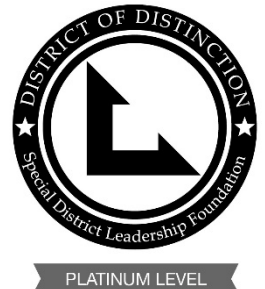




TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



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

**NOTICE OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY
Wednesday March 1, 2023, 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.

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 February 15, 2023.
2. Approve Register of District Invoices.
3. Approve Resolution 2023-07 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.
4. Approve Resolution 2023-09 Establishing a Contra Costa General Plan Update Ad Hoc Committee to Review the Contra Costa County General Plan Update.
5. Approve Resolution 2023-10 Re-Establishing a District Office Planning Ad Hoc Committee To Develop Options for Acquiring or Building a Future District Office.

D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS

1. Supervisor Diane Burgis, District III Report.
2. Assembly Member Lori Wilson's Office Report.
3. Sheriff's Office Report.
4. CHP Report.
5. ~~Contra Costa Fire Report~~ (Assignment by Con Fire Pending).
6. Congressman Josh Harder's Office Report.

E. PRESENTATIONS

F. DISCUSSION AND POSSIBLE ACTION

1. Discussion and Possible Action to Rescind Resolution 2013-06 and Adopt Resolution 2023-08 Establishing the Revised Vehicle Use Policy for The Town of Discovery Bay Community Services District (CSD).
2. Public Hearing. Discussion and possible action to waive the second reading and Adopt Amendment to Ordinance No. 7 – Water Regulations and Service Ordinance, Adding Sections 2.16 and 37.04.

G. MANAGER'S REPORT

1. Recreation Update.

H. GENERAL MANAGER'S REPORT

I. DIRECTOR REPORTS

1. Standing Committee Reports.
 - a. Communications Committee Meeting (Committee Members Bryon Gutow and Carolyn Graham) March 1, 2023.
 - b. Parks & Recreation Committee Meeting (Committee Members Michael Callahan and Bryon Gutow) March 1, 2023.
 - c. Water & Wastewater Committee Meeting (Committee Members Ashley Porter and Kevin Graves) March 1, 2023.

J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS

1. Vice President Callahan – Training Reports.
 - a. Completion of state mandated "Anti-Harassment Training for Supervisors and Managers" (SB1343/AB1825) on February 17, 2023.
 - b. Completion of state mandated "Local Agency Ethics" (AB1234) on February 17, 2023.
2. Director Graves – Training Report.
 - a. Completion of state mandated "Local Agency Ethics" (AB1234) on February 10, 2023.

K. CORRESPONDENCE

L. LEGAL REPORT

M. MUNICIPAL ADVISORY COUNCIL

1. Discussion and Possible Action to Submit a Letter of Response Regarding the Contra Costa County EIR.

N. FUTURE AGENDA ITEMS

O. ADJOURNMENT

1. Adjourn to the next Regular Meeting of the Board of Directors on March 15, 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."

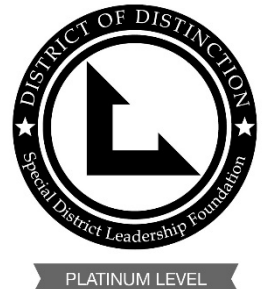
"Materials related to an item on the Agenda submitted to the Town of Discovery Bay after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



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

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY Wednesday February 15, 2023, 7:00 P.M.

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Called business meeting to order 7:00 p.m.
2. Pledge of Allegiance was led by Director Bryon Gutow.
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

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 February 1, 2023.
2. Approve Register of District Invoices.
3. Approve Resolution 2023-03 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.
4. Adopt and Approve Resolution No. 2023-04 Accepting an Easement for the Marina Waterline Crossing Repair Project.
5. Approve Amendment No. 2 to the East County Water Management Association Agreement.

Director Graves made a Motion to Approve the Consent Calendar.

Director Gutow seconded.

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

D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS

None.

E. PRESENTATIONS

1. Veolia Presentation.

Presented by Anthony Harper, Veolia Project Manager.

- Hazmat conducted their bi-annual inspection, and no violations were found.
- 4,904 safe workdays.
- All 15 lift stations are active.
- January conductivity was 2,070 which is below the average rating of <2,400 due to rainfall.
- One customer called for a backed-up toilet. Veolia responded and found a gravity main next to lift-station J was clogged. Veolia pumped out 2 manholes and avoided any SSOs that could have occurred as a result.

F. DISCUSSION AND POSSIBLE ACTION

1. Discussion and Possible Action to Introduce and Waive First Reading of Amendment to Ordinance No. 7 – Water Regulations and Service Ordinance, Adding Sections 2.16 and 37.04.

Presented by Mike Yeraka, Projects Manager.

- Fire sprinkler systems are now required in new home builds.
- To avoid the need for a backflow device, connecting fire sprinkler piping to a toilet will automatically flush the lines.
- Public Notice will be published before the approval is brought to the March 1, 2023, meeting.

Director Graves made a Motion to Approve Staff Recommendation to Introduce and Waive First Reading of Amendment to Ordinance No.7 – Water Regulations and Service Ordinance, Adding Sections 2.16 and 37.04.

Director Graham seconded.

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

2. Discussion and Possible Action to Adopt Resolution No. 2023-05 Determining CEQA Exemption for Willow Water Treatment Plant Filter Replacement Project, Approve Willow Water Treatment Plant Filter Replacement Project, and Direct Town Staff to File a Notice of Exemption.

Presented by Mike Yeraka, Projects Manager.

- This is a replacement of two filters with a larger filter.
- This is a replacement of facilities, and any increase in capacity is considered negligible.

Director Graves made a Motion to Adopt Resolution No. 2023-05 Determining CEQA Exemption for Willow Water Treatment Plant Filter Replacement Project, Approve Willow Water Treatment Plant Filter Replacement Project, and Direct Town Staff to File a Notice of Exemption

Vice- President Callahan seconded.

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

3. Discussion and Possible Action to Approve the Notice of Completion and Release the Retention Payment, and Performance and Payment Bonds for Construction of the Discovery Bay Blvd. and Edgeview Drive Pipeline Replacement Project.

Presented by Mike Yeraka, Projects Manager.

- Plastic service lines needing to be replaced with new copper lines pushed the project over budget by just under \$25,000.
- Project is now complete, and staff recommends filing Notice of Completion with County Clerk and releasing the 5% retention.

Director Graham made a Motion to Approve the Notice of Completion and Release the Retention Payment, and Performance and Payment Bonds for Construction of the Discovery Bay Blvd. and Edgeview Drive Pipeline Replacement Project.

Director Graves seconded.

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

4. Discussion and Possible Action to Approve and Certify the Town of Discovery Bay Sewer System Management Plan.

Presented by Anthony Harper, Veolia Project Manager.

- Sewer System Management Plan needs to be updated every five years.
- There were minor changes made regarding contact names and department phone numbers.

Director Gutow made a Motion to Approve and Certify the Town of Discovery Bay Sewer System Management Plan.

Vice-President Callahan seconded.

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

5. Discussion and Possible Action to Adopt Resolution 2023-06 Adopting an Addendum to the Pantages Bay Residential Development Project EIR to address the Town's Well 8 Project and Directing Staff to File a Notice of Determination.

Presented by Mike Yeraka, Projects Manager.

- The Board instructed Harris & Associates prepared the necessary environmental documents for Well #8.
- Both Harris & Associates and legal counsel decided that the best course of action was to do an addendum to the existing EIR for the Pantages project.

Director Graves made a Motion to Adopt Resolution 2023-06 Adopting an Addendum to the Pantages Bay Residential Development Project EIR to address the Town's Well 8 Project and Directing Staff to File a Notice of Determination.

Director Graham seconded.

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

G. MANAGER'S REPORT

1. Landscape Update.

Presented by Bill Engelman, Parks & Landscape Manager.

- Clipper Drive irrigation is nearly complete.
- Prop. 68 funding will be used for replacement of basketball courts and hoops, BBQ area, playground area, and dog waste stations at Cornell Park.
- Ravenswood Park rails are being replaced.
- Solar lighting will be installed in the future between Newport and Safeway.

H. GENERAL MANAGER'S REPORT

Presented by Dina Breitstein, General Manager.

Hazmat Inspection Update:

- GM Breitstein commended the Water & Wastewater department as well as Veolia for a successful inspection.

Board Workshop:

- Board workshop has been changed to March 16, 2023, at 4:00pm.

Five Star Bank:

- First transfer of funds in the amount of \$16 million to Five Star bank was made on February 15, 2023.

I. DIRECTOR REPORTS

J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS

1. Code Enforcement Meeting – January 26, 2023 (Director Kevin Graves).
Correction: Meeting was attended by Director Bryon Gutow.
2. Liberty Union High School Meeting – January 18, 2023 (Director Kevin Graves).
3. Director Graves – Training Report.
 - a. Completion of state mandated “Anti-Harassment Training for Supervisors and Managers” (SB1343/AB1825) on January 20, 2023.
 - b. Completion of state mandated “Local Agency Ethics” (AB1234) on February 10, 2023.
4. Director Gutow – Training Reports.
 - a. Completion of state mandated “Anti-Harassment Training for Supervisors and Managers” (SB1343/AB1825) on January 11, 2023.
 - b. Completion of state mandated “Local Agency Ethics” (AB1234) on January 12, 2023.
5. Con Fire Meeting – February 7, 2023 (Director Carolyn Graham).

K. CORRESPONDENCE

1. CSDA Board of Directors Call for Nominations Seat C. – January 30, 2023
2. LAFCO Call for Nominations and Names of District Voting Delegates - February 2, 2023

L. LEGAL REPORT

M. MUNICIPAL ADVISORY COUNCIL

1. Discussion and Possible Action to Form an Ad Hoc Contra Costa County EIR Review Committee.

Legal counsel, Andy Pinasco, gave a synopsis of the Municipal Advisory Council.

- Municipal Advisory Council was established by the Board of Supervisors. The MAC advises the Board of Supervisors on local issues. The Discovery Bay Board of Directors serves as the MAC for the Town.

President Porter made a motion to form an Ad Hoc Contra Costa County EIR Review Committee consisting of Director Graves and President Porter.

Director Graves seconded.

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

Public Comment:

- There was one speaker who stated that the county of his previous residence gave funds to their three MACs.
2. Discussion and Possible Action to establish a future meeting date for the Ad Hoc Contra Costa County EIR Review Committee.
 - President Porter stated they will meet before the March 1, 2023, Board of Directors Meeting.

3. Discussion and Possible Action to submit a letter of response on the Contra Costa County EIR.

- President Porter stated the Board will be approving a letter of response at the March 1, 2023, Board of Directors Meeting.

N. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA

(Government Code Section 54957.7)

Legal Counsel, Andy Pinasco, announced the Town of Discovery Bay Board of Directors Meeting will adjourn to the closed session to discuss items O.1 and O.2 which was erroneously stated as O.3 on the agenda. (Adjourned at 7:48p.m.)

O. CLOSED SESSION

1. Public Employee Performance Evaluation Pursuant to Government Code 54947 (Position: General Manager).
3. Conference with Labor Negotiator Pursuant to Government Code 54957.6 Agency Designated Representative Ashley Porter / Andy Pinasco
Unrepresented Employee : General Manager

P. RETURN TO OPEN SESSION, REPORT ON CLOSED SESSION

(Government Code Section 54957.1)

(Returned from closed session at 8:52p.m.)

Legal Counsel, Andy Pinasco, stated there were no reportable actions.

Q. BUSINESS AND ACTION ITEMS

1. Discussion and Possible Action to Approve Amendment to General Manager Employment Agreement.

President Ashley Porter made a motion to Approve Amendment to General Manager Employment Agreement reflecting a salary increase to \$170,000 per year and add an additional 40 hours of administrative time.

Director Graves seconded.

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

R. FUTURE AGENDA ITEMS

None.

S. ADJOURNMENT

1. Adjourned at 8:53p.m. to the next Regular Meeting of the Board of Directors on March 1, 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

"A Community Services District"

STAFF REPORT

Meeting Date

March 1, 2023

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 \$ 428,642.04

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: C2

Request for Authorization to Pay Invoices
For The Meeting On March 1, 2023
Town of Discovery Bay CSD
Fiscal Year 7/22 - 6/23

Veolia Water North America	\$173,210.00
Pacific Gas & Electric	\$93,299.94
J.W. Backhoe & Construction, Inc.	\$65,148.20
Luhdorff & Scalmanini	\$40,085.09
Town of Discovery Bay CSD	\$33,955.22
BSK Associates	\$5,518.50
Freedom Mailing Service, Inc	\$3,458.54
Applied Best Practices	\$3,000.00
Janitorial Plus	\$2,580.00
Watersavers Irrigation Inc.	\$1,792.14
California Rural Water Association	\$1,507.00
Bob Harkrader & Sons Trucking, Inc.	\$1,369.91
Underground Service Alert	\$609.77
ODP Office Solutions, LLC	\$531.42
Univar Solutions USA Inc.	\$526.37
ULINE	\$505.22
Smearred Paint	\$216.00
County Clerk- Elections Division	\$144.83
UniFirst Corporation	\$132.00
Utility Customer Refund	\$123.31
Costco	\$120.00
Bryon Gutow	\$115.00
Carolyn Graham	\$115.00
Discovery Pest Control	\$99.00
Alhambra	\$96.87
Karrie Hebert	\$82.50
Upper Case Printing, Inc.	\$65.36
County Of Contra Costa, Dept of Info Tec	\$61.00
County Clerk - CCC	\$50.00
Department of Justice	\$49.00
Zone Services	\$39.83
Verizon Wireless	\$25.02
Community Center Refund Customer	\$10.00

\$428,642.04



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
RESOLUTION 2023-07**

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.

Ashley Porter
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 March 1, 2023, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dina Breitstein
Board Secretary



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2023-09

**RESOLUTION OF THE TOWN OF DISCOVERY BAY BOARD OF DIRECTORS ESTABLISHING A
CONTRA COSTA COUNTY GENERAL PLAN UPDATE AD HOC COMMITTEE TO REVIEW THE
CONTRA COSTA COUNTY GENERAL PLAN UPDATE**

WHEREAS, the Town of Discovery Bay Community Services District (the “Town”) Board of Directors (the “Board”) is also the Discovery Bay MAC, which has the responsibility to advise Contra Costa County on land use and other issues within the jurisdictional limits of the Town; and

WHEREAS, Section 2, of Article IV of the Town’s Bylaws provides that the Board may establish Ad Hoc Committees that may become necessary from time to time by Resolution of the Board; and

WHEREAS, the Town’s Board desires to form an ad hoc committee to review the Contra Costa County General Plan Update and develop options, a staff report, and committee recommendation related to providing advice to the County on land use and other similar issues related to the Contra Costa County General Plan Update to the Discovery Bay MAC for consideration.

NOW THEREFORE, BE IT RESOLVED, BY THE TOWN OF DISCOVERY BAY BOARD OF DIRECTORS, AS FOLLOWS:

1. **Recitals.** The above recitals are true and correct and incorporated herein by reference.
2. **Contra Costa County General Plan Update Ad Hoc Committee.** In accordance with Section 2, of Article IV of the Town of Discovery Bay Community Services District Bylaws, the Town’s Board of Directors hereby establishes the Contra Costa County General Plan Update Ad Hoc Committee to carry out the following efforts:
 - a. The title of the committee shall be the “Contra Costa County General Plan Update Ad Hoc Committee”.
 - b. The Contra Costa County General Plan Update Ad Hoc Committee shall be an ad hoc committee comprised of no more than two (2) members of the Board.
 - c. The members of the Contra Costa County General Plan Update Ad Hoc Committee shall be Board President Ashley Porter and Director Kevin Graves. The members of the Contra Costa County General Plan Update Ad Hoc Committee shall select a Chairperson.
 - d. The Contra Costa County General Plan Update Ad Hoc Committee shall conduct itself consistent with all applicable Policies of the Town, and in accordance with California law.
 - e. The scope of the Contra Costa County General Plan Update Ad Hoc Committee functions shall include the following:

- i) Review the Contra Costa County General Plan Update and develop options, a staff report, and committee recommendation related to providing advice to the County on land use and other similar issues related to the Contra Costa County General Plan Update to the Discovery Bay MAC for consideration.
 - f. No other power of the Town's Board of Directors, whether express or implied, is delegated to the Contra Costa County General Plan Update Ad Hoc Committee.
 - g. The Contra Costa County General Plan Update Ad Hoc Committee shall meet as necessary to carry out its purpose and shall dissolve automatically once the Town of Discovery Bay MAC has sent its comments to Contra Costa County, unless otherwise extended or dissolved by the Town of Discovery Bay Board prior to thereto.
3. **No Invalidation of Prior Lawful Actions.** Adoption of this Resolution shall not be construed as to invalidate any prior lawful action taken by any previously existing committee of the Town, nor any subsequent lawful action taken by the Board thereupon.
4. **Effective Date.** The provisions of this Resolution shall take effect immediately upon adoption.

Ashley Porter
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 March 1, 2023, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dina Breitstein
Board Secretary



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2023-10

**RESOLUTION OF THE TOWN OF DISCOVERY BAY BOARD OF DIRECTORS RE-
ESTABLISHING A DISTRICT OFFICE PLANNING AD HOC COMMITTEE TO DEVELOP
OPTIONS FOR ACQUIRING OR BUILDING A FUTURE DISTRICT OFFICE**

WHEREAS, the Town of Discovery Bay Community Services District (the “Town”) Board of Directors (the “Board”) has acknowledged that the Town’s current District Office located at 1800 Willow Lake Road, Discovery Bay, California (the “District Office”) needs to be moved to a different site in the future; and

WHEREAS, Section 2, of Article IV of the Town’s Bylaws provides that the Board may establish Ad Hoc Committees that may become necessary from time to time by Resolution of the Board; and

WHEREAS, the Town’s Board desires to form an ad hoc committee to provide input to and work collaboratively with the Town’s staff in developing options, a staff report, and committee recommendation related to options for acquiring or building a future District Office for the entire Board to consider.

NOW THEREFORE, BE IT RESOLVED, BY THE TOWN OF DISCOVERY BAY BOARD OF DIRECTORS, AS FOLLOWS:

1. **Recitals.** The above recitals are true and correct and incorporated herein by reference.
2. **District Office Planning Ad Hoc Committee.** In accordance with Section 2, of Article IV of the Town of Discovery Bay Community Services District Bylaws, the Town’s Board of Directors hereby establishes the District Office Planning Ad Hoc Committee to carry out the following efforts:
 - a. The title of the committee shall be the “District Office Planning Ad Hoc Committee”.
 - b. The District Office Planning Ad Hoc Committee shall be an ad hoc committee comprised of no more than two (2) members of the Board, the General Manager, and assisted by Town staff that may be required to carry out the functions of the District Office Planning Ad Hoc Committee.
 - c. The members of the District Office Ad Hoc Committee shall be Director Bryon Gutow and Director Kevin Graves. The members of the District Office Planning Ad Hoc Committee shall select a Chairperson.

- d. The District Office Planning Ad Hoc Committee shall conduct itself consistent with all applicable Policies of the Town, and in accordance with California law.
 - e. The scope of the District Office Planning Ad Hoc Committee functions shall include the following:
 - i) Investigate and develop options to be considered by the entire Town Board of Directors for acquiring or building a future District Office.
 - ii) Provide recommendations and input regarding options for acquiring or building a future District Office in collaboration with Town staff in furtherance of formulating a staff report and Committee recommendation for the entire Board to consider.
 - f. No other power of the Town's Board of Directors, whether express or implied, is delegated to the District Office Planning Ad Hoc Committee.
 - g. The District Office Planning Ad Hoc Committee shall meet as necessary to carry out its purpose and shall dissolve automatically by December 31, 2023, unless otherwise extended or dissolved by the Board prior thereto.
3. **No Invalidation of Prior Lawful Actions.** Adoption of this Resolution shall not be construed as to invalidate any prior lawful action taken by any previously existing committee of the Town, nor any subsequent lawful action taken by the Board thereupon.

Ashley Porter
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 March 1, 2023, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dina Breitstein
Board Secretary



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

March 1, 2023

Prepared By: Allan Cantando, Assistant General Manager

Submitted By: Dina Breitstein, General Manager

Agenda Title

Discussion and Possible Action to Rescind Resolution 2013-06 and Adopt Resolution 2023-08 Establishing the Revised Vehicle Use Policy for The Town of Discovery Bay Community Services District (CSD).

Recommended Action

To Rescind Resolution 2013-06 and Adopt Resolution 2023-08 Establishing the Revised Vehicle Use Policy for the Town of Discovery Bay.

Executive Summary

The Town of Discovery Bay adopted the current Vehicle Use Policy (Resolution 2013-06) on March 20, 2013. The policy was recently reviewed, and the suggested changes are as follows:

- Minor verbiage changes were removed or added throughout the document. Added verbiage is highlighted in green. Removed verbiage is highlighted in yellow with strikeout.
- Section XIV was added which addresses Vehicles Used for Cooling or Warming.
- Section XV was added which addresses security of our vehicles related to theft and vandalism.
- Section XVI was added which addresses Waste as it relates to needless fuel consumption and operation of the vehicles.

Staff recommends that the Board Rescind Resolution 2013-06 and Adopt Resolution 2023-08 Establishing the Revised Vehicle Use Policy for the Town of Discovery Bay.

Fiscal Impact:

Amount Requested \$ N/A

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

Attachments

Vehicle Use Policy 17 (adopted March 2013) 2013-06
New Proposed Vehicle Use Policy (March 2023)
Resolution No. 2023-08

AGENDA ITEM: F1



Town of Discovery Bay

Program Area: Administrative	Policy Name: Vehicle Use Policy	Policy Number: 017
Date Established: March 20, 2013	Date Amended: N/A	Resolution: 2013-06

I. PURPOSE

This policy establishes procedures regarding the effective and economical usage of Town of Discovery Bay owned and privately owned vehicles operated during the course of District business. Use of District owned vehicles shall be relied upon as the primary means of vehicle usage, as it provides the greatest control over operating costs, usage, maintenance, inspection, and insurance.

II. AUTHORITY

This has been approved by the District for use in matters regarding the use of all vehicles operated during the course of District business. **This policy does not apply to commercial motor vehicles.**

III. ASSIGNMENT OF RESPONSIBILITY

- A. The General Manager, **or Designee**, shall maintain a list of all employees who may be required to drive District owned or privately owned vehicles on District business. The General Manager shall also be responsible for overseeing the implementation of necessary driver training programs and ensuring that employees who require such training are in attendance.
- B. The General Manager, **or Designee** shall coordinate all required training and maintain related records. Additionally, the General Manager shall ensure that evidence of insurance and driver's license information are maintained in each employee's file. The General Manager shall also receive and record Department of Motor Vehicles Pull Notice reports, and act accordingly if additional training is necessary.
- C. The General Manager, **or Designee** shall review all accidents to determine whether an accident was preventable or non-preventable, and to make any necessary disciplinary recommendations.
- D. Supervisors shall routinely monitor the driving of each employee during the course of performing the employee's job-related driving responsibilities. Supervisors shall also perform necessary accident reporting requirements as stated in Section X.
- E. All District employees shall promptly provide insurance and driver license information when notified that their job duties include driving either a District owned or privately owned vehicle. Employees are to comply with all training and other reporting requirements of this policy.

IV. DEFINITIONS

- A. Preventable Accident: the vehicle operator failed to do everything reasonably possible to prevent the accident.
- B. Non-Preventable Accident: the vehicle operator did everything reasonably possible to prevent the accident.
- C. District Owned Vehicle: any vehicle owned by the District, and assigned on a shared, designated, or permanent basis.

- D. Privately Owned Vehicle: any personally owned vehicle used by an employee, whether owned by the employee or not.
- E. Vehicle Operator: any employee who is either operating a District owned vehicle or is operating a personally owned vehicle on District business.
- F. District Business: activities that require the use of a vehicle and are authorized by the employee's supervisor. In the use of personal vehicles, District business also means that the operator is being reimbursed for mileage expenses according to Internal Revenue Service guidelines and the District's Travel Reimbursement Policy.

V. VEHICLE TYPES AND USE

A. Use of District Owned Vehicles

1. District owned vehicles fall into the following three categories, and have restrictions based upon type and use:
 - a. Vehicles that are kept overnight at District facilities, and are assigned for use on a shared or designated basis during the course of daily District business. Personal use is expressly prohibited.
 - b. Vehicles that are assigned to managers on a permanent basis, and used for daily commuting to and from the District. According to the Internal Revenue Service, commuting to and from work and any other incidental personal usage is not considered official use, and shall be reported as taxable income. Employees authorized under this section are expressly prohibited from using the assigned vehicle solely for personal use. Employees may make reasonable, but limited personal use stops before and after assigned work shifts while traveling to and from work. **Only With the approval of the General Manager,** employees who live in the Town of Discovery Bay and are assigned a District owned vehicle **shall/may** be allowed take the assigned vehicle home on a daily basis. **Exceptions may be made on a case by case basis and with the prior approval of the General Manager.**
 - b-c. Vehicles that are designed for emergency or on-call use, and authorized for use to and from work in order to respond on a 24-hour basis. Employees authorized to operate emergency or on-call vehicles may make reasonable, but limited stops before and after assigned work shifts while traveling to and from work.
2. Only District employees are authorized to operate District owned vehicles. For purposes of this section, members of the Board of Director's are not considered District Employees.
3. District owned vehicles are for transporting only those employees whose duties require the use of a motor vehicle, and such other persons whose business activities are important to District interests.
4. Under no circumstances shall family members or friends be transported in District owned vehicles, including those that are authorized for use commuting to and from the District or designated for emergency or on-call use. Limited exceptions may be authorized in writing by the General Manager on a case by case basis.
5. Employees who have a District owned vehicle permanently assigned to them and/or District owned vehicles assigned for use within their department are responsible for ensuring that only those persons with a valid driver's license and on official District business are allowed the use of the District owned vehicle.

B. Use of Privately Owned Vehicles

There are times in which the use of an employee's personal vehicle is preferable because either a

District owned vehicle is not available or because the use of a privately owned vehicle is deemed more efficient. When such is the case, the following shall be applied:

1. An employee may use his/her privately owned vehicle when the employee has transportation needs for District business and upon written authorization by his/her supervisor.
2. Employees who regularly use their own privately owned vehicles on District business must notify their insurance company of such use.
3. It is the responsibility of the individual utilizing his/her privately owned vehicle to maintain accurate records of the purpose and extent of his/her travel, and to make substantiated claims for reimbursement per the District's reimbursement policy. The vehicle and/or mileage allowance is intended to cover the employee's cost of operating the vehicle on District business, including the cost of insurance. Further, all operating expenses of the privately owned vehicles are to be borne by the employee. This includes, but is not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance. The acceptable methods of verifying mileage reimbursements shall be noted for each point-to-point trip segment. To calculate these distances the use of Yahoo! Maps, MapQuest, or Google Maps.
4. The District is not liable for any damage to an employee's privately owned vehicle, unless caused by the District's negligence (employee's negligence excepted). It is the responsibility of the employee operating the vehicle to notify his/her immediate supervisor, the Department of Motor Vehicles, and the employee's insurance company in the case of any accident. ~~If an employee is responsible for an accident either while driving a District owned or personally owned vehicle, his/her own automobile insurance premiums may be increased.~~

VI. DRIVER TRAINING

Those employees who drive District owned vehicles are required to complete a defensive driver training course. Consideration should also be given to other employees who are regularly using privately owned vehicles as part of their essential job functions.

- A. New employees shall complete a defensive driver training at the first available course date after the commencement of employment. Instruction shall also be provided to make certain that such employees are familiar with this policy.
- B. Current employees who change assignments to include driving a District owned vehicle are similarly required to complete the provisions as stated in this section.
- C. All employees who are required to participate in defensive driver training ~~shall~~ should be required to repeat such training at least once every three years.

VII. GENERAL GUIDELINES

- A. Employees shall obey all Federal, State and local laws while operating either District owned pool or privately owned vehicles on official District business.
- B. It is the responsibility of the employee operating either a District owned or privately owned vehicle to ensure that all persons in the vehicle use seat belts and have them properly adjusted before ~~starting the engine of~~ operating the vehicle.
- C. When cargo, materials or tools are being transported, the vehicle operator is responsible for assuring that all items are properly secured.
- D. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating.

E. Any injuries sustained by the vehicle operator or other employees while operating a vehicle on District business shall be covered by workers' compensation.

F.E. When the vehicle operator is determined to be involved in a preventable accident, the employee's manager shall recommend disciplinary action subject to review and approval by the General Manager.

G.F. Alcoholic beverages and illegal drugs shall not be transported or placed in any District owned pool or privately owned vehicle when engaged in District business.

H.G. At no time shall smoking be allowed in any District owned vehicle or rental vehicle while that rental vehicle is being used on District Business.

I.H. Any employee who operates a District owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle.

1. Before operating the vehicle and at least once a day, the employee shall check to make certain that all vehicle safety equipment including headlights, turn signals, brake lights and windshield washers are functioning properly.
2. Any vehicle damage beyond normal wear and tear or that includes defects affecting the safe operation of the vehicle must be documented and reported to the employee's supervisor for scheduling of repairs.
3. No employee shall operate a District owned vehicle found to be in an unsafe condition.

VIII. USE OF ELECTRONIC DEVICES

Employees shall refrain from operating cellular telephones, laptop computers, navigational devices and any other device that may cause vehicle operator distraction while operating a District owned or privately owned vehicle in the course of conducting District business. Employees shall make every attempt to properly park their vehicle or use a hands-free device when using such equipment.

IX. RENTAL VEHICLES

When it is necessary for a District employee to use a rental vehicle for District business, the employee shall utilize every reasonable effort to obtain the lowest possible rate for the time of use. Optional loss damage coverage should be purchased from the rental agency at the time the vehicle is rented.

X. ACCIDENT REPORTING REQUIREMENTS

Any accident involving a District owned vehicle, rented or leased vehicle or privately owned vehicle used in the performance of District duties shall be reported as follows:

- A. The vehicle operator shall summon medical care for any injured parties.
- B. The vehicle operator shall notify appropriate law enforcement agencies.
- C. The vehicle operator shall collect information about the other parties involved by completing the "Accident Kit" located in the District owned vehicle's glove box or obtained from the general Manager, or Designee.
- D. The vehicle operator shall notify his/her supervisor as soon as practical. The supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required District reports and recommend action to the General Manager.
- E. The supervisor shall notify the General Manager.
- F. The vehicle operator must report the accident to the DMV if more than \$750 \$1000 in damage was done to the property of any person or District, or anyone was injured (no matter how slightly) or killed. The report must be filed, whether the vehicle operator caused the accident or not and even if the accident occurred on private property. The report must be made on the California Traffic Accident

Report, form SR 1, and must be made within ten days of the accident. If the report is not filed with the DMV, the vehicle operator's driving privilege will be suspended. The police or California Highway Patrol will not file this report.

XI. INSURANCE

Proof of insurance is required before any privately owned vehicle can be authorized for District business, and shall be provided to the General Manager, or Designee annually thereafter, no later than thirty (30) days after the policy renewal date.

A. Insurance Requirements

1. Employees who receive a monthly vehicle allowance shall maintain coverage in an amount not less than \$100,000 per person/ \$300,000 per occurrence (or a combined single limit of \$300,000) and property damage coverage in an amount not less than \$100,000 per occurrence.
2. Employees that do not receive a monthly vehicle allowance and are authorized to use privately owned vehicles on District business shall maintain minimum coverage in an amount not less than \$50,000 per person/\$100,000 per occurrence (or a combined single limit of \$100,000) and property damage coverage in an amount not less than \$50,000 per occurrence.

B. California Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.

~~C. The District shall not be responsible for any increase in the employee's automobile insurance premium as a result of an accident.~~

D.C. In the event of an accident, the employee is responsible for paying any deductibles the insurance company may require.

E.D. If insurance coverage is canceled, terminated, lapsed, or for any other reason curtailed, the immediate supervisor must be notified by the employee and the vehicle shall not be used for District service.

F.E. When an employee operating a District owned vehicle is involved in an accident, defense and settlement of any claim shall be the responsibility of the Special District Risk Management Agency (SDRMA), to the maximum protection limit. If an employee operating a District owned vehicle is sued independently as a result of an at-fault accident, the SDRMA may provide coverage to that employee if the accident qualifies as a covered occurrence.

G.F. Should an employee using his/her privately owned vehicle on District business be involved in an accident with resulting injury or property damage, the employee's own insurance carrier shall respond to defend the employee. Should a claim exceed the limits of the employee's liability insurance coverage, the SDRMA liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.

XII. DRIVER'S LICENSE

A. All District employees authorized to use District owned or privately owned vehicles on District business must possess a valid California driver's license and provide proof of licensing upon hire.

B. All District employees must maintain a driver's license appropriate for the class of vehicle to be driven.

C. An employee whose driver's license is suspended or revoked for any reason must notify their supervisor no later than the first workday following suspension or revocation of their driver's license. Such employee shall not be allowed to operate any District owned or privately owned vehicles on

District business.

- D.** Employees who possess temporary driving permits or hardship licenses shall not be permitted to operate District or privately owned vehicles in the performance of official District duties, unless approved by the General Manager or designee.

XIII. REVIEW OF DRIVING RECORD

- A.** The District shall enroll employees that operate District owned or privately owned vehicles on District business in the Department of Motor Vehicles (DMV) Pull Notice Program. When a vehicle operator has received a violation, the DMV assigns points according to the type of violation, and automatically sends notification to the District.
- B.** In compliance with Vehicle Code Section 1808.47, all information received from the DMV shall be used solely for the intended purpose, and kept in locked storage. Under no circumstances shall addresses or other information be given to a third party.
- C.** An employee who has an accumulation of four or more points in a 12 month period or six in a 24 month period or eight in a 36 month period may have District driving privileges suspended at the discretion of the General Manager.
- D.** Any employee involved in a preventable collision or demonstrating questionable driving capabilities shall be required to attend remedial training in defensive driving. An employee may be regarded as having questionable capabilities based on a review of points assigned to him/her by the DMV in connection with citations and/or vehicular accidents.
- E.** Employees involved in additional preventable accidents or have a disqualifying action taken against their driver's license shall be subject to disciplinary action, the severity of which will be determined by the nature of the offense and the employee's past driving and disciplinary action records.
- F.** An employee who has been determined to be involved in two or more preventable accidents within a 36 month period while operating a District owned or privately owned vehicle in the performance of official District business shall be subject to disciplinary action up to and including suspension of District driving privileges, or termination.
- G.** Any conviction resulting from driving while under the influence of drugs or alcohol (DUI) or refusal to submit to a lawful roadside sobriety test shall result in disciplinary action up to and including suspension of District driving privileges.
- H.** Intentional abuse, moving violations, reckless operation, or negligent actions while operating any vehicle may result in the suspension of the employee's driving privileges, and is grounds for further disciplinary action.
- I.** Temporary or permanent suspension of District driving privileges for employees whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.
- J.** If an employee has District driving privileges suspended, the District shall attempt to arrange for the employee to perform the essential functions of the job. If such accommodation is not possible or creates an unreasonable hardship for the District or coworkers, loss of District driving privileges shall be considered just cause for reassignment to a position that does not require operation of a vehicle at a pay rate commensurate with that position. If no such position is open, the employee may be terminated.

XIV. VEHICLES USED FOR COOLING OR WARMING

District vehicles may be used as a cooling or warming station during an extreme weather condition. This shall not be done when a running vehicle is garaged or in an enclosed environment that could inhibit the open air dispersion of exhaust fumes/carbon monoxide.

XV. SECURITY

Employees are required to take reasonable steps to keep District vehicles and their contents secure from

theft and vandalism. Vehicles and equipment should be kept locked when unattended. Keys shall not be left in unattended vehicles.

XVI. WASTE

A. District vehicles shall be operated in such a manner as to avoid damage and unreasonable wear and tear to the vehicle's systems, parts, and components. Unsafe braking, parking, speeding, turning, backing, and curb jumping shall be avoided unless absolutely necessary.

B. Unless reasonable by circumstances existing at the time, a District vehicle shall not be left unattended while the engine is running. Employees shall take reasonable steps to avoid the needless consumption of fuel.

XIV.XVII. ACKNOWLEDGEMENT

Upon receipt of this policy, each employee shall sign a form acknowledging that he/she is aware of this policy, including the legal issues arising out of the use of his/her privately owned vehicle on District business.

XV.XVIII. REFERENCES

Vehicle Code Sections 464, 1808.47, 12810, 16056, 27315
Insurance Code §11580.9

EMPLOYEE ACKNOWLEDGEMENT OF VEHICLE USAGE POLICY

This is to acknowledge that I have received a copy of the Town of Discovery Bay's Vehicle Usage Policy and that I have read the policy and understand my rights and obligations under the Policy.

I understand that this Policy represents only current policies, procedures, rights and obligations and does not create a contract of employment. Regardless of what the Policy states or provides, the District retains the right to add, change or delete provisions of the Policy and all other working terms and conditions without obtaining another person's consent or agreement.

My signature below further signifies that I have read this Policy and that I accept and will abide by all of its provisions.

PRINT FULL NAME _____

SIGNED _____

DATE _____

(RETAIN IN EMPLOYEE PERSONNEL FILE)



Town of Discovery Bay

Program Area: Administrative	Policy Name: Vehicle Use Policy	Policy Number: 017
Date Established: Draft March 2023	Date Amended: N/A	Resolution: Draft

I. PURPOSE

This policy establishes procedures regarding the effective and economical usage of Town of Discovery Bay owned and privately owned vehicles operated during the course of District business. Use of District owned vehicles shall be relied upon as the primary means of vehicle usage, as it provides the greatest control over operating costs, usage, maintenance, inspection, and insurance.

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or permanent basis.

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- F. District Business: activities that require the use of a vehicle and are authorized by the employee's supervisor. In the use of personal vehicles, District business also means that the operator is being reimbursed for mileage expenses according to Internal Revenue Service guidelines and the District's Travel Reimbursement Policy.

V. VEHICLE TYPES AND USE

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 - b. Vehicles that are assigned to managers on a permanent basis, and used for daily commuting to and from the District. According to the Internal Revenue Service, commuting to and from work and any other incidental personal usage is not considered official use, and shall be reported as taxable income. Employees authorized under this section are expressly prohibited from using the assigned vehicle solely for personal use. Employees may make reasonable, but limited personal use stops before and after assigned work shifts while traveling to and from work. With the approval of the General Manager, employees who live in the Town of Discovery Bay and are assigned a District owned vehicle may be allowed take the assigned vehicle home on a daily basis.
 - c. Vehicles that are designed for emergency or on-call use, and authorized for use to and from work in order to respond on a 24-hour basis. Employees authorized to operate emergency or on-call vehicles may make reasonable, but limited stops before and after assigned work shifts while traveling to and from work.
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3. District owned vehicles are for transporting only those employees whose duties require the use of a motor vehicle, and such other persons whose business activities are important to District interests.
4. Under no circumstances shall family members or friends be transported in District owned vehicles, including those that are authorized for use commuting to and from the District or designated for emergency or on-call use. Limited exceptions may be authorized in writing by the General Manager on a case by case basis.
5. Employees who have a District owned vehicle permanently assigned to them and/or District owned vehicles assigned for use within their department are responsible for ensuring that only those persons with a valid driver's license and on official District business are allowed the use of the District owned vehicle.

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There are times in which the use of an employee's personal vehicle is preferable because either a District owned vehicle is not available or because the use of a privately owned vehicle is deemed more efficient. When such is the case, the following shall be applied:

1. An employee may use his/her privately owned vehicle when the employee has transportation needs for District business and upon written authorization by his/her supervisor.
2. Employees who regularly use their own privately owned vehicles on District business must notify their insurance company of such use.
3. It is the responsibility of the individual utilizing his/her privately owned vehicle to maintain accurate records of the purpose and extent of his/her travel, and to make substantiated claims for reimbursement per the District's reimbursement policy. The vehicle and/or mileage allowance is intended to cover the employee's cost of operating the vehicle on District business, including the cost of insurance. Further, all operating expenses of the privately owned vehicles are to be borne by the employee. This includes, but is not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance. The acceptable methods of verifying mileage reimbursements shall be noted for each point-to-point trip segment. To calculate these distances the use of Yahoo! Maps, MapQuest, or Google Maps.
4. The District is not liable for any damage to an employee's privately owned vehicle, unless caused by the District's negligence (employee's negligence excepted). It is the responsibility of the employee operating the vehicle to notify his/her immediate supervisor, the Department of Motor Vehicles, and the employee's insurance company in the case of any accident.

VI. DRIVER TRAINING

Those employees who drive District owned vehicles are required to complete a defensive driver training course. Consideration should also be given to other employees who are regularly using privately owned vehicles as part of their essential job functions.

- A. New employees shall complete a defensive driver training at the first available course date after the commencement of employment. Instruction shall also be provided to make certain that such employees are familiar with this policy.
- B. Current employees who change assignments to include driving a District owned vehicle are similarly required to complete the provisions as stated in this section.
- C. All employees who are required to participate in defensive driver training should be required to repeat such training at least once every three years.

VII. GENERAL GUIDELINES

- A. Employees shall obey all Federal, State and local laws while operating either District owned pool or privately owned vehicles on official District business.
- B. It is the responsibility of the employee operating either a District owned or privately owned vehicle to ensure that all persons in the vehicle use seat belts and have them properly adjusted before operating the vehicle.
- C. When cargo, materials or tools are being transported, the vehicle operator is responsible for assuring that all items are properly secured.

- D. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating.
- E. When the vehicle operator is determined to be involved in a preventable accident, the employee's manager shall recommend disciplinary action subject to review and approval by the General Manager.
- F. Alcoholic beverages and illegal drugs shall not be transported or placed in any District or privately owned vehicle when engaged in District business.
- G. At no time shall smoking be allowed in any District owned vehicle or rental vehicle while that rental vehicle is being used on District Business.
- H. Any employee who operates a District owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle.
 - 1. Before operating the vehicle and at least once a day, the employee shall check to make certain that all vehicle safety equipment including headlights, turn signals, brake lights and windshield washers are functioning properly.
 - 2. Any vehicle damage beyond normal wear and tear or that includes defects affecting the safe operation of the vehicle must be documented and reported to the employee's supervisor for scheduling of repairs.
 - 3. No employee shall operate a District owned vehicle found to be in an unsafe condition.

VIII. USE OF ELECTRONIC DEVICES

Employees shall refrain from operating cellular telephones, laptop computers, navigational devices and any other device that may cause vehicle operator distraction while operating a District owned or privately owned vehicle in the course of conducting District business. Employees shall make every attempt to properly park their vehicle or use a hands-free device when using such equipment.

IX. RENTAL VEHICLES

When it is necessary for a District employee to use a rental vehicle for District business, the employee shall utilize every reasonable effort to obtain the lowest possible rate for the time of use. Optional loss damage coverage should be purchased from the rental agency at the time the vehicle is rented.

X. ACCIDENT REPORTING REQUIREMENTS

Any accident involving a District owned vehicle, rented or leased vehicle or privately owned vehicle used in the performance of District duties shall be reported as follows:

- A. The vehicle operator shall summon medical care for any injured parties.
- B. The vehicle operator shall notify appropriate law enforcement agencies.
- C. The vehicle operator shall collect information about the other parties involved by completing the "Accident Kit" located in the District owned vehicle's glove box or obtained from the general Manager, or Designee.
- D. The vehicle operator shall notify his/her supervisor as soon as practical. The supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required District reports and recommend action to the General Manager.
- E. The supervisor shall notify the General Manager.
- F. The vehicle operator must report the accident to the DMV if more than \$1000 in damage was done to the property of any person or District, or anyone was injured (no matter how slightly) or killed. The report must be filed, whether the vehicle operator caused the accident or not and even if the

accident occurred on private property. The report must be made on the California Traffic Accident Report, form SR 1, and must be made within ten days of the accident. If the report is not filed with the DMV, the vehicle operator's driving privilege will be suspended. The police or California Highway Patrol will not file this report.

XI. INSURANCE

Proof of insurance is required before any privately owned vehicle can be authorized for District business, and shall be provided to the General Manager, or Designee annually thereafter, no later than thirty (30) days after the policy renewal date.

A. Insurance Requirements

- 1.** Employees who receive a monthly vehicle allowance shall maintain coverage in an amount not less than \$100,000 per person/ \$300,000 per occurrence (or a combined single limit of \$300,000) and property damage coverage in an amount not less than \$100,000 per occurrence.
- 2.** Employees that do not receive a monthly vehicle allowance and are authorized to use privately owned vehicles on District business shall maintain minimum coverage in an amount not less than \$50,000 per person/\$100,000 per occurrence (or a combined single limit of \$100,000) and property damage coverage in an amount not less than \$50,000 per occurrence.

B. California Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.

C. In the event of an accident, the employee is responsible for paying any deductibles the insurance company may require.

D. If insurance coverage is canceled, terminated, lapsed, or for any other reason curtailed, the immediate supervisor must be notified by the employee and the vehicle shall not be used for District service.

E. When an employee operating a District owned vehicle is involved in an accident, defense and settlement of any claim shall be the responsibility of the Special District Risk Management Agency (SDRMA), to the maximum protection limit. If an employee operating a District owned vehicle is sued independently as a result of an at-fault accident, the SDRMA may provide coverage to that employee if the accident qualifies as a covered occurrence.

F. Should an employee using his/her privately owned vehicle on District business be involved in an accident with resulting injury or property damage, the employee's own insurance carrier shall respond to defend the employee. Should a claim exceed the limits of the employee's liability insurance coverage, the SDRMA liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.

XII. DRIVER'S LICENSE

A. All District employees authorized to use District owned or privately owned vehicles on District business must possess a valid California driver's license and provide proof of licensing upon hire.

B. All District employees must maintain a driver's license appropriate for the class of vehicle to be driven.

C. An employee whose driver's license is suspended or revoked for any reason must notify their supervisor no later than the first workday following suspension or revocation of their driver's license. Such employee shall not be allowed to operate any District owned or privately owned vehicles on District business.

- D. Employees who possess temporary driving permits or hardship licenses shall not be permitted to operate District or privately owned vehicles in the performance of official District duties, unless approved by the General Manager or designee.

XIII. REVIEW OF DRIVING RECORD

- A. The District shall enroll employees that operate District owned or privately owned vehicles on District business in the Department of Motor Vehicles (DMV) Pull Notice Program. When a vehicle operator has received a violation, the DMV assigns points according to the type of violation, and automatically sends notification to the District.
- B. In compliance with Vehicle Code Section 1808.47, all information received from the DMV shall be used solely for the intended purpose, and kept in locked storage. Under no circumstances shall addresses or other information be given to a third party.
- C. An employee who has an accumulation of four or more points in a 12 month period or six in a 24 month period or eight in a 36 month period may have District driving privileges suspended at the discretion of the General Manager.
- D. Any employee involved in a preventable collision or demonstrating questionable driving capabilities shall be required to attend remedial training in defensive driving. An employee may be regarded as having questionable capabilities based on a review of points assigned to him/her by the DMV in connection with citations and/or vehicular accidents.
- E. Employees involved in additional preventable accidents or have a disqualifying action taken against their driver's license shall be subject to disciplinary action, the severity of which will be determined by the nature of the offense and the employee's past driving and disciplinary action records.
- F. An employee who has been determined to be involved in two or more preventable accidents within a 36 month period while operating a District owned or privately owned vehicle in the performance of official District business shall be subject to disciplinary action up to and including suspension of District driving privileges, or termination.
- G. Any conviction resulting from driving while under the influence of drugs or alcohol (DUI) or refusal to submit to a lawful roadside sobriety test shall result in disciplinary action up to and including suspension of District driving privileges.
- H. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any vehicle may result in the suspension of the employee's driving privileges, and is grounds for further disciplinary action.
- I. Temporary or permanent suspension of District driving privileges for employees whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.
- J. If an employee has District driving privileges suspended, the District shall attempt to arrange for the employee to perform the essential functions of the job. If such accommodation is not possible or creates an unreasonable hardship for the District or coworkers, loss of District driving privileges shall be considered just cause for reassignment to a position that does not require operation of a vehicle at a pay rate commensurate with that position. If no such position is open, the employee may be terminated.

XIV. VEHICLES USED FOR COOLING OR WARMING

District vehicles may be used as a cooling or warming station during an extreme weather condition. This shall not be done when a running vehicle is garaged or in an enclosed environment that could inhibit the open air dispersion of exhaust fumes/carbon monoxide.

XV. SECURITY

Employees are required to take reasonable steps to keep District vehicles and their contents secure from theft and vandalism. Vehicles and equipment should be kept locked when unattended. Keys shall not be

left in unattended vehicles.

XVI. WASTE

- A. District vehicles shall be operated in such a manner as to avoid damage and unreasonable wear and tear to the vehicle's systems, parts, and components. Unsafe braking, parking, speeding, turning, backing, and curb jumping shall be avoided unless absolutely necessary.
- B. Unless reasonable by circumstances existing at the time, a District vehicle shall not be left unattended while the engine is running. Employees shall take reasonable steps to avoid the needless consumption of fuel.

XVII. ACKNOWLEDGEMENT

Upon receipt of this policy, each employee shall sign a form acknowledging that he/she is aware of this policy, including the legal issues arising out of the use of his/her privately owned vehicle on District business.

XVIII. REFERENCES

Vehicle Code Sections 464, 1808.47, 12810, 16056, 27315
Insurance Code §11580.9

EMPLOYEE ACKNOWLEDGEMENT OF VEHICLE USAGE POLICY

This is to acknowledge that I have received a copy of the Town of Discovery Bay's Vehicle Usage Policy and that I have read the policy and understand my rights and obligations under the Policy.

I understand that this Policy represents only current policies, procedures, rights and obligations and does not create a contract of employment. Regardless of what the Policy states or provides, the District retains the right to add, change or delete provisions of the Policy and all other working terms and conditions without obtaining another person's consent or agreement.

My signature below further signifies that I have read this Policy and that I accept and will abide by all of its provisions.

PRINT FULL NAME _____

SIGNED _____

DATE _____

(RETAIN IN EMPLOYEE PERSONNEL FILE)



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2023-08

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
VEHICLE USE POLICY**

WHEREAS, The Town of Discovery Bay established a Vehicle Use Policy March 20, 2013 (Resolution 2013-06); and,

WHEREAS, from time-to-time policies are reviewed to ensure they meet current Local, State and Federal laws as well as current best practices; and,

WHEREAS, after a current review of the outdated 2013 Vehicle Use Policy, an updated Vehicle Use Policy (2023-08) has been created.

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

SECTION 1. The Board of Directors rescind Resolution 2013-06

SECTION 2. The Board of Directors adopt Resolution 2023-08

SECTION 3. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 1st DAY OF MARCH 2023.

Ashley Porter
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 March 1, 2023 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

March 1, 2023

Prepared By: Mike Yeraka, Projects Manager
Submitted By: Dina Breitstein, General Manager

Agenda Title

Public Hearing. Discussion and possible action to waive the second reading and Adopt Amendment to Ordinance No. 7 – Water Regulations and Service Ordinance, Adding Sections 2.16 and 37.04.

Recommended Action

Open Public Hearing on amendments to Water Ordinance No. 7 as drafted, accept any public comments, close the public hearing, and adopt Ordinance No. 7, Water Regulations and Service Ordinance.

Executive Summary

On January 17, 2001, the Town's Board of Directors adopted Ordinance No. 7 establishing a water ordinance throughout Discovery Bay. From time to time, Town Ordinances are reviewed for the purpose of correcting, updating and ensuring compliance with evolving law. The last update/amendment to Ordinance No. 7 was on February 5, 2020.

A revised and updated draft amendment to Ordinance No. 7 was introduced to the Board of Directors at the February 15, 2023 Board Meeting. The update focuses on requiring the end of new residential fire sprinkler systems to be connected to a single toilet inside the dwelling, which provides circulation of water in the fire line when the toilet is flushed, thereby preserving water quality and negating the need for a backflow prevention device at the water meter. A summary of Draft Ordinance No. 7 was published in the East County Times on February 23, 2023.

The proposed changes to Ordinance No. 7 have been highlighted in red with track changes in the relevant sections of the proposed draft. Not all sections of Ordinance No. 7 are included in the attachment for ease of reference.

If adopted by the Board at the March 1, 2023 Meeting, the vote of the Board will be published within 15 days of adoption and Ordinance No. 7 will become effective 30 days from the Meeting date.

Specific Board Action:

It is recommended that the Board take the following Action:

Open Public Hearing on amendments to Water Ordinance No. 7 as drafted, accept any public comments, close the public hearing, and adopt Ordinance No. 7, Water Regulations and Service Ordinance.

Fiscal Impact:

Amount Requested \$ N/A

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

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

Previous Relevant Board Actions for This Item

January 17, 2001 – Adoption of Ordinance No. 7
March 21, 2018 - Adoption of Amended Ordinance No. 7
February 5, 2020 – Adoption of Amended Ordinance No. 7

Attachments

Draft of Ordinance Amending Ordinance No 7
Draft Amended Sections of Ordinance No. 7 with revisions highlighted with Track Changes in red
Summary of Proposed Amendment to Ordinance No. 7 – Contra Costa Times February 23, 2023

AGENDA ITEM: F2



(DRAFT) TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 7

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
AMENDING ORDINANCE NO. 07 WATER REGULATIONS AND SERVICE ORDINANCE**

WHEREAS, the Town of Discovery Bay Community Services District (the “Town”) Ordinance No. 7 currently provides regulations regarding water service; and

WHEREAS, the Board of Directors of the Town amended Ordinance No. 7 Water Regulations and Service Ordinance on February 5, 2020, and

WHEREAS, the Town desires to amend Ordinance No. 7 to add Section 2.16 to define the term Passive Purge System, and to add Section 37.04 to regulate the installation of Passive Purge Systems used for automatic residential fire sprinkler systems.

BE IT ORDAINED that the Board of Directors of the Town of Discovery Bay Community Services District, hereby amends Ordinance No.7 Water Regulations and Service Ordinance to read as follows:

Section 1 Section 2.16 of Ordinance No. 7 is added to read as follows:“2.16 Passive Purge System. A type of fire sprinkler system that serves a single toilet in addition to the fire sprinklers inside the dwelling, which provides circulation of water in the fire line when the toilet is flushed, thereby preserving water quality and negating the need for backflow prevention at the TODBCSD water meter.”

Section 2 The Sections subsequent to the added Section 2.16 shall be renumbered to accommodate the added Section. 2.16.

Section 3 Section 37.04 of Ordinance No. 7 is added to read as follows:

37.04. Except as set forth in Section 37.04.05, all automatic Residential fire sprinkler systems installed in newly constructed Residential dwellings within the TODBCSD jurisdiction shall be designed using a Passive Purge System design that is approved by the local fire prevention authority and in accordance with the requirements set forth in this Section 37.04.

37.04.01. The piping configuration for the Passive Purge System shall be designed with the end of the fire line on each level of the Residential dwelling connected as the only Water supply to one toilet on each level of the Residential dwelling, or to the most remote toilet to the service in the case of a looped fire system.

37.04.02 The Passive Purge System shall meet all requirements of the National Fire Protection Association (“NFPA”), including NFPA 13D, as it is amended from time to time.

37.04.03 Once the Passive Purge System has been installed at the Residential dwelling prior to sheet rock being installed, the property Owner and/or homebuilder shall notify the TODBCSD that the Passive Purge System is ready for inspection to confirm that the Residential fire sprinkler system is installed as required by this Section 37.04, and the rules and regulations of the TODBCSD.

37.04.04 Property Owners shall not alter any Water pipe integrated with the Passive Purge System for the dwelling without prior written approval from the General Manager or their designee.

37.04.05 Exception. When the local fire prevention authority does not approve the use of Passive Purge Systems in accordance with this Ordinance, the residential fire sprinkler system shall be installed with an approved backflow assembly valve to protect the TODBCSD Water supply source shall be installed at the water meter.

37.04.06 Service of Water to any premise shall be discontinued by the TODBCSD if the automatic fire protection system for the premise is not installed or inspected as required by this Section 37.04, and the rules and regulations of the TODBCSD. Service will not be restored until such condition or defects are corrected.

Section 4 If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town of Discovery Bay Community Services District Board of Directors hereby declares that it would have adopted this Ordinance irrespective of the validity of any particular portion thereof.

Section 5 This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the Town of Discovery Community Services District or any officer or employee thereof a mandatory duty of care toward persons and property within or without the District so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6 This Ordinance is hereby declared to have been adopted by the Town of Discovery Bay Community Services District Board of Directors at a meeting thereof duly called and held on the 1st day of March, 2023, and ordered to be given effect thirty (30) days after its first publication as mandated by statute.

****Certification on Following Page****

CERTIFICATION

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay Community Services District held on March 1, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ashley Porter
Board President

Attest:

Dina Breitstein
Board Secretary



TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 7

Proposed Amendments are shown in red as track changes to the relevant sections of the Ordinance

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
AMENDING ORDINANCE NO. 07 WATER REGULATIONS AND SERVICE ORDINANCE

BE IT ORDAINED that the Board of Directors of the Town of Discovery Bay Community Services District, hereby amends Ordinance No.7 Water Regulations and Service Ordinance to read as follows:

SECTION I GENERAL PROVISION

- 1 .01 . Short Title. This Ordinance shall be known and may be cited as Town of Discovery Bay Community Services District ("TODBCSD" or "District") Water Regulations and Service Ordinance ("Ordinance").
- 1 .02. Purpose. This Ordinance is intended to provide rules and regulations applicable to the provision of Water by the District. It is the intent of the TODBCSD Board of Directors to establish procedures and policies necessary to the orderly administration of a Water conservation program to prohibit Waste and to restrict the use of Water during a Water shortage emergency.
- 1 .03. Enabling Statutes. This Ordinance is adopted pursuant to the authority granted in California Government Code Sections 61000 et. seq.
- 1 .04. Application. The provisions of this Ordinance shall apply to all Customers using Water within the boundaries of TODBCSD or using Water provided by TODBCSD
- 1 .05. Enterprise. The District will furnish and or make available a system, plant, works, and undertaking used for and useful in the delivery of potable Water for the District's service area, including all annexations thereto, lands, easements, rights in land, contract rights, and franchises.
- 1 .06. Separability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any Person or circumstances are for any reason held to be unconstitutional or invalid by the decision of a court of competent jurisdiction,

such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other Persons or circumstances. The Governing Body hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more section, subsection, sentences, and clauses or phrases are declared to be unconstitutional.

- 1 .07. Words and Phrases. For the purpose of this Ordinance all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.
- 1 .08. Means of Enforcement. The District hereby declares that the procedures contained herein are established as a means of enforcement of the terms and conditions of its ordinances, rules, and regulations*
- 1 .09. Notices. Whenever a notice is required to be given under this Ordinance, unless different provisions are specifically made herein, such notice may be made either by personal delivery thereof to the Person to be notified or by deposit in the US Mail in a sealed envelope, postage prepaid, addressed to such Person at his or her last known business or residence address as the name appears on public records or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

Proof of giving any notice may be made by the certificate of any officer or employee of the District or by affidavit of any Person over the age of eighteen years, which shows service in conformity with this Ordinance or other provisions of law applicable to the subject matter concerned.
- 1 . 1 0. Effect of Heading. The title, division, or section headings contained in this Ordinance shall not be deemed to govern, limit, or modify in any manner, the scope, meaning, or intent of any section or subsection of this Ordinance.
- 1 . 1 1 . Ruling Final. All Rulings of the District shall be final. All rulings of the General Manager shall be final unless appealed in writing to the Board within 10 days of the General Manager's decision in accordance with Section 31 of this Ordinance. When appealed, the Board's ruling shall be final.
- 1 . 1 2. Conflict in Provisions* In the event that the provisions of this Ordinance conflict with any code ordinance or regulation of the District the provisions of this Ordinance shall govern. In the event any provision of this Ordinance conflicts with a preemptive provision of State law, this Ordinance shall be interpreted and applied in conformity with State law.

SECTION 2 DEFINITIONS

The following words when used in any provision of this Ordinance shall be construed to have the following meaning:

- 2.01 . Applicant. The Person making application hereunder and who shall be the Owner of the Premises involved, or his or her authorized agents, so authorized in writing to the TODBCSD. In the event that a Landlord-Owner's account is in arrears, one or more adult tenants may become an Applicant as provided for in Section 43 of this Ordinance.
- 2.02. Board or Board of Directors. The Board of Directors of TODBCSD.

- 2.03. Connection. The pipe line and appurtenant facilities such as the curb stop, meter, and meter box, all used to extend Water service from the Main to the Premises} the laying thereof and the tapping of the Main. Where services are divided at the curb or property line to serve several Customers each such branch service shall be deemed a separate service.
- 2.04. Cost. The cost of labor, materials, transportation, supervision engineering, and all other necessary overhead expenses.
- 2.05. County. The County of Contra Costa, California.
- 2.06. Cross Connection. Any actual or potential Connection between TODBCSD*s or consumer's potable piping system and any other source or piping system through which it is possible to introduce into any part of the potable piping system any untreated water, used water, industrial fluid, gas or substance other than the potable water with which the piping system is supplied. By-pass arrangements, jumper connections, removal sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.
- 2.07. Customer. Any Person, Entity, firm, partnership, business, corporation, district or governmental agency that receives Water from TODBCSD.
- 2.08. District. Town of Discovery Bay, a Community Services District formed under the provisions of California Government Code SS 61000 et seq., within Contra Costa County, California.
- 2.09. District Engineer. A Person or firm appointed by the Board of Directors to act as an engineer of the District; in the absence of any specific description, the General Manager shall act as the Engineer.
- 2.1 0. Facility/Capacity Charges. Charges determined in accordance with Government Code SS 61000 et seq. or SS 66000, et seq., or any successor statutes to pay for the facilities of the District.
- 2.1 1 . General Manager. The General Manager of TODBCSD or the General Managers designee.
- 2.12. Governing Body. The Board of Directors of the Town of Discovery Bay.
- 2.1 3. Main. A Water line in a street, highway, alley, or easement used for public and private fire protection and for general distribution of Water.
- 2.14. On-site fire protection facilities. Privately-owned fire protection facilities installed on private property in accordance with the provisions of this whether installed before or after the effective date of this Ordinance.
- 2.15. Owner. The Person owning in fee title or in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the Person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian, or trustee of the Owner.
- 2.16. Passive Purge System. A type of fire sprinkler system that serves a single toilet in addition to the fire sprinklers inside the dwelling, which provides circulation of water in the fire line when the toilet is flushed, thereby preserving water quality and negating the need for backflow prevention at the TODBCSD water meter.”

- 2.1-617. Permit. Any written authorization required pursuant to this or any other regulation of the District.
- 2.1-718* Person or Entity. Any individual* company, partnership, agency or other public or private
- 2.1-819. Policy. TODBCSD Policy on Discontinuation of Residential Water Service for Nonpayment.
- 2.19-2.20. Premises. A lot or parcel of real property under one ownership, except where there are well defined boundaries or partitions such as fences, hedges, or other restrictions preventing the common use of the property by several tenants, in which case each portion shall be deemed separate Premises. Apartment houses and office building may be classified as single Premises.
- 2.20-2.21. Private Fire Hydrant. A fire hydrant that is owned and maintained by a party other than TODBCSD and is not located in a TODBCSD right-of-way or other TODBCSD property.
- 2.21-2.22. Private Water Line. A Water pipeline that is owned and maintained by a party other than the TODBCSD, beyond TODBCSD's point of service.
- 2.22-2.23. Public Fire Hydrant. A fire hydrant that is owned and maintained by TODBCSD.
- 2.23-2.24. Public Water Line. The part of the Water Distribution System that is owned by
- 2.245 Regular Water Servicer Water service and facilities rendered for normal domestic, commercial, and industrial purposes on a permanent basis, and the Water available therefor.
- 2.265. Residential. Any single-family unit, any duplex, or triplex family unit not requiring licensing for occupancy and operation.
- 2.276. TODBCSD. An abbreviation for Town of Discovery Bay Community Services District.
- 2.278. Temporary Water Service. The provision of Water for a period of twelve (12) months or less.
- 2.298. Waste. Shall mean any unreasonable or non-beneficial use of Water, or any unreasonable method of use of Water, including, but not limited to; the use of Water for any purpose which allows flooding or runoff in gutters, bodies of United States waters, driveways, streets or adjacent lands; the use of Water in violation of any of the specific uses prohibited and restricted by this Ordinance as hereinafter set forth; or the use of Water in violation of any other Ordinance or Resolution of the District either in effect at this time or as hereinafter adopted.
- 2.3029. Water. Water supplied by TODBCSD to Customers within its jurisdiction.
- 2.310. Water Distribution System. All pipes, transmission and distribution Mains and other facilities owned or operated by TODBCSD to supply, provide or deliver Water to its Customers.
- 2.321. Water Service Connection. The connection of a meter or service to the District system, the installation of a meter or service. A Water Service Connection occurs at the time that a tap, piper or other means of taking Water is physically attached to the TODBCSD Water Distribution System in a manner capable of taking Water from the distribution system. The Water Service Connection includes the stop/valve at the distribution Main, the Water

Meter, the curb stop on a metered Water service and pressure reducing valve (PRV) if applicable.

2.332. Water Meter. A Water Meter provided by TODBCSD that is installed by TODBCSD on a Water Service Connection or a fire hydrant in a manner that measures the volume of all Water taken from the TODBCSD Water Distribution System through that Water Service Connection or hydrant

37.04. Except as set forth in Section 37.04.05, all automatic Residential fire sprinkler systems installed in newly constructed Residential dwellings within the TODBCSD jurisdiction shall be designed using a Passive Purge System design that is approved by the local fire prevention authority and in accordance with the requirements set forth in this Section 37.04.

37.04.01. The piping configuration for the Passive Purge System shall be designed with the end of the fire line on each level of the Residential dwelling connected as the only Water supply to one toilet on each level of the Residential dwelling, or to the most remote toilet to the service in the case of a looped fire system.

37.04.02 The Passive Purge System shall meet all requirements of the National Fire Protection Association (“NFPA”), including NFPA 13D, as it is amended from time to time.

37.04.03 Once the Passive Purge System has been installed at the Residential dwelling prior to sheet rock being installed, the property Owner and/or homebuilder shall notify the TODBCSD that the Passive Purge System is ready for inspection to confirm that the Residential fire sprinkler system is installed as required by this Section 37.04, and the rules and regulations of the TODBCSD.

37.04.04 Property Owners shall not alter any Water pipe integrated with the Passive Purge System for the dwelling without prior written approval from the General Manager, or their designee.

37.04.05 Exception. When the local fire prevention authority does not approve the use of Passive Purge Systems in accordance with this Ordinance, the residential fire sprinkler system shall be installed with an approved backflow assembly valve to protect the TODBCSD Water supply source shall be installed at the water meter.

37.04.06 Service of Water to any premise shall be discontinued by the TODBCSD if the automatic fire protection system for the premise is not installed or inspected as required by this Section 37.04, and the rules and regulations of the TODBCSD. Service will not be restored until such condition or defects are corrected.

East County Times

Bay Area News Group
5179 Lone Tree Way
Antioch, CA 94531
925-779-7115

2005834

DISCOVERY BAY, TOWN OF
COMMUNITY SERVICES DISTRICT
1800 WILLOW LAKE RD.
DISCOVERY BAY, CA 94514-9376

PROOF OF PUBLICATION FILE NO. ORDINANCE NO. 7

East County Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the East County Times, a newspaper published in the English language in the City of Antioch, County of Contra Costa, State of California.

I declare that the East County Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated January 6, 1919, Case Number 8268 and modified January 19, 2006, Case Number N05-1494. Said decree states that the East County Times is adjudged to be a newspaper of general circulation for the City of Antioch, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

02/23/2023

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 24th day of February, 2023.



Signature

Legal No. **0006733584**

SUMMARY OF PROPOSED AMENDMENT TO ORDINANCE NO. 7

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY, A CALIFORNIA COMMUNITY SERVICES DISTRICT, AMENDING ORDINANCE NO. 7 WATER REGULATIONS AND SERVICE ORDINANCE

On February 15, 2023, at a regularly scheduled Board meeting, Amended Ordinance No. 7 ("Ordinance") was introduced by the Town of Discovery Bay ("Town") Board of Directors. The Ordinance adds the defined term "Passive Purge System" and provides regulation regarding the installation of Passive Purge Systems for automatic residential fire sprinkler systems in newly constructed residential dwellings.

A certified copy of the full text of the Ordinance is posted in the office of the Town of Discovery Bay Community Services District, 1800 Willow Lake Road, Discovery Bay, CA 94505, and is available upon request.

The Ordinance is scheduled for adoption at the March 1, 2023, Regular Board of Directors Meeting at 7:00 p.m. which will be held at the Town of Discovery Bay Community Center located at 1601 Discovery Bay Boulevard, Discovery Bay, CA.

ECT# 6733584 Feb. 23, 2023

CERTIFICATE OF COMPLETION

Anti-Harassment Training for Supervisors and Managers - California (SB1343/AB1825)

Michael Callahan

has completed the online training and passed the examination for the 2-hour California Anti-Harassment Training for Supervisors and Managers training course (SB1343/AB1825). [Record ID #355581440] Town of Discovery Bay Community Services District



Victoria Zambato, SVP of Content & Communications

Vector Solutions
Two Urban Centre
4850 West Kennedy Boulevard
Suite 300, Tampa, FL 33609
866.546.1212

February 17, 2023

Date of Completion



As an IACET Accredited Provider,
Vector Solutions offers CEUs for its
programs that qualify under the
ANSI/IACET Standard.



CERTIFICATE OF COMPLETION

CA Local Agency Ethics (AB1234)

Michael Callahan

Has completed the online training and successfully passed the examination for the CA Local Agency Ethics training course. [Record ID #355581434] Town of Discovery Bay Community Services District



Victoria Zambato, SVP of Content & Communications

Vector Solutions
Two Urban Centre
4890 West Kennedy Boulevard
Suite 300, Tampa, FL 33609
866.546.1212

February 17, 2023

Date of Completion



As an IACET Accredited Provider,
Vector Solutions offers CEUs for its
programs that qualify under the
ANSI/IACET Standard



CERTIFICATE OF COMPLETION

CA Local Agency Ethics (AB1234)

Kevin Graves

Has completed the online training and successfully passed the examination for the CA Local Agency Ethics training course. [Record ID #355581432] Town of Discovery Bay Community Services District



Victoria Zambrano, SVP of Content & Communications

Vector Solutions
Two Urban Centre
4890 West Kennedy Boulevard
Suite 300, Tampa, FL 33609
866.546.1212

February 10, 2023

Date of Completion



As an IACET Accredited Provider,
Vector Solutions offers CEUs for its
programs that qualify under the
ANSI/IACET Standard

