Bay CSD

Fiscal Year 7/22 - 6/23

Weco Industries LLC	\$492,568.00
Veolia Water North America	\$149,870.56
J.W. Backhoe & Construction, Inc.	\$71,256.09
Town of Discovery Bay CSD	\$37,527.30
SWRCB	\$21,886.00
U.S. Bank Corporate Payment System	\$17,001.02
Luhdorff & Scalmanini	\$10,881.75
Badger Meter	\$7,722.53
Neumiller & Beardslee	\$7,703.00
Precision IT Consulting	\$4,306.29
Robert Half	\$4,280.89
Lucas Electrical Inc.	\$4,052.31
Core & Main LP	\$3,262.50
Janitorial Plus	\$3,090.00
Water Utility Refund Customers	\$2,610.12
Mt Diablo Resource Recovery	\$2,476.16
City Of Brentwood	\$1,966.75
Karina Dugand	\$1,518.75
Contra Costa Water District	\$1,500.00
Enrique Tamayo	\$1,392.50
Bob Harkrader & Sons Trucking, Inc.	\$1,347.49
Watersavers Irrigation Inc.	\$1,268.95
Verizon Wireless	\$1,266.81
Univar Solutions USA Inc.	\$1,233.49
Kevin Graves	\$900.43
Brentwood Ace Hardware	\$758.77
National Aquatic Services, Inc.	\$700.00
ODP Office Solutions, LLC	\$626.62
Ashley Porter	\$575.00
Bryon Gutow	\$460.00
Carolyn Graham	\$345.00
Karrie Hebert	\$322.50
Denalect Alarm Company	\$287.12
Michael Callahan	\$230.00
Big O Tires	\$228.93
UniFirst Corporation	\$228.90
ULINE	\$213.19
Cintas	\$206.91
Geotab USA, Inc.	\$197.50
Discovery Pest Control	\$99.00
Department of Justice	\$98.00
SOC, FTB	\$97.00
Shred-It USA-Concord	\$94.27
Allan Cantando	\$91.89
Michael Davies	\$42.19

\$858,792.48



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
RESOLUTION 2022-42**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN DISCOVERY BAY COMMUNITY SERVICES DISTRICT RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the Town of Discovery Bay Community Services District (the "Town") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Town's legislative body are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative body conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the Town's Board of Directors previously adopted a Resolution, Number 2021-16 on October 20, 2021, finding that the requisite conditions exist for the legislative body of the Town to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must make findings that the Board has reconsidered the circumstances of the state of emergency that exist in the Town, and that either the state of emergency continues to directly impact the ability of the members to meet safely in person, or State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency continues to exist throughout California as a result of the threat of COVID-19; and

WHEREAS, currently the dominant strain of COVID-19 in the country continues to be more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees and members; and

WHEREAS, the Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing remain in effect; and

WHEREAS, the Contra Costa County Health Officer, through guidance and current health orders, strongly encourages indoor masking for everyone, regardless of vaccination status, recommends measures for social distancing when individuals have been exposed to COVID-19, and also acknowledges that close contact to other persons increases risk of transmission.

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

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. AB 361 Compliance. The Board of Directors began using teleconferencing in accordance with subdivision (e) of Section 54953 of the Government Code, as amended by AB 361, on October 20, 2021, and have made the requisite findings by majority vote not later than 30 days after October 20, 2021, and every 30 days thereafter.

Section 3. State of Emergency. The Board of Directors hereby reconsiders the circumstances of the current State of Emergency proclaimed by the Governor on March 4, 2020, and find that the ongoing conditions of the State of Emergency directly impact the ability of members to meet safely in person.

Section 4. Measures to Promote Social Distancing. The Board of Directors hereby finds that Cal-OSHA and the County Health Official continue to recommend measures to promote physical distancing.

Section 5. Remote Teleconference Meetings. The General Manager of the Town of Discovery Bay Community Services District is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

Kevin Graves
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 meeting, held on December 21, 2022, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dina Breitstein
Board Secretary



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date
December 21, 2022

Prepared By: Allan Cantando, Assistant General Manager
Submitted By: Allan Cantando, Assistant General Manager

Agenda Title

Approve the Storage Space Lease Agreement between the Town of Discovery Bay and the Discovery Bay Lions Club and a Storage Space Lease Agreement with the Discovery Bay Community Foundation.

Recommended Action

Approve 1) Storage Lease Agreement between the Town of Discovery Bay and the Discovery Bay Lions Club for use of Town of Discovery Bay property located on Firwood Drive at the gate on Discovery Bay Blvd (AKA Well Site 4); and 2) Storage Lease Agreement between the Town of Discovery Bay and the Discovery Bay Community Foundation for use of Town of Discovery Bay property located on Edgeview Drive at the gate on Discovery Bay Blvd (AKA Well Site 3).

Executive Summary

Since 2015 the Town has entered into an annual agreement with Discovery Bay Lions Club to lease former Well Site #4 (Discovery Bay Blvd @ Firwood Drive gate) and an annual agreement with the Discovery Bay Community Foundation to lease former Well Site #3 (Discovery Bay Blvd @ Edgeview Drive gate). Both organizations are local non-profits that support local schools, charitable and civic organizations as well as community events and recreation programs.

The last extensions of the Agreements were approved on December 15, 2021 and are set to expire on December 31, 2022. The attached lease agreements extend the same terms as last year, except for a rent increase this year of about 3.8%. This raises the annual lease amount from \$1590 to \$1650. The lease terms will be for an additional 12 months commencing on January 1, 2023 and terminating on December 31, 2023.

Previous Relevant Board Actions for This Item

Approval of Annual Lease Agreements Since 2015

Attachments

1. Discovery Bay Warehouse Storage Space Lease - Well No. 3 Discovery Bay Community Foundation 12/21/22.
2. Discovery Bay Warehouse Storage Space Lease - Well No. 4 Lions Club 12/21/22.

AGENDA ITEM: C5



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PLATINUM LEVEL

President – Kevin Graves • Vice-President – Ashley Porter • Director – Bryon Gutow • Director – Michael Callahan • Director – Carolyn Graham

December 21, 2022

RE: Town of Discovery Bay Storage Space Agreement 2023 Lease Extension

The following Extension of Lease Agreement is made by and between the Town of Discovery Bay Community Services District (“Lessor”) and the Discovery Bay Community Foundation (“Lessee”), collectively referred herein as the “Parties.”

The Parties agree to mutually extend and amend the lease agreement executed by them on April 1, 2016 and related to the premises including the building located on Edgeview Drive at the gate on Discovery Bay Boulevard, Discovery Bay, California APN 008-220-018-9, more commonly referred to as Well Site 3 as follows:

- The term of said lease is extended for a period of 12 months commencing on January 1, 2023 and terminating on December 31, 2023.
- During the extended term, the monthly rent agreed upon in said lease is increased by about 3.8% and therefore Tenant shall pay Landlord a monthly rent of \$137.50 paid as an annual lump sum of \$1650.00.

The Parties further acknowledge that all other terms of the lease shall continue during this extended term as if set forth herein, and that this agreement shall be binding upon the Parties’ successors, assignees and representatives.

LESSOR:

Date

Dina Breitstein, General Manager
Town of Discovery Bay Community Services District

LESSEE:

Date

Print Name

Sign Name
Discovery Bay Community Foundation



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PLATINUM LEVEL

President – Kevin Graves • Vice-President – Ashley Porter • Director – Bryon Gutow • Director – Michael Callahan • Director – Carolyn Graham

December 21, 2022

RE: Town of Discovery Bay Storage Space Agreement 2023 Lease Extension

The following Extension of Lease Agreement is made by and between the Town of Discovery Bay Community Services District (“Lessor”) and the Discovery Bay Lions Club (“Lessee”), collectively referred herein as the “Parties.”

The Parties agree to mutually extend and amend the lease agreement executed by them on April 1, 2016 and related to the premises including the building located at Firwood Drive at the gate on Discovery Bay Boulevard, Discovery Bay, California APN 008-230-037-7, more commonly referred to as Well Site 4 as follows:

- The term of said lease is extended for a period of 12 months commencing on January 1, 2023 and terminating on December 31, 2023.
- During the extended term, the monthly rent agreed upon in said lease is increased by about 3.8% and therefore Tenant shall pay Landlord a monthly rent of \$137.50 paid as an annual lump sum of \$1650.00.

The Parties further acknowledge that all other terms of the lease shall continue during this extended term as if set forth herein, and that this agreement shall be binding upon the Parties’ successors, assignees and representatives.

LESSOR:

Date

Dina Breitstein, General Manager
Town of Discovery Bay Community Services District

LESSEE:

Date

Print Name

Sign Name
Discovery Bay Lions Club



Water and Waste Water Monthly Report
Town of Discovery Bay

Presented December 2022

Safety & Training

Safe Work Days: 4,842

VNA University:

Cold Stress

Winter Safety

Weekly Safety Topics:

11/2 – Regional Site Safety Visit Recap

11/9 – Confined Space

11/16 – Winter Preparation Checklist

11/23 – Flash Safety Alert: Neck, Arms, Back, Shoulder Strains

11/30 – Hazmat 4 Routes of Entry

Water Well Status

Willow WTP

01

Active

02

Active

06

Active

Newport WTP

04

Active

05

Active
(Emergency)

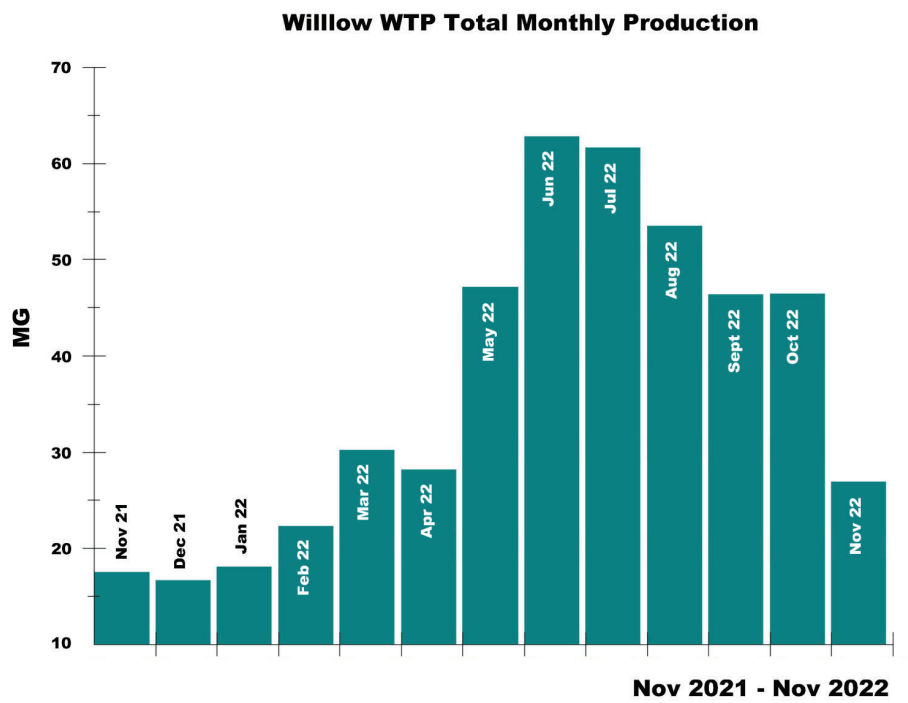
07

Active

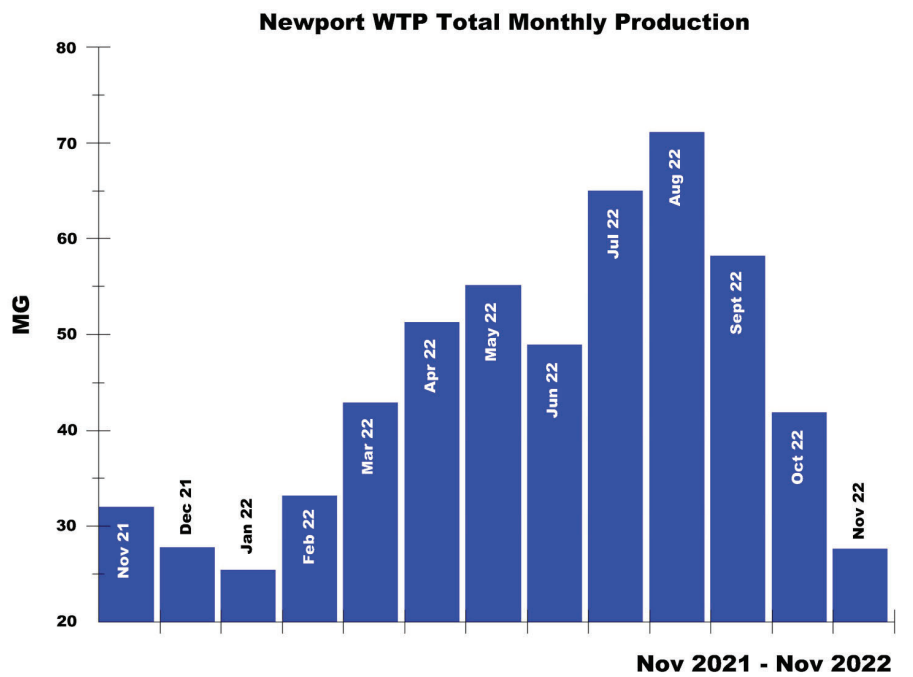
Water Production & Chemicals

	Production (MG)	Chemicals (gal) (Sodium Hypochlorite)
Willow WTP	26.88	1,066
Newport WTP	28.49	542
TOTAL	55.37	1,608

Water Production - Willow Total Monthly Production



Water Production - Newport Total Monthly Production



Water Compliance

Coliform Samples Collected: 25

Coliform Positive Results: 0

Water Quality Complaints: 0

Hydrant Flushing: 0

Valve Exercising: 0

Lift Station Status

A

Active

C

Active

D

Active

E

Active

F

Active

G

Active

H

Active

J

Active

R

Active

S

Active

Newport

Active

Lakeshore

Active

Lakes

Active

Lakes 4

Active

Bixler

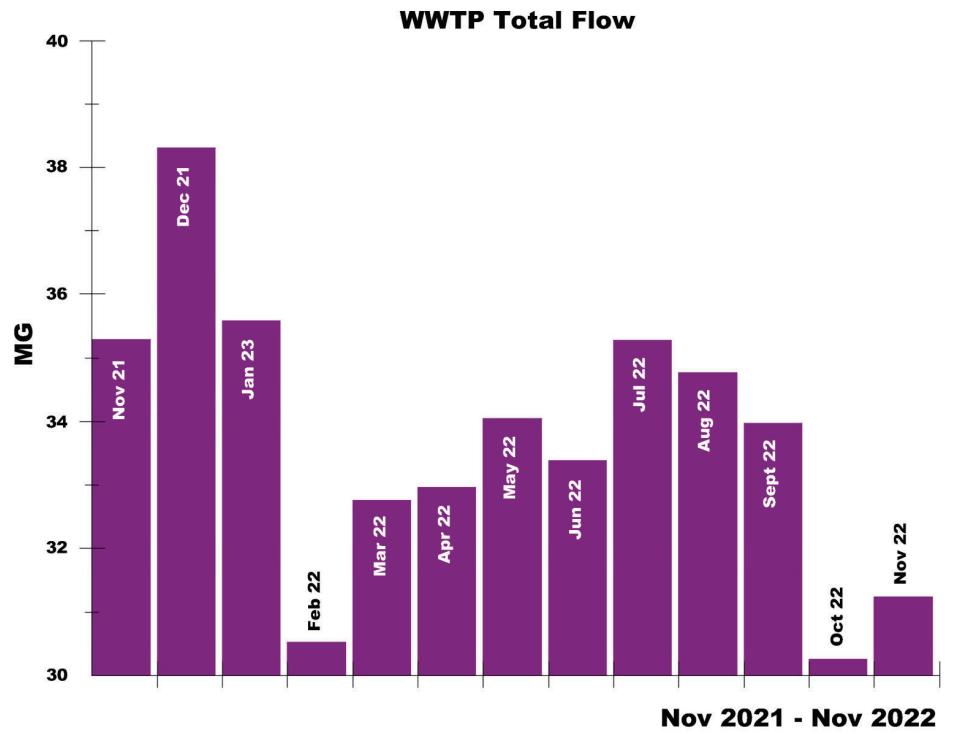
Active

Wastewater Flow & Chemicals

WW Plant 1	Total Flow (MG)	Influent Flow avg. (MG)	Discharge Flow avg. (MG)
	0	0	0
WW Plant 2	Total Flow (MG)	Influent Flow avg. (MG)	Discharge Flow avg. (MG)
	31.24	1.15	1.04
	Last Year Flow (MG)	Polymer (gal)	Alum (gal)
	35.29	0	0

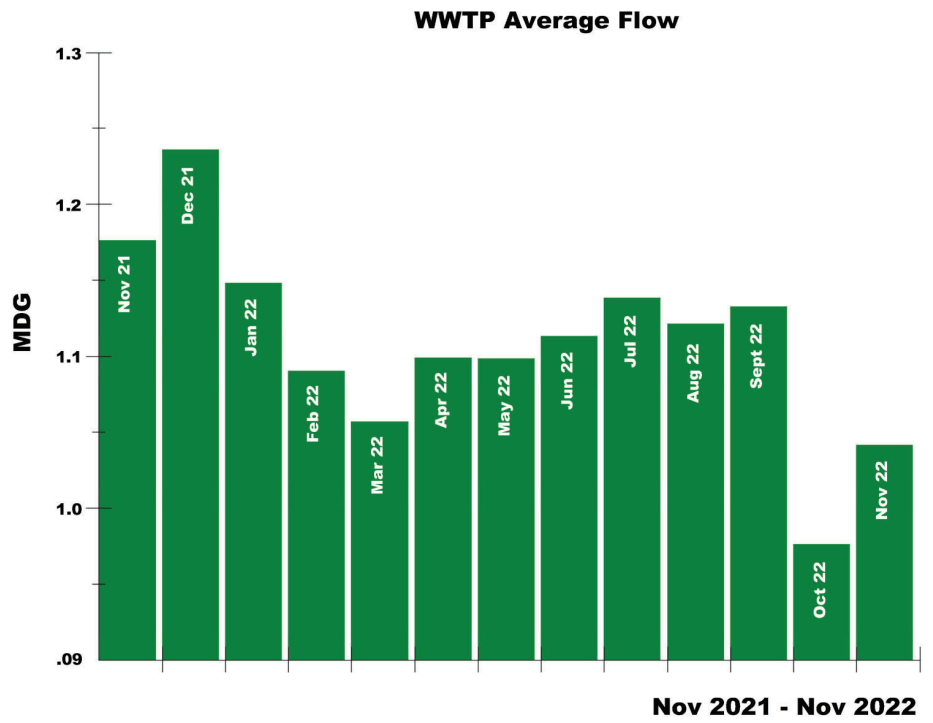
WWTP 2

Total Monthly Flow



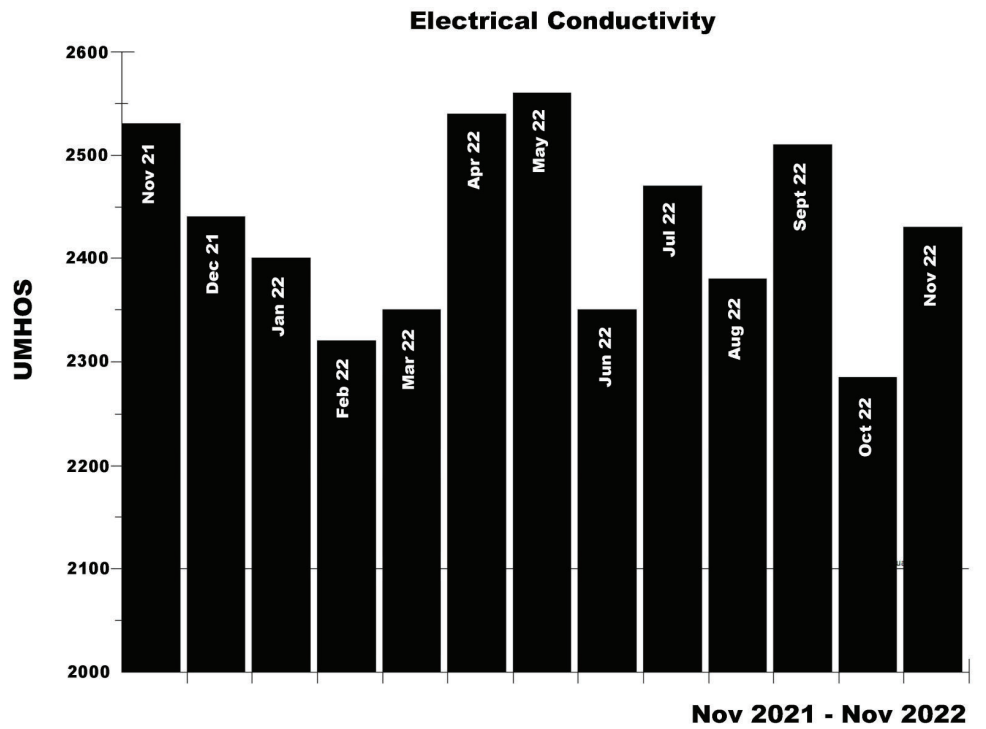
WWTP 2

Average Discharge Flow



WWTP 2

Monthly Conductivity



Wastewater Compliance

Effluent BOD₅, mg/L < 10: **1.2**

Effluent TSS, mg/L < 10: **1.0**

Total Coliform 7 day median < 23: **ND**

Total Coliform daily max < 240: **ND**

Eff NTU daily avg < 2: **1**

Eff Ammonia (N), mg/L < 8.4: **ND**

Removal BOD₅, monthly > 85%: **99.6%**

Removal TTS, monthly > 85%: **99.6%**

Conductivity annual avg < 2,400: **2,418**

**Maintenance
& Improvements**

SSOs: 0

Customer Inquires: 0



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

December 21, 2022

Prepared By: Dina Breitstein, General Manager
Submitted By: Dina Breitstein, General Manager

Agenda Title

Discussion and Possible Action to Approve Board and Management Attendance at the 2023 Annual Discovery Bay Chamber of Commerce State of the Town Event.

Recommended Action

Authorize attendance and payment for the Board of Directors and Town management to attend the annual "State of the Town Gala" event on Saturday, January 28, 2023.

Executive Summary

Each year, the Discovery Bay Chamber of Commerce hosts its annual "State of the Town Gala" Banquet. This year's event will take place at the Discovery Bay Country Club on January 28, 2023 at 6:00 P.M.

As in past years, it is customary and appropriate for the Board of Directors and Management staff to attend these types of community/public events. Participation in this event provides a venue for delivering a State of the Town Address, demonstrates community involvement and outreach, allows opportunities for gaining direct feedback, puts faces to names, and gives honor to the Business, Citizen and Teacher of the Year.

The cost to attend is \$125.00 per person and the cost for a table of eight is \$975. If approved, the District would reserve one or two tables at a cost of \$975 or \$1950 depending on Town attendance.

Staff recommends authorizing attendance and payment for the Board of Directors and Town management to attend the annual "State of the Town Gala" event on Saturday, January 28, 2023.

Previous Relevant Board Actions for This Item

Fiscal Impact:
Amount Requested:
Sufficient Budgeted Funds Available?
Prog/Fund # Category:

Attachments

Discovery Bay Chamber of Commerce Town Gala Invitation

AGENDA ITEM: F1

State of the Town Gala presented by:



Join us at the
DISCOVERY BAY COUNTRY CLUB

Semi-Formal

CASINO

Royale

\$125 ~ Ticket

Table of 8 ~\$975



SAVE THE DATE!



Help us celebrate the current and future STATE OF OUR TOWN

HELP US HONOR



Business of the Year



Non Profit of the Year



Citizen of the Year



Teacher of the Year

Saturday

Jan 28, 2023

6:00 pm



Tickets available by visiting: DiscoveryBayChamber.org OR Call **925.513.4175**

STATE OF THE TOWN GALA

[Tweet](#)

[Share](#)

Tickets will go on Sale in Dec, 2022

For sponsor info or raffle donations Contact

Lisa at 925 787 9688

Cindy 925 513 4175



Venue Discovery Bay County Club

Address 1475 Clubhouse Dr
Discovery Bay CA 94505, US

Starts Sat Jan 28 2023, 05:30pm PST

Ends Sat Jan 28 2023, 10:30pm PST



Liberty Union High School District

Wednesday, November 9, 2022

LUHSD Regular Board Meeting. Liberty Union High School District, located at 20 Oak Street, Brentwood, CA 94513. A link to the live video conference will be available below with the "video" icon at the start of the meeting on the day of the Board Meeting. Persons wishing to make a Public Comment have two options: Appear in-person to address the Board or submit a public comment by email to BoardComments@luhsd.net prior to 2:00 PM on the day of the meeting. Emailed public comments will be read aloud as time allows.

**Liberty Union High School District
20 Oak Street
Brentwood, CA 94513**

1. NOTICES

1.01 PUBLIC RECORDS NOTICE: Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 20 Oak Street, Brentwood, California during normal business hours.

1.02 AMERICANS with DISABILITIES ACT NOTICE: In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids, or services, in order to access the Board meeting room, access written documents being discussed at the Board meeting, or to otherwise participate in the public meetings of the District's governing board, please contact the office of the Superintendent at (925) 634-2166 x2025. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Please turn off any electronic paging device or cell phone.

1.03 TITLE IX: The Liberty Union High School District does not discriminate on the basis of race, color, national origin, sex, or disability.

2. CALL TO ORDER - 5:30 PM

2.01 Tamela H. Hawley will join the meeting by teleconference from the Rotunda at the Westin City Centre Bahrain located at Al Seef District, Sheikh Khalifa Bin Salman Highway in Manama, Bahrain. This location is open to the public and any member of the public has an opportunity to address the Board from this location in the same manner as if that person was attending the regular meeting location. The Board will control the conduct of the meeting and determine the appropriate order and time limitations on public comment from the teleconference location.

2.02 Roll Call

3. SPECIAL SESSIONS

3.01 GENERAL PUBLIC COMMENT ON ANY CLOSED SESSION ITEM: An information sheet with procedures for public input is available on the table near the entrance to the Board Room. The Board may limit public comments to 5 minutes per speaker and 30 minutes total per subject pursuant to Board Policy 9323. The Board values all input from the public; however, the practice is to not respond immediately to public comments. An additional opportunity is provided later in the agenda for public comment on remaining agenda items or non-agenda items and comments during public hearing(s).

3.02 Public Comments

3.03 Open Session

3.04 Closed Session

3.05 STUDY SESSION 6:45 PM: The Board will hold a study session on potential campus locations for the Liberty High School Lions

4. OPENING PROCEDURES - 7:00 PM

~~4.01 Call to Order~~

~~4.02 Roll Call~~

~~4.03 Report Out of Closed Session~~

~~4.04 Pledge of Allegiance~~

4.05 The public is welcomed and encouraged to address the Liberty Union High School Board of Trustees. An information sheet with procedures for public input is available on the table near the entrance to the Board Room. The Board may limit public comments to 5 minutes per speaker and 30 minutes total per subject pursuant to Board Policy 9323. The Board values all input from the public; however, the practice is to not respond immediately to public comments.

~~4.06 Consider Agenda~~

~~4.07 Consider Approval of Regular Board Meeting Minutes of October 26, 2022~~

5. COMMUNICATIONS

5.01 Public Comments

5.02 Student Board Representatives

5.03 Staff Comments

5.04 Superintendent's Report

5.05 Board Comments

6. RECOGNITIONS

6.01 Recognition of Heritage High School Student, Ryan Simonds

7. OVERNIGHT FIELDTRIPS

7.01 Consider Approval of Liberty High School's Future Farmers of America to travel to Monterey, California

8. CONSENT AGENDA

8.01 Consider Approval of the Personnel Report No. 11 09 22

8.02 Consider Approval of Updated Classified Job Descriptions and CSEA Salary Schedule effective November 1, 2022

8.03 Consider Approval of Extra Duty Stipends - Fall 2022

8.04 Consider Approval of Out-Of-State travel to attend the Corwin Visible Learning Institute in Grapevine, Texas - Erik Faulkner

8.05 Consider Approval of the Horizon Hydrogen Grand Prix - Toyota Mirai Fuel Cell Education Grant to Heritage High School

8.06 Consider Approval of the 2022-2023 Memorandum of Understanding between the Contra Costa County Office of Education and the LUHSD for Golden Gate Community School programs

8.07 Consider Approval of the 2022-2023 School Plan for Student Achievement (SPSA) for Freedom High School, Heritage High School, Liberty High School, La Paloma High School and Independence High School

8.08 Consider Approval of Change Order #01 from Consolidated Engineering, Inc. for the Liberty High School Portable Classrooms and Restrooms - Underground Utilities Scope of Work

8.09 Consider Approval of Change Order #02 from Goodland Landscape Construction, Inc. for the Baseball Infield and Softball Outfield Improvements at Liberty, Freedom and Heritage High Schools

8.10 Consider Approval of Declaration of Surplus - Technology

8.11 Consider Approval of Warrants Issued in October 2022

8.12 Consider Approval of the LUHSD Organizational Meeting to take place at the Regular Board Meeting on December 14, 2022

8.13 Consider Action of 2022-23 Interdistrict Transfer Requests as recommended by the Superintendent

9. ADMINISTRATIVE ACTION

9.01 Consider Approval of Provisional Internships Permit(s) for Certificated Personnel

9.02 Consider Approval of the Service Contract with Ellevation Software for LUHSD

9.03 Consider Approval of reroofing bid for all areas of the "L" wing roof at Liberty High School

9.04 Consider Nomination of CSBA Delegate Assembly Subregion 7A for a Two-Year Term serving April 1, 2023 through March 31, 2025

10. Policies and Amendments

10.01 First Reading of Revised Board Policies and Administrative Regulations: BP 4119.25/4219.25/4319.25 Political Activities of Employee (Revised) ; AR 4119.25/4219.25/4319.25 Political Activities of Employee (Revised) ; BP 4140 Bargaining Units (Revised) ; BP 4157/4257/4357 Employee Safety (Revised) ; AR 4157/4257/4357 Employee Safety (Revised)

10.02 Consider Approval of New and Revised Board Policies and Administrative Regulations: AR 4030 Nondiscrimination in Employment (Revised) ; BP 4119.11/4219.11/4319.11 Sexual Harassment (Revised) ; AR 4119.11/4219.11/4319.11 Sexual Harassment (Revised) ; BP 4119.12/4219.12/4319.12 Title IX Sexual Harassment Complaint Procedures (New) ; AR 4119.12/4219.12/4319.12 Title IX Sexual Harassment Complaint Procedures (New)

10.03 First Reading of Revised Board Policy: BP 9100 Organization (Revised)

11. DISCUSSION

11.01 The Board will have the opportunity to discuss topics for future agendas.

11.02 The Board will discuss whether they have interest in Officer or Committee positions during the December 14, 2022 Organizational Meeting.

12. SPECIAL SESSION(S) CONTINUED

12.01 Closed Session

12.02 Open Session

13. ADJOURNMENT

13.01 Meeting Adjourned



Lou Ann Teixeira
Executive Officer

NOTICE AND AGENDA FOR REGULAR MEETING

Wednesday, November 9, 2022, 1:30 PM

As permitted by Government Code section 54953(e), this meeting will be held by Zoom and teleconference (webinar) and also in person at 1025 Escobar Street, First Floor in Martinez.

PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS

If joining remotely, please click the link below to join the webinar:

<https://cccounty-us.zoom.us/j/89633801679>

Or Telephone:

Dial:

USA 214 765 0478 US Toll

USA 888 278 0254 US Toll-free

Conference code: 220394

LAFCO meetings are audio recorded and posted online at <http://contracostalafco.org/meetings-and-public-hearings/>. Audio recordings are available the day following the LAFCO meeting. LAFCO meeting materials and staff reports are available online at <http://contracostalafco.org/meetings-and-public-hearings/>.

PUBLIC COMMENT: The Commission will consider all verbal and written comments received. Comments may be emailed to LouAnn.Teixeira@lafco.cccounty.us or by U.S. mail to Contra Costa LAFCO at 40 Muir Road 1st Floor, Martinez, CA 94553. Please indicate the agenda item number, if any. If you want your comments read into the record, please indicate so in the subject line. For public hearings, the Chair will announce the opening and closing of the public hearing. The Chair will call for verbal public comments.

NOTICE TO THE PUBLIC

Disclosable public records for a regular meeting agenda distributed to a majority of the members of the Commission less than 72 hours prior to that meeting will be made available on <http://contracostalafco.org/meetings>

Campaign Contribution Disclosure

If you are an applicant or an agent of an applicant on a matter to be heard by the Commission, and if you have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months, Government Code Section 84308 requires that you disclose the fact, either orally or in writing, for the official record of the proceedings.

Notice of Intent to Waive Protest Proceedings

In the case of a change of organization consisting of an annexation or detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area, it is the intent of the Commission to waive subsequent protest and election proceedings provided that appropriate mailed notice has been given to landowners and registered voters within the affected territory pursuant to Gov. Code sections 56157 and 56663, and no written opposition from affected landowner or voters to the proposal is received before the conclusion of the commission proceedings on the proposal.

American Disabilities Act Compliance

LAFCO will provide reasonable accommodations for persons with disabilities planning to join the meeting. Please contact the LAFCO office at least 48 hours before the meeting at 925-313-7133.

NOVEMBER 9, 2022 CONTRA COSTA LAFCO AGENDA

1. Call to Order 1:30
2. Roll Call
3. Approval of Minutes of the September 14, 2022 regular LAFCO meeting
4. Public Comment Period (please observe three-minute time limit): Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.

TELECONFERENCING

5. *Resolution Authorizing Teleconference Meetings Pursuant to Assembly Bill 361* – adopt a resolution authorizing LAFCO to conduct teleconference meetings per Gov. Code §54953(e) and make related findings

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATION

6. *LAFCO 22-04 – Annexation to – EBMUD – Thomas Property* – consider annexing to EBMUD 35± acres (APNs 365-230-037/-038) located at 4949 Happy Valley Road (unincorporated Lafayette) and consider a categorical exemption under the California Environmental Quality Act (CEQA) *Public Hearing*
7. *LAFCO 22-07- Contra Costa County Fire Protection District (CCCFPD) and City of Pinole – Out of Agency Service Agreement (OAS)* - consider a request by CCCFPD to provide fire, rescue and emergency medical services to the City of Pinole under a 5-year contract between CCCFPD and the City effective March 1, 2023, and consider a categorical exemption under CEQA *Public Hearing*

BUSINESS ITEMS

8. *Contra Costa Mosquito & Vector Control District (CCMVCD) & Contra Costa Resource Conservation District (CCRCD) Municipal Services Review (MSR) & Sphere of Influence (SOI) Updates (2nd Round)* receive an overview of the Final Draft CCMVCD/CCRCD MSR, receive public comments, provide input, and consider CEQA exemptions *Public Hearing*
9. *LAFCO 2023 Meeting Schedule* – consider approving the 2023 LAFCO meeting schedule
10. *FY 2022-23 First Quarter Budget Report* – receive FY 2022-23 first quarter budget report
11. *2022 Legislative Wrap-up* – a legislative update will be provided – *information only*
12. *Updates to LAFCO Staffing, Budget, and Personnel* - consider approving the LAFCO *Clerk Analyst* job description, updates to the LAFCO salary schedule, an increase in FY 2022-23 salary and benefit costs, and recruitment efforts for a Clerk Analyst

INFORMATIONAL ITEMS

13. *Current and Potential Applications* - update on current and potential applications – *information only*
14. Correspondence from Contra Costa County Employees' Retirement Association (CCCERA) including *GASB 68 Actuarial Report (Measurement Date 12/31/21), five-year projection of employer contribution rate changes and the reconciliations of employer contribution rate, and unfunded actuarial accrued liability reconciliation by cost group based on the December 31, 2021 Actuarial Valuation letters*
15. Commissioner Comments and Announcements
16. Staff Announcements/CALAFCO Conference Highlights/Newspaper Articles

ADJOURNMENT

Next regular LAFCO meeting December 14, 2022 at 1:30 pm.

LAFCO STAFF REPORTS AVAILABLE AT http://www.contracostalafco.org/meeting_archive.htm

East County Water Management Association

Governing Board Meeting

November 3, 2022

11am to 1pm

Big Break Visitor Center (69 Big Break Rd, Oakley, CA 94561)

Agenda

1. Welcome and Introductions – Dan Muelrath, DWD
 - a. Governing Board Members, Alternates, and Joint Managers

2. ECWMA overview and history – Chad Davisson, ISD

3. Member agencies highlights/overview (2 mins max per agency)

4. What should ECWMA 2.0 look like moving forward? – Dan Muelrath, DWD
 - a. Required bylaws amendments (Jeff Quimby, CCWD)
 - b. Possible future collaborations (All)
 - c. New ideas (All)

5. Grants for multiagency projects – Maggie Dutton, CCWD

6. 2023 Water Supply Outlook – Jeff Quimby, CCWD

7. Lunch provided by the association (12:30pm).



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



President – Kevin Graves • Vice President – Ashley Porter • Director – Bryon Gutow • Director – Michael Callahan • Director – Carolyn Graham

December 13, 2022

Department of Water Resources
Attention Delta Conveyance Office
P.O. Box 942836
Sacramento, CA 94236-0001

SUBJECT: Comment Letter in Response to Delta Conveyance Project Draft Environmental Impact Report

To Whom it May Concern,

Thank you for the opportunity to submit comments under the California Environmental Quality Act (CEQA) on the Delta Conveyance Project Draft Environmental Impact Report (DCP DEIR). The Town of Discovery Bay (District) has a vested interest in the health of the Delta and the associated water quality (surface and groundwater), as the District serves water for residential, commercial, industrial, public, and irrigation use for the Town of Discovery Bay (pop. 16,000). In addition to being the water purveyor, the District also serves as the Groundwater Sustainability Agency within its service area.

The District is submitting this comment letter on the Draft Environmental Impact Report (DEIR) of the Delta Conveyance Project (Project). The comments provided herein focus on Project impacts on groundwater resources. The District is located within the East Contra Costa (ECC) Subbasin, which is situated within the domain of the proposed Delta Conveyance Project (Project). Our agency would be directly impacted if the Project is completed as described in the Delta Conveyance Environmental Impact Report (DEIR). The following outlines the District's concerns regarding how the Project may have an impact on the future sustainable management of groundwater resources in the ECC Subbasin.

The review of the DEIR focused on whether the impacts analysis on groundwater resources in the DEIR is adequate. The District along with our water engineers Luhdorff & Scalmanini, Consulting Engineers ("LSCE") evaluated and compared relevant aspects of the modeling assumptions and inputs used in the development of Project

impacts in addition to whether the DEIR accurately represents the Hydrogeological Conceptual Model (HCM) of the groundwater system in the ECC Subbasin. This evaluation is important in order to assess whether the model used in the impacts analysis was a suitable tool to adequately identify Project impacts on the groundwater system. Based on the review conducted by engineers several components of the DEIR were identified that would impact the sustainability of the Subbasin. Discovery Bay is of the opinion that the review performed by LSCE discovered significant issues with the DEIR to warrant the Department of Water Resources (DWR) to conduct additional evaluation of the feasibility of the Project. Discovery Bay requests that DWR cease any further advancement of the Project until the comments in this letter have been fully addressed. This letter presents general comments that are in response to specific sections within the DEIR.

Surface Water Quality and Sea Level Rise Impacts

Several entities in the ECC Subbasin receive surface water deliveries from diversion points in the Sacramento- San Joaquin Delta (Delta). Under the Project, lower salinity water would be removed from the Delta upstream of ECC surface water diversion points therefore i.) decreasing the availability of lower salinity water making its way to the region of the Delta near surface water diversion points to blend with the higher salinity water from the San Pablo Bay and ii.) increasing the likelihood that higher salinity water from the San Pablo Bay could migrate further into the Delta towards ECC Subbasin surface water diversion points.

When groundwater suppliers within the Subbasin are unable to be blended with good quality surface water from the Delta, higher proportions of groundwater have to be utilized. This will lead to an increased reliance on groundwater in the Subbasin and will lead to increased groundwater pumpage in the region. The DEIR failed to discuss the potential impacts from increased groundwater use by ECC Subbasin entities in the region as a result of increased Delta Salinity.

Additionally, there are several entities within the Subbasin that supply water to Disadvantaged Areas (DAs) comprised of both Severely Disadvantaged and Disadvantaged Communities. If these DAs lose the ability to receive good quality surface water from the Delta and are forced to seek more expensive water supplies or groundwater from other entities, there could be significant economic impacts on an already strained area and potentially impact the ability of the Subbasin entities to sustainably use groundwater resources.

The DeltaGW model was used to simulate existing and future conditions with and without the Delta Conveyance Project. The DEIR mentions sea level rise several times with respect to degradation of water quality, but there is no indication that sea level rise was simulated in the DeltaGW model. In fact, the DEIR states: "Notably, the DeltaGW modeling analysis did not include effects of sea level rise, which could contribute to saltwater intrusion in the Delta under 2040 conditions."¹ The DeltaGW model did not simulate sea level rise with its 2040 analysis, and therefore the DEIR is not able to quantify or provide a qualitative analysis of the potential impacts sea level rise would have on groundwater resources with the construction and implementation of the Project.

¹ This statement is made on line 39-40 on page 8-24 of Chapter 8.

Chapter 3 describes an extreme sea level rise scenario in which sea levels would rise by 1.8 feet by 2040 at the tide gage in San Francisco, but this was not described in any of the groundwater impact discussions in Chapter 8 (nor the appendices 8A, 8B, and 8C). Furthermore, the Sustainable Groundwater Management Act (SGMA) regulations required GSPs to model future groundwater conditions up to 2070. The use of the DeltaGW model projecting conditions into 2040 is not a sufficient time frame to make statements on future forecast impacts from climate change or sea level in particular. The DEIR must look at climate change and sea level rise impacts projected by 2070 as part of any cumulative impacts analysis and/or future projections.

Groundwater Storage Changes

The DEIR states that groundwater storage would experience an overall increase under the Project (Table 8-8: Long-Term Changes in Groundwater Storage in Acre-Feet and Change Relative to Existing (CEQA Baseline) Conditions); hypothesizing any reductions in groundwater storage would be localized and short-term in nature. Impact GW-4: Changes to Long-Term Change in Groundwater Storage describes an increase in groundwater storage under all Project alternatives due to an increase in surface water supplies and a decrease in groundwater demand, however, this would only be applicable to entities that receive surface water deliveries from the Project. In the DeltaGW model's Subregion 4, which contains the ECC Subbasin, most entities do not receive Project water deliveries, therefore, the increased storage simulated under the Project alternatives is likely overestimated for the ECC Subbasin.

Monitoring of Baseline Conditions

The DEIR fails to establish a clear plan for monitoring baseline conditions in order to evaluate Project impacts. 'Mitigation Measure GW-1: Maintain Groundwater Supplies in Affected Areas' states that groundwater monitoring would begin upon completion of monitoring wells close to the Project sites however, it does not establish a baseline timeframe in which data would be collected prior to Project commencement. Mitigation Measure GW-1 also states that existing wells would be used to evaluate groundwater conditions. This statement incorrectly assumes that existing wells are actually present at appropriate locations and depths and owners of those wells are willing to provide access to their wells for monitoring purposes. Using existing wells to establish a baseline would only be sufficient if the wells are constructed solely in the shallow zone where recharge and dewatering activities will occur. Furthermore, if the existing wells are used for supply, data from such wells may not represent true static conditions. Without a reliable baseline upon which to compare, determining Project impacts would be unreliable and erroneous.

Equally, the use of average seasonal variations as a baseline for determining recharge and dewatering impacts is not sufficient if the data record is too long (Impact GW-2: Changes in Groundwater Elevations). A long data record, such as the almost 100 year record used in the DeltaGW Model (1922-2015), mutes the shorter-term seasonal variation averages while not accounting for recent groundwater conditions that are closely related to climatic changes.

Groundwater Elevation Change in Supply Wells

Changes in groundwater elevation can impact the reliability of water supply wells used by private domestic well owners and water suppliers. The DeltaGW model provides an estimate of changes in groundwater level for different nodes in different layers of the model grid to determine the impact of the construction and implementation of the Project. The model makes no attempt to simulate actual wells pumping specified

amounts at specified times, but rather the IWFM modeling platform distributes pumping within elements or areas based on the groundwater demand in that water balance area. This essentially smooths any localized changes in groundwater elevation over a larger area, resulting in the simulation of groundwater level changes that do not represent the declines in groundwater levels that are experienced in real wells in real time during and after Project construction and implementation. The DEIR fails to acknowledge this issue in the evaluation of Project impacts. Water levels in supply wells, including domestic, irrigation, industrial, and public supply wells, may exhibit greater drawdown in areas where slurry walls or cutoff walls provide an impedance to lateral flow towards wells, thereby resulting in greater than normal decreases in groundwater elevations within wells.

A more thorough analysis of the impact the slurry/cutoff walls will have on local drawdowns from supply wells is crucial to determine the significance of this particular groundwater concern from the Project, as the DeltaGW model is an insufficient tool to make that determination.

Lack of Southern Complex Simulation

The DeltaGW model simulates slurry walls or cutoff walls along the intake and conveyance for the Project. The “deep cut walls” that are to be installed in the Southern Forebay levees are not simulated in the DeltaGW model. These walls will be no-flow barriers, and may impact the operation of local wells, and potentially impede groundwater flow toward surface water features that rely on groundwater (e.g. Groundwater Dependent Ecosystems [GDEs] as well as areas where gaining stream conditions occur). The permanent footprint of the Southern Complex is estimated to be approximately 900 acres, located within the ECC Subbasin. This feature was not described in the DeltaGW model documentation (Chapter 8, as well as Appendices 8A, 8B, and 8C), and so it is assumed that this large feature was not simulated at all. Therefore, the impacts to groundwater based on the DeltaGW model are deficient to determine impacts in that area of the model’s Subregion 4.

Groundwater Dependent Ecosystem

The DEIR notes the presence of Groundwater Dependent Ecosystems (GDEs) within the Project area and maps the permanent and non-permanent Project areas in Ch. 13 and on Mapbook 13-1. GDEs are not discussed in Ch. 8 in the context of potential Project impacts related to groundwater conditions. A large percentage of ECCs GDEs are located near Clifton Court Forebay which is designated as a potential Project area. It is acknowledged in the DEIR that some of the GDEs will be permanently destroyed as a result of the Project. GDEs that will not be permanently destroyed have no defined threshold of significance for impacts or mitigation measures. SGMA regulations specifically call out the need for the Subbasin to protect GDEs.

Cumulative Impacts Covered in Simulation

Cumulative impacts were not simulated using the DeltaGW model, so despite the brief statements in Chapter 8 that claim most of the Projects will improve surface water reliability and therefore benefit groundwater resources, there is no analysis on the cumulative impact on groundwater resources in the ECC Subbasin with the introduction of slurry walls, cutoff walls, conveyance tunnels, new intake feature, and a large forebay structure. Table 8-10 lists 26 programs or projects that could have impacts on groundwater resources in the vicinity of the Project, but the DEIR fails to explain how

those programs/projects would cumulatively impact groundwater with the addition of the Delta Conveyance construction and implementation.

Climate Change Covered in Simulation

Climate change was simulated using the DeltaGW model by using 2040 climate change conditions. In this climate change scenario, evapotranspiration is assumed to increase by approximately 5% and increased agricultural and urban demands would result in increased pumping of groundwater due to higher future temperatures. According to Chapter 30, the global average surface temperature will increase by approximately 1.4°F. The climate change enforced on the DeltaGW model was for 2040 only, but future conditions for Project Alternatives and No Project Scenario were not simulated for 2070 climate change conditions. DWR has produced several future climate scenarios that have been adopted by subbasins conforming to SGMA requirements, including future wet scenarios, future dry scenarios, and climate change out past 2040 into 2070. The DeltaGW model simulates one future climate scenario only, for 2040, which provides an insufficient assessment of project impacts due to different potential future climate changes.

Data Gaps in Simulation

Surface water and Groundwater Interaction

Data used in the DEIR to consider surface water and groundwater interaction in the ECC Subbasin was not complete in the DeltaGW model. During development of the ECC GSP model, several other surface water data sources were incorporated to create a more complete analysis. For example, the DeltaGW model relied on surface water features simulated in the DWR C2VSim model, which did not simulate the Middle River, Old River, or Marsh Creek. These features are important components when understanding the relationship of surface water and groundwater within the ECC Subbasin. The DEIR does not have the same level of effort as the Subbasin utilized for the development of the ECC Subbasin GSP. Therefore, the DEIR's analysis of surface water and groundwater interaction (or streamflow depletion) is inadequate within the ECC Subbasin.

Sea Level Rise

Sea level rise is only discussed in terms of the overall basin hydrogeology and in a no-Project context. The DEIR fails to address sea level rise in any of the Project alternatives. Sea level rise is a concern for the ECC Subbasin due to the proximity to the Delta and the relatively shallow topography that is observed throughout most of the Subbasin. Additionally, the agricultural users in the Subbasin utilize tile drains to artificially keep groundwater levels lower. While the DEIR does mention sea level rise in Chapters 5 and 30, it is in regard to surface water rather than potential groundwater impacts. The DEIR must address the potential impacts of sea level rise and how it will affect users in the Delta.

SGMA Project and Management Actions

During the development of the GSP for the ECC Subbasin, several Project and Management Actions (PMA) were proposed, in addition to all the Projects that other Subbasin developed for their GSPs. The DEIR does not discuss any potential impacts

the Project may have on implementing the PMAs or how the PMAs may impact the Project.

Conclusion

While the Draft Delta Conveyance DEIR is a very detailed report, an initial review of the information presented at this time leaves several concerns unanswered as noted in this letter. Significant negative impacts such as changes in surface water quality and sea level rise, and groundwater elevation changes were not sufficiently discussed, and no mitigation plan was provided. The report also had several modeling data gaps that LSCE finds to be consequential and recommends that the DEIR review model simulations for the Project particularly focusing on future simulations, surface water groundwater interactions, sea level rise and SGMA PMAs. The current Project as presented in the DEIR has the potential to impact the sustainability of the ECC Subbasin. ECC Subbasin is currently sustainable and is projected to maintain sustainable conditions based on model computations and current management of the Subbasin. The DEIR does not adequately provide enough information to definitively say that current sustainable conditions will be maintained with the construction and operation of the proposed Delta Conveyance. Based on review of the DEIR it is determined that the DEIR is inadequate and fails to address concerns that would impact the continual sustainability observed in the ECC Subbasin.

Sincerely,



Dina Breitstein, General Manager
Town of Discovery Bay CSD