



TOWN OF DISCOVERY BAY CSD

A COMMUNITY SERVICES DISTRICT

President - Kevin Graves • Director - Brian Dawson • Director - Mark Simon • Director - Chris Steele • Director - Ray Tetreault

**NOTICE OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY CSD
Wednesday October 19, 2011
REGULAR MEETING 7:00 P.M.
1800 Willow Lake Road, Discovery Bay, California
Website address: 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)

The public may address the Board on any issue in the District's jurisdiction, which is not on the agenda. The public may comment on any item on the agenda at the time that item is taken up. Any person wishing to speak must come up and speak from the podium. There will be no dialog between the Board and the commenter. Any clarifying questions from the Board must go through the Chair.

C. PRESENTATIONS

1. County Department of Emergency Services

D. PRESIDENT REPORT AND DIRECTORS' COMMENTS

1. Appointment: Vice-President (Vacant)

E. 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. Minutes of previous Special meeting dated October 5, 2011
2. Minutes of previous Regular meeting dated October 5, 2011
3. District Invoices
4. Capacity Fee Charge Report for Fiscal Year 2010-2011

F. NEW BUSINESS AND ACTION ITEMS

1. Adopt Resolution 2011-21 adopting changes to the Town of Discovery Bay Bylaws; and Adopt Resolution 2011-22 adopting changes to the Town of Discovery Bay Board Policy
2. Award of contract for annual Tree Maintenance RFP 11-03 to Cleary Bros.
3. Agency Comment Request – Land Use Permit Application – AT&T Cellular/Presbyterian Church of San Francisco (1900 Willow Lake Road, Discovery Bay, CA)

G. VEOLIA REPORT

H. MANAGER'S REPORTS

I. GENERAL MANAGER'S REPORT

J. DISTRICT LEGAL COUNSEL REPORT

1. Medical Benefit Coverage

K. COMMITTEE UPDATES

L. CORRESPONDENCE-Discussion and Possible Action

1. R – East Contra Costa Fire Protection District Minutes for September 12, 2011
2. R – Contra Costa County Aviation Advisory Committee Minutes for July 14, 2011
3. R – Letter from Supervisor Piepho to Senator Mark DeSaulnier regarding re-establishing the Safety Enhancement Double Fine Zone on Vasco Road dated October 5, 2011
4. R – Letter from Supervisor Piepho to President Graves regarding the Board Order California Department of Boating and Waterways Vessel Turn-In Program Grant dated October 5, 2011
5. R – Letter from Supervisor Piepho to Superintendent Ken Jacopetti regarding the Board Order Amendment #28-333-1 with Byron Union School District dated October 5, 2011
6. R – Transplan Committee Meeting Minutes for September 8, 2011
7. R – State Route 4 Bypass Authority Minutes for August 11, 2011
8. R – State Route 4 Bypass Authority Minutes for September 8, 2011

M. PUBLIC RECORD REQUESTS RECEIVED

1. Request from William Richardson - Who Can Speak for CSD, When, Etc.? – Request date October 3, 2011
2. Request from Jeff Baber – Request re: Medical Benefits – Request date October 4, 2011
3. Request from David Lennon – Water Use Records for Non Residential Water Meters – Request date October 4, 2011

N. FUTURE AGENDA ITEMS

O. ADJOURNMENT

Adjourn to next Regular meeting of November 2, 2011 starting at 7:00pm at 1800 Willow Lake Road-Located in back of the Delta Community Presbyterian Church.

"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 twenty-four hours prior to the time of the meeting."

"Materials related to an item on the Agenda submitted to the Town of Discovery Bay CSD 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 CSD

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MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY CSD
Wednesday October 5, 2011
1800 Willow Lake Road, Discovery Bay, California
Website address: www.todb.ca.gov

SPECIAL MEETING AT 6:00 P.M.

A. ROLL CALL

The meeting was called to order at 6:00 p.m. Roll call was taken and all Directors were present.

B. PUBLIC COMMENT

None

C. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA

(Government Code Section 54957.7)

Legal Counsel Schroeder – Brought the meeting into Closed Session regarding action item D-1, which involves two (2) cases – Two (2) Demands to Cure under Government Code Section 54960.1 - one (1) – Letter dated September 5, 2011 – Water Rate Increase Procedures – two (2) – Letter dated September 15, 2011 – Email regarding Director's Medical Coverage issues

Resident William Richardson – Stated that he would like to be present during item F.

President Graves – Stated that someone will go to the door and announce that the Closed Session is returning into Open Session.

D. CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9 of Government Code (two potential cases)

E. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION:

(Government Code Section 54957.1)

President Graves – Stated that at this time we are returning into Open Session.

Legal Counsel Schroeder – The Board has reconvened from Closed Session regarding action item D-1. All five (5) Board Members were present during the duration of the Closed Session. By unanimous direction by the Board to Counsel to respond as follows: The Demand to Cure dated September 5, 2011 – Denied, for the same basis of the denial of the July 28, 2011 Demand to Cure. The Email dated September 15, 2011 – Alleging violations that occurred back in 2010 - Denied.

General Manager Howard – Stated that for the record – At the request of residents that wanted to be present for Item E, the General Manager and a Board Member made three (3) different attempts, by going outside, to seek public input. Those attempts were unsuccessful.

F. DISCUSSION AND POSSIBLE ACTION REGARDING PROCEDURE TO RESPOND TO DEMANDS TO CURE

President Graves – Introduced item F.

Legal Counsel Schroeder – Stated that there have been several Demands to Cure and the General Manager has asked Counsel to review the options on how to handle the Demands to Cure. The Government Code Section 54960.1, if there is a violation of five (5) different sections of the Brown Act that a party can make a written Demand to Cure, which the Board is required to respond in thirty (30) days. If you fail to respond within thirty (30) days, it is deemed rejected.

The procedure the Board has been following is to convene into a Closed Session in order to address the matters. The other way to handle the Demand to Cure is to give to the Attorney to review the Demand to determine if there is a violation, if there is no violation, there is a response sent out along with copies of the Demand which is then given to the Elected Officials so they are aware of the Demand. If the Board believes that the response is in error, and then the Board would have the ability to, by following the procedure, add to the Agenda.

President Graves – Stated that for the record no one has returned for item F, as a result there are no comments from the Public.

Motion made – by Director Tetreault to change the policy and adopt the policy that is more common with most municipalities and that the Demands to Cure be coordinated through Legal Counsel to determine if there is a violation, seconded by Director Simon.

Legal Counsel Schroeder – Stated for clarification that if Counsel determines that there is no basis for the Demand to Cure, that he or she is authorized to respond with a letter declining the Demand.

Motion made – by Director Tetreault the above clarification from Legal Counsel Schroeder and seconded by Director Simon.

The discussion continued between Legal Counsel and the President in regards to the Demand to Cure newly adopted policy.

Motion carried by the following vote: AYES: 5, NOES: 0.

G. ADJOURNMENT

Motion made – by Vice-President Dawson to adjourn the Special meeting and seconded by Director Simon. Motion carried by the following vote: AYES: 5, NOES: 0

The meeting was adjourned at 6:30 p.m. to the regular meeting on October 5, 2011 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church

For the Audio of this meeting please visit our Website at:
<http://www.todb.ca.gov/content/2011/agendas-and-minutes>

//cmc – 10.13.11



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MINUTES OF THE REGULAR MEETING OF
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Wednesday October 5, 2011
1800 Willow Lake Road, Discovery Bay, California
Website address: www.todb.ca.gov

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

The business meeting was called to order 7:00 p.m. President Graves led in the Pledge of Allegiance. Roll call was taken and all Directors were present.

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

Resident Don Flint – Commented on what the procedures are for the Public Comments.

Resident Michael Greggans – Commented on the power going out and problems with the notifications to residents.

Resident Jeff Barber – Commented on the Notice of Recall to Vice-President Dawson.

President Graves – Stated that Item G. PRESIDENT REPORT AND DIRECTORS' COMMENTS – has been moved to this location.

PRESIDENT REPORT AND DIRECTORS' COMMENTS

Vice-President Dawson – Announced his resignation as Vice-President of the Town of Discovery Bay CSD Board immediately.

Resident Don Flint – Commented on business that should be discussed within the meetings.

C. AREA AGENCIES REPORTS/PRESENTATION

1. SHERIFF'S OFFICE REPORT

Lieutenant Alan Johnson – Provided the law enforcement details for the month of September. There was discussion between the Board, Lieutenant Alan Johnson and the Public.

2. GHP REPORT – No Report

3. FIRE DISTRICT REPORT

Chief Burris – Provided his report and the details for the month of September.

4. EAST CONTRA COSTA FIRE PROTECTION DISTRICT REPORT

President Graves – Stated that there was a meeting on Monday, October 3, 2011, however, because of a scheduling conflict, was unable to attend. Therefore, does not have a report.

5. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT

Karyn Cornell – Provided an update on the Vasco Road Improvement Project. Also, provided information in regards to "Fire Protection Week", and would like to ask the Public to become educated on fire protection. There was discussion between Karyn Cornell and the public.

D. COMMITTEE/LIAISON REPORTS

1. Trans-Plan Report – No Report

2. County Planning Commission Report - No Report

3. Code Enforcement Report - Cancelled

4. Special Districts Report** - No Report

**These meetings are held Quarterly

E. 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. Minutes of previous Regular meeting dated September 21, 2011
2. District Invoices
3. Orin Allen Youth Rehabilitation Facility (Byron Boy's Ranch)
4. Annual Conference of the California Special District Association (CSDA)

Motion made – by Director Simon to approve the Consent Calendar and seconded by Director Dawson. Motion carried by the following vote: AYES: 5, NOES: 0.

F. NEW BUSINESS AND ACTION ITEMS

1. Raise Sewer Manholes and Water Valve Covers on Various Streets within Discovery Bay

General Manager Howard – Provided the details of the Agenda Item.

There was discussion between the General Manager, the Board, and the Public.

Motion made - by Director Tetreault to accept JW Backhoe's bid of \$18,950.00 for this project and seconded by Director Dawson. Motion carried by the following vote: AYES: 5, NOES: 0.

2. Discuss and possible action on options for the holiday display at the main entrances to Discovery Bay (Highway 4 & Discovery Bay Boulevard and Highway 4 and Bixler Road)

Parks and Landscape Manager Perez – Provided slides of the different options for decorating the main entrances.

There was discussion between the Parks and Landscape Manager, the General Manager, the Board, and the Public.

Motion made – by Director Tetreault to take Item 1 – as the previous year and seconded by Director Simon.

Motion failed by the following vote: AYES: 2 – Director Simon and Director Tetreault, NOES: 3 - President Graves, Director Dawson, and Director Steele.

Motion made – by Director Steele to select Item 1 and Item 9a and 9b and seconded by Director Dawson.

Motion withdrawn – by Director Steele and seconded by Director Dawson.

Motion made – by Director Steele to approve Item 1 and Item 7 options and seconded by Director Dawson.

Motion carried by the following vote: AYES: 3 – President Graves, Director Dawson, and Director Steele; NOES: 2- Director Simon and Director Tetreault.

3. Discussion and direction regarding possible location for a future dog park

Parks and Landscape Manager Perez – Provided the details of the Agenda Item.

There was discussion between the Parks and Landscape Manager, the General Manager, the Board, and the Public.

Motion made – by Director Dawson to have the Parks and Landscape Manager provide three (3) concepts from the concepts advised and not to exceed \$4,800.

Motion withdrawn – by Director Dawson.

The discussion continued on between the Parks and Landscape Manager and the Board.

Motion made – by Director Dawson to direct Staff to bring back two (2) concepts as directed, excluding Cornell Park and seconded by Director Simon. Motion carried by the following vote: AYES: 5, NOES: 0.

4. Approve and Accept the contract work performed by Community Playgrounds for the construction and completion of the Cornell Park Play Area Renovation, Phase II Project and direct Staff to record "Notice of Completion" with the Contra Costa County Recorder's Office

Parks and Landscape Manager Perez – Provided the details of the Agenda item.

Motion made – by Director Simon to accept the contract work performed by Community Playgrounds for the construction and completion of the Cornell Park Play Area Renovation, Phase II Project and seconded by Director Tetreault.

Motion amended – by Director Simon to include the "Notice of Completion" and seconded by Director Tetreault.

Motion carried by the following vote: AYES: 5, NOES: 0.

5. Staff Direction regarding real property for sale 10+/- acres – APN 008-200-014 and 008-200-011 (Discovery Bay Athletic Club site)

General Manager Howard – Provided the details of the Agenda Item.

There was discussion between the General Manager, the Board, and the Public.

Resident Gaylin Zeigler, Resident Pat Richardson, Resident William Richardson, Resident Jeff Barber, and Resident Michael Greggans commented on Item F-5

G. PRESIDENT REPORT AND DIRECTORS' COMMENTS

This section has been moved to the location – before C. AREA AGENCIES REPORTS / PRESENTATION

H. MANAGER'S REPORT

None

I. GENERAL MANAGER'S REPORT

General Manager Howard – Introduced the new Finance Manager, Dina Breitstein.

A resident requested a copy of the 10 year Sewer Study and General Manager Howard stated that upon review of the study, it will be posted to the Town of Discovery Bay CSD's Website.

J. DISTRICT LEGAL COUNSEL REPORT

Legal Counsel Schroeder – Provided the details of the Special Meeting that was held October 5, 2011 at 6:00 p.m. There were two (2) items in Closed Session, conference with Legal Counsel. All five (5) Board Members were present during the duration of the Closed Session. The Board unanimously directed Legal Counsel to respond to both of the items. Regarding Item one (1) – Demand to Cure – Letter dated September 5, 2011 Response – No violation. Regarding Item two (2) – Demand to Cure – Email dated September 15, 2011 Response – Item is untimely.

K. COMMITTEE UPDATES

None

L. CORRESPONDENCE – Discussion and Possible Action

1. R – Letter from United States Postal Service regarding the Area Mail Processing Study (AMP) dated September 15, 2011
2. R – Contra Costa Special Districts Association Minutes for July 18, 2011

M. PUBLIC RECORD REQUESTS RECEIVED

1. Request from William Richardson – Medical Benefits and/or Ancillary Coverage's – Request Date September 22, 2011
2. Request from William Richardson – Topic: September 21, 2011 Board Meeting – Request Date September 26, 2011
3. Request from Mark Doran – Advisory Council Reimbursements – Request Date September 28, 2011

N. FUTURE AGENDA ITEMS

Resident Pat Richardson – Report on the Wetlands.

Director Dawson – Internship more than a pilot program.

O. ADJOURNMENT

Motion made - by Director Dawson to adjourn the Regular Meeting and seconded by Director Simon. Motion carried by the following vote: AYES: 5, NOES: 0.

The meeting adjourned at 8:44 p.m. to the next regular meeting on October 19, 2011 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

For the Audio of this meeting, please visit our Website at
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Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

October 19, 2011

Prepared By: Liz Hardy, Sr. Accounts Clerk
Submitted By: Rick Howard, General Manager

RH by L

Agenda Title

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 \$272,262.28

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 2011/2012
Town of Discovery Bay CSD Operating Budget 2011/2012 and Capital Budget 2011/2012
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 8 2011/2012
Request For Bay Lighting & Landscape District # 8 Operating and Capital Budgets 2011/2012
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 9 2011/2012
Discovery Bay Lighting & Landscape District # 9 Operating Budget 2011/2012

AGENDA ITEM: E-3

Request for authorization to pay invoices (RFA)
 For the Meeting on October 19, 2011
 Town of Discovery Bay CSD
 For Fiscal Year's 7/11 - 6/12

Acct Code							
1	7011	ReliaStar	Inv#JR52 457(b)	Benefits for 10/1-10/15/11		\$1,078.05	
	7024	ReliaStar	Inv#JR52 457(b)	Benefits for 10/1-10/15/11		<u>\$288.49</u>	
					Sub-Total	\$1,366.54	
2	7011	SDRMA	Inv#0008740-IN, dtd 10/5/11	Employee Medical Benefits	November 2011	\$1,053.92	
	7024	SDRMA	Inv#0008740-IN, dtd 10/5/11	Employee Benefits Landscaping	November 2011	<u>\$526.97</u>	
					Sub-Total	\$1,580.89	
3	7101	Kevin Graves	Expense report September 2011	Director's Board meetings		\$600.00	
	7102	Kevin Graves	Expense report September 2011	Mileage		<u>\$24.98</u>	
					Sub-Total	\$624.98	
4	7101	Chris Steele	Expense report September 2011	Director's Board meetings		\$600.00	
	7102	Chris Steele	Expense report September 2011	Mileage		<u>\$38.30</u>	
					Sub-Total	\$638.30	
5	7101	Ray Tetreault	Expense report September 2011	Director's Board meeting		\$400.00	
6		<u>Cal Card - Statement Ending 8/25/11</u>					
	7102	Directors - Travel & Training				\$182.66	
	7301	General Repairs - W/S				\$353.96	
	7430	Office Supplies				\$149.30	
	7490	Staff - Travel & Training				\$257.11	
	7510	Info Systems Maintenance				\$545.55	
	7520	Cellular Communications/Data				\$188.00	
	7665	Office Buildings/Improvements				\$1,226.81	
	7685	Misc. Small Tools				\$89.33	
	7690	Equipment Maintenance/Fuel				\$583.67	
	7950	Misc. Services & Supplies				\$99.05	
	7952	Misc. Reimbursable				\$401.80	
	0910-014	Water Meter Program				<u>\$124.00</u>	
						\$4,201.24	
7	7210	Herwit Engineering	Inv# 11-09, dtd 10/3/11	Services for Sept. 1 - Sept. 30		\$6,904.56	
8	1112-003	Herwit Engineering	Inv# 11-09 Dew, dtd 10/3/11	Services for Sept 1 - Sept 30		<u>\$7,589.86</u>	
					Sub-Total	\$14,494.42	
9	7215	Veolia Water	Inv#00004850, dtd 7/1/11	Monthly O&M Contract for July 2011		\$95,701.17	
10	7215	Veolia Water	Inv#00007525, dtd 10/4/11	Monthly O&M Contract for October 2011		<u>\$94,744.16</u>	
					Sub-Total	\$190,445.33	
11	7225	Croce & Company	Inv# 001113328, dtd 9/30/11	Assist in review of Finance Manager		\$3,441.25	
12		<u>Ace Hardware - Acct# 808 - Closing Date 9/30/11</u>					
	7301	General Repairs - W/S				\$36.98	
	7665	Office Bldg Improvements				\$114.90	
	7685	Misc. Small Tools				<u>\$60.34</u>	
					Sub-Total	\$212.22	
13	7301	American Retrofit Systems	Inv#143, dtd 9/30/11	Labor to check VFD at Newport WTP Jockey 1		\$100.00	
14	7305	American Retrofit Systems	Inv#144, dtd 10/4/11	L & wire to design/install Vaughn monitor P5		\$400.00	
15	7301	American Retrofit Systems	Inv#146, dtd 10/7/11	Labor to check Jockey 1 @ Newport WTP		\$100.00	
16	7665	American Retrofit Systems	Inv#147, dtd 10/7/11	L&M to run 480V for an existing panel @WWTP #2		\$5,490.00	
17	7301	American Retrofit Systems	Inv#148, dtd 10/7/11	Labor to check Jockey 1 VFD		<u>\$200.00</u>	
					Sub-Total	\$6,290.00	
18	7301	Antioch Plumbing Inc.	Inv# 5461, dtd 10/3/11	Installed meter & clock		\$777.45	
19	7301	Ferguson Waterworks	Inv# 0780006, dtd 9/29/11	Valve Rebuild Kit		\$936.47	
20	7301	Frank Olsen Co.	Inv# 223760, dtd 10/10/11	Various Valves		\$6,951.17	
21	7301	Golden State Flow	Inv# 1-032874, dtd 09/23/11	Meter		\$195.79	
22	7301	Golden State Flow	Inv# 1-032876, dtd 09/23/11	Meter parts		<u>\$83.79</u>	
					Sub-Total	\$279.58	

Request for authorization to pay invoices (RFA)
 For the Meeting on October 19, 2011
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 For Fiscal Year's 7/11 - 6/12

Acct Code						
23	7301	J.W. Backhoe Inv#1593, dtd 9/20/11	Repave 2045, 2095 Cypress Point and 2331 Newport Place			\$5,248.23
24	7301	J.W. Backhoe Inv#1603, dtd 10/6/11	Repair leak @ 5612 Drakes Drive			\$1,284.00
					Sub-Total	\$6,532.23
25	7301	R&B Company Inv#S1252667.001, dtd 9/29/11	Crispin Hood			\$366.76
26	7301	Rockwell Engineering Inv# 12428, dtd 9/26/11	Moisture Sensor relay			\$992.86
27	7410	Ricoh Inv# 413523634, dtd 10/01/11	Copier Maintenance for Sept 2011			\$185.34
28	7414	Freedom Mailing Service Inv# 19440, dtd 10/07/11	Water Billing Mailing			\$912.74
29	7430	Office Depot Inv# 581108028001, dtd 09/29/11	Office Supplies			\$25.94
30	7670	Office Depot Inv# 581640328001, dtd 10/05/11	Computer Equipmt			\$98.45
31	7670	Office Depot Inv# 581640528001, dtd 10/04/11	Keyboard			\$72.08
32	7430	Office Depot Inv# 582160942001, dtd 10/07/11	Office Supplies			\$123.94
					Sub-Total	\$320.41
33	7480	CA Department of Public Health Inv# 1160037, dtd 09/30/11	System # 0710009			\$6,028.02
34	7490	Virgil Koehne Expense Report dtd 10/06/11				\$81.03
35	7535	PG&E Acct# 8351173112-3	Well #2			\$57.37
36	7537	PG&E Acct# 1182741894-5	Lift Station "D"			\$210.34
37	7537	PG&E Acct# 1318320217-8	Lift Station "A"			\$60.90
					Sub-Total	\$328.61
38	7520	Verizon Wireless Inv#1016775980, dtd 9/26/11	Monthly wireless service			\$768.17
39	7550	1-800-CONFERENCE Inv# 1200746979, dtd 7/26/11	Well #6 Tele Conf			\$146.39
40	7550	Spectral Wireless Inv# 3501, dtd 10/01/11	Internet service WWTP#2 Oct-Dec 2011			\$240.00
41	7665	Contra Costa Fire Equipment Inv# 15198, dtd 10/05/11	Service District Office Extingulsher			\$45.00
42	7665	Denalect Alarm Company Inv# R30051, dtd 10/03/11	District Office Alarms			\$105.00
43	7690	Thornburg Mobile Inv# 50321, dtd 10/03/11	Work on CAT Forklift			\$140.00
44	7690	Thornburg Mobile Inv# 50322, dtd 10/03/11	Checked Generator Welder and worked on dump trailer			\$105.00
					Sub-Total	\$245.00
45	7950	CCC Treasurer-Tax Collector Bill# 110119212, 9/12/11	Parcel# 011-220-036-5 00	Newport WTP		\$54.06
46	7950	CCC Treasurer-Tax Collector Bill# 110070862, 9/12/11	Parcel# 008-340-041-6 00	WWTP#2/Land		\$2,085.00
47	7950	CCC Treasurer-Tax Collector Bill# 110066572, 9/12/11	Parcel# 008-200-015-9 00	WLWTP		\$156.48
48	7950	CCC Treasurer-Tax Collector Bill# 110070732, 9/12/11	Parcel# 008-330-057-4 00	Wetlands		\$179.18
49	7950	CCC Treasurer-Tax Collector Bill# 110024322, 9/12/11	Parcel# 004-075-007-7 00	Well 1B		\$14.64
50	7950	CCC Treasurer-Tax Collector Bill# 110070672, 9/12/11	Parcel# 008-330-017-8 00	WWTP#1		\$480.86
51	7950	CCC Treasurer-Tax Collector Bill# 110070822, 9/12/11	Parcel# 008-340-033-3 00	WWTP#2		\$133.64
52	7950	CCC Treasurer-Tax Collector Bill# 110070852, 9/12/11	Parcel# 008-340-040-8 00	WWTP#2/Land		\$5,577.36
					Sub-Total	\$8,681.22
53	7950	Dina Breitstein Expense Report for 10/07/11				\$47.93
54	7952	Gates & Associates Inv# 33109, dtd 10/04/11	Regatta Basketball Court plans	(Reimb Z-57 #4265)		\$736.89
55	7952	Gates & Associates Inv# 33110, dtd 10/04/11	Regatta Basketball Court plans	(Reimb Z-57 #4265)		\$44.45
					Sub-Total	\$781.34
					Total TODB	\$259,447.89
Cassell Utility Account						
1	7951	Refund of overpayment on Acct#1-011-500-084-6.02				\$1.07
					Cassell UtilityTotal	\$1.07
					TODB GRAND TOTAL	\$259,448.96

Obj #	TOWN OF DISCOVERY BAY CSD O&M BUDGET - FISCAL YEAR 2011-12 APPROVED 6/15/11 Account Description	2011/2012 Approved Budget	Pending Approval 10/19/2011	2011/2012 YTD REIMB.	2011/2012 YTD Actuals	2011/2012 Remainder of Budget YTD
	Salary & Wages					
7001	Salary & Wages	\$531,551			\$9,694	\$521,857
7005	Overtime	\$5,000			\$0	\$5,000
7007	Auto Allowance	\$4,200			\$118	\$4,082
7010	Payroll Taxes	\$53,655			\$0	\$53,655
7011	Group Insurance (Partial EE Reimb)	\$44,400	\$2,132		\$14,607	\$29,793
7021	Landscape Related Salary & Wages (Reimb)	\$157,737			\$0	\$157,737
7022	Landscape Related Overtime (Reimb)	\$3,000			\$0	\$3,000
7023	Landscape Related Payroll Taxes (Reimb)	\$16,073			\$0	\$16,073
7024	Landscape Related Group Ins (Partial EE Reimb)	\$23,600	\$815		\$3,627	\$19,973
7030	Worker's Comp	\$8,000			\$7,148	\$852
	Sub-Total	\$847,216	\$2,947	\$0	\$35,195	\$812,021
	Board of Directors					
7101	Compensation	\$36,000	\$1,600		\$4,900	\$31,100
7102	Travel & Training	\$2,500	\$246		\$130	\$2,370
	Sub-Total	\$38,500	\$1,846	\$0	\$5,030	\$33,470
	Contractual Services					
7205	Legal Services	\$80,000			\$11,178	\$68,822
7210	Consulting Services *	\$210,000	\$6,905		\$95,373	\$114,627
7215	Water & Wastewater Services Contract	\$1,148,000	\$190,445		\$190,445	\$957,555
7220	Liability Insurance	\$50,000			\$53,911	(\$3,911)
7225	Accounting Financial Services	\$30,000	\$3,441		\$21,259	\$8,741
	Sub-Total	\$1,518,000	\$200,791	\$0	\$372,167	\$1,145,833
	Operations & Maintenance					
7301	General Repairs - Water/Sewer	\$550,000	\$17,627		\$122,548	\$427,452
7305	General Repairs - Pumps	\$100,000	\$400		\$4,008	\$95,992
7310	NTR/SIP Testing - RWQCB	\$5,000			\$0	\$5,000
7312	Preventive & Corrective Fund	\$107,000			\$3,781	\$103,219
7330	Chemicals/Odor Supplies	\$100,000			\$23,643	\$76,358
7385	NPDES NOV Fines (s)	\$25,000			\$0	\$25,000
7410	Copier Maintenance	\$4,500	\$185		\$1,320	\$3,180
7414	Outsource of Water Billing	\$15,000	\$913		\$3,171	\$11,829
7420	Postage	\$2,500			\$577	\$1,923
7430	Office Supplies	\$8,000	\$299		\$2,035	\$5,965
7440	Public Communications & Noticing	\$5,000			\$242	\$4,758
7450	Election Expenses	\$0			\$0	\$0
7460	Memberships	\$17,500			\$3,549	\$13,951
7470	Rent - Public Meetings	\$500			\$0	\$500
7480	Permits	\$40,000	\$6,028		\$0	\$40,000
7490	Travel & Training	\$3,000	\$338		\$18	\$2,982
7510	Info Systems Maintenance	\$2,500	\$546		\$2,359	\$141
7520	Cellular Communications/Data	\$6,500	\$956		\$4,068	\$2,432
7535	Electrical Cost (water)	\$335,000	\$57		\$65,539	\$269,461
7537	Electrical Cost (sewer)	\$370,000	\$271		\$144,591	\$225,409
7550	Telephone	\$4,800	\$386		\$40,360	(\$35,560)
7620	Special Equipment	\$3,000			\$113	\$2,887
7630	Facility Maintenance/Landscape	\$15,000			\$7,539	\$7,461
7665	Office Buildings/Improvements	\$10,000	\$6,982		\$2,553	\$7,447
7670	Office Equipment/Software	\$30,000	\$171		\$11,813	\$18,187
7680	Office Furnishings	\$1,000			\$370	\$630
7685	Miscellaneous Small Tools	\$3,500	\$150		\$1,401	\$2,099
7690	Equipment Maintenance/Fuel	\$20,000	\$829		\$6,168	\$13,832
7925	Miscellaneous Bank Charges	\$500			\$0	\$500
7950	Miscellaneous Services & Supplies	\$2,500	\$8,828		\$5,754	(\$3,254)
7951	Miscellaneous Reimbursable	\$1,000	\$1		\$162	\$838
7952	Landscape Related Reimbursables	\$200,000	\$1,183		\$36,001	\$163,999
7970	Unrecoverable Charges	\$5,000			\$0	\$5,000
7990	G.F. Expenditures	\$0			\$0	\$0
	Sub-Total	\$1,993,300	\$46,151	\$0	\$493,684	\$1,499,616
	Inter-Governmental Charges					
7805	Revenue Collection	\$6,000			\$0	\$6,000
7810-0810	Investment Fee	\$200			\$0	\$200
7815-2315	Data Processing/Payroll Wire Transfer Fees	\$480			\$0	\$480
7820	Accounting (A/P, A/R, GL)	\$2,000			\$0	\$2,000
7825	Public Works - Permits	\$10,000			\$3,768	\$6,232
7850	Property Taxes	\$10,000			\$0	\$10,000
	Sub-Total	\$28,680	\$0	\$0	\$3,768	\$24,912
	TOTAL O&M Budget	\$4,425,696	\$251,735	\$0	\$909,844	\$3,515,852

Acct. #	TOWN OF DISCOVERY BAY CSD CAPITAL Improvement Program - FY 11/12 APPROVED 6/16/11 Account Description	2011/2012 Approved BUDGET	Plan to Approve 10/19/11	2011/2012	2011/2012 ACTUALS	2011/2012 Remainder of Budget YTD
				YTD REIMB.		
SEWER						
0910-004	Manhole Rehabilitation Project	\$15,000			\$0	\$15,000
0910-005	Landscape @ Plant #1	\$7,000			\$0	\$7,000
0910-007	UV System Upgrade	\$23,665			\$0	\$23,665
0910-008	Salinity Study Project	\$70,000			\$0	\$70,000
0910-009	Pumps/Motors Replacement				\$0	\$0
0910-010	Wetlands				\$0	\$0
1011-001	By-Pass Pipeline				\$0	\$0
1011-002	Upgrade/Replace SCADA PLC's (Multi Year)	\$25,000			\$0	\$25,000
1011-003	Bio-Solids Pumps (2) Wet Well	\$20,000			\$0	\$20,000
1011-004	Rehab Lift Station W	\$20,000			\$0	\$20,000
1011-005	Bypass Valve Lift Station S	\$10,000			\$0	\$10,000
1011-006	Metal Cover for UV Area *	\$25,000			\$0	\$25,000
1011-008	Paving for Bio-Solids Containment Area	\$15,000			\$0	\$15,000
1011-009	New Moles (2)				\$15,893	-\$15,893
1011-010	Road Crossing Ramps	\$15,000			\$0	\$15,000
1112-001	Trailered Trash-Pump	\$20,000			\$0	\$20,000
1112-002	Raise Manholes	\$20,000			\$0	\$20,000
1112-003	Beltpress - Bio-sollids Area (Multi-year)	\$800,000	\$7,590		\$900	\$799,100
1112-009	Collection System Pump Station Improvements	\$40,000			\$0	\$40,000
Sewer Sub Total		\$1,125,665	\$7,590	\$0	\$16,793	\$1,108,873

WATER						
0105-003	Develop Water Meter Plan					
0708-016	Portable Shoring Trailer					
0809-002	Well #6 Design & Drill Test Hole				\$2,811	-\$2,811
0809-003	Changeout of Chemical Pumps				\$0	\$0
0910-011	Security Door Locks (12)	\$8,000			\$0	\$8,000
0910-014	Water Meter Program (Multi-Year)	\$500,000	\$124		\$3,985	\$496,015
0910-000	Water Meter Program: Reimbursements	(\$500,000)			\$0	-\$500,000
1011-013	Rehabilitate Well(s)	\$30,000			\$0	\$30,000
1112-006	New Well #7 (Multi-Year)	\$40,000			\$0	\$40,000
1112-008	Install Water Well Transducers & Wellhead Survey	\$36,000			\$0	\$36,000
Water Sub Total		\$124,000	\$124	\$0	\$6,796	\$117,204

MISC.						
Misc. Sub Total		\$0	\$0	\$0	\$0	\$0
Total Capital Budget		\$1,249,665	\$7,714	\$0	\$23,589	\$1,226,077

Infrastructure Replacement Fund						
1112-008	Sewer Infrastructure Replacement Program	\$150,000			\$0	\$150,000
1112-009	Pumps/Motors Replacement Program	\$40,000			\$19,834	\$20,166
1011-010	Water Infrastructure Replacement Program	\$100,000			\$0	\$100,000
1112-011	Facilities and Vehicles Replacement Fund	\$30,000			\$0	\$30,000
Total Replacement Fund		\$320,000	\$0	\$0	\$19,834	\$300,166
Total Replacement Fund & Capital Budget		\$1,569,665	\$7,714	\$0	\$43,423	\$1,526,242

Request for authorization to pay Invoices (RFA)
 For the Meeting on October 19, 2011
 Town of Discovery Bay, D.Bay L&L Park #8
 For Fiscal Year's 7/11 - 6/12

<u>Acct Code</u>			
1	2100	Office Depot Inv# 578513954001, dtd 9/09/11	\$28.94
2	2100	Office Depot Inv#582160942001, dtd 10/07/11	\$61.12
		Sub-Total	\$90.06
3	2120	Discovery Bay Disposal Acct# 17-0001966, dtd 10/01/11 Service for Sept 2011	\$373.00
4		<u>Ace Hardware - Acct# 808 - Closing Date 9/30/11</u>	
	2100	Office Expenses	\$9.27
	2130	Small Tools & Instruments	\$78.32
	2250	Rent & Lease of Equipment	-\$26.80
	2282	Grounds Maintenance	\$79.36
	4829	Landscape Master Plan	<u>\$848.10</u>
		Sub-Total	\$988.25
5		<u>Cal Card - Statement Ending 8/25/11</u>	
	2110	Communications	\$9.95
	2170	Household Items	\$388.00
	2200	Memberships	\$59.00
	2272	Gasoline/Fuel for Equipment	\$362.02
	2282	Grounds Maintenance	\$87.30
	4829	Landscape Master Plan	\$110.05
	4834	Cornell Park	<u>\$1,423.35</u>
			\$2,439.67
6	2281	American Retrofit Systems Inv# 133, dtd 9/26/11 L & M to replace photo cell	\$350.00
7	2282	American Retrofit Systems Inv# 136, dtd 9/26/11 L & M to trace out electrical Cornell Park	\$760.00
8	2282	American Retrofit Systems Inv# 138, dtd 9/27/11 L & M to repair Light fixtures Cornell Park	<u>\$300.00</u>
		Sub-Total	\$1,410.00
9	2282	Cleary Bros Inv# I-80573, dtd 9/26/11 Tree trimming and removal	\$1,950.00
10	2282	ValleyCrest Landscaping Inv#3848027, dtd 9/29/11 Extra Work - Hwy 4	\$280.00
11	2282	ValleyCrest Landscaping Inv#3848028, dtd 9/29/11 Extra Work - Hwy 4	<u>\$175.00</u>
		Sub-Total	\$455.00
12	2479	Sierra Display, Inc. Inv# 9746, dtd 10/10/11 Holiday Decorations	\$3,318.95
13	4829	Express Employment Inv#10141050-4, dtd 9/28/11 Temp: Darren Tanti w/e 9/25/11	\$885.36
14	4829	Watersavers Irrigation Inv#11104535, dtd 9/27/11 Various Irrigation parts	\$70.42
15	2130	Watersavers Irrigation Inv#11107827, dtd 10/07/11 Shovel	\$28.61
16	2282	Watersavers Irrigation Inv#11107827, dtd 10/07/11 Stakes 7 Z-Strap ties	\$273.33
17	2130	Watersavers Irrigation Inv#11107830, dtd 10/07/11 Fertilizer	<u>\$62.87</u>
		Sub-Total	\$435.23
18	4829	United Parcel Service Inv# 000012X417391, dtd 09/24/11 Green Valley Retention	\$30.49
		TOTAL	\$12,376.01

Obj #	Account Description	2011/2012 Approved Budget	Plan to Approve 10/19/2011	2011/2012 Actuals	2011/2012 Remainder of Budget YTD
Discovery Bay Landscape & Lighting District #8 O & M BUDGET 2011/2012 Approved 6/15/11					
Salary & Wages					
2310	Staff Payroll	\$93,760		\$939	\$92,821
	Sub-Total	\$93,760		\$939	\$92,821
Contractural Services					
2310	Professional/Specialized Services	\$8,000		\$0	\$8,000
2380	Insurance	\$5,000		\$0	\$5,000
	Sub-Total	\$13,000		\$0	\$13,000
Operations & Maintenance					
2100	Office Expenses, Supplies	\$1,250	\$99	\$267	\$983
2102	Books, Periodicals & Subscriptions	\$200		\$0	\$200
2103	Postage	\$50		\$0	\$50
2110	Communications	\$1,765	\$10	\$0	\$1,765
2120	Utilities (Street Lights, Water, Garbage)	\$108,500	\$373	\$24,827	\$83,673
2130	Small Tools & Instruments	\$2,000	\$170	\$466	\$1,534
2131	Minor Equipment, Furniture less than \$1,000	\$500		\$0	\$500
2170	Household Items	\$1,750	\$388	\$538	\$1,212
2190	Public Notices	\$300		\$0	\$300
2200	Memberships	\$250	\$59	\$160	\$90
2250	Rent & Lease of Equipment	\$500	-\$27	\$0	\$500
2251	Computer Software	\$0		\$0	\$0
2270	Maintenance of Equipment	\$1,000		\$222	\$778
2271	Automotive Supplies & Repairs	\$2,000		\$169	\$1,831
2272	Gasoline	\$3,500	\$362	\$0	\$3,500
2281	Maintenance of Buildings	\$5,400	\$350	\$1,303	\$4,097
2282	Grounds Maintenance	\$212,000	\$3,905	\$46,651	\$165,350
2284	Requested Maintenance from County	\$0		\$0	\$0
2301	Employee Auto Mileage - Reimbursement	\$100		\$258	(\$158)
2303	Other Travel Employee Expenses	\$1,500		\$0	\$1,500
2470	Road/Construction Materials (Street Signs)	\$500		\$0	\$500
2479	Other Special Expenses	\$12,000	\$3,319	\$376	\$11,624
	Sub-Total	\$355,065		\$75,237	\$279,828
7800 Inter-Governmental Charges					
3530/3550	Taxes & Assessments	\$1,000		\$0	\$1,000
3611	Interfund Exp. (Investment & Property Tax)	\$500		\$0	\$500
5011	Reimbursement for County Admin. Costs	\$500		\$0	\$500
	Sub-Total	\$2,000		\$0	\$2,000
TOTAL O&M Budget					
		\$463,825	\$9,008	\$76,176	\$387,650

Discovery Bay Landscape & Lighting District #8					
CAPITAL BUDGET 2011/2012					
Approved 6/15/11					
Obj#	Account Description	2011/2012 Approved Budget	To Be Approved 10/19/2011	2011/2012 Actuals	2011/2012 Remainder of Budget YTD
PARKS					
4789	Cornell Park - Playground Replacement	\$ 126,000.00		\$152,122	(26,122)
4834	Cornell Park (Restroom Partitions)			\$16,130	(16,130)
	Cornell Park (ADA Upgrades)	\$35,000	\$1,423	\$13,023	21,977
	Cornell Park (Tennis Court Surfacing)	\$20,000		\$0	20,000
	Cornell Park (Dog Park Fencing)	\$85,000		\$0	85,000
	Cornell Park (Tot Lot Removal)	\$12,500		\$0	12,500
	Cornell Park (Horse Shoe & Bocce Court)	\$15,000		\$0	15,000
	Parks Sub Total	\$293,500	\$1,423	\$181,275	112,225
STREETSCAPE					
4265	Various Improvements	\$7,500		\$0	7,500
4546	Structure & Walkway Repairs	\$2,000		\$0	2,000
4829	Landscape Master Plan Areas		\$110	\$21,149	(21,149)
	Willow Lake Road Streetscape			\$0	0
	Discovery Bay Blvd. (West) / Sand Point Rd.	\$12,000	\$30	\$7,752	4,248
	Highway 4 (East)	\$30,000		\$2,357	27,643
	Discovery Bay Blvd (East)	\$50,000	\$1,804	\$11,620	38,380
	Streetscape Sub Total	\$101,500	\$1,944	\$42,878	58,622
MISC.					
4853	Vehicle Purchase	\$25,000		\$21,345	3,655
4959	Tools & Sundry Equipment	\$3,000		\$0	3,000
	Misc. Sub Total	\$28,000	\$0	\$21,345	6,655
	Total Capital Budget	\$423,000	\$3,368	\$246,497	177,503

Request for authorization to pay invoices (RFA)
For the Meeting on October 19, 2011
Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)
For Fiscal Year's 7/11 - 6/12

<u>Acct Code</u>			
1	2100	Office Depot Inv# 580400915001, dtd 09/23/11 Office Supplies	\$44.27
2		<u>CalCard - Statement ending 08/25/11</u>	
	2272	Gasoline/Fuel for Equipment	\$393.04
Total			\$437.31

Obj #	Discovery Bay Landscape & Lighting District #9 O & M BUDGET 2011/2012 Approved 6/15/11 Account Description	2011/2012 Approved Budget	Planned to Pay 10/19/2011	2011/2012 YTD REIMB.	2011/2012 YTD ACTUALS	2011/2012 Remainder of Budget YTD
	Salary & Wages					
2310	Staff Payroll	\$37,952			\$1,095.00	\$36,857
	Sub-Total	\$37,952		\$0	\$1,095.00	\$36,857
	Contractural Services					
2310	Professional/Specialized Services	\$8,200			\$800.00	\$7,400
2360	Insurance	\$1,500			\$0.00	\$1,500
	Sub-Total	\$9,700		\$0	\$800.00	\$8,900
	Operations & Maintenance					
2100	Office Expenses, Supplies	\$500	\$44		\$0.00	\$500
2102	Books, Periodicals & Subscriptions	\$50			\$0.00	\$50
2103	Postage	\$160			\$0.00	\$160
2110	Communications	\$350			\$0.00	\$350
2120	Utilities (Street Lights, Water, Garbage)	\$26,325		\$132.81	\$3,624.44	\$22,701
2130	Small Tools & Instruments	\$750			\$0.00	\$750
2131	Minor Equipment, Furniture less than \$1,000	\$250			\$0.00	\$250
2170	Household Items	\$750			\$118.00	\$632
2190	Public Notices	\$500			\$0.00	\$500
2200	Memberships	\$50			\$0.00	\$50
2250	Rent & Lease of Equipment	\$0			\$0.00	\$0
2251	Computer Software	\$0			\$0.00	\$0
2270	Maintenance of Equipment	\$200			\$0.00	\$200
2271	Automotive Supplies & Repairs	\$300			\$0.00	\$300
2272	Gasoline	\$500	\$393		\$0.00	\$500
2281	Maintenance of Buildings	\$0			\$0.00	\$0
2282	Grounds Maintenance	\$44,500		\$2,725.00	\$5,428.00	\$39,072
2284	Requested Maintenance from County	\$0			\$0.00	\$0
2301	Employee Auto Mileage - Reimbursement	\$50			\$9.00	\$41
2303	Other Travel Employee Expenses	\$0			\$0.00	\$0
2470	Road/Construction Materials (Street Signs)	\$0			\$0.00	\$0
2479	Other Special Expenses	\$1,350			\$0.00	\$1,350
	Sub-Total	\$76,575	\$437	\$2,858	\$9,179.44	\$67,396
7800	Inter-Governmental Charges					
3530/3550	Taxes & Assessments	\$425			\$0.00	\$425
3611	Interfund Exp. (Investment & Property Tax)	\$0			\$0.00	\$0
5011	Reimbursement for County Admin. Costs	\$0			\$0.00	\$0
	Sub-Total	\$425		\$0	\$0.00	\$425
	TOTAL O&M Budget	\$124,652	\$437	\$2,858	\$11,074.44	\$113,578




Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

October 19, 2011

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

Agenda Title

Capacity Fee Charge Report for Fiscal Year 2010-2011

Recommended Action

Approval of the Capacity Fee Charge Report for Fiscal Year 2010-2011

Executive Summary

Each year, the District is required to prepare a "Capacity Fee Charge" Report within one-hundred eighty (180) days of the end of each fiscal year. The report identifies those charges deposited into the District's capacity charges account, the amount in the account, how and when the charges were expended, and a description of all improvements completed or to be completed with the capacity charge funds.

For FY 2010/11, the amount deposited was \$.00; there were no Water capacity charges and there were no Wastewater capacity charges collected for this fiscal year. The Capacity Fee report and the exhibits are attached.

Prior to preparing this year's report, staff performed an audit covering the periods 2003-2004 through 2009-2010. Based upon that work effort, certain data has been revised and updated as shown on Exhibit "D"- "Town of Discovery Bay CSD Capacity Fee Charge Year End Report". These changes accurately reflect "Actual costs of projects to date" and "Total Capacity Fees Collected" as of June 30, 2011.

Also attached is a worksheet titled "Revisions to Capacity Fee Charge Report" with a description of the revisions made on the Exhibit "D", Town of Discovery Bay CSD Capacity Fee Charge Year End Report for 2010-2011.

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

Capacity Fee Charge Report Cover Sheet for 2010-2011 with Attachments

Exhibit "A" – Basis of Capacity Fee

Exhibit "B" – Capacity Fees Collected for 2010-11

Exhibit "C" – Capital Improvement Budget

Exhibit "D" – Capacity Fees Collected from 2004 through 2011

Excel worksheet titled "Revisions to Capacity Fee Charge Report"

AGENDA ITEM: E-4



TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT

CAPACITY FEE CHARGE REPORT FOR YEAR END 2010-2011

The Town of Discovery Bay Board of Directors approved and adopted a new "Capacity Fee" charge on February 18, 2004 to cover various capital improvement projects for the community of Discovery Bay.

In this document we have attached "Exhibits A-D" that show the various components that make up the year-end report.

Exhibit "A" – "Basis of Capacity Fee" Worksheet listing the projects and their estimated cost that was adopted by the Board of Directors.

Exhibit "B" – "Capacity Fees Worksheet" highlighting the capacity fees collected. This exhibit shows all the Sewer/Water Permits Fees collected. The columns are labeled "W-Capacity" which shows the dollars received from Water Permits and "S-Capacity", which show the dollars received for Sewer Permits.

Exhibit "C" – Shows the proposed Capital Budget and Actuals of the actual Capital expenditures by month that were spent by the District for the various projects for the 2010-2011 year.

Exhibit "D" – "Capacity Fee Year End Report" This report shows the dollar amount approved by the Board of Directors and the total "Capacity Fees" that were received and which project these fees are allocated to.

The Total Capacity Fees collected for the fiscal year end 2010-11 came to a total of \$.00 compared to \$3086.00 for the 2009-10 year.

EXHIBIT "A"

Town of Discovery Bay

Basis of Capacity Fee

Wastewater	Project Type or Name	Estimated Cost
	Discharge Pipeline (Under Development)	\$2,000,000.00
	Bio-Solids	\$1,700,000.00
	Wetlands	\$2,500,000.00
		\$6,200,000.00
Water		
	Future Upgrades (Purchase of Land, Pumps, Etc.)	\$400,000.00
	Sub -Total	\$6,600,000.00
	Current Residents Contribution via Usage Fees (4851)	(\$2,510,000.00)
		\$4,090,000.00
	No. of Lots For Future Development	
	Discovery Bay -100	
	Discovery Bay West - 1000	
	Ravenswood - 203	
	Pantages - 300	
	Total = 1603	
	\$4,090,000 divided by (1603) =	\$2,551
Other	Existing Facilities	
Wastewater	UV System	\$676,000.00
	1988 Improvements	\$2,250,000.00
	Generators Portable	\$60,000.00
	Vac Truck	\$25,000.00
	SCADA System	\$132,500.00
	Sub-total	\$3,143,500.00
	Divide by Total Buildout of (6454) =	\$487.00
Water	Well 5 Generator & Transfer Switch	\$106,000.00
	Abandon of Wells 1a & 3	\$60,000.00
	Fencing of Future Well Site	\$12,000.00
	SCADA System	\$132,500.00
	Sub-total	\$310,500.00
	Divide by Total Buildout of (6454) =	\$48.00
	Grand Total of Wastewater & Water	\$3,454,000.00
	Divide by Total Buildout of (6454) =	\$535.00
	Total Capacity Charge / Fee	\$3,086.00

Update 02/23/04

CAPACITY FEES FOR THE TOWN OF DISCOVERY BAY
2010/2011

Exhibit "B"

Date	Permit #	Sewer/Water Permits Fees		S/W Amount	W-Capacity	S-Capacity	Total Fees	Inv #	Chk #	Deposited	Where
		Lot(s) & Sub.									
09/10											
12/11/09	1652	948 Lido Circle		Not Paid Yet	Not Paid Yet	Not Paid Yet	Not Paid Yet	2229			
		09/10 Total		\$0.00	\$0.00	\$0.00	\$0.00				
10/11											
10/13/10	1654	4896 North Point		\$370.00			\$370.00	2492	2691	11/15/10	BAC
10/22/10	1655	14850 Hwy 4 Ste B		\$210.00			\$210.00	2561	12945	11/15/10	BAC
11/15/10	1656	5510 Beaver Lane		\$370.00			\$370.00	2592	18378	11/15/10	BAC
06/28/11	1657	2451 Cherry Hills Drive		\$50.00			\$50.00	2872	68250	08/22/11	BAC
		10/11 Total		\$1,000.00	\$0.00	\$0.00	\$1,000.00				

EXHIBIT "D"

Town of Discovery Bay CSD

Capacity Fee Charge Year End Report for 2010-2011

Project	Bio-Solids Account	Discharge Pipeline Account	Wetlands Account	Future Water Upgrades	Other Account	Total Capacity Fees Collected	Year
Estimated Cost	\$1,700,000.00	\$2,000,000.00	\$2,500,000.00	\$400,000.00	\$3,454,000.00		
Actual Cost of							
Projects to date	\$1,802,913.00	\$1,339,953.00	\$257,059.00	\$976,842.00	\$3,454,000.00		
Capacity Fee Allocated to these projects	\$38,872.37	\$45,732.20	\$57,165.25	\$9,146.44	\$77,744.74	\$228,661.00	2003-04
Capacity Fee Allocated to these projects	\$217,480.32	\$255,859.20	\$319,824.00	\$51,171.84	\$434,960.64	\$1,279,296.00	2004-05
Capacity Fee Allocated to these projects	\$141,647.40	\$166,644.00	\$208,305.00	\$33,328.80	\$283,294.80	\$833,220.00	2005-06
Capacity Fee Allocated to these projects	\$31,582.12	\$37,155.44	\$46,444.30	\$7,431.09	\$63,164.25	\$185,777.20	2006-07
Capacity Fee Allocated to these projects	\$3,530.39	\$4,153.40	\$5,191.75	\$830.68	\$7,060.78	\$20,767.00	2007-08
Capacity Fee Allocated to these projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2008-09
Capacity Fee Allocated to these projects	\$524.62	\$617.20	\$771.50	\$123.44	\$1,049.24	\$3,086.00	2009-10
Capacity Fee Allocated to these projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2010-11
Sub Total of Fees Collected to Date	\$433,637.22	\$510,161.44	\$637,701.80	\$102,032.29	\$867,274.45	\$2,550,807.20	
Allocated by %	17.00%	20.00%	25.00%	4.00%	34.00%		

9/21/2010

Town of Discovery Bay CSD
Revisions to Capacity Fee Charge Report
Audited in September of 2011

Fiscal Year	Description / Comments
2003-04	No Revisions
2004-05	Added all 2003-04 Data to Exhibit "D"
2005-06	<p>Exhibit "B" total Water Capacity Fee Collected of \$80,190.00 and Sewer of \$753,030.00 Totals \$833,220.00 On the cover page of this report is was stated as \$830,134.00. Revised Exhibit "D" - column "Total Capacity Fee Collected " to the revised total of \$833,220.00 Reallocated by % the Bio-solds, Discharge Pipeline, Wetlands, Future Water Upgrades & Other Accounts dollar amounts to reflect the revision.</p>
	<p>Exhibit "C" Discharge Pipeline Project - Account #0103-22 January -April 2006 actuals of \$70,615.00 added to Exhibit "D" row - "Actual Cost of Projects to date" under column "Discharge Pipeline Account" to a revised total of \$1,339,953.00. Original amount stated on report was \$1,269,338.00</p>
2006-07	<p>Exhibit "B" total Water Capacity Fee Collected of \$17,879.40 and Sewer of \$167,897.80 Totals \$185,777.20 On the cover page of this report is was stated as \$213,131.20. Revised Exhibit "D" - column "Total Capacity Fee Collected " to the revised total of \$185,777.20 Reallocated by % the Bio-solds, Discharge Pipeline, Wetlands, Future Water Upgrades & Other Accounts dollar amounts to reflect the revision.</p>
2007-08	<p>Exhibit "C" Well #6 Account #0708-018 May 2008 actual of \$2,088.00 added to Exhibit "D" row - "Actual Cost of Projects to date" under column "Future Water Upgrades" to a revised total of \$2,088.00</p>
2008-09	No Revisions
2009-10	<p>Exhibit "C" Wetlands Project - Account #0107-08 September 2009 actual of \$9,200.00 was added to Exhibit "D" row-"Actual Cost of Projects to date" under column "Wetlands Account" to a revised total of \$257,059.00</p>
	<p>Exhibit "C" Well #6 - Account #0809-002 2009/2010 total actuals of \$741,910.00 was added to Exhibit "D" row - "Actual Cost of Projects to date" under column "Future Water Upgrades" to a revised total of \$930,489.00</p>



Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

October 19, 2011

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

Agenda Title

Adopt Resolution 2011-21 adopting changes to the Town of Discovery Bay Bylaws; and Adopt Resolution 2011-22 adopting changes to the Town of Discovery Bay Board Policy

Recommended Action

Adopt Resolution 2011-21 adopting changes to the Town of Discovery Bay Bylaws; and Adopt Resolution 2011-22 adopting changes to the Town of Discovery Bay Board Policy

Executive Summary

The Board has adopted a number of Resolutions over that past year that have also triggered changes to the Bylaws and Board Policy of the Town of Discovery Bay. The Bylaws and Board Policy (attached) bring those documents into conformity with previous actions taken by the Board.

On September 21, 2011, the proposed Bylaws and Board Policy were presented to the Board and public for consideration, and input. Based upon the input received at that time, and from staff and members of the public, staff has incorporated a number of proposed edits into the documents that provide a comprehensive set of Bylaws and a revised Board Policy.

Both documents identify the recommended changes using strikeout/underline for ease in identifying the recommended changes.

Fiscal Impact:

Amount Requested \$
Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)
Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

Previous Relevant Board Actions for This Item

Attachments

DRAFT Board Policy of the Town of Discovery Bay; DRAFT Bylaws of the Town of Discovery Bay
Resolution 2011-21 – Proposed Changes to Bylaws – To be distributed Monday October 17, 2011
Resolution 2011-22 – Proposed Changes to Board Policy - To be distributed Monday October 17, 2011

AGENDA ITEM: F-1

REVISED
AMENDED
BYLAWS
OF THE
TOWN OF DISCOVERY BAY

DRAFT

Revised Amended April 20, 2011 September 7, 2011

REVISED-AMENDED BYLAWS

OF THE

TOWN OF DISCOVERY BAY

ARTICLE I

NAME

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

ARTICLE II

PURPOSE

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

A. To Operate as a Community Services District and provide water distribution, wastewater connection and treatment; and parks, landscaping and recreation services to the residents of Discovery Bay.

BA. To provide for those exercise of those powers set forth in Government Code Government Code Community Services District Law section § 614000 et seq. (Community Services District Law). 61600

approved by the electors of the Town;

CB. To continue the advisory responsibilities of the Discovery Bay Municipal Advisory Council;

DC. To serve the residents of the Town of Discovery Bay, in the manner provided by law.

ARTICLE III

BOARD OF DIRECTORS

Section 1. Board of DirectorsNumber:

The governing body of the District shall consist of five (5) elected Directors, each of whom shall serve for a term of four (4) years staggered terms. Such terms of office to be established on a staggered basis. ~~Initially two (2) Directors will serve a two-year term and three (3) members will serve a four-year term. Thereafter, all terms shall be four years~~During the elections every two (2) years, either two (2) or three (3) Directors are elected to serve to the District for the next four (4) years.

DRAFT

The initial Directors, their terms and term expirations, are:

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

Section 2. Compensation.

The Board may authorize each Director to receive compensation of One Hundred Dollars (\$100.00) for each meeting of the Board attended by him/her, and One Hundred Dollars (\$100.00) for each day's service performing duties for the District other than attending meetings, subject to the following limitation: Total compensation shall not to exceed Six Hundred Dollars (\$600) per month as provided in Community Services District Law Government Code section §61047. Traveling and such other necessary expenses actually incurred by him/her in performing District Duties shall be reimbursed, and such reimbursement shall be in addition to the compensation specified herein consistent with the authorized Reimbursement and Travel Policy.

Section 3. Vacancies.

A. A. Vacancies on the Board shall be filled in accordance with Government Code § 1780.

B. B. Vacancies shall be deemed to exist as provided in Government Code § 1770.

Section 4. Resignation.

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

ARTICLE IV

OFFICERS

Section 1. Elected Officers.

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

Vice-President (who may be called "Vice-Chair"), and a Treasurer President Pro-Tempore.

Section 2. Terms and Responsibilities of Elected Officers.

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

A. General Responsibilities of the Board President

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

B. General Responsibilities of the Vice-President

1. Shall serve in the absence of the President.

C. General Responsibilities of the President Pro-Tempore.

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

Section 3. Duties of Elected Officers.

A. President.

1. ~~Shall preside at all meetings of the board and such other meetings approved by the Board, and have authority to call for short recesses during meetings unless a majority of the Directors by vote oppose a recess.~~

~~2. Cooperatively work with the General Manager/Board Secretary on the preparation of CSD Meeting Agendas and its contents.~~

~~3.2. Shall serve as official spokesperson for the Board.~~

~~4.3. Shall appoint such committees and other working groups as prescribed confirmed by the Board.~~

~~5.4. Shall designate Directors or others to represent the Board at various meetings, hearings, and conferences, as confirmed by the Board.~~

~~6.5. Shall May co sign all checks for warrants drawn by the Treasurer and approved by the Board.~~

~~7.6. Shall perform such other duties as necessary to carry out the work of the Board.~~

~~8.7. Shall perform such duties as prescribed by law.~~

~~B. Vice President.~~

~~1. Shall serve in the absence of the President.~~

~~C. Board Treasurer/President Pro-Tempore.~~

~~1. Shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of all financial transactions of the District, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, and capital surplus, and assure that Town funds are properly secured. The books of the account shall at all reasonable times be open to inspection by any Director serve in the absence of the President and the Vice President.~~

~~2. Shall prepare, or cause to be prepared, and supervise the preparation of an annual budget, together with reliable estimates of income and a publicly announced semi-annual report of expenditures.~~

~~3. Shall deposit all moneys and other valuables in the name of and to the credit of the District with such depositories and in such accounts as may be designated by the Board.~~

~~4. Shall provide all records and documents necessary for, and shall supervise, an annual, independent audit of expenditures.~~

5. Interpret and publicize the programs and services of the District for and to the public.
6. Provide financial oversight of the District and Contra Costa County pursuant to funds on deposit at that agency.
7. Lead the District management team in the preparation of the budget, control of expenditures, inventory control, program planning, changing priorities and public relations.
8. Perform the function of the District's Public Information Officer.
9. Participate in community activities.
10. Continue a program of professional development to assure and enhance staff's professional growth.
11. Keep the Board informed of all communications affecting the District.

Section 3. General Responsibilities of the Secretary of the Board

1. Certify official documents and letters as required.
2. Maintain the official files and records of the Board.
3. Prepare the agenda for the Board meetings.
4. Prepare and distribute minutes of the meeting of the Board.
5. Maintain historical record and newspaper articles.
6. Post agendas, minutes, public notices and proposed action documents as required by Board and government regulations.

Section 2. General Manager Duties:

The general manager is employed by the board to run the day-to-day business of the Town of Discovery Bay.

Duties of the general manager (GM) include, but are not limited to:

Prepare a detailed job description of the general manager:

Prepare detailed job descriptions for all employees of the District. These must be updated and reviewed by the Board as any new functions are added.

In preparation for Board review, do Perform an annual evaluation of employees.

Spend the major portion of his/her time on the items in the detailed job description of the GM.

Dispatch the contractor hired for operations on all water and wastewater problems in Town of Discovery Bay that require fieldwork. The GM will respond only if the situation is too complicated for the contractor hired for operations to handle.

Prepare and maintain a current timeline for all major projects, such as, but not limited to, potable water treatment, wastewater plants, land acquisitions, modular meeting building, pipe replacements, repairs or

~~additions in the parks, Sandy Cove Shopping Center, Lake View Business Park, community center, water reclamation and conservation.~~

~~Establish regular office hours and ensure that there is at least one (1) person in the office during those hours.~~

~~Such other duties as may from time to time be assigned by the Board.~~

ARTICLE VI

MEETINGS

Section 1. Regular and Special Meetings.

~~A. A.—The Board shall hold a regular meeting on the first (1st) and third (3rd) Wednesdays of each month, at the District Office located at 1800 Willow Lake Road Drive, Discovery Bay, California 94505. Such regular meetings shall be for considering reports of the affairs of the District and for transacting such other business as may be properly brought before the meeting. Such meetings may be altered as to date, time and place, as provided for in a Resolution adopted by the Board.~~

~~B. B.—Special meetings may be called in accordance with the California Ralph M. Brown Act of 1953, as amended (hereafter Brown Act).~~

~~C.—All meetings shall be conducted in accordance with the Ralph M. Brown Act.~~

~~D.—All motions made at Board meetings shall require a second to the motion prior to the Directors voting.~~

Section 2. Quorum.

The Board shall be empowered to conduct the business of the District whenever there is present at a properly called meeting, a quorum, as defined as comprising a majority of the existing Directors; normally three (3); except as otherwise provided by law. Pursuant to ~~Government Code §61225~~ Government Code-Community Services District Law section §61045, the affirmative votes of three (3) members of the Board are required for action to be taken.

Section 3. Voting.

~~A. A.—Voting shall only be conducted at proper noticed meeting where a quorum has been established and members are physically present.~~

~~B. B.—Voting shall be by voice, show of hands, or roll call vote.~~

- C. Any vote that is other than unanimous shall be recorded by name of the voting member and whether the member voted "AYE", "NO" or "ABSTAIN".

Section 4. Notice of Regular and Special Meetings.

- A. ~~A.~~—Notices of Regular Meetings shall be pursuant to the Brown Act, sent in writing to each Director at his/her home address at least four calendar (4) days prior to such meetings. Such notices shall specify the place, the day, and the hour of the meeting and accompanying the notice shall be a copy of the agenda for that meeting.
- B. ~~B.~~—Notices of Special Meetings shall be pursuant to the Brown Act. In the case of special meetings, the notice, written or by telephone, shall specify the specific nature of the business to be transacted.

ARTICLE VII

PAYMENTS, CONTRACTS, AND REPORTS

Section 1. Payments.

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

Section 2. Contracts

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

Section 3. Reports.

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

DRAFT

**AMENDED
BYLAWS
OF THE
TOWN OF DISCOVERY BAY**

**AMENDED BYLAWS
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TOWN OF DISCOVERY BAY**

ARTICLE I

NAME

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

ARTICLE II

PURPOSE

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

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

ARTICLE III

BOARD OF DIRECTORS

Section 1. Board of Directors.

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

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

William Slifer	4 years	Expires December 1, 2001
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David Piepho	4 years	Expires December 1, 2001
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Chet Loveland	2 years	Expires December 1, 1999

Section 2. Compensation.

The Board may authorize each Director to receive compensation of One Hundred Dollars (\$100.00) for each meeting of the Board attended, and One Hundred Dollars (\$100.00) for each day's service not to exceed Six Hundred Dollars (\$600) per month as provided in Government Code § 61047. Traveling and such other necessary expenses actually incurred in performing District Duties shall be reimbursed, and such reimbursement shall be in addition to the compensation specified herein consistent with the authorized Reimbursement and Travel Policy.

Section 3. Vacancies

A. Vacancies on the Board shall be filled in accordance with Government Code § 1780.

B. Vacancies shall be deemed to exist as provided in Government Code § 1770.

Section 4. Resignation

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

ARTICLE IV

OFFICERS

Section 1. Elected Officers.

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

Section 2. Terms and Responsibilities of Elected Officers.

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

A. General Responsibilities of the Board President

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

B. General Responsibilities of the Vice-President

1. Shall serve in the absence of the President.

C. General Responsibilities of the President Pro-Tempore.

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

ARTICLE V

APPOINTED OFFICERS

Section 1. Appointed Officers:

- A. The appointed officers of the District shall be General Manager, and a Secretary, who may be the same person, but neither of whom shall be a Director. The duties of the appointed officers shall be as specified in law, and as directed by the Board.

- B. Pursuant to Government Code §61050(b), the treasurer of the County of Contra Costa shall serve as the District Treasurer, and shall be the depository and have the custody of all of the district's money except those accounts that are authorized under the Community Services District laws and/or in effect prior to January 1, 2006.

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

Section 2. General Responsibilities of the General Manager

1. Appraise and evaluate the effects of the Board policies and the manner of their execution, and the efficiency of District personnel in terms of services rendered to the people of the District.
2. Provide leadership to staff in identifying District needs, establishing priorities and determining the objectives, which will achieve the established goals of the District.
3. Encourage and assist staff in the performance of their duties and encourage their professional growth.
4. Ensure evaluation of personnel under his/her direction.
5. Interpret and publicize the programs and services of the District for and to the public.
6. Provide financial oversight of the District and Contra Costa County pursuant to funds on deposit at that agency.
7. Lead the District management team in the preparation of the budget, control of expenditures, inventory control, program planning, changing priorities and public relations.
8. Perform the function of the District's Public Information Officer.
9. Participate in community activities.
10. Continue a program of professional development to assure and enhance staff's professional growth.
11. Keep the Board informed of all communications affecting the District.

Section 3. General Responsibilities of the Secretary of the Board

1. Certify official documents and letters as required.
2. Maintain the official files and records of the Board.
3. Prepare the agenda for the Board meetings.
4. Prepare and distribute minutes of the meeting of the Board.
5. Maintain historical record and newspaper articles.
6. Post agendas, minutes, public notices and proposed action documents as required by Board and government regulations.

ARTICLE VI

MEETINGS

Section 1. Regular and Special Meetings.

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

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

Section 2. Quorum.

The Board shall be empowered to conduct the business of the District whenever there is present at a properly called meeting, a quorum, as defined as comprising a majority of the existing Directors; normally three (3), except as otherwise provided by law. Pursuant to Government Code §61045, the affirmative votes of three (3) members of the Board are required for action to be taken.

Section 3. Voting.

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

Section 4. Notice of Regular and Special Meetings.

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

ARTICLE VII

PAYMENTS, CONTRACTS, AND REPORTS

Section 1. Payments.

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

Section 2. Contracts.

The Board, except as in the Bylaws otherwise provided, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of, and on behalf of, the District. Such authority may be general or confined to specific instances. Unless so authorized by the Board, no officer, agent, or employee shall have any power or authority to bind the District by any contract or engagement, to pledge its credit, or to render it liable for any purpose or to any amount. Section 3. Reports.

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

ARTICLE VIII

PARLIAMENTARY AUTHORITY

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

ARTICLE IX

AMENDMENTS

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



BOARD POLICY
OF THE
TOWN OF DISCOVERY BAY

DRAFT



TOWN OF DISCOVERY BAY

BOARD POLICY

PURPOSE

The purpose of the elected Board of Directors of the Town of Discovery Bay, a multipurpose independent special district, is to represent the residents within its boundaries in any and all matters covered under the California Government Code relating to a Community Services District.

In addition to the purposes listed in the Government Code, the District has been ordered by LAFCo and the Board of Supervisors to perform an advisory role for the residents of Discovery Bay. This role includes, but is not limited to, advising the County in matters of land use planning, zoning, compliance, roads and streets, lighting, landscaping, parks and public safety services.

I. BOARD OF DIRECTORS

The governing body of the Town of Discovery Bay TODBDistrict is a Board of Directors comprised of five (5) Board members elected by the registered voters of the District to serve four (4) year staggered terms. During the elections every two (2) years, either two (2) or three (3) Directors are elected to serve the District for the next four (4) years.

Yearly the Board of Directors elects a President, Vice-President and Treasurer/President Pro-Tempore. The President of the Board chairs the meeting, performs such duties as prescribed by State or Federal law and such other duties as prescribed by Board Policy or the established Bylaws of the Town of Discovery Bay. In the event of his or her of the President's absence, the Vice-President performs said duties. In the event of the President and Vice-President's absence, the President Pro-Tempore performs said duties. The Treasurer will act as provided in Government Code 61737.04 et Seq. The Treasurer may have designated alternates who may act in his/her absence.

II. POWER OF THE BOARD

The Board of Directors recognizes its duty to formulate and approve the policy program for the operation, control, administration and planning of the District's facilities and activities of the District.

~~While discharging their responsibilities through official actions of the Board as a whole, Board members may be considered to be officers with District jurisdiction over the execution of the Board's policies.~~

Board meetings ~~shall~~ will be noticed and shall take place pursuant in accordance ~~to~~ with the Ralph M Brown Act of 1959, as amended (hereafter, Brown Act).

The parliamentary procedure for conducting all meetings will be "The New Robert's Rules of ~~Rosenberg's Rules of Order.~~" Revised.

The Board meets its obligations to the electorate by performing as a legislative, administrative and control body.

The Board ~~may have~~ has standing committees and ~~may~~ appoints ad hoc committees as the need arises. The District's General Manager or Designee may serve as staff support to a member of those committees.

In the discharge of their duties, Board members act as a Board and not as individuals. ~~An individual director has no legal or moral right to speak for the Board, unless specifically authorized to do so by action of the Board.~~ the Board of Directors must comply with all legal and moral laws and are required to receive Ethics training pursuant to AB 1234.

III. RESPONSIBILITIES

A. Responsibilities of the Board of Directors Members:

1. To select a General Manager as the Board's chief administrative officer and professional advisor and ~~properly~~ properly delegate to him or her the authority and responsibility to execute its' policies, enforce its rules and regulations, and administer the facilities, programs, and services of the District. Provide the General Manager with the necessary personnel and resources to carry out his or her responsibilities.
2. To adopt a District budget that provides the best possible facilities, programs, and services, within the limits of fiscal responsibility, to the people of the District.

3. To adopt a comprehensive set of Board policies and administrative procedures to govern the operation of the District. These policies and procedures shall be amended and revised as appropriate and shall be compiled and published in a Board Policies Manual and Administrative Regulations Manual. The District shall keep at its offices a master copy of such manual, which shall be kept for all purposes the official record of the Board policies and administrative regulation of the District.
4. By motion, resolution, or ordinance conduct the business of the District Board, taking those actions that ensure that satisfactory services are provided throughout the community.
5. Keep informed on agenda items and on-going business of the Board.
6. Be well informed on the provisions of laws, ordinances and resolutions as they affect conduct of the District and the Board.
7. Attend meetings with promptness and regularity.
8. Elect officers and confirm standing and ad hoc committee members and District representatives to external agencies.
9. Initiate, review and approve plans that will satisfy future requirements, including a long-range plan (five (5) to ten (10) years).
10. Review and act upon plans and recommendations submitted by the Board committees and the General Manager. This action includes adoption, rejection, amendment or return to committee.
10. ~~Agenda formats and the rules governing the running of the meetings will be up to the President and be governed by current open meeting laws, the California Ralph M. Brown Act of 1953, as amended.~~
11. Single Board members will not represent the whole of the Board in other open or closed meetings without prior sanction by a the majority direction of the Board.

~~Board members are elected by their constituents and as such must conduct themselves in an ethical manner.~~

B. GENERAL CONDUCT OF BOARD OF DIRECTORS AND OFFICERS

1. No member of the Board or Officers of the District shall:

- a. Represent his or her position as that of the Board unless the Board has acted upon that position.
- b. Make unsolicited statements to anyone other than the Board during Board deliberations.
- c. Issue any writings or statements to the press or public without clearly distinguishing which statements are his or her own and which are established Board positions. ~~(Any writing not previously approved by the Board shall be on personal stationery and shall omit title and Board affiliation.)~~
- ~~d. Place on the agenda any item for Board action without providing [RH 1] to every Board member documentation he or she deems necessary for a decision at least twenty-four (24) hours prior to the meeting, pursuant to the Brown Act.~~

2. Preparation and Commitment:

- a. Shall respect the Board's commitment to work through the General Manager by requesting desired information about the District's programs/activities directly from him/her, by referring to him/her suggestions for new policies, for his/her professional advice, by refraining from acting on any complaint until after the General Manager has had an opportunity to investigate fully and report to the Board, and by wholeheartedly supporting Board approved actions of the General Manager and his/her staff.
- b. Accept the principle of Board unity or consensus by supporting majority decisions of the Board.
- c. Shall make decisions involving the welfare of the District based on factual information and evidence recognizing that personal feelings, opinions and other such factors are not conducive to sound decision making.
- d. Come prepared, ready to ask questions and make decisions.
- e. Do what is agreed upon.
- f. Respect confidentiality of Closed or Executive ~~Executive-Session~~ agenda items.
- g. Contact the General Manager all prior to meeting for more information, if needed.

C. ADDITIONAL RESPONSIBILITIES OF THE BOARD MEMBERS

1. Orientation of Board Members

- a. The Board of Directors recognizes its responsibility in helping and assisting a newly elected or appointed Board member to understand the operation of the District as well as the roles and responsibilities of a member of the Board. The Board and General Manager shall assist each new member-elect to understand the Board functions, policies, procedures, roles, duties and responsibilities of members of the Board. The following methods shall be employed:
- b. The new member shall be given selected material on the duties and responsibilities associated with Board membership. These materials shall include, but are not limited to: The Government Code dealing with Community Services Districts, the Ralph M. Brown Act, the California Public Records Act, the Board Policies and Administrative Regulations Manual, and any pertinent publications issued by the California Special Districts Association, the California Parks and Recreation Society and the California Fire Chiefs Association or other agencies, as needed.
- c. The District Secretary shall supply material pertinent at the first official meeting of the Board following election or appointment, and shall explain its function and utilization.
- d. As soon as practical after the new Board member assumes office, an orientation meeting with General Manager will be held prior to the first Board meeting to acquaint the new member with details of District operations.
- e. The incoming member may shall meet with the General Manager and members of his staff to discuss services they perform for the Board and the District.

D. General Responsibilities of the Board President

~~Shall preside at all meetings of the board and such other meetings approved by the Board, and have authority to call for short recesses during meetings unless a majority of the Directors by vote oppose a recess. Cooperatively work with the General Manager/Board Secretary and Staff on the preparation of CSD Meeting Agendas and its contents.~~

~~Shall serve as official spokesperson for the Board.~~

~~Shall appoint such committees and other working groups as confirmed by _____ the Board.~~

~~Shall designate Directors or others to represent the Board at various meetings, hearings, and conferences, as confirmed by the Board.~~

~~May co-sign all checks for warrants approved by the Board.~~

~~Shall perform such other duties as necessary to carry out the work of the Board.~~

~~Shall perform such duties as prescribed by law.~~

~~Preside at all meetings of the Board whenever present.~~

~~Maintain order and decorum.~~

~~Appoint standing and ad hoc committee members as District representatives to external agencies, all subject to confirmation by the Board.~~

~~Keep the Board informed of all communications affecting the District.~~

~~Communicate actions of the Board to affected persons and private or public entities.~~

~~Receive and reply to questions directed to the Board or refer to the appropriate office or member.~~

~~Act as a spokesman for the Board when queries are received from the media, the public or other agencies.~~

~~Perform the duties of a Board member.~~

~~E. Responsibilities of the Vice President~~

~~Shall serve in the absence of the President.~~

~~1. Perform the duties of the President in his/her absence.~~

~~2. Be familiar with Board ordinances, resolutions, laws, and regulations as they apply to the Office of President.~~

~~3. Be prepared to assume the duties of President on brief notice. This includes keeping informed of current status by frequent consultations and discussions, being aware of the tasks and projects underway, and their current status.~~

~~4. Perform the duties of a Board member.~~

~~F. Responsibilities of the President Pro Tempore Treasurer~~

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

~~Serve as Chairperson of the Finance/Budget Committee.~~

~~Fulfill the responsibilities as defined in the California Government Codes.~~

~~Participate with the District General Manager and staff in preparation of:~~

~~a. Annual budget~~

~~b. Financial reports~~

~~c. Allocation and placement of the financial resources~~

- ~~4. Prepare financial plans and recommendations for submittal to the Board for review and approval.~~
- ~~5. Participate in a review of the annual audit. Take action to implement the suggestions and recommendations offered by the auditor.~~
- ~~6. Invest appropriate funds in accordance with the Board's Investment Policy.~~
- ~~7. Perform a periodic review of District's insurance coverage.~~
- ~~8. Perform the duties of a Board member.~~

~~Responsibilities of the Secretary of the Board~~

- ~~1. Certify official documents and letters as required.~~
- ~~2. Maintain the official files and records of the Board.~~
- ~~3. Prepare the agenda for the Board meetings.~~
- ~~4. Prepare and distribute minutes of the meeting of the Board.~~
- ~~5. Maintain historical record and newspaper articles.~~
- ~~6. Post agendas, minutes, public notices and proposed action documents as required by Board and government regulations.~~

~~HD. Responsibilities of a Committee Chairperson~~

- ~~1. Undertake the specific tasks or assignments as established by the Board or Board President together with the participation of the other members of the committee.~~
- ~~2. Plan and schedule the necessary activities and obtain commitments for the necessary resources to complete the assignment.~~
- ~~3. Present a report on status and progress to the Board at appropriate times as designated by the President.~~
- ~~4. Prepare recommendations and justification for any proposed action and submit to the Board for decision and implementation when approved.~~
- ~~5. Provide overall leadership of the committee.~~
- ~~6. Perform the duties of a Board member if appropriate.~~

~~I. The Board authorizes the General Manager to:~~

- ~~1. Appraise and evaluate the effects of the Board policies and the manner of their execution, and the efficiency of District personnel in terms of services rendered to the people of the District.~~
- ~~2. Provide leadership to staff in identifying District needs, establishing priorities and determining the objectives, which will achieve the established goals of the District.~~

- ~~3. Encourage and assist staff in the performance of their duties and encourage their professional growth.~~
- ~~4. Ensure evaluation of personnel under his/her direction.~~
- ~~5. Interpret and publicize the programs and services of the District for and to the public.~~
- ~~6. Lead the District management team in the preparation of the budget, control of expenditures, inventory control, program planning, changing priorities and public relations.~~
- ~~7. Participate in community activities.~~
- ~~8. Continue a program of professional development to assure and enhance staff's professional growth.~~
- ~~9. Keep the Board informed of all communications affecting the District.~~

DRAFT

BOARD POLICY
OF THE
TOWN OF DISCOVERY BAY

DRAFT



TOWN OF DISCOVERY BAY
BOARD POLICY

PURPOSE

The purpose of the elected Board of Directors of the Town of Discovery Bay, a multipurpose independent special district, is to represent the residents within its boundaries in any and all matters covered under the California Government Code relating to a Community Services District.

In addition to the purposes listed in the Government Code, the District has been ordered by LAFCo and the Board of Supervisors to perform an advisory role for the residents of Discovery Bay. This role includes, but is not limited to, advising the County in matters of land use planning, zoning, compliance, roads and streets, lighting, landscaping, parks and public safety services.

I. BOARD OF DIRECTORS

The governing body of the Town of Discovery Bay is a Board of Directors comprised of five (5) Board members elected by the registered voters of the District to serve four (4) year staggered terms. During the elections every two (2) years, either two (2) or three (3) Directors are elected to serve the District for the next four (4) years.

Yearly the Board of Directors elects a President, Vice-President and President Pro-Tempore. The President of the Board chairs the meeting, performs such duties as prescribed by State or Federal law and such other duties as prescribed by Board Policy or the established Bylaws of the Town of Discovery Bay. In the event of the President's absence, the Vice-President performs said duties. In the event of the President and Vice-President's absence, the President Pro-Tempore performs said duties.

II. POWER OF THE BOARD

The Board of Directors recognizes its duty to formulate and approve the policy program for the operation, control, administration and planning of the District's facilities and activities of the District.

Board meetings shall be noticed and shall take place pursuant to the Ralph M Brown Act of 1953, as amended (hereafter, Brown Act).

The parliamentary procedure for conducting all meetings will be Rosenberg's Rules of Order.

The Board meets its obligations to the electorate by performing as a legislative, administrative and control body.

The Board may have standing committees and may appoint ad hoc committees as the need arises. The District's General Manager or Designee may serve as staff support to those committees.

In the discharge of their duties, the Board of Directors must comply with all legal and moral laws and are required to receive Ethics training pursuant to AB1234.

III. RESPONSIBILITIES

A. Responsibilities of the Board of Directors:

1. To select a General Manager as the Board's chief administrative officer and professional advisor and properly delegate to him or her the authority and responsibility to execute its' policies, enforce its rules and regulations, and administer the facilities, programs, and services of the District. Provide the General Manager with the necessary personnel and resources to carry out his or her responsibilities.
2. To adopt a District budget that provides the best possible facilities, programs, and services, within the limits of fiscal responsibility, to the people of the District.
3. To adopt a comprehensive set of Board policies and administrative procedures to govern the operation of the District. These policies and procedures shall be amended and revised as appropriate and shall be compiled and published in a Board Policies Manual. The District shall keep at its offices a master copy of such manual, which shall be kept for all purposes the official record of the Board policies of the District.
4. By motion, resolution, or ordinance conduct the business of the District, taking those actions that ensure that satisfactory services are provided throughout the community.
5. Keep informed on agenda items and on-going business of the Board.
6. Be well informed on the provisions of laws, ordinances and resolutions as they affect conduct of the District and the Board.
7. Attend meetings with promptness and regularity.
8. Elect officers and confirm standing and ad hoc committee members and District representatives to external agencies.

9. Initiate, review and approve plans that will satisfy future requirements, including a long-range plan (five (5) to ten (10) years).
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 - a. Represent his or her position as that of the Board unless the Board has acted upon that position.
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2. Preparation and Commitment:
 - a. Shall respect the Board's commitment to work through the General Manager by requesting desired information about the District's programs/activities directly from him/her, by referring to him/her suggestions for new policies, for his/her professional advice, by refraining from acting on any complaint until after the General Manager has had an opportunity to investigate fully and report to the Board, and by wholeheartedly supporting Board approved actions of the General Manager and his/her staff.
 - b. Accept the principle of Board unity or consensus by supporting majority decisions of the Board.
 - c. Shall make decisions involving the welfare of the District based on factual information and evidence recognizing that personal feelings, opinions and other such factors are not conducive to sound decision making.
 - d. Come prepared, ready to ask questions and make decisions.
 - e. Do what is agreed upon.

- f. Respect confidentiality of Closed Session agenda items.
- g. Contact the General Manager prior to meeting for more information, if needed.

C. ADDITIONAL RESPONSIBILITIES OF THE BOARD MEMBERS

1. Orientation of Board Members

- a. The Board of Directors recognizes its responsibility in helping and assisting a newly elected or appointed Board member to understand the operation of the District as well as the roles and responsibilities of a member of the Board. The Board and General Manager shall assist each new member-elect to understand the Board functions, policies, procedures, roles, duties and responsibilities of members of the Board. The following methods shall be employed:
 - b. The new member shall be given selected material on the duties and responsibilities associated with Board membership. These materials shall include, but are not limited to: The Government Code dealing with Community Services Districts, the Ralph M. Brown Act, the California Public Records Act, Board Policies, and any pertinent publications issued by the California Special Districts Association, the California Parks and Recreation Society and other agencies, as needed.
 - c. As soon as practical after the new Board member assumes office, an orientation meeting with General Manager will be held prior to the first Board meeting to acquaint the new member with details of District operations.
 - d. The incoming member may meet with the General Manager and members of his staff to discuss services they perform for the Board and the District.

D. Responsibilities of a Committee Chairperson

- 1. Undertake the specific tasks or assignments as established by the Board or Board President together with the participation of the other members of the committee.
- 2. Plan and schedule the necessary activities and obtain commitments for the necessary resources to complete the assignment.

3. Present a report on status and progress to the Board at appropriate times as designated by the President.
4. Prepare recommendations and justification for any proposed action and submit to the Board for decision and implementation when approved.
5. Provide overall leadership of the committee.
6. Perform the duties of a Board member if appropriate.

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Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

October 19, 2011

Prepared By: Fairin Perez, Parks and Landscape Manager
Submitted By: Rick Howard, General Manager

Agenda Title

Award of contract for annual Tree Maintenance RFP 11-03 to Cleary Bros.

Recommended Action

Accept bid and award annual Tree Maintenance contract in the amount of \$18,176.00 to Cleary Bros.

Executive Summary

Staff prepared and released Request for Proposal (RFP) No. 11-03 which outlined various tree care services needed throughout common landscaped areas of Discovery Bay. Three (3) bids were received and reviewed on October 5, 2011. Cleary Bros. bid was the lowest responsible bid at a total of \$18,176.00.

The bid covers tree maintenance in four (4) separate landscape zones with services to four-hundred and forty-three (443) trees. With the upcoming winter season approaching, it is important to safety trim and thin our trees prior to the high winds and heavy rains that have caused property damage and tree loss in past years. Tree care maintenance programs have been built into each landscape zone and were included in the FY 2011/2012 budgeting process.

Staff thoroughly reviewed the complete bid package and licenses(s) status and found all documents and requirements to be satisfactory.

Staff recommends accepting the lowest responsible bid and awarding the contract for RFP 11-03 Tree Care Maintenance to Cleary Bros. in the amount of \$18,176.00.

Fiscal Impact:

Amount Requested - \$18,176.33 (#8 - \$1,495.00; #61 - \$9,086; #9 - \$1,525.00; #57 - \$6,070)

Sufficient Budgeted Funds Available?: Yes

Zone # Various Category: Operating Fund# 2282

Previous Relevant Board Actions for This Item

None

Attachments

RFP #11-03
RFP #11-03 Bid Breakdown
Cleary Bros. Bid Documentation

AGENDA ITEM: F-2



TOWN OF DISCOVERY BAY CSD

President - Kevin Graves • Vice-President -- Brian Dawson • Director – Mark Simon • Director – Chris Steele • Director - Ray Tetreault

REQUEST FOR PROPOSAL (RFP)

FOR

TREE CARE SERVICE

As Requested by

THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT,
DISCOVERY BAY, CALIFORNIA

RFP No. 11-03

RFP SUBMITTAL DUE DATE: October 5, 2011
By 4:00 p.m.

TABLE OF CONTENTS

Section 1 – Introduction, General Information 2

Section 2 – Proposal Requirements and Submission..... 2
Instruction to Contractors

Section 3 – Term/Contract..... 4

Section 4 – Scope of Work..... 4

Section 5 - Evaluation of Proposals..... 4

Section 6 - Miscellaneous..... 5

1. INTRODUCTION: GENERAL INFORMATION

1.1 Introduction

The Town of Discovery Bay Community Services District (the "District") is seeking a qualified firm (the "Contractor") to provide trimming and pruning services to various trees as identified on the Tree Maintenance – Service/Locations (Attachment "A"), all located in Discovery Bay, CA.

1.2 General Information

Interested and qualified tree care contractors who have successfully demonstrated their ability to provide similar services at comparable locations are invited to submit proposals for the services provided herein.

Qualified Contractors must possess a valid C27 California Contractors License and have a certified arborist on staff.

The Town may, at its sole discretion, reject any or all proposals submitted in response to this RFP. The Town shall not be liable for any costs incurred in connection with the preparation and submittal of any proposal. The Town reserves the right to waive any informality in a submitted proposal.

The contract may be canceled or terminated at any time by the Town without cause, upon giving of at least thirty (30) days written notice to the contractor.

2. PROPOSAL REQUIREMENTS AND SUBMISSION INSTRUCTIONS

2.1 Submission Deadline

Proposal Due Date: **October 5, 2011, at 4:00 p.m. local time.** Proposals for the project shall be received by the Town's Office, Town of Discovery Bay CSD, 1800 Willow Lake Road, Discovery Bay, CA 94505, before the above date and time.

Proposals not received by the time and date indicated on the RFP will not be accepted.

The Town shall not be responsible for proposals that are mailed or shipped and not received by the due date and time specified above.

Proposals may be electronically submitted by facsimile or email. If by fax, please send proposal to (925) 513.2705; if by email, proposals shall be sent to fperez@todb.ca.gov.

2.2 Preparation and Content of the Proposal

The proposal price(s) must be shown on the attached "Proposal Cost Breakdown" sheet (Attachment B).

Contractor shall submit a cover letter which shall include the following points:

- Identity of Contractor including central address and telephone number
- A statement that the proposal is effective for the proposed start date of October 19, 2011.
- A statement that the Contractor will comply with all terms and conditions as stated in this RFP; or identification of any exceptions taken to any of the requirements including the contract attached hereto as Attachment "C".
- Identify and acknowledge that the Contractor has on staff a Certified Arborist, accredited and in good standing with the International Society of Arboriculture.

2.2 Preparation and Content of the Proposal (CONT.)

- Any other information which would be beneficial to the Town for the purposes of evaluating this proposal.

Contractor shall sign and return the "Acknowledgement" (Attachment "D") with the proposal.

Contractors shall carefully read the information contained in this RFP and submit a complete response to all requirements. Incomplete proposals will be considered non-responsive and subject to reject.

Receipt of an addendum of the RFP by a Contractor must be acknowledged by submitting the signed addendum with your proposal.

2.3 Background Information

The following information shall be obtained and reviewed by all proposers. This information is available as electronic PDF files from the Town. Acknowledgement of receipt and review of this information is required as part of the submitted proposal, see Attachment ("D"), Acknowledgement.

- 1) Tree Maintenance Service – Service/Location (Attachment "A")
- 2) Proposal Cost Breakdown (Attachment "B")
- 3) Sample - Contract (Attachment "C")

2.4 Site Visit

All Contractors are required to visit the sites prior to submitting a bid. Please contact Sue Heintz at (925) 634.1733 to schedule a site review with the District representative. The site visit must be completed prior to October 3, 2011.

2.5 Point of Contact

This Request for Proposal (RFP) is issued by the Town of Discovery Bay CSD (the "District"), which is the sole point of contact during the procurement process. Communications initiated by respondents to this RFP (the "Contractor") with members of the CSD Governing Body, employees of incumbent contractor or Town personnel, other than as coordinated by the Point of Contact, shall be grounds for Contractor disqualification. Any inquiries or requests during the procurement shall be submitted to the following Point of Contact in writing:

Town of Discovery Bay CSD
Attention: Faixin Perez, Parks & Landscape Manager
1800 Willow Lake Road
Discover Bay, CA 94505
(925) 634.1733 or 634.1131
fperez@toddb.ca.gov

3. TERM / CONTRACT

3.1 Term of Contract

The contract will be a one-time maintenance service.

A copy of a sample contract is attached hereto as Attachment "C". Contractors are expected to review the document and provide any exceptions taken to the terms and conditions therein as part of their proposal to the Town.

4. SCOPE OF WORK

Contractor shall provide labor, materials and equipment to perform a one time tree service plan as outlined on the sheet titled Tree Maintenance -- Service/Locations (Attachment "A").

5. EVALUATION OF PROPOSALS

Proposals will be evaluated on the Contractor's ability to provide services that meet the requirements set forth in the accompanying documents. The Town reserves the right to make such investigations as it deems necessary to determine the ability of the Contractor to provide services meeting a satisfactory level of performance in accordance with the Town's requirements. Interviews and presentations by one, several, or all of the Contractor's may be requested by evaluators if deemed necessary to fully understand and compare the Contractor's capabilities and qualifications. The adequacy, depth, and clarity of the proposal will influence, to a considerable degree, its evaluation.

Criteria used in the selection process will include, but may not be limited to, the following considerations:

Cost: To be considered cost effective, a proposal shall provide the required services at the lowest responsible cost to the Town.

Contractor's Experience: Of particular interest will be time in the industry and available, qualified staff to perform under this contract.

Contractor's Capability: Contractor's ability to accommodate Town schedule

Contractor's Understanding of the Work: Demonstration of the Contractor's understanding of the services, the expertise required to perform successfully under contract and the ability to comply with minimum specifications and frequencies.

6. MISCELLANEOUS

Proposals and any other information submitted by Contractors in response to this RFP shall become the property of the Town.

Proposals that are qualified with conditional clauses, alterations, items not called for in the RFP documents, or irregularities of any kind are subject to rejection by the Town, at its option.

The Town makes no representations of any kind that an award of contract will be made as a result of this RFP, or subsequent RFP. The Town reserves the right to accept or reject any or all proposals, waive any formalities or minor technical inconsistencies, and/or delete any item/requirements from this RFP when deemed to be in the Town's best interest.

A proposal may be modified or withdrawn in person at any time BEFORE the scheduled due date and time of proposals provided a receipt for the withdrawn proposal is signed by the Contractor's authorized representative. The Town reserves the right to request proof of authorization to withdraw a proposal.

Town of Discovery Bay CSD

All information, documentation, and other materials submitted in response to this solicitation are considered non-confidential and/or non-proprietary and are subject to public disclosure after the solicitation is completed.

The Town may, in the evaluation of proposals, request clarification from Contractors regarding their proposals, obtain additional material or literature, and pursue other avenues of research necessary to ensure that a thorough evaluation is conducted.

By submitting a proposal in response to this RFP, the Contractor accepts the evaluation process and acknowledges and accepts that determination will require subjective judgments by the Town.

Contractor acknowledges and accepts that any costs incurred from the Contractor's participation in this RFP process shall be at the sole risk and responsibility of the Contractor. Contractor will submit proposals at their own risk and expense.

The Town of Discovery Bay CSD expects the highest level of ethical conduct from Contractors including adherence to all applicable laws and local ordinances regarding ethical behavior.

If an agreement cannot be made with the highest qualified Contractor, the Town reserves the right to terminate negotiations with that party and enter into negotiations with the next selected Contractor.

Proposals may be modified by written notice provided such notice is received prior to the hour and date specified for receipt of proposals.

Acceptance of proposal is contingent upon the Contractor's certification and agreement by submittal of its offer, to comply and act in accordance with all provisions of the Town's Procurement Code.

Any explanation desired by the Contractor regarding the meaning or interpretation of specifications or any part of this Request must be requested in writing and received in the Town's Office not less than seven (7) days prior to due date of proposals. Oral explanations or instructions given prior to the opening of the proposal shall not be binding. The Town's Office shall issue any official explanations in writing or via email.

RFP 11-03

Tree Maintenance - Service/Locations

Service Description Legend:				
P = Maintenance Pruning R = Remove G = Grind Stump DW - Deadwood Removal PST - Pruning for Structural Training RT - Reduce Weight / Thinning				
Preston Drive				
Item	Notes	Type	Count	Service
1a		Sycamore	44	P
1b	Center Island	Raywood Ash	7	P & DW
Wilco Drive				
Item	Notes	Type	Count	Service
2a		Valley Oak	61	PST
Bixler Road				
Item	Notes	Type	Count	Service
3a	Exit at Lakeshore	Evergreen Ash	7	P
3b	1st Lakes Section	Evergreen Ash	54	P
3c	2nd Lakes Section	Evergreen Ash	40	P
Newport Drive				
Item	Notes	Type	Count	Service
4a	Bixler to Newport Lane	African Sumac	19	P
4b	Bixler to Newport Lane	Idaho Locust	91	P
4c	Center Island	Raywood Ash	7	P & DW
Clipper Drive				
Item	Notes	Type	Count	Service
5a	Playground Area	Idaho Locust	4	P
5b	Playground Area	Raywood Ash	1	P
5c	West of Windward	Black Acacia	2	R & G
5d	East of Balboa	Small Cottonwood	2	R & G
5e	East of Balboa	Acacia	1	R & G
5f	4601 Clipper	California Pepper	2	RT
5g	4661 Clipper	Pepper	2	RT
5h	4721 Clipper	Small Cottonwood	2	R & G
5i	4781 Clipper	Pepper	2	RT
5j	4781 Clipper	Idaho Locust	2	R & G
5k	4861 Clipper	Pepper	1	RT

Proposal Cost Breakdown
Tree Care Service
RFP 11-03

Item	Bid Item Description	Qty.	Unit Pricing	Total
1a	Sycamore - P	44		
1b	Raywood Ash - P & DW	7		
Item 1 Total				
2a	Valley Oak - PST	61		
Item 2 Total				
3a	Evergreen Ash - P	7		
3b	Evergreen Ash - P	54		
3c	Evergreen Ash - P	40		
Item 3 Total				
4a	African Sumac - P	19		
4b	Idaho Locust - P	91		
4c	Raywood Ash - P & DW	7		
Item 4 Total				
5a	Idaho Locust - P	4		
5b	Raywood Ash - P	1		
5c	Black Acacia - R & G	2		
5d	Cottonwood (Small) - R & G	2		
5e	Acacia - R & G	1		
5f	California Pepper - RT	2		
5g	California Pepper - RT	2		
5h	Cottonwood (Small) - R & G	2		
5i	California Pepper - RT	2		
5j	Idaho Locust - R & G	2		
5k	California Pepper - RT	1		
Item 5 Total				
TOTAL BID AMOUNT				

Bids shall be for a one time service.

**COMMUNITY SERVICES DISTRICT
TOWN OF DISCOVERY BAY**

**AGREEMENT WITH _____
FOR SERVICES UP TO \$25,000**

THIS AGREEMENT, is made and effective as of _____, 2011, between the **Town of Discovery Bay, Community Services Discovery Bay**, a political subdivision of the State of California ("Discovery Bay") Discovery Bay and _____ ("Contractor"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **TERM.** This Agreement shall commence on _____, and shall remain and continue in effect until tasks described herein are completed, but in no event later than _____, unless sooner terminated pursuant to the provisions of this Agreement.

2. **SERVICES.** Contractor shall perform the tasks described in its proposal, dated _____ as set forth in **Exhibit A**, attached hereto and incorporated herein as though set forth in full.

3. **PERFORMANCE.** Contractor shall at all times faithfully, competently and to the best of his or her ability, experiences, and talent, perform all tasks described herein. Contractor represents to Discovery Bay that it has the qualifications necessary to perform the tasks described herein. Contractor shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Contractor hereunder in meeting its obligations under this Agreement.

4. **PAYMENT.**

a. Discovery Bay agrees to pay Contractor monthly, in accordance with the conditions of this Agreement, based upon actual time spent on the above tasks. This amount shall not exceed _____ Dollars (\$) for the total term of the Agreement unless additional payment is approved as provided in this Agreement. Any terms or conditions set forth on **Exhibit A** which does not describe the work to be performed, the payment rates and terms, or the payment schedule have not been agreed to by Discovery Bay and shall not be deemed a part of this Agreement.

b. Contractor shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the General Manager, or his or her designee. Contractor shall be compensated for any additional services in the amounts and in the manner as agreed to by General Manager and Contractor at the time Discovery Bay's written authorization is given to Contractor for the performance of said services. The General Manager is authorized to approve work that does not exceed five thousand dollars (\$5,000). However, the General Manager may approve additional work not to exceed an additional amount of five thousand dollars (\$5,000.00) if the original contract was authorized by Discovery Bay's Board of

ATTACHMENT 'C'

Directors. Any work in excess of this amount shall be approved by Discovery Bay's Board of Directors at a regularly scheduled or special meeting of the Board.

c. Contractor shall submit invoices monthly for actual services performed. Invoices shall be submitted on or about the first business day of each month, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all no disputed fees. If Discovery Bay disputes any of Contractor's fees it shall give written notice to Contractor within 30 days of receipt of an invoice of any disputed fees set forth on the invoice.

d. Notwithstanding the above provisions, Contractor shall not be paid for any work performed until it has submitted to Discovery Bay a fully completed and executed Internal Revenue Service Form W-9.

5. SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE.

a. Discovery Bay may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the Contractor at least ten (10) days prior written notice of termination. Discovery Bay shall not be obligated to explain its reasons for termination. Upon receipt of said notice, the Contractor shall immediately cease all work under this Agreement, unless the notice provides otherwise. If Discovery Bay suspends or terminates a portion of this Agreement, such suspension or termination shall not make void or invalidate the remainder of this Agreement.

b. In the event this Agreement is terminated pursuant to this Section, Discovery Bay shall pay to Contractor the actual value of the work performed up to the time of termination, provided that the work performed is of value to Discovery Bay. Upon termination of the Agreement pursuant to this Section, the Contractor will submit an invoice to Discovery Bay pursuant to Section 3.

6. DEFAULT OF CONTRACTOR.

a. The Contractor's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Contractor is in default for cause under the terms of this Agreement, Discovery Bay shall have no obligation or duty to continue compensating Contractor for any work performed after the date of default and the General Manager may terminate this Agreement immediately by written notice to the Contractor. If such failure by the Contractor to make progress in the performance of work hereunder arises out of causes beyond the Contractor's control, and without fault or negligence of the Contractor, it shall not be considered a default.

b. If the General Manager or his or her delegate determines that the Contractor is in default in the performance of any of the terms or conditions of this Agreement, it shall serve the Contractor with written notice of the default. The Contractor shall have (10) days after service upon it of said notice in which to cure the default by rendering a satisfactory performance. In the event that the Contractor fails to cure its default within such period of time, the General Manager shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

7. OWNERSHIP OF DOCUMENTS.

ATTACHMENT 'C'

a. Contractor shall maintain complete and accurate records with respect to sales, costs, expenses, receipts and other such information required by Discovery Bay that relate to the performance of services under this Agreement. Contractor shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Contractor shall provide free access to the representatives of Discovery Bay or its designees at reasonable times to such books and records, shall give Discovery Bay the right to examine and audit said books and records, shall permit Discovery Bay to make transcripts there from as necessary, and shall allow inspection of all work, data, documents, proceedings and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

b. Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of Discovery Bay and may be used, reused or otherwise disposed of by Discovery Bay without the permission of the Contractor. With respect to computer files, Contractor shall make available to Discovery Bay, upon reasonable written request by Discovery Bay, the necessary computer software and hardware for purposes of accessing, compiling, transferring and printing computer files.

c. With respect to the design of public improvements, the Contractor shall not be liable for any injuries or property damage resulting from the reuse of the design at a location other than that specified in Exhibit A without the written consent of the Contractor.

8. **INDEMNIFICATION.** The Contractor agrees to defend, indemnify, protect and hold harmless Discovery Bay, its officers, officials, employees and volunteers from and against any and all claims, demands, losses, defense costs or expenses, or liability of any kind or nature which Discovery Bay, its officers, officials, employees, and volunteers may sustain or incur or which may be imposed upon them for injury to or death of persons, or damage to property arising out of Contractor's negligent or wrongful acts or omissions in performing or failing to perform under the terms of this Agreement, excepting only liability arising out of the negligence of Discovery Bay.

9. **INSURANCE.** Contractor if required to work on Discovery Bay property during the contract period, shall submit proof of insurance to Discovery Bay showing Town of Discovery Bay Community Services District, its officers, agents and employees named as Additional Insured and insurance policy shall contain provisions that such policy may not be canceled except after thirty (30) days written notice to Discovery Bay, ten (10) days notice if cancellation is due to nonpayment of premium.

Contractor agrees that Contractor is responsible to insure that the requirements set forth in this section are also being met by Contractor's subcontractors who provide services pursuant to this Agreement. Copies of insurance certificates shall be filed with Discovery Bay.

General Liability Limits

1. BI & PD combined/per occurrence	\$1,000,000
/Aggregate	\$1,000,000
2. Personal Injury/Aggregate	\$1,000,000
3. Professional Liabilities	\$1,000,000

Worker's Compensation and Employer's Liability*Statutory requirement***10. INDEPENDENT CONTRACTOR.**

a. Contractor is and shall at all times remain as to Discovery Bay a wholly independent contractor. The personnel performing the services under this Agreement on behalf of Contractor shall at all times be under Contractor's exclusive direction and control. Neither Discovery Bay nor any of its officers, employees or agents shall have control over the conduct of Contractor or any of Contractor's officers, employees or agents, except as set forth in this Agreement. Contractor shall not at any time or in any manner represent that it or any of its officers, employees or agents are in any manner officers, employees or agents of Discovery Bay. Contractor shall not incur or have the power to incur any debt, obligation or liability whatever against Discovery Bay, or bind Discovery Bay in any manner.

b. No employee benefits shall be available to Contractor in connection with the performance of this Agreement. Except for the fees paid to Contractor as provided in the Agreement, Discovery Bay shall not pay salaries, wages, or other compensation to Contractor for performing services hereunder for Discovery Bay. Discovery Bay shall not be liable for compensation or indemnification to Contractor for injury or sickness arising out of performing services hereunder.

11. LEGAL RESPONSIBILITIES. The Contractor shall keep itself informed of State and Federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this Agreement. The Contractor shall at all times observe and comply with all such laws and regulations. Discovery Bay, and its officers and employees, shall not be liable at law or in equity occasioned by failure of the Contractor to comply with this section.

a. Contractor agrees to pay to each craft, classification or type of workman the prevailing wage determined by the State of California, Director of Industrial Relations, in the published wage scale determination, a copy of which is available at the Office of the Town of Discovery Bay CSD. Contractor agrees to comply with California Labor Code §§ 1777.5, 1776.

12. RELEASE OF INFORMATION.

a. All information gained by Contractor in performance of this Agreement shall be considered confidential and shall not be released by Contractor without Discovery Bay's prior written authorization. Contractor, its officers, employees, agents or subcontractors, shall not without written authorization from the General Manager or unless requested by Discovery Bay's attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement or relating to any project or property located within Discovery Bay. Response to a subpoena or court

order shall not be considered "voluntary" provided Contractor gives Discovery Bay notice of such court order or subpoena.

b. Contractor shall promptly notify Discovery Bay should Contractor, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any person regarding this Agreement and the work performed hereunder or with respect to any project or property located within Discovery Bay. Discovery Bay retains the right, but has no obligation, to represent Contractor and/or be present at any deposition, hearing or similar proceeding. Contractor agrees to cooperate fully with Discovery Bay and to provide Discovery Bay with the opportunity to review any response to discovery requests provided by Contractor. However, Discovery Bay's right to review any such response does not imply or mean the right by Discovery Bay to control, direct, or rewrite said response.

13. NOTICES. Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, that provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by Notice:

To Discovery Bay: Town of Discovery Bay CSD
1700 Willow Lake Road
Discovery Bay, California 94505
Attention: General Manager

To Contractor:

14. ASSIGNMENT. The Contractor shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of Discovery Bay.

15. LICENSES. At all times during the term of this Agreement, Contractor shall have in full force and effect, all licenses required of it by law for the performance of the services described in this Agreement.

16. GOVERNING LAW. Discovery Bay and Contractor understand and agree that the laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement.

17. LITIGATION. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal Discovery Bay court with geographic jurisdiction over the Town of Discovery Bay. In the event such litigation is filed by one party against the other to enforce its rights under this Agreement, the prevailing party, as determined by the Court's judgment, shall be entitled to reasonable attorney fees and litigation expenses for the relief granted.

ATTACHMENT 'C'

18. **ENTIRE AGREEMENT.** This Agreement contains the entire understanding between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

19. **AUTHORITY TO EXECUTE THIS AGREEMENT.** The person or persons executing this Agreement on behalf of Contractor warrants and represents that he or she has the authority to execute this Agreement on behalf of the Contractor and has the authority to bind Contractor to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CONTRACTOR

TOWN OF DISCOVERY BAY

By:
Title:

By:
Title:

By:
Title:

Richard Howard
General Manager

[Two signatures of corporate officers required]

ACKNOWLEDGEMENT

Tree Care Services
RFP 11-03

To ensure all bid materials were received, this Acknowledgement must be completed and returned with your bid prior to October 5, 2011 at 4:00 p.m. This sheet acknowledges receipt of the following materials:

1. RFP No. 11-03
2. Attachment 'A' – Tree Maintenance – Service/Location
3. Attachment 'B' – Proposal Cost Breakdown
4. Attachment 'C' – Sample Contract

Bid submittals received without this completed sheet will be deemed incomplete and will not be considered in the award process.

Acknowledged by: _____

Company: _____

License No. _____

Bidder: _____

Title: _____

Date: _____



TOWN OF DISCOVERY BAY CSD

President - Kevin Graves • Vice-President – Brian Dawson • Director – Mark Simon • Director – Chris Steele • Director - Ray Tetreault

Tree Care Services, RFP 11-03
DISCOVERY BAY, CA

ADDENDUM # 001

September 27, 2011

BID DUE DATE: October 5, 2011 before 4:00 PM

This document contains information that affects all bidders.

- See attached revisions to Attachment A & Attachment B:
 1. Revised Attachment A – Tree Maintenance – Service/Locations
 2. Revised Attachment B – Bid Table

1800 Willow Lake Road • Discovery Bay • CA • 94505-9376
Telephone • 925.634.1131 • Fax • 925.513.2705
www.todb.ca.gov

RFP 11-03

Tree Maintenance - Service/Locations

Service Description Legend:

P = Maintenance Pruning

R = Remove

G = Grind Stump

DW - Deadwood Removal

PST - Pruning for Structural Training

RT - Reduce Weight / Thinning

RC - Reduce Crown (Power Line Clearance)

Preston Drive				
Item	Notes	Type	Count	Service
1a		Sycamore	44	P
1b	Center Island	Raywood Ash	7	P & DW
Wilde Drive				
Item	Notes	Type	Count	Service
2a		Valley Oak	61	PST
Bixler Road				
Item	Notes	Type	Count	Service
3a	Exit at Lakeshore	Evergreen Ash	7	P
3b	1st Lakes Section	Evergreen Ash	54	P
3c	2nd Lakes Section	Evergreen Ash	40	P
Newport Drive				
Item	Notes	Type	Count	Service
4a	Bixler to Newport Lane	African Sumac	19	P
4b	Bixler to Newport Lane	Idaho Locust	91	P
4c	Center Island	Raywood Ash	7	P & DW
Clipper Drive				
Item	Notes	Type	Count	Service
5a	Playground Area	Idaho Locust	4	P
5b	Playground Area	Raywood Ash	1	P
5c	West of Windward	Black Acacia	2	R & G
5d	East of Balboa	Small Cottonwood	2	R & G
5e	East of Balboa	Acacia	1	R & G
5f	4601 Clipper	California Pepper	2	RT
5g	4661 Clipper	Pepper	2	RT
5h	4721 Clipper	Small Cottonwood	2	R & G
5i	4781 Clipper	Pepper	2	RT
5j	4781 Clipper	Idaho Locust	2	R & G
5k	4861 Clipper	Pepper	1	RT
Centex Development				
Item	Notes	Type	Count	Service
6a	Hwy 4 - W.of Bixler	African Sumac	54	RC & P
6b	Porthole Drive	African Sumac/ Ash	14	P
6c	Regatta Park	California Pepper	20	RT
6d	Regatta Park	Willow	4	RT

Proposal Cost Breakdown
Tree Care Service
RFP 11-03

Item	Bid Item Description	Qty.	Unit Pricing	Total
1a	Sycamore - P	44		
1b	Raywood Ash - P & DW	7		
Item 1 Total				
2a	Valley Oak -- PST	61		
Item 2 Total				
3a	Evergreen Ash - P	7		
3b	Evergreen Ash - P	54		
3c	Evergreen Ash - P	40		
Item 3 Total				
4a	African Sumac - P	19		
4b	Idaho Locust - P	91		
4c	Raywood Ash - P & DW	7		
Item 4 Total				
5a	Idaho Locust - P	4		
5b	Raywood Ash - P	1		
5c	Black Acacia - R & G	2		
5d	Cottonwood (Small) - R & G	2		
5e	Acacia - R & G	1		
5f	California Pepper - RT	2		
5g	California Pepper - RT	2		
5h	Cottonwood (Small) - R & G	2		
5i	California Pepper - RT	2		
5j	Idaho Locust - R & G	2		
5k	California Pepper - RT	1		
Item 5 Total				
6a	African Sumac - RC & P	54		
6b	African Sumac/Ash - P	14		
6c	California Pepper - RT	20		
6d	Willow - RT	4		
Item 6 Total				
TOTAL BID AMOUNT				

Bids shall be for a one time service.

RFP 11-03 - Bid Breakdown
Tree Maintenance - Service/Locations

Service Description Legend:

- P = Maintenance Pruning
- R = Remove
- G = Grind Stump
- DW - Deadwood Removal
- PST - Pruning for Structural Training
- RT - Reduce Weight / Thinning

Preston Drive		Type	Count	Service	Unit	Count	Valley Crest	Unit	Count	Waraner	Unit	Count	Cleary Bros
Item	Notes												
1a		Sycamore	44	P	40		\$1,760.00	\$45.00	44	\$1,980.00	\$35.00	44	\$1,540.00
1b		Raywood Ash	7	P & DW	35		\$245.00	\$45.00	7	\$315.00	\$35.00	7	\$245.00
			ITEM 1 TOTAL				\$2,005.00			\$2,295.00			\$1,785.00
Wildie Drive		Type	Count	Service									
Item	Notes												
2a		Valley Oak	61	PST	25		\$1,525.00	\$10.00	61	\$610.00	\$25.00	61	\$1,525.00
			ITEM 2 TOTAL				\$1,525.00			\$610.00			\$1,525.00
Bixler Road		Type	Count	Service									
Item	Notes												
3a		Evergreen Ash	7	P	65		\$455.00	\$95.00	7	\$665.00	\$45.00	7	\$315.00
3b		Evergreen Ash	54	P	65		\$3,510.00	\$25.00	54	\$1,350.00	\$33.00	54	\$1,782.00
3c		Evergreen Ash	40	P	65		\$2,600.00	\$35.00	40	\$1,400.00	\$37.00	40	\$1,480.00
			ITEM 3 TOTAL				\$6,565.00			\$3,415.00			\$3,577.00
Newport Drive		Type	Count	Service									
Item	Notes												
4a		African Sumac	19	P	37		\$703.00	\$45.00	19	\$855.00	\$42.00	19	\$798.00
4b		Idaho Locust	91	P	35		\$3,185.00	\$35.00	91	\$3,185.00	\$30.00	91	\$2,730.00
4c		Raywood Ash	7	P & DW	30		\$210.00	\$50.00	7	\$350.00	\$28.00	7	\$196.00
			ITEM 4 TOTAL				\$4,098.00			\$4,390.00			\$3,724.00
Clipper Drive		Type	Count	Service									
Item	Notes												
5a		Playground Area	4	P	40		\$160.00	\$75.00	4	\$300.00	\$35.00	4	\$140.00
5b		Raywood Ash	1	P	40		\$40.00	\$150.00	1	\$150.00	\$33.00	1	\$33.00
5c		Black Acacia	2	R & G	100		\$200.00	\$100.00	2	\$200.00	\$50.00	2	\$100.00
5d		Small Cottonwood	2	R & G	100		\$200.00	\$100.00	2	\$200.00	\$50.00	2	\$100.00
5e		East of Balboa	1	R & G	100		\$100.00	\$200.00	1	\$200.00	\$75.00	1	\$75.00
5f		California Pepper	2	RT	140		\$280.00	\$250.00	2	\$500.00	\$121.00	2	\$242.00
5g		Pepper	2	RT	140		\$280.00	\$300.00	2	\$600.00	\$121.00	2	\$242.00
5h		Small Cottonwood	2	R & G	100		\$200.00	\$150.00	2	\$300.00	\$50.00	2	\$100.00
5i		Pepper	2	RT	140		\$280.00	\$300.00	2	\$600.00	\$121.00	2	\$242.00
5j		Idaho Locust	2	R & G	100		\$200.00	\$100.00	2	\$200.00	\$50.00	2	\$100.00
5k		Pepper	1	RT	140		\$140.00	\$300.00	1	\$300.00	\$121.00	1	\$121.00
			ITEM 5 TOTAL				\$2,080.00			\$3,550.00			\$1,495.00
Centex Development		Type	Count	Service									
Item	Notes												
6a		Hwy 4-W, Bixler	54	RC & P	45		\$2,430.00	\$50.00	54	\$2,700.00	\$46.00	54	\$2,484.00
6b		Porthole Dr.	14	P	45		\$630.00	\$35.00	14	\$490.00	\$43.00	14	\$602.00
6c		Regatta Park	20	RT	110		\$2,200.00	\$150.00	20	\$3,000.00	\$125.00	20	\$2,500.00
6d		Regatta Park	3	RT	60		\$240.00	\$200.00	4	\$800.00	\$121.00	4	\$484.00
			ITEM 6 TOTAL				\$5,500.00			\$6,990.00			\$6,070.00
							TOTAL BID			\$21,773.00			\$18,176.00

CLEARY BROS.


CONSTRUCTION • TREES • MAINTENANCE

Cleary Bros. Landscape, Inc.
PO Box 3577
925-838-2551

To Whom It May Concern:

The enclosed proposal is effective start date of October 19, 2011. If awarded the contract we will comply with all the terms and conditions as stated in the RFP without exception taken to any of the requirements including the contract attached to the RFP listed as Attachment "C". Cleary Bros. Landscape has multiple Certified Arborists on staff including two in the company tree division alone. Daniel Ray, ISA Certified Arborist #WE-3522A, and David Murphy, ISA Certified Arborist #WE-1392A, are accredited in good standing with the International Society Arboriculture.

Regards,



Kelly Silva

Proposal Cost Breakdown
Tree Care Service
RFP 11-03

Item	Bid Item Description	Qty.	Unit Pricing	Total
1a	Sycamore - P	44	35. ⁰⁰	1540. ⁰⁰
1b	Raywood Ash - P & DW	7	35. ⁰⁰	245. ⁰⁰
			Item 1 Total	1785. ⁰⁰
2a	Valley Oak - PST	61	25. ⁰⁰	1525. ⁰⁰
			Item 2 Total	1525. ⁰⁰
3a	Evergreen Ash - P	7	45. ⁰⁰	315. ⁰⁰
3b	Evergreen Ash - P	54	33. ⁰⁰	1782. ⁰⁰
3c	Evergreen Ash - P	40	37. ⁰⁰	1480. ⁰⁰
			Item 3 Total	3577. ⁰⁰
4a	African Sumac - P	19	42. ⁰⁰	798. ⁰⁰
4b	Idaho Locust - P	91	30. ⁰⁰	2730. ⁰⁰
4c	Raywood Ash - P & DW	7	28. ⁰⁰	196. ⁰⁰
			Item 4 Total	3724. ⁰⁰
5a	Idaho Locust - P	4	35. ⁰⁰	140. ⁰⁰
5b	Raywood Ash - P	1	33. ⁰⁰	33. ⁰⁰
5c	Black Acacia - R & G	2	50. ⁰⁰	100. ⁰⁰
5d	Cottonwood (Small) - R & G	2	50. ⁰⁰	100. ⁰⁰
5e	Acacia - R & G	1	75. ⁰⁰	75. ⁰⁰
5f	California Pepper - RT	2	121. ⁰⁰	242. ⁰⁰
5g	California Pepper - RT	2	121. ⁰⁰	242. ⁰⁰
5h	Cottonwood (Small) - R & G	2	50. ⁰⁰	100. ⁰⁰
5i	California Pepper - RT	2	121. ⁰⁰	242. ⁰⁰
5j	Idaho Locust - R & G	2	50. ⁰⁰	100. ⁰⁰
5k	California Pepper - RT	1	121. ⁰⁰	121. ⁰⁰
			Item 5 Total	1495. ⁰⁰
6a	African Sumac - RC & P	54	46. ⁰⁰	2484. ⁰⁰
6b	African Sumac/Ash - P	14	43. ⁰⁰	602. ⁰⁰
6c	California Pepper - RT	20	125. ⁰⁰	2500. ⁰⁰
6d	Willow - RT	4	121. ⁰⁰	484. ⁰⁰
			Item 6 Total	6070. ⁰⁰
			TOTAL BID AMOUNT	18,176.⁰⁰

Bids shall be for a one-time service.

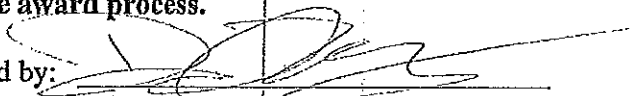
ACKNOWLEDGEMENT

Tree Care Services
RFP 11-03

To ensure all bid materials were received, this Acknowledgement must be completed and returned with your bid prior to October 5, 2011 at 4:00 p.m. This sheet acknowledges receipt of the following materials:

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2. Attachment 'A' – Tree Maintenance – Service/Location
3. Attachment 'B' – Proposal Cost Breakdown
4. Attachment 'C' – Sample Contract

Bid submittals received without this completed sheet will be deemed incomplete and will not be considered in the award process.

Acknowledged by: 

Company:

CLEARY BROS LANDSCAPE, INC.

License No.

778704

Bidder:

DAVID MURPHY

Title:

DIVISION MANAGER

Date:

October 4, 2011



Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

October 19, 2011

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

Agenda Title

Agency Comment Request – Land Use Permit Application – AT&T Cellular/Presbyterian Church of San Francisco (1900 Willow Lake Road, Discovery Bay, CA)

Recommended Action

Review applicants' submittal for a Land Use Permit for the construction of a sixty (60) foot mono palm telecommunications facility and cellular antenna to the Contra Costa County Department of Conservation and Development and comment as necessary.

Executive Summary

The Contra Costa County Department of Conservation and Development has requested Board input into a proposed Land Use Permit Application from AT&T Cellular/Presbyterian Church of San Francisco (operating locally as the Delta Community Presbyterian Church) for consideration of a sixty (60) foot mono palm with twelve (12) antennas and appurtenant fenced equipment area.

The Contra Costa County Department of Conservation and Development is seeking Board input into these proposed modifications.

Fiscal Impact:

Amount Requested \$

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

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

Previous Relevant Board Actions for This Item

N/A

Attachments

Contra Costa County Department of Conservation and Development Agency Request Form

AGENDA ITEM: F-3

CONTRA COSTA COUNTY
 DEPARTMENT OF CONSERVATION AND DEVELOPMENT
 COMMUNITY DEVELOPMENT DIVISION
 651 Pine Street, 4th Floor, North Wing
 Martinez, CA 94553-0095
 Phone: 925-335-1210
 Fax: 925-335-1222

TOWN OF DISCOVERY BAY
 RECEIVED



Seal
 9-30-11
 (b)

AGENCY COMMENT REQUEST

Date 9/29/11

We request your comments regarding the attached application currently under review.

DISTRIBUTION

Building Inspection ___ Grading Inspection

___ HSD, Environmental Health, Concord

___ HSD, Hazardous Materials

___ PW - Flood Control (Full Size)

___ PW - Engineering Svcs (Full Size)

Date Forwarded _____

___ PW Traffic (Reduced)

___ PW Special Districts (Reduced)

PW—APC Floodplain Tech (2nd Floor)

___ Advance Planning

___ Redevelopment Agency/Housing

___ Historical Resources Information System

___ CA Native American Heritage Comm.

___ CA Fish & Game, Region # _____

___ U.S. Fish & Wildlife Service

Fire District East Co Co

Sanitary District Town of Discovery

___ Water District BRG

___ City of _____

___ School District _____

___ East Bay Regional Park District

___ MAC/TAC _____

~~East~~ Discovery Bay CSD

DOIT - Deputy Director, Communications

___ CDD-GIS

___ LAFCO

___ East CCC Habitat Conservancy (HCP/NCCP)

___ County Geologist

___ Airport Land Use Commission Staff (ALUC)

Community Organizations:

Please submit your comments as follows:

Project Planner Gary Kupp

Phone # (925) 335-1233

E-mail gary.kupp @dcd.cccounty.us

County File # LP11-2074

Prior to October 27, 2011

We have found the following special programs apply to this application:

No Redevelopment Area

No Active Fault Zone

B Flood Hazard Area, Panel # _____

No 60 dBA Noise Control

___ CA EPA Hazardous Waste Site

Mineral Rights Holder:

AGENCY: Please indicate the code section of recommendations required by law or ordinance. Send copies of your response to the Applicant & Owner.

Comments: ___ None ___ Below ___ Attached

Print Name _____

Signature _____ DATE _____

Agency phone # _____



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION & DEVEL
COMMUNITY DEVELOPMENT DIVISIO**

Planner Assigned:
Gary Kuypp

LAND USE PERMIT APPLICATION

TO BE FILLED OUT BY APPLICANT OR OWNER

OWNER Name <i>Presbyterian of San Francisco</i>	APPLICANT Name <i>LIZ ZANINOVICH (AT&T)</i>
Address	Address <i>1330 N. BROADWAY STE 202</i>
City, State	City, State <i>WALNUT CREEK, CA 94596</i>
Phone	Phone <i>925-285-1333</i>
By signing below, owner agrees to pay all costs, including any accrued interest, if the applicant does not pay costs. <input type="checkbox"/> Check here if billings are to be sent to applicant rather than owner.	By signing below, applicant agrees to pay all costs for processing this application, plus any accrued interest, if the costs are not paid within 30 days of invoicing.
Owner's signature <i>see ATTACHED letter</i>	Applicant's signature <i>Elizabeth Zaninovich</i>
CONTACT PERSON (optional) Name <i>SAME AS APPLICANT</i>	PROJECT DATA
Address	Total Parcel Size:
City, State	Proposed Number of Units:
Phone	Proposed Square Footage:
	Estimated Project Value:

DESCRIPTION OF REQUEST (attach supplemental statement if necessary):
see ATTACHED PROJECT DESCRIPTION

OFFICE USE ONLY

Application description: *The Applicant request approval to install a 60-ft monopalm w/ 12 antennas and equipment area. The applicant will also install an 8ft fence around the equipment area.*

Property description: *The subject property is located on Willow Lake in Discovery Bay*

Ordinance Ref.:	TYPE OF FEE	FEE	S-CODE	Assessor's No.:
Area: <i>Discovery Bay</i>	*Base Fee/Deposit	\$	S-	<i>008-330-635</i>
Fire District:	Late Filing Penalty (+50% of above if applicable)	\$	S-066	Site Address: <i>1900 Willow Lake</i>
Sphere of Influence:	1/2% est. value over \$100,000	\$	S-029	Zoning District: <i>P-1</i>
Flood Zone:	#Units: x \$195.00 Sq. Ft. x \$0.20	\$	S-014	Census Tract: <i>3040.00</i>
Panel Number:	Notification Fee	\$15.00 / \$30.00	S-052	Atlas Page: <i>N-28/29 & P-28/29</i>
x-ref Files: <i>3016-90;</i>	Fish & Game Posting (if not CEQA exempt)	\$75.00	S-048	General Plan: <i>CR</i>
<i>DP 06-3008; DP 02-3033</i>	Env. Health Dept.	\$47.00	5884	LP/DP Combination: <input checked="" type="radio"/> YES <input type="radio"/> NO
<i>DP 04-3039</i>	Other:	\$		Supervisorial District: <i>3</i>
Concurrent Files:	TOTAL	\$ <i>2852</i>		Received by: <i>Jennifer Cruz</i>
	Receipt #			Date Filed: <i>9/29/11</i>
				File Number: LP 11-2074

*Additional fees based on time and materials will be charged if staff costs exceed base fee.

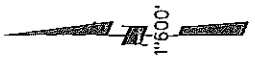
INSTRUCTIONS ON REVERSE SIDE

CI.3040.00
 N-28 2/2
 P-28 2/5
 "DISCOVERY BAY"
 M.B. 337-30

POR. SECS. 25-26 & 36 T1N R3E M.D.B.&M.
 69 L.S.M. 30 9-23-81
 PCL. A TRACT 6560 M.B. 288-48
 C.C.A.R.S. 12/24/86 2-24-88
 PCL. A TRACT 6698 M.B. 303-7
 "DISCOVERY BAY" M.B. 334-23

2435-RZ
 3016-80
 C-1990 ROLL- POR. TRACT 7106
 3030-88

3043-88 Golf Course



RD. FEES

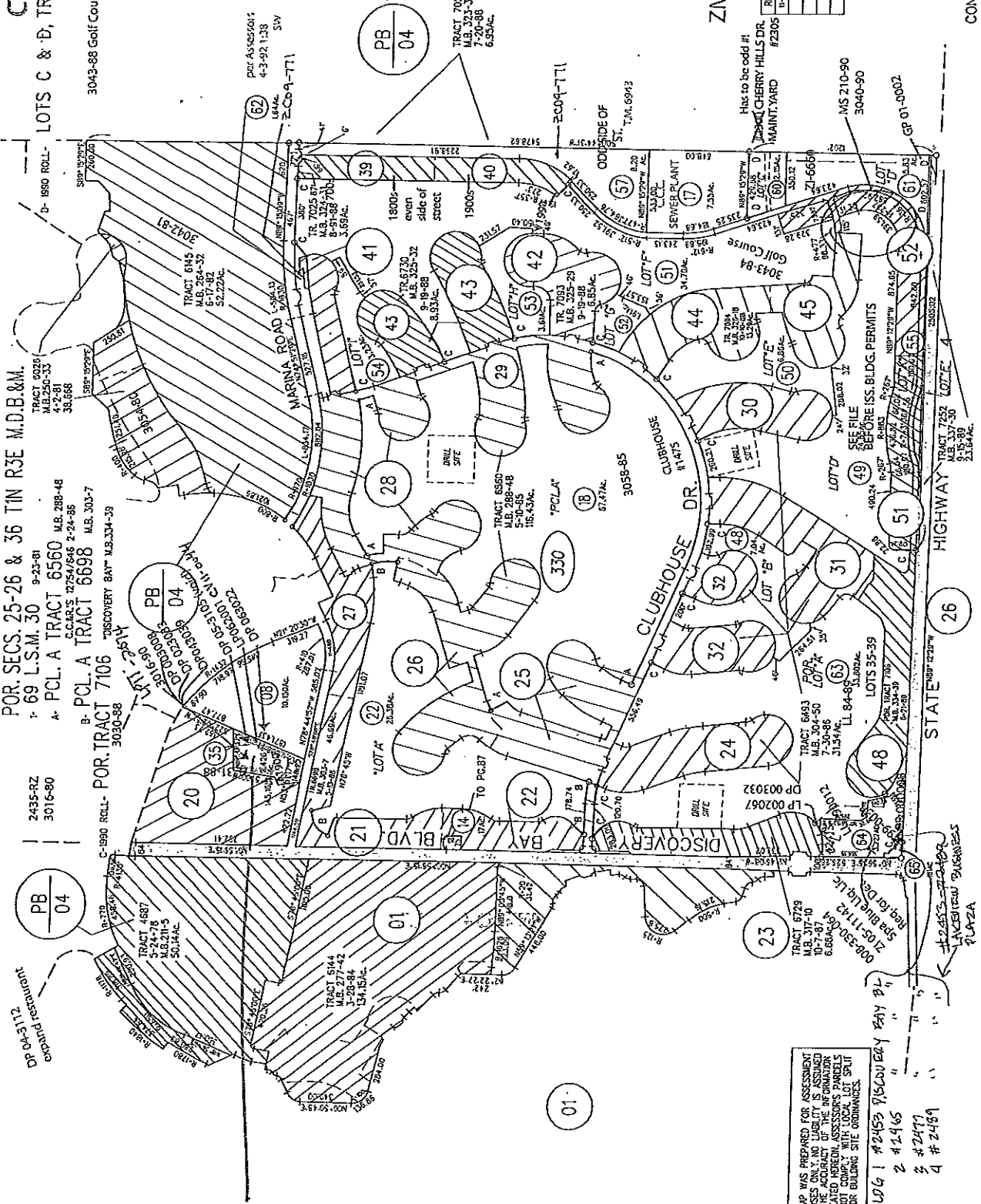
BRIDGE FEES

MARK PERMIT

ZM: N-28 | N-29
 P-28 | P-29

REVISED	CHANGE	BY
11-10-88	CRE. 001-005	MT

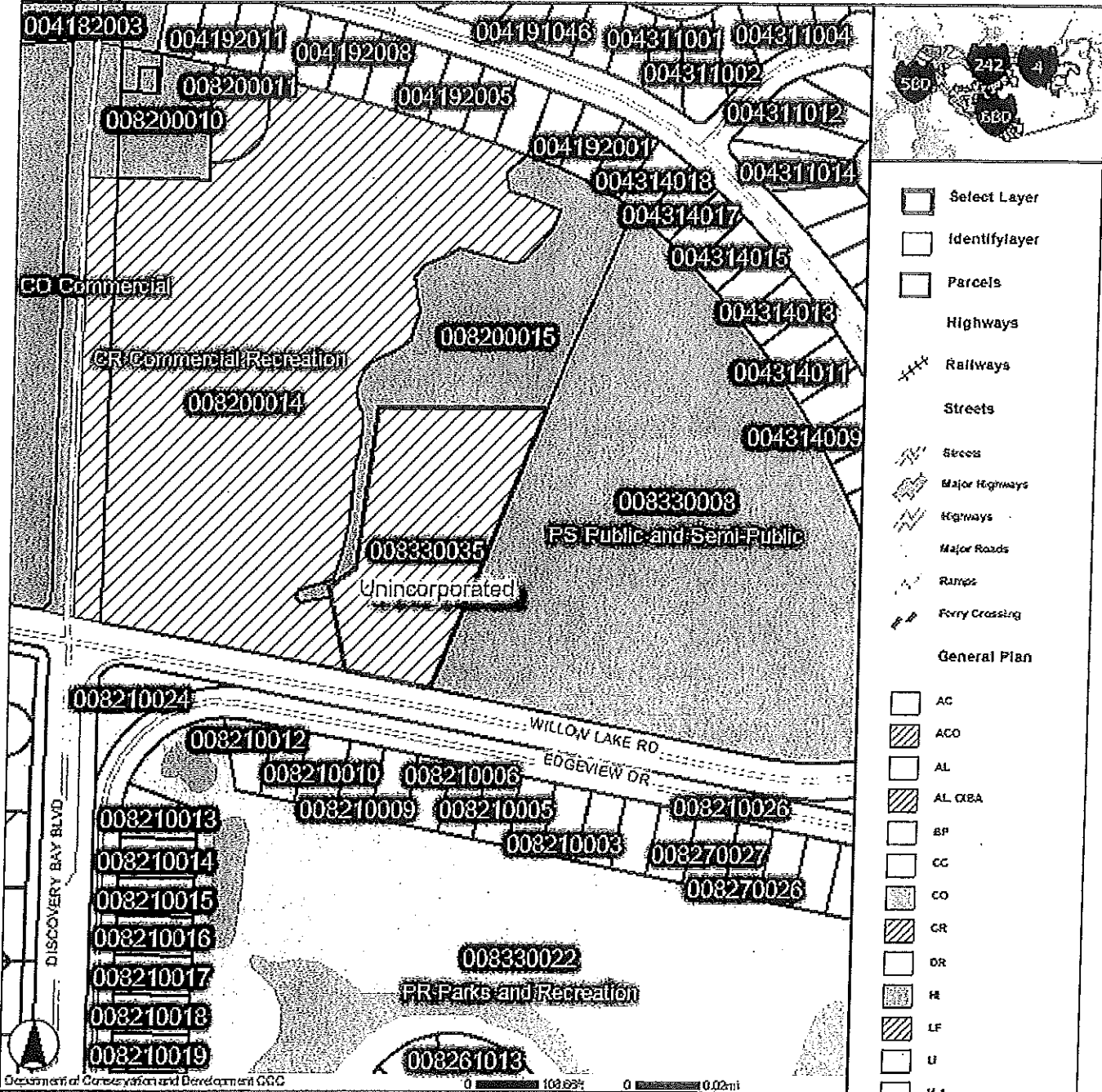
330
 330
 FM 009-24 4-8-80
 ASSESSOR'S MAP
 BOOK 8 PAGE 33
 CONTRA COSTA COUNTY, CALIF.



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION OBTAINED HEREON. ASSESSOR'S PARCELS MAY VARY FROM LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

BUDG 1 #2452
 2 #2446
 3 #2477
 4 #2481

General Plan

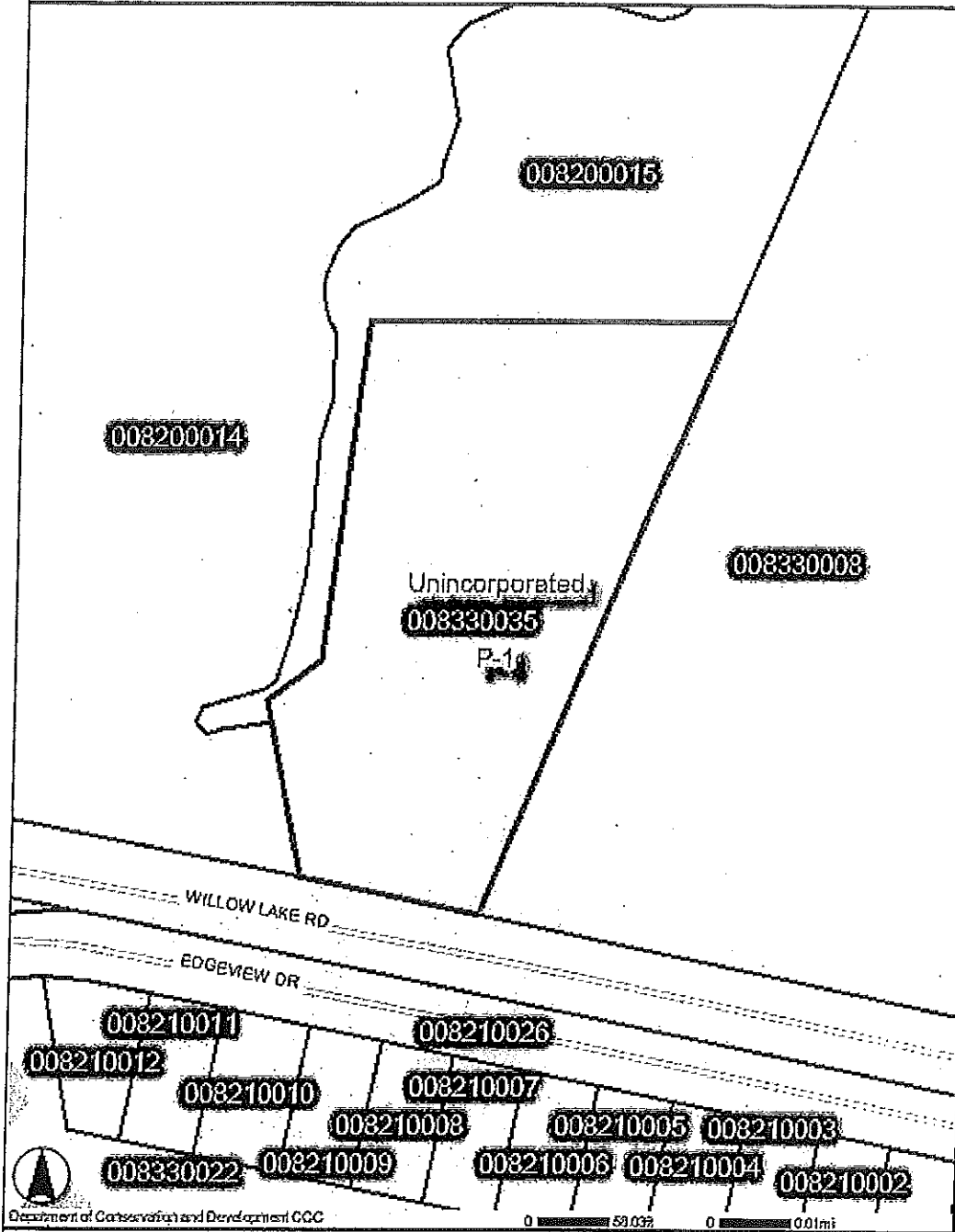


Department of Conservation and Development CCC

0 100.00% 0 0.02mi

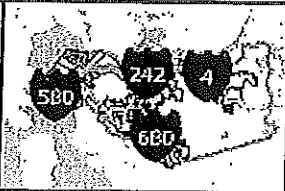
Refer to the Accela GIS Administrators Guide for instructions on how to set the disclaimer text displayed in this area.

Zoning



Department of Conservation and Development CCC

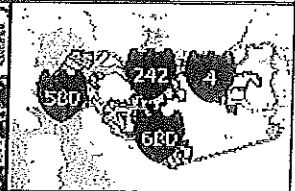
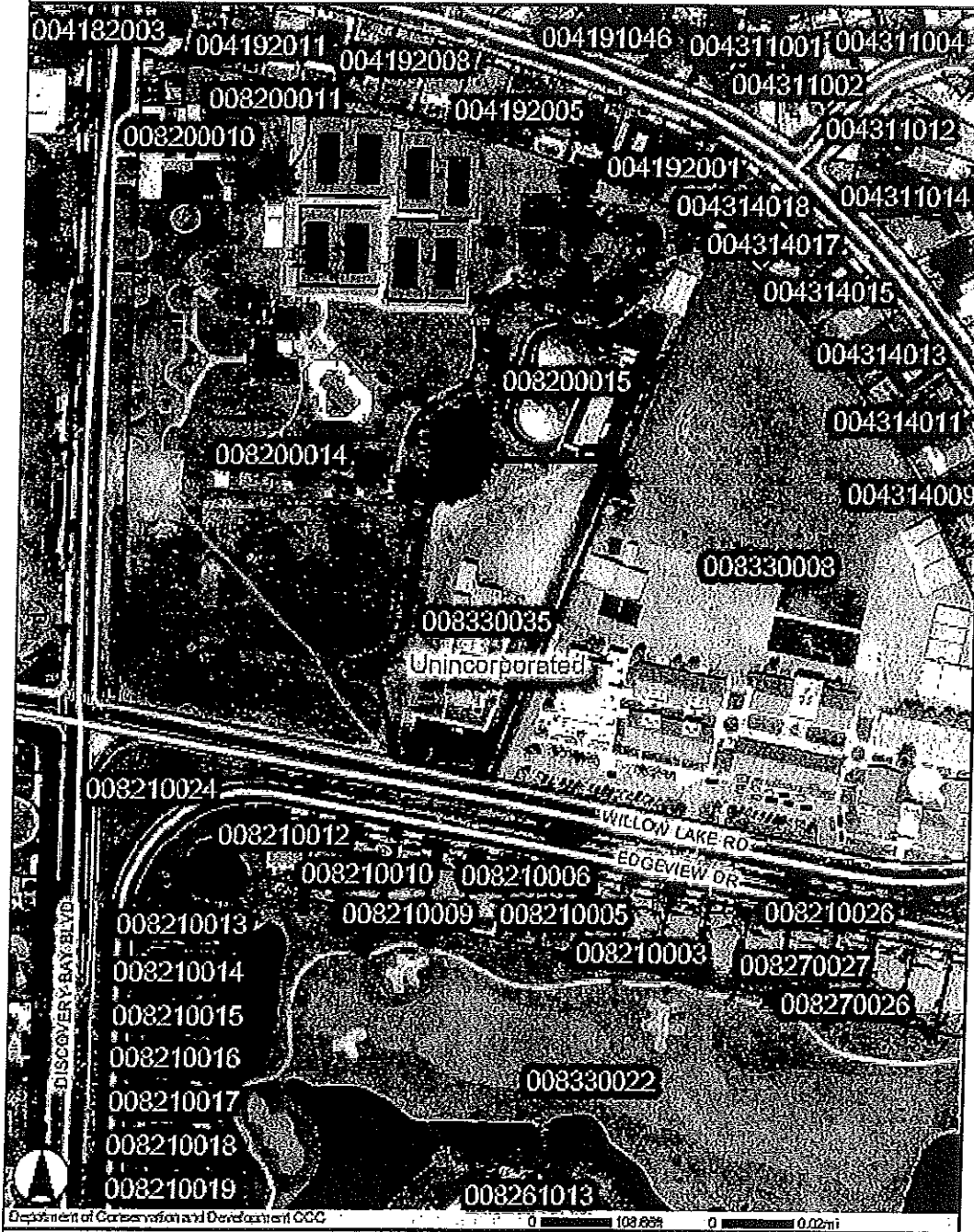
0 500ft 0 0.01mi



- Select Layer
- Identifylayer
- Parcels
- Highways
- Railways
- Streets
- Streets
- Major Highways
- Highways
- Major Roads
- Ramps
- Ferry Crossing
- Zoning
 - U. X
 - T-1. FH
 - R-B. TOV X
 - R-B. S-2
 - R-B. FH
 - R-7. X
 - R-6. X
 - R-6. TOV K
 - R-40. FH
 - P-N-B. S-2
 - P-1. X
 - P-1. TOV K
 - P-1. SU

Refer to the Accela GIS Administrators Guide for instructions on how to set the disclaimer text displayed in this area.

Aerial



- Select Layer
- Identify Layer
- Parcels
- Highways
- Railways
- Streets
- Streets
- Major Highways
- Highways
- Major Roads
- Ramps
- Ferry Crossing
- City Limits
- Antioch
- Benwood
- Clayton
- Concord
- Darville
- El Cerrito
- Hercules
- Lafayette
- Martinez
- Moraga
- Oakley
- Orinda

Department of Conservation and Development CCC 0 100.000 0 0.02mi

Refer to the Accela GIS Administrators Guide for instructions on how to set the disclaimer text displayed in this area.



MONTHLY OPERATIONS REPORT

September 2011

Town of Discovery Bay, CA

765

Days of Safe Operations

TRAINING:

Safety, Operations, & Equipment

Safety	Attended	Hours
Ergonomic Permit Required Confined Space Power & Hand Tool Hazards Webinar	All Staff Members	2.0
Operation		
Environmental Alert – Reporting to Regulatory Agency	All Staff Members	0.5
Wastewater Review Class	Gerald Smart Berney Sadler	24 16

WATER SERVICE

- Brown water issues from Filter "C".
- Loprest Water Treatment Co. (The filter designer & manufacture) and John Fawcett (Water Engineer from Luhdorf & Scalmanini) were out to inspect and evaluate filter "C". Report submitted to CSD General Manager.
- Luhdorf & Scalmanini along with Power Services, Inc. performed draw down testing & pump performance on groundwater production Wells 1B, 2 & 6.
- Repaired air leak on Filter "B" at Newport WTP.
- Meet with Telstar on a re-design of the Chlorine systems at Newport & Willow Lake WTP's.

Customer Inquiries:

35 Brown water calls

# of Active Wells	Gallons of Water Produced	Chemical Usage/Delivered	Fire Hydrant Flushing
5	135.0 MG	2300	15



Bacteriological Test Results:

Routine Bacteria Samples Collected	No. Total Coliform Positives	No. Fecal/E. coli Positives
16	0	0

WASTEWATER SERVICE

- Repaired Aeration Rotor # 3 at Plant #1.
- Replace Faulty Transducer, mounting cable and control wires at L/S "G"
- Completed L/S pump swap. All Submersible L/S now have 2 working pumps.
- Influent L/S ARV was repaired
- Replaced VFD on Pump #4 at Influent L/S
- Replace motor on Rotor #2 at Plant #1
- Repaired Check Valves at Effluent valve Group.
- Replaced lifting bails on all pumps at Village L/S
- Replaced burned out heaters on Aeration Rotor #2 at Plant #1
- Installed new Belt and two new Roller Bearings on Belt Press
- Replaced Split Ring on Pump #1 at Effluent L/S
- Repaired broken draft tube on Clarifier #1 at Plant #1
- Installed Chopper Pump in Influent L/S
- Received the 2011 Ford Ranger that was ordered back in June, Also took ownership of the 2006 Chevy Colorado. Both are in service.

Customer Inquiries:
None

# of Active Lift Stations	# of Inactive Lift Stations	Chemical Usage Polymer-gals	SSO	Wastewater Treated (MG)
15	0	50	0	46.15



Wastewater Laboratory Analysis

<i>WW Influent /Effluent Parameter</i>	<i>Permit Limits</i>	<i>July Lab Data</i>	<i>August Lab Data</i>
Flow, MG Effluent, monthly total		48.68	50.57
Flow, Daily Discharge Flow, avg.	2.1 MGD	1.56 MGD	1.69 MGD
Effluent BOD ₅ , lbs/d, monthly avg.	350	13	14
Effluent TSS, lbs/d, monthly avg.	525	196	226
Effluent BOD ₅ , mg/L, monthly avg.	20	<1.0	<1.0
Effluent TSS, mg/L, monthly avg.	30	15.1	16.0
Total Coli form 7 day Median Max	23	7	3
Total Coli form Daily Maximum	240	8	8

September Laboratory Data unavailable

Maintenance:

Preventive and Corrective

Total # of WO's Completed	Total Hours
193	299.23

Call & Emergency Responses

Call Outs	Emergencies
30	0

Personnel Hours & Overtime:

Regular Hours	Overtime
1594	167.0

NO BACK UP
DOCUMENTATION
FOR THIS AGENDA
ITEM # H

NO BACK UP
DOCUMENTATION
FOR THIS AGENDA
ITEM # I

NO BACK UP
DOCUMENTATION
FOR THIS AGENDA
ITEM # J

NO BACK UP
DOCUMENTATION
FOR THIS AGENDA
ITEM # K

SEP 30 2011



EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Meeting Minutes Board of Directors Special Meeting

Monday September 12, 2011 – 6:30 P.M.

BOARD OF DIRECTORS		
Pat Anderson	Kevin Romick - President	John Jewell
Steve Barr	Joel R. Bryant	Robert Kenny
Robert A. Brockman	Jim Frazier	Erick Stonebarger

CALL TO ORDER – (6:30 P.M.) 3231 Main Street, Oakley

PLEDGE OF ALLEGIANCE – (6:30 P.M.) Led by Chief Henderson

ROLL CALL - (6:31 P.M.) Directors Present: Anderson, Barr, Brockman, Bryant, Frazier, Jewell, Romick, Stonebarger
Directors Absent: Kenny *
** The remote teleconference location was not used- Kenny Absent.*

PUBLIC COMMENTS – (6:33 P.M.)

There were 1 Public Comment Speakers

CONSENT CALENDAR– (6:34 P.M.)

- C.1** Approve minutes from July 11, 2011, Regular Board of Directors Meeting.
- C.2** Approve Cal Fire Amador Contract for Fiscal Year 2011-12.
- C.3** Accept Replacement Fire Station # 93 from the City of Oakley.

Motion by: Director Frazier to approve Consent Calendar Items; C1, C2 & C3

Second by: Director Stonebarger

Vote: Motion carried 8:0

Ayes: Anderson, Barr, Brockman, Bryant, Frazier, Jewell, Romick, Stonebarger,

Absent: Kenny

DISCUSSION ITEMS

(6:34 P.M.)

D.1 Receive Update and Consider Placing Parcel Tax on June 5, 2012 Ballot.

Motion by: Director Frazier to approve Parcel Tax of \$ 187.00.

Second by: Director Jewell

Vote: Motion carried 4:4

Ayes: Bryant, Frazier, Jewell, Romick,

Noes: Anderson, Barr, Brockman, Stonebarger,

Absent: Kenny

After a 4 / 4 vote, Director Stonebarger made a motion to approve a Parcel tax of \$197.00

Motion by: Director Stonebarger to approve Parcel Tax of \$ 197.00.

Second by: Director Bryant

Vote: Motion carried 8:0

Ayes: Anderson, Barr, Brockman, Bryant, Jewell, Romick, Stonebarger

Absent: Kenny

There were 3 Public Comment Speakers

(7:21 P.M.)

D.2 Professional Services Agreement for Additional Public Outreach and Education Services

Motion by: Director Anderson to appoint the Elrich Campaigns LLC for Public Outreach and Education Services.

Second by: Director Bryant

Vote: Motion carried 6:1

Ayes: Anderson, Barr, Brockman, Bryant, Jewell, Romick

Noes: Stonebarger

Absent: Frazier, Kenny

There were 3 Public Comment Speakers

(7:34 P.M.)

D.3 Appoint Director to Chair the October 3, 2011 Regular Board of Directors Meeting.

Motion by: Director Anderson to appoint Director Frazier to Chair the October 3, 2011 regular Board of Directors Meeting.

Second by: Director Barr

Vote: Motion carried 7:0

Ayes: Anderson, Barr, Brockman, Bryant, Jewell, Romick, Stonebarger

Absent: Frazier, Kenny

PUBLIC HEARINGS. – (7:36 P.M.)

PH.1 Adopt Fiscal Year 2011-12 Operating Budget.

Motion by: Director Barr to Adopt Fiscal Year 2011-12 Operating Budget

Second by: Director Jewell

Vote: Motion carried 7:0

Ayes: Anderson, Barr, Brockman, Bryant, Jewell, Romick, Stonebarger

Absent: Frazier, Kenny

INFORMATIONAL STAFF REPORTS- (7:50 P.M.)

1. Service calls for August 2011 - Chief Henderson provided a report.
2. State and Federal Grants - Chief Henderson provided an update on 4 grants and the Grant process.

DIRECTORS' COMMENTS - (8:01 P.M.)

NONE

INFORMATIONAL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS FROM BOARD MEMBERS- (8:02 P.M.)

NONE

ADJOURN TO THE NEXT REGULAR BOARD MEETING SCHEDULED: October 3, 2011– (8:03 P.M.)

Motion by: Director Stonebarger to adjourn to the next Board meeting, October 3, 2011.

Second by: Director Jewell

Vote: Motion carried 7:0

Ayes: Anderson, Barr, Brockman, Bryant, Jewell, Romick, Stonebarger,

Absent: Frazier, Kenny

FINAL

**CONTRA COSTA COUNTY
AVIATION ADVISORY COMMITTEE
MINUTES OF MEETING
July 14, 2011**



MEETING CALLED: The meeting was called to order by Chair Tom Weber at 12:05 p.m. at the Director of Airports Office.

PRESENT: Mike Bruno, CCC Airports Business Association
David Dolter, At Large 1
David Pfeiffer, District V
Keith McMahon, City of Concord
Rich Spatz, Secretary, At Large 2
Tom Weber, Chair, District IV
Derek Mims, City of Pleasant Hill
Janet Kaiser, Diablo Valley College
Rudi Raab, District I

ABSENT: Geoffrey Logan, Vice Chairperson, District III
Russell Roe, District II

STAFF: Keith Freitas, Director of Airports
Beth Lee, Assistant Airports Director

**OPENING COMMENTS
BY CHAIR:** Not sure if there will be an August AAC meeting; he will let members know.

**PUBLIC COMMENT
PERIOD:** None

**APPROVAL OF
MINUTES:** March minutes were approved. Moved by Dave Dolter; seconded by Derek Mims, Rich Spatz abstained. Approved unanimously with a minor change on page 1.

APPROVAL OF

CONSENT ITEMS: The development matrix was pulled from consent items. The remaining consent items were approved. *Moved by David Pfeiffer; seconded by David Dolter. Approved unanimously.*

PRESENTATION/SPECIAL REPORTS: None

DISCUSSION/ACTION ITEMS:

a. **Items Pulled from Consent**

The development matrix was pulled; staff was requested to provide a copy in future packets even if nothing has changed. The Byron infrastructure analysis Board Order was briefly discussed; purpose is to determine remaining capacity on existing systems and to provide plan for future improvements.

b. **FAR Part 150 Noise Mitigation Update**

Beth Lee gave a brief synopsis of why the Part 150 Noise Study was not approved by the FAA. Staff is working with the FAA to determine the most cost and time efficient way to complete the process and will provide the AAC with updates as new information is available.

c. **FAA Safety Management System Letter**

The letter to the FAA regarding the Safety Management System program concerns was sent by the Board of Supervisors. A copy of the letter was included in the packet.

d. **Land Use – Airport Parcels in Concord**

The two Airports' properties at Marsh Drive and Solano Avenue (the car dealership and the vacant parcel across the street) have a General Plan designation for regional commercial. This land use is intended for large commercial stores, hotels, gas stations and other people intensified uses. Airport staff has been in discussions with City staff for several years regarding concerns over the current designation; both for safety and revenue generation potential. The City is undertaking a broad planning effort and they are including the Airports land use designation change in this process. City staff is recommending the General Plan designation to be changed to West Concord Mixed Use (WCMU) which emphasizes higher intensity office uses. Airports staff is concerned that the WCMU designation may still pose safety concerns and could be very limiting for business attraction/revenue generation purposes. City staff is in process of refining the implementing zoning detail for the WCMU designation and will send a revised draft to Airport staff. Airport staff will review zoning information to determine if safety and revenue generation concerns are still applicable.

Tom Weber stated that the ALUC will review this issue from a safety perspective. He asked AAC members to attend the September ALUC meeting to ask questions of the City of Concord staff.

e. **Selection of AAC Tenant Recognition Award Recipient**

Tom Weber stated that they received two nominations: (1) Rich Spatz for his efforts related to the play structure at the Buchanan Field Airport Public Viewing Plaza; and (2) Frank Lemon for 30 years of providing aviation services and being a business owner at Buchanan Field Airport. Derek Mims stated that the amount listed on Rich Spatz's nomination was incorrect; he received a grant for \$10,000 (not \$5,000).

Derek Mims made a motion to approve the two nominees. Mike Bruno seconded the motion. The motion passed unanimously; Rich Spatz abstained.

f. Formalize At-Large Selection Process

Tom Weber gave a brief synopsis of the selection process that was used with the recent At-Large position opening. The Airport Committee had asked for the timeline to be compressed to expedite the process. The challenge with compressing the timeline is that the Board and their subcommittees have fewer meetings at the end and beginning of each year). Derek Mims said the timeline could be shortened but the process should be more detailed so people are aware of the potentially longer timeline.

Derek Mims made a motion to approve the At-Large position selection process as written. David Dolter seconded the motion. The motion passed unanimously.

g. September Byron AAC Meeting

Tom Weber and Geoff Logan will be meeting with Supervisor Piepho's Chief of Staff to promote the AAC meeting at the Byron Airport and gain stronger attendance. AAC members indicated that they would prefer to meet during the day. Tom Weber will keep members apprised as to the meeting details.

h. Future AAC Packets

Following a statement by the Airport Committee that we should minimize mailing committee packets to save natural resources and money, future AAC packets will be emailed only to those who have provided an email address. Packets will still be mailed to those few parties who have only provided us with a mailing address. Printed copies of the packets will be available at the meeting if members would prefer not to print them.

UPDATES/ANNOUNCEMENTS

a. Airport Committee Update

The Airport Committee discussed the Byron Airport Foreign Trade Zone; there is no need to pursue at this time. They requested that Airports staff work to let the Department of Conservation and Development (DCD) staff know of the future land use needs in the event a General Plan Amendment is considered in proximity to the Byron Airport that could potentially include the Byron Airport land use changes. Airports staff has forwarded this information to DCD staff.

The Airport Committee requested Airports staff schedule the Buchanan Field Airport security project as a short discussion item with the full Board. Airports staff brought this matter to the Board in June and received Board support. The project was put out to bid and Airports staff is awaiting the bid package submittals.

The Buchanan Field Airport Part 139 consideration will be discussed at a later date; when new information that may impact that discussion is available.

b. What is happening at Buchanan Field & Byron Airports/Other Airports

- The Civil Air Patrol mock simulated event last weekend was successful
- Two large, industrial strength umbrellas were installed at the Buchanan Field Public Viewing Plaza by the Airports division
- A monument entrance sign will be installed at the Byron Airport
- Byron Jet Center is still planning on starting the project later in the month
- EAA has a very successful B-17 visit (a letter with the details was provided in the packet); the event was expensive to advertise (the cost equaled about half of the total revenue)

c. Update from Airport Business Association

Mike Bruno reported that Sterling Aviation and Pacific States Aviation were served notices regarding their use/sale of 100 low lead aviation gasoline. This is a result of Proposition 65 whereby chemicals that are known to cause cancer are to be removed from California products. The Center for Environmental Health (CEH) has determined that the lead in aviation gasoline is potentially dangerous and they sent notices to about 60 companies statewide that use/sale/produce this product; the list of users is more extensive and will be impacted if the CEH proceeds with legal action. This action could impact all California citizens; such as the use of UPS/Federal Express. This type of suit is difficult to defend against; the affected businesses have formed a coalition and hired the Jones Day law firm to represent them. The use of lead in aviation gasoline is a requirement of the federal government (FAA) as they solely control all aviation fuel standards. Mike Bruno will keep the AAC posted as to how this proceeds through the process; it is expected that a lawsuit will be filed in late July.

d. AAC Announcements

- An August meeting is unlikely
- The September 8th meeting is planned to be at the Byron Airport (Dave Dolter mentioned he will not attend due to vacation)

e. Airport Staff Announcements

KC Coyle retired in June.

FUTURE AGENDA ITEMS

- None were discussed

ADJOURNMENT: The meeting was adjourned by the Chair at 1:05 p.m.



emailed to Bob & GM 10/11/11

Town of Discovery Bay CSD
Received
OCT 07 2011

County Supervisor Mary Nejedly Piepho, District III
CONTRA COSTA COUNTY BOARD OF SUPERVISORS, VICE CHAIR

COMMITTEES

- Internal Operations Committee, Chair
- Transportation, Water and Infrastructure Committee, Chair
- Contra Costa Regional Medical Center, Joint Conference Committee and Professional Affairs Committee, Chair
- Sacramento-San Joaquin Delta Conservancy, Chair
- Airport Committee, Vice Chair
- Delta Counties Coalition
- Delta Protection Commission
- Central Contra Costa Solid Waste Authority
- East Bay Economic Development Alliance
- Tri-Valley Transportation Committee
- Dougherty Valley Oversight Committee
- Doctors Medical Center Management Authority Governing Board, Joint Powers Authority
- City-County Relations Committee

October 5, 2011

Senator Mark DeSaulnier
7th District of California
1350 Treat Blvd., Suite 240
Walnut Creek, CA 94597

Dear Senator DeSaulnier,

I would like to thank you for your assistance with AB 348 (Buchanan), which re-established the Safety Enhancement Double Fine Zone on Vasco Road. I very much appreciate the time you and your staff dedicated to making sure this was passed and your commitment to increasing safety and driver awareness on Vasco Road.

Please feel free to contact my office at (925) 240-7260 if I may be of any assistance.

As always, it is an honor to work with you in service to the constituents of Contra Costa County

Sincerely,

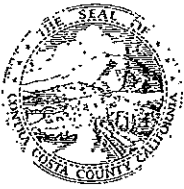
MARY N. PIEPHO
County Supervisor, District III

- Cc: Julie Bueren, Director, Contra Costa Public Works Department
 Jim Davis, Mayor, City of Antioch
 Robert Taylor, Mayor, City of Brentwood
 Jim Frazier, Mayor, City of Oakley
 Randy Iwasaki, Executive Director, CCTA
 Daniel Woldesenbet, Director, Alameda County Public Works
 David Graas, Chair, Bethel Island Municipal Advisory Council
 Linnea Juarez, Chair Byron Municipal Advisory Council
 Kevin Graves, President, Town of Discovery Bay CSD ✓
 Linda Weekes, Chair, Knightsen Town Advisory Council

Thank you for your support and leadership on this very important issue!

SERVING AS ALTERNATE

- Local Agency Formation Commission
- Contra Costa Transportation Authority
- Association of Bay Area Governments
- East Contra Costa Regional Fee and Finance Authority
- East County Water Management Association
- eBART Partnership Policy Advisory Committee
- East Contra Costa County Habitat Conservation Plan, Executive Governing Board
- Mental Health Commission
- San Joaquin Valley Rail Committee
- State Route 4 Bypass Authority
- South West Area Transportation
- TRANSPAC, Central County Transportation Partnership and Cooperation
- TRANSPLAN, East County Transportation Planning



County Supervisor Mary Nejedly Piepho, District III

CONTRA COSTA COUNTY BOARD OF SUPERVISORS, VICE CHAIR

October 5, 2011

COMMITTEES

Internal Operations Committee, Chair

Transportation, Water and Infrastructure Committee, Chair

Contra Costa Regional Medical Center, Joint Conference Committee and Professional Affairs Committee, Chair

Sacramento-San Joaquin Delta Conservancy, Chair

Airport Committee, Vice Chair

Delta Counties Coalition

Delta Protection Commission

Central Contra Costa Solid Waste Authority

East Bay Economic Development Alliance

Tri-Valley Transportation Committee

Dougherty Valley Oversight Committee

Doctors Medical Center Management Authority Governing Board, Joint Powers Authority

City-County Relations Committee

SERVING AS ALTERNATE

Local Agency Formation Commission

Contra Costa Transportation Authority

Association of Bay Area Governments

East Contra Costa Regional Fee and Finance Authority

East County Water Management Association

eBART Partnership Policy Advisory Committee

East Contra Costa County Habitat Conservation Plan, Executive Governing Board

Mental Health Commission

San Joaquin Valley Rail Committee

State Route 4 Bypass Authority

South West Area Transportation

TRANSPAC, Central County Transportation Partnership and Cooperation

TRANSPLAN, East County Transportation Planning

Assemblymember Joan Buchanan
15th District of California
2694 Bishop Drive, Suite 275
San Ramon, CA 94583

Dear Assemblymember Buchanan,

I would like to thank you for sponsoring AB 348, which re-established the Safety Enhancement Double Fine Zone on Vasco Road. I very much appreciate the time you and your staff dedicated to putting this bill together and making sure it was passed as well as your overall commitment to increasing safety and driver awareness on Vasco Road.

Again, thank you for your ongoing support in making Vasco Road a safer road and your dedication to the residents of Contra Costa County. Please feel free to contact my office at (925) 240-7260 if I can be of any assistance.

As always, it is an honor to work with you in service to the constituents of Contra Costa County

Sincerely,

MARY N. PIEPHO
County Supervisor, District III

*Joan,
many thanks for
your persistence!
A.*

- Cc: Julie Bueren, Director, Contra Costa Public Works Department
- Jim Davis, Mayor, City of Antioch
- Robert Taylor, Mayor, City of Brentwood
- Jim Frazier, Mayor, City of Oakley
- Randy Iwasaki, Executive Director, CCTA
- Daniel Woldesenbet, Director, Alameda County Public Works
- David Graas, Chair, Bethel Island Municipal Advisory Council
- Linnea Juarez, Chair Byron Municipal Advisory Council
- Kevin Graves, President, Town of Discovery Bay CSD ✓
- Linda Weekes, Chair, Knightsen Town Advisory Council



County Supervisor Mary Nejedly Piepho, District III
CONTRA COSTA COUNTY BOARD OF SUPERVISORS, VICE CHAIR

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Dougherty Valley Oversight Committee

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East County Water
Management Association

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Advisory Committee

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Conservation Plan, Executive
Governing Board

Mental Health Commission

San Joaquin Valley Rail Committee

State Route 4 Bypass Authority

South West Area Transportation

RANSPAC, Central County
Transportation Partnership and
Cooperation

RANSPLAN, East County
Transportation Planning

October 6, 2011

The Honorable Ray LaHood
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue SE, 9th Floor
Washington, DC 20590-0001

RE: Vasco Road Safety Improvement – Phase II

Dear Secretary LaHood,

I would like to express my support for Contra Costa County's TIGER Discretionary Grant request for the Vasco Road Safety Improvement Project.

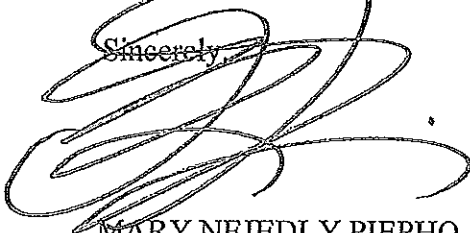
More and more people are living in areas located farther from their jobs, requiring them to travel farther on roads that are overburdened. East Contra Costa County offers affordable housing to persons employed in the greater San Francisco Bay Area Region. Rural road safety is a key component in providing job connections. Vasco Road is a rural roadway that extends from the State Route 4 Bypass south of the City of Brentwood to Interstate 580 in the City of Livermore. With approximately 20,000 vehicles traversing the road on a daily basis, it has become a major commute corridor serving employment centers in Contra Costa County, Santa Clara County, Alameda County and the entire Bay Area.

Contra Costa County has made a strong effort to reduce the number of accidents and collisions on Vasco Road, but there remains a need for additional safety improvements. Phase II of the Vasco Road Safety Improvement Project would construct a concrete median barrier for an approximate project length of 1.5 miles in an area where a concentration of serious collisions have occurred. Funding for this phase will help to complete the overall project, with Phase I already under construction. Phase I is expected to be completed by the end of year and also includes a concrete safety barrier and 1 mile of project length.

The Vasco Road Safety Improvement Project is needed in making safety on our regional network a priority. Please continue to make funding for the Vasco Road Safety Improvement Project a priority. I fully support all efforts

to seek funding for this project and appreciate your ongoing support.

Sincerely,



MARY NEJEDLY PIEPHO
County Supervisor, District III

Cc: Julie Bueren, Director, Contra Costa County Public Works
John Garamendi, Congressman, 10th District
Jerry McNerney, Congressman, 11th District
Joan Buchanan, Assembly member, 15th District
Mark DeSaulnier, Senator, 7th District
Jim Davis, Mayor, City of Antioch
Robert Taylor, Mayor, City of Brentwood
Jim Frazier, Mayor, City of Oakley
Marshall Kamena, Mayor, City of Livermore
Randy Iwasaki, Executive Director, CCTA
Daniel Woldesenbet, Director, Alameda County Public Works
David Graas, Chair, Bethel Island Municipal Advisory Council
Linnea Juarez, Chair Byron Municipal Advisory Council
Kevin Graves, President, Town of Discovery Bay CSD ✓
Linda Weekes, Chair, Knightsen Town Advisory Council

re-mailed to Board of CSM 10/11/11

TownOfDiscoveryBay CSD
Received



County Supervisor Mary Nejedly Piepho, District III

OCT 07 2011

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South West Area Transportation

TRANSPAC, Central County
Transportation Partnership and
Cooperation

TRANSPLAN, East County
Transportation Planning

October 5, 2011

Kevin Graves, President
Town of Discovery Bay CSD
1800 Willow Lake Road
Discovery Bay, CA 94505

Dear President Graves and Members,

Please find enclosed a Board Order from the October 4, 2011 Board of Supervisors' meeting that I believe will be of interest to the Town of Discovery Bay Community Services District.

1.) California Department of Boating and Waterways Vessel Turn-In Program Grant.

Please feel free to contact my office regarding this or any additional matter at (925) 240-7260.

As always, it is an honor to serve you on the Contra Costa County Board of Supervisors.

Sincerely,

MARY N. PIEPHO
County Supervisor, District III

MNP: kc

PDF Return Previous Next

C.39

To: Board of Supervisors

From: David O. Livingston

Date: October 4, 2011



Contra Costa County

Subject: California Department of Boating and Waterways Vessel Turn-In Program Grant

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Sheriff-Coroner, or Mary Jane Robb, Sheriff's Chief of Management Services, as designee, to apply for and accept a California Department of Boating and Waterways Vessel Trade-In Program Grant in an amount not to exceed \$25,000 for the acquisition of derelict vessels before they are abandoned on County waterways for the period July 1, 2011 through June 30, 2012.

FISCAL IMPACT:

\$25,000 revenue; 10% County match (budgeted).

BACKGROUND:

The California Department of Boating and Waterways (DBW) is prepared to award a Vessel Turn-In Program grant to the Office of the Sheriff to assist the Sheriff's Marine Patrol with the acquisition of derelict vessels before they are abandoned. The funding provided by this grant will enable the Marine Patrol to accept and dispose of derelict vessels in a continued effort to protect life and property on the waterways within Contra Costa County.

- APPROVE
- OTHER
- RECOMMENDATION OF CNTY ADMINISTRATOR
- RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 10/04/2011 APPROVED AS RECOMMENDED OTHER

Clerks Notes:

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 4, 2011

David J Twa

VOTE OF SUPERVISORS



County Supervisor Mary Nejedly Piepho, District III

CONTRA COSTA COUNTY BOARD OF SUPERVISORS, VICE CHAIR

COMMITTEES

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Transportation, Water and Infrastructure Committee, Chair

Contra Costa Regional Medical Center, Joint Conference Committee and Professional Affairs Committee, Chair

Sacramento-San Joaquin Delta Conservancy, Chair

Airport Committee, Vice Chair

Delta Counties Coalition

Delta Protection Commission

Central Contra Costa Solid Waste Authority

East Bay Economic Development Alliance

Tri-Valley Transportation Committee

Dougherty Valley Oversight Committee

Doctors Medical Center Management Authority Governing Board, Joint Powers Authority

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East Contra Costa Regional Fee and Finance Authority

East County Water Management Association

eBART Partnership Policy Advisory Committee

East Contra Costa County Habitat Conservation Plan, Executive Governing Board

Mental Health Commission

San Joaquin Valley Rail Committee

State Route 4 Bypass Authority

South West Area Transportation

TRANSPAC, Central County Transportation Partnership and Cooperation

TRANSPLAN, East County Transportation Planning

October 5, 2011

Superintendent Ken Jacopetti
Byron Union School District
14301 Byron Highway
Byron, CA 94514

Dear Superintendent Jacopetti,

Please find enclosed a Board Order from the October 4, 2011 Board of Supervisors' meeting that I believe will be of interest to the Byron Union School District.

1.) Amendment #28-333-1 with Byron Union School District.

Please feel free to contact my office regarding this or any additional matter at (925) 240-7260.

As always, it is an honor to serve you on the Contra Costa County Board of Supervisors.

Sincerely,

MARY N. PIEPHO
County Supervisor, District III

Cc: Kevin Graves, President, Town of Discovery Bay CSD ✓
Linnea Juarez, Chair, Byron MAC

MNP: kc

PDF Return Previous Next

C.37

To: Board of Supervisors

From: William Walker, M.D., Health Services Director

Date: October 4, 2011



Contra Costa County

Subject: Amendment #28-333-1 with Byron Union School District

RECOMMENDATION(S):

Approve and authorize the Health Services Director, or his designee, to execute, on behalf of the County, Contract Amendment Agreement #28-333-1 with Byron Union School District, a government agency, effective March 1, 2011, to amend Interagency Agreement #28-333, to increase amount paid to County \$8,077, from \$7,023 to a new payment limit of \$15,000, with no change in the original term of January 1, 2011 through June 30, 2011.

FISCAL IMPACT:

Approval of this Amendment will result in a total payment to the County not to exceed \$15,000. (No County match)

BACKGROUND:

On April 5, 2011, the Board of Supervisors approved Interagency Agreement #28-333 with Byron Union School District for the period from January 1, 2011 through June 30, 2011, for the provision of mental health services to special education students who are residing in local and out-of-state residential facilities and students who receive outpatient services in the schools and county-operated clinics, through Community Based Organizations that have contracts with County for professional mental health services.

- APPROVE, RECOMMENDATION OF CNTY ADMINISTRATOR, OTHER, RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 10/04/2011 APPROVED AS RECOMMENDED OTHER

Clerks Notes:

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 4, 2011

David J. Twa,

VOTE OF SUPERVISORS

YES 4 NOES

BACKGROUND: (CONT'D)

Approval of Contract Amendment Agreement #28-333-I will allow the County to provide additional services through June 30, 2011.

CONSEQUENCE OF NEGATIVE ACTION:

If this agreement is not approved, Agency will not pay County for providing services to students within the School District.

CHILDREN'S IMPACT STATEMENT:

This program supports the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School"; "Families that are Safe, Stable, and Nurturing"; and "Communities that are Safe and Provide a High Quality of Life for Children and Families". Expected program outcomes include an increase in positive social and emotional development as measured by the Child and Adolescent Functional Assessment Scale (CAFAS).

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OCT 11 2011

TRANSPLAN COMMITTEE
Antioch - Brentwood - Pittsburg - Oakley and Contra Costa County

MINUTES

September 8, 2011

The meeting of the TRANSPLAN Committee was called to order in the Tri Delta Transit Board Room, 801 Wilbur Avenue, Antioch, California by Chair Brian Kalinowski at 6:59 P.M.

ROLL CALL

PRESENT: Gil Azevedo (Antioch), Jim Frazier (Oakley), Mary Piepho, Alternate for Federal Glover (Contra Costa County Board of Supervisors), Ben Johnson (Pittsburg), Bruce Ohlson (Pittsburg), Robert Taylor (Brentwood), Joe Weber (Brentwood), and Chair Brian Kalinowski (Antioch)

ABSENT: Carmen Gaddis (Alternate, Contra Costa County Board of Supervisors), Kevin Romick (Oakley), and Duane Steele (Contra Costa County Planning Commission)

STAFF: John Cunningham, TRANSPLAN Staff

PUBLIC COMMENT

There were no comments from the public.

CONSENT ITEMS

On motion by Jim Frazier, seconded by Ben Johnson, TRANSPLAN Committee members unanimously adopted the Consent Calendar, with the removal of Item 7, as follows:

3. Adopted Minutes from July 14, 2011 TRANSPLAN meeting.
4. Accepted Correspondence.
5. Accepted Recent News Articles.
6. Accepted Status Report on Major Projects.
7. Accept Staff Recommendations on CCTA [Contra Costa Transportation Authority] Comment letter to MTC [Metropolitan Transportation Commission] Regarding the OneBay Area Grant Program. **[REMOVED FOR DISCUSSION]**

The following item was removed from Consent for discussion.

ACCEPT STAFF RECOMMENDATIONS ON CCTA [CONTRA COSTA TRANSPORTATION AUTHORITY] COMMENT LETTER TO MTC [METROPOLITAN TRANSPORTATION COMMISSION] REGARDING THE ONEBAY AREA GRANT PROGRAM

Bruce Ohlson referred to Page 3 of the comment letter requiring agencies to adopt "supportive transportation and land-use policies," particularly the fourth requirement – having both a "bicycle/pedestrian plan and complete streets policy in general plans" ... *at least where bicycle and pedestrian travel is an issue.* He explained that bicycle and pedestrian travel was always an issue and the TRANSPLAN Committee needed to be inclusive of all transportation methods. Also on that page related to the fourth requirement, he quoted the comment letter that: *To comply with this requirement, jurisdictions may have to spend considerable time and effort just to get a grant through the proposed program. And, if they didn't have a bicycle/pedestrian plan, the expense could be doubled.* He stated that the Contra Costa County bicycle and pedestrian community supported that as a good impetus but did not recommend sending the letter.

Ross Chittenden of the Contra Costa Transportation Authority (CCTA) stated that the letter was a matter of great debate and the letter would be substantially reworked as a result. He noted that the specific points raised by Mr. Ohlson would be reworked and discussed.

On motion by Ben Johnson, seconded by Bob Taylor, TRANSPLAN Committee members unanimously continued consideration of the CCTA comment letter to MTC regarding the OneBay Area Grant Program.

RECEIVE PRE-PROJECT BRIEFING ON STATE ROUTE 239 / BRENTWOOD-TRACY EXPRESSWAY PLANNING PROJECT AND PROVIDE COMMENT / DIRECTION TO STAFF AS APPROPRIATE

John Cunningham, TRANSPLAN staff, advised that Contra Costa County had received two federal appropriations totaling \$14 million for the planning of SR239, a consultant team had been selected which was now under contract with the County, discussions with the County and the CCTA were ongoing, and it had been determined that the CCTA would be a more appropriate body to conduct the study. He noted that staff would report back regularly to the TRANSPLAN Committee on the conduct of the study and any administration changes that would take place. He pointed out that Contra Costa County staff was available as was CCTA staff to respond to questions on the project. He added that he was now the Contract Manager for the planning project replacing John Greitzer.

David Early, a subconsultant to Parsons Engineering which is the prime consultant, stated that the project is to evaluate funding scenarios and an alignment for SR239. He identified the extensive project team, reported that Contra Costa County was the official recipient of the grant, and explained that SR239 was a legislatively designated but unconstructed highway intended to connect SR4 to I-205 in the vicinity of Tracy. Contra Costa County had been awarded funding for the initial planning under federal transportation funding, with the study to determine how the facility might be constructed. He presented a map to show the study area, noted that they were not at a stage to consider specific alternative alignments at this point, although the alignment would run from the City of Brentwood southeast down along the Vasco Road area through Byron, past the Byron Airport, Clifton Court Forebay through or around Mountain House, and into San Joaquin County. He noted that interchanges would be identified and a number of different alignments would be considered.

Mr. Early referred to four parts of the study with three phases: visioning, feasibility and project initiation. The process was currently at a pre-project phase, preceding Phase 1. Once the start-up phase was done, the project itself would proceed, visioning would then be pursued to identify corridors, and then a facility type would be chosen ending that phase with a desired corridor followed by feasibility planning and a determination of ways to fund and identify an alignment. The third phase would be project initiation.

Mr. Early advised that the current work had four distinct parts including a financial screening study being conducted by Wilbur Smith Associates given the lack of state or federal funding available for the project, with a study to identify possible alternative funding sources. There would be checks to make sure the project had funding in order to proceed. In order to do that, LSA Associates would conduct a travel demand analysis to year 2035 traffic, traffic data collection, and vehicle volume and classification counts including travel time and delay. The funding analysis would be based on travel data, socioeconomic data, and transportation. A draft preliminary vision statement would identify the overall intent of the project with a basis for developing a range of options to be studied to help create project "identity." The statement was hoped to be ready for review at the beginning of Phase 1. He noted that the project might ultimately not be a state highway which would change the identity of the project.

It was reported that a project website was being developed with maps, a process flow chart, the schedule, and project updates, with opportunities for public input to be launched with Phase 1. Stakeholder meetings had been conducted with non-governmental organizations and with key elected officials and staff representatives. All involved would be provided a chance to understand the way the project was starting, moving formally with Phase I early in 2012.

The next steps would be additional stakeholder outreach following completion of a financial screening study. The visioning phase would begin in early 2012 following the outcome of the screening study, with stakeholder outreach to review the vision statement.

Bob Taylor noted that the project had been envisioned for years and he recognized the renewed interest in SR239. He asked how much funding was available and whether or not the funds could be secured and preserved for SR239 to allow it to proceed to some point of fruition. Given the number of stakeholders involved in a number of counties, he asked for some assurance that the funds would be available.

Steve Kowalewski, Contra Costa County Public Works Department, advised that most of the \$14 million remained available. The only expenditure to date was staff time to get consultants on board. The first phase would use a portion of the funding although it was anticipated that funding would be available to move into the environmental phase and beyond that with seed money left to be able to pursue additional funds to construct a phase of the project, right-of-way acquisition or protection, and determination of how the project would be funded.

Mr. Taylor asked if there would be an outreach program to get everyone on board given the transportation route that could salvage or make whole a progressive eastern Contra Costa County. He was advised that the project would go through three counties and numerous cities involving non-government stakeholders and metropolitan planning organizations. The scope of services included community outreach which would be conducted in a major way.

Steve Morton explained that the project would involve an open process. He anticipated different layers of outreach at a political level, an executive agency level, a working group level for those involved in the project, with "disciples" communicating out to their groups and the general public at large.

In further response to Mr. Taylor as to the expenditure of funds, Mr. Kowalewski advised that Contra Costa County was the holder of the grant and John Cunningham was the Project Manager. As such, control of costs would go through Mr. Cunningham although there would be discussions with the CCTA.

In response to Jim Frazier's reference to the Vasco Road Safety Task Force and a conceptual drawing of SR239 to Vasco Road and whether or not it would be considered in the process, Mr. Kowalewski noted that Vasco Road would be one of the alignments considered along with all the other information and all the other options.

Mary Piepho offered some of the history of the funding secured for SR239 with consideration of other potential links to consider as part of the study area. She stated that the County's approach had been global, working with other local governments such as Mountain House to address impacts of the potential alignments, and reaching out to as many as possible with as many variables in alignments as possible to offer realistic options for consideration. She emphasized that it was very early in the process which would take some time to develop.

Mr. Ohlson noted that since federal money was involved, all modes must be included and East County bicyclists expected an all around bicycle corridor.

As to MTC's involvement in the process in response to Joe Weber, Mr. Chittenden stated that the project was not in the Regional Transportation Plan (RTP) and part of the outcome from the study would mean that MTC would be involved with discussions of putting jobs in the outer areas, such as in East County, to sell the project. He affirmed that the study would involve all possibilities.

Joe Weber referred to the bullet train project funding that might also be helpful.

RECEIVE REPORT ON SAN JOAQUIN RAIL CORRIDOR ENVIRONMENTAL IMPACT STUDY AND PROVIDE COMMENT / DIRECTION TO STAFF AS APPROPRIATE

Mr. Cunningham introduced a presentation on the San Joaquin Rail Corridor.

Tom Dodson of Tom Dodson & Associates, the environmental consultant working with Caltrans to craft a long-term plan for the San Joaquin Corridor and the Amtrak expansion of operations, introduced his team. He explained that four trains a day went in each direction in the community, which number would be increased to meet passenger demand in the future. Currently a million riders rode the San Joaquin. He identified the program and noted that the project description had been developed for use as a basis for the Environmental Impact Report (EIR) and the Environmental Impact Statement (EIS) that had to be prepared.

Mr. Dodson presented a PowerPoint presentation for the San Joaquin Valley Rail Corridor Future Amtrak Intercity Passenger Rail Operations and reported that the environmental documentation was being prepared to examine the next 25 years of corridor Amtrak rail operation scenarios. He explained that the San Joaquin System was an integrated system with buses from cities to other destinations. In October the potential for the future had been modeled and scenarios defined to identify the number of trains required.

Mr. Dodson noted that there was standing room only during peak periods throughout the corridor with significant increases in ridership anticipated and with the speed of trains to be increased. He added that bicycles fit on the train. He noted the scenarios that had been modeled to support an increase in the number of trains and stated that the number of trains would increase as ridership demanded in the 10- and 25-year plans. He added that the San Joaquin's meeting schedules were at 91 percent.

Mr. Dodson described the criteria needed as part of the EIR process to be able to detail the future needs to be identified. He detailed the particulars of the study and noted the need to determine how the rail system could connect with the high speed system, if developed in the future. Several alternative routes of travel had been suggested in the strategic plan. He described some of the potential connections being considered with a potential connection to Los Angeles, and stated that presentations were being made to elected officials, a scoping process was being pursued, and once done a level of information would allow the project to be shovel ready in a very short period of time to take advantage of available funds.

Mary Piepho thanked the team for providing the information, particularly at the local level.

As to high speed rail, the TRANSPLAN Committee was advised that the proposal was not linking high speed rail, simply making sure that there could be a connection with the corridor to provide service, if required. Connection points would be evaluated but links would not be provided. The San Joaquin Corridor would play a vital role in providing feeder service. If high speed rail was developed, rail itself would increase in California. As to funding, if high speed rail did not develop, there was a Plan B for the rail corridor.

Ms. Piepho referred to the connections in the Bay Area and sought a way to connect to eBART, BART, and other transportation systems.

Mr. Dodson reported that scoping meetings would be held and all comments would be taken into consideration.

Brian Kalinowski thanked the team for the presentation and agreed that there could be some connections to other modes of transportation, such as the ferry terminal, and that Amtrak could offer an opportunity for a normal commute pattern using all modes of transportation.

Mr. Dodson commented that those types of suggestions should be submitted to Mr. Cunningham to make sure there were considered. He explained that they were using a freight rail system and the San Joaquin Rail Corridor had to work with that system.

Jim Frazier sought consideration of stations in other cities for passengers through transit oriented development (TOD). He noted that there used to be an Oakley station and there should be some right-of-way remaining from that station

Bob Taylor thanked the team for the presentation and recognized that the railroad was a legend and it was nice to get a report on a viable option.

RECEIVE REPORT, PROVIDE COMMENTS ON THE STATE ROUTE 4 RAMP METERING PROPOSAL AND APPROVE THE TAC (Technical Advisory Committee) RECOMMENDATION

Mr. Cunningham reported that MTC and Caltrans had approached the CCTA some months ago on a SR4 Ramp Metering Proposal. The TRANSPLAN TAC had made a number of comments on the original draft, had focused on making sure the ramp metering study examined and studied all impacts to local arterials, made sure that the TRANSPLAN Committee had involvement in critical decision points on the contents of the study, and noted that the scope included ramp metering and an implementation component that was contingent upon a successful study of ramp metering benefits and impacts to arterials. He explained that although this would be the forum for the discussion and approval of ramp metering, the Memorandums of Understanding (MOUs) would be negotiated with each individual jurisdiction on the corridor.

Mr. Cunningham stated that the TRANSPLAN TAC had reviewed the scope of work and had made recommendation to approve and authorize the TAC to proceed with the study. CCTA and Caltrans staff were available to respond to comments.

Bruce Ohlson commented that billions of dollars had been spent to make freeways for which bicycles were prohibited and he suggested that ramp metering would encourage motorists to use local streets. He asked that to be studied as well.

Ben Johnson suggested that the James Donlon Boulevard Extension should be considered in light of impacts to Buchanan Road, an issue of regional significance.

Mary Piepho referred to the philosophy of ramp metering, stated that traffic would back up and impact local roadways, which was negative, and that the current road structure was not designed for significant backups. She asked that to be evaluated and noted that the concept worked in mitigating flow and if on the freeway it would be beneficial, but if trying to get on the freeway it would not.

Adrian Levy, Senior Transportation Engineer with Caltrans stated with respect to getting onto the freeway that ramp metering was designed to optimize the efficiency of a freeway corridor and was not designed to spread the pain over local streets, which was not desired.

Mr. Levy expressed a desire to reach out to the local communities to make sure that ramp metering, a safety improvement, worked for everyone. He stated that Caltrans would work with the counties and cities to make sure that was done before any lights were turned on. He reiterated that Caltrans did not want backups on city streets. Ramp metering was intended to optimize the capacity of the entire corridor.

Joe Weber acknowledged the comment and referred to a 1999 task force when he was the TRANSPLAN representative for an I-680 ramp metering study when it had been clear at that time that it was not a situation that was supported. He wanted to see the technical report that indicated that the flow of traffic would be improved. He characterized ramp metering as punitive in nature, stated that the bulk of access to freeways came off signalized intersections, and suggested it would be a disaster waiting to happen. He added that there were huge implications to ramp metering. He emphasized that there was signalized access to freeway access and he did not believe that ramp metering would benefit East County users.

Ben Johnson concurred and did not see that ramp metering had worked in larger communities, such as San Jose to SR237. He noted that ramps in East County were different from other areas and he concurred with the negative effects of ramp metering.

In response to Brian Kalinowski, Mr. Cunningham reiterated that each individual jurisdiction would have an understanding with Caltrans on the operation of each meter in its jurisdiction.

Jack Hall with the CCTA stated that they would continue to work with each agency. He noted that the current format was intended to get to that point. The project would be funded by MTC. The study would evaluate whether or not metering would smooth out congested areas.

Brian Kalinowski did not support the study and suggested that allowing the study to move forward would jeopardize the lives of people expecting some freeway relief. He did not support ramp metering, suggested there would be gridlock, and stated that as the freeway improved through Antioch the backup would push further back beyond Bailey Road. He did not believe that travel times would be improved by queuing vehicles on the on-ramp. He could not support the proposal.

Mr. Hall described the study as a safety issue and reiterated that the study was an attempt to see if ramp metering could improve the situation.

Mr. Cunningham acknowledged that the TRANSPLAN TAC had similar concerns and stated that there had been serious discussions.

Given the comments, Mr. Cunningham recommended a change in the phasing of the study, if possible, to segment out the work so that it was clear. He recommended that the first phase address the concerns expressed by the TRANSPLAN Committee with an analysis and a report back to the Committee prior to continuing.

Brian Kalinowski suggested it was too early in the process of the Highway 4 improvements, which needed to be completed prior to considering studies for ways to mitigate congestion. He did not support a segmented concept.

In response to Jim Frazier, Mr. Levy noted that backup detectors and diametric metering would allow more cars onto the freeway and when reaching capacity more cars would be held back from entering the freeway corridor.

Jim Frazier verified with Mr. Hall that MTC was trying to be proactive with mobility and the study. He wanted to see best to worst case scenarios and noted that anything built with a ramp in the last ten years now had a traffic signal.

Mr. Kalinowski reiterated that the corridor needed to be completed before considering ramp metering. He stated that if Highway 4 did not work because of congestion ramp metering could be considered, although the corridor would not be substantially complete for another five years and ramp metering would offer another constraint prior to that time.

Ross Chittenden advised that there would be similar discussions with the TRANSPAC Committee. He agreed with the concerns related to a brand new corridor and stated that the real benefit would be for those downstream. He added that the MTC concept was to evaluate a number of operational improvements, not just ramp metering that would benefit everyone.

Mr. Kalinowski reiterated his concerns and noted that the travel patterns of East County residents were strange given a lack of infrastructure, which would change with the development of the infrastructure.

Jim Frazier stated that the development of the Concord Naval Weapons Station (CNWS) was also a factor to consider.

Mr. Hall clarified that the metering lights would not be activated until the freeway had been built. He stated that the study would determine an implementation plan, which could potentially be from Bailey Road to SR242 and up to Alhambra Avenue. As the freeway came on line the metering rates would then be determined. He stated that the study also proposed to study arterial streets. He added that studies had shown that once ramp metering was activated, a community loved it.

Mr. Hall referred to a prior study where there had been a 26 percent reduction in accidents with ramp metering, even after that metering had initially been turned off and public support had later reactivated that metering.

Mr. Levy explained that the corridor was being built out to a certain capacity and they could be confident in conducting those studies before everything was built out, which was one reason to pursue the study now prior to the build out of the corridor.

Brian Kallnowski questioned whether or not ramp metering was the best use of resources.

Ben Johnson referred to Buchanan Road, an arterial road that was heavily impacted, and asked how that had been studied; to which Mr. Hall stated that the City of Pittsburg's Traffic Engineer, a member of the TRANSPLAN TAC, was monitoring that situation in light of Pittsburg's concerns for congestion along that corridor which was used instead of the freeway.

Mr. Johnson referred to the City of Concord's metering on Kirker Pass Road and noted the frustrations involved in that case.

Mr. Cunningham clarified that his suggestion for staggering was for the scope of work to study ramp metering, not for implementation of metering. He recommended bringing back the information only that addressed the concern of the TRANSPLAN Committee which would make the determination.

As to the estimated cost in response to Ms. Piepho, Mr. Levy stated that the cost was unknown at this point with potential savings now versus a later study yet unknown.

Ms. Piepho asked if there was risk to the agency by not participating on some project funding, to which Mr. Hall stated that there was a finite limit of FPI [Freeway Performance Initiative] money and Marin, Solano, and San Mateo counties were doing the same things.

In further response to Mary Piepho, Mr. Levy explained that Caltrans had an MOU with San Mateo County and the cities in that county, with one MOU, a situation that had worked well in that case.

Mr. Hall clarified with respect to the I-680 ramp metering that each individual city had made a determination and MOUs were only executed if a jurisdiction executed ramp metering.

Joe Weber noted the discussion of safety in the corridor and suggested that the single most influential safety component was the presence and increased presence of the California Highway Patrol (CHP). Without CHP vigilance, he stated there were serious problems. On the safety issue, he stated that there was a construction zone with a 55 MPH speed zone, which was not being monitored. While ramp metering had been proposed as a safety issue down the road, he stated that there was a safety issue now. He did not support ramp metering.

Gil Azevedo suggested that safety appeared to be the argument although he did not want to satisfy safety on the freeway for safety on arterial streets. He stated that traffic congestion was a serious issue and he did not see that safety would be produced.

Mr. Hall explained that timing would be provided to avoid congestion on surface streets. He suggested that while initially surface streets would suffer, the metering lights would prove their worth over time.

Ben Johnson referred to Railroad Avenue where there were a number of signal lights involved with no direct access to the freeway from both sides. He stated that traffic flow across the new overpasses and new improvements would have to be better synchronized to make ramp metering work. He emphasized the need to make sure that off ramps were efficient to support ramp metering.

A motion by Jim Frazier to approve the State Route 4 Ramp Metering Proposal failed for lack of a second.

On motion by Bob Taylor, seconded by Mary Piepho, TRANSPLAN Committee members unanimously referred the State Route 4 Ramp Metering Proposal back to Mr. Cunningham to scope Phase I differently, suggesting that bringing the scope to set the corridor was premature, and requesting a more comprehensive report on other case studies and Best Practices, how ramp metering had benefited other areas, the potential consequences, what it would cost, and the MOUs to allow the TRANSPLAN Committee to make a more informed decision.

On the question, Mr. Ohlson stated that those studies should be of similar freeways and Mr. Kalinowski wanted studies on corridors that were under construction, in phases.

RECEIVE REPORT ON STATUS OF REGIONAL FEE PROGRAM
REQUIREMENTS / CITY OF PITTSBURG AND TAKE ACTION AS
APPROPRIATE

Mr. Cunningham advised that the item related to the status of the City of Pittsburg's Regional Fee Program.

Mr. Cunningham had nothing in detail to report on the lawsuit other than it was *proceeding* and that the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) was seeking some sort of agreement which was also proceeding in parallel with the lawsuit.

Mr. Cunningham reported that the CCTA had provided an update to its Planning Committee last night on the status of the lawsuit and compliance with the Growth Management Program (GMP). Ultimately, the CCTA would have to make a decision on compliance with the GMP and whether Pittsburg would receive local streets dollars. Noting the absence in the discussion at the Planning Committee that the CCTA's prior direction to the City of Pittsburg was that compliance with the GMP required approval from the TRANSPLAN Committee, he recommended that the Committee draft a letter to the CCTA to provide a reminder.

RECEIVE UPDATE: STATE ROUTE 4 INTEGRATED CORRIDOR ANALYSIS

Mr. Cunningham had no update on the State Route 4 Integrated Corridor Analysis at this point.

ADJOURNMENT

Chair Kalinowski adjourned the TRANSPLAN Committee meeting at 8:57 P.M., to October 13, 2011 at 6:30 P.M. or other day/time deemed appropriate by the Committee.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

Meeting Handouts:

Letter dated September 7, 2011 to Martin Engelmann, Deputy Executive Director, CCTA from Joe Sbranti, City Manager, City of Pittsburg Re: Negotiations with TRANSPLAN

**STATE ROUTE 4 BYPASS AUTHORITY
Antioch - Brentwood - Oakley and Contra Costa County**

JOINT EXERCISE OF POWERS AGENCY

**MINUTES
August 11, 2011**

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Tri Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California by Chair Jim Frazier at 6:32 P.M.

ROLL CALL

PRESENT: Gary Agopian (Alternate for Brian Kallinowski) (Antioch), Robert Taylor (Brentwood), and Chair Jim Frazier (Oakley)

ABSENT: Federal Glover (Contra Costa County)

STAFF: Dale Dennis, Program Manager
David Schmidt, Legal Counsel
William Gray, Gray Bowen, Transportation Consulting

PUBLIC COMMENT

There were no comments from the public.

Chair Frazier moved the closed session to the end of the meeting

CLOSED SESSION

Conference with Legal Counsel – Existing Litigation (Government Code §54956.9(a)
Name of case: Anthony J. Soldano, Jr., et al. vs. John Bryan McDonald, et al.

CONSENT ITEMS

On motion by Director Taylor, seconded by Director Agopian, the Authority unanimously adopted the Consent Items, as follows:

A. APPROVED Minutes of July 14, 2011.

DETERMINATION ITEMS

- A. APPROVE the Cooperative Agreement Between the County, the State of California, SR4 Bypass Authority, and the Cities of Antioch, Brentwood, and Oakley for the Transfer of the SR4 Bypass to the State and the Relinquishment of Existing SR4 to the Respective Local Agencies, and AUTHORIZE the Secretary or Designee to Execute the Cooperative Agreement on Behalf of the Authority Substantially in the Form Attached to the Staff Report Dated August 11, 2011

Program Manager Dale Dennis advised that the Cooperative Agreement was one of the last remaining items for the transfer and relinquishment. He stated that Bill Gray's firm had been assisting staff with the transfer and relinquishment for the last few years and had assisted with the Transfer Report as well as various other items. The last process would be to work with Caltrans' upper district management staff and headquarters to get final approval of the transfer documents.

Bill Gray, Gray Bowen, advised that his office had been involved in a variety of roles on the project for a long time. He reported that the Transfer Report was almost complete; staff had been working through a number of the issues such as the Kinder Morgan Pump Station and right-of-way issues. He commented that the most difficult issues were right-of-way maps and descriptions. The Transfer Report would be submitted to the California Transportation Commission (CTC), which was the goal.

Mr. Gray reported that there was a significant amount of Corridor Mobility Improvement Account (CMIA) funding for the project and suggested there might be a way of working with the Contra Costa Transportation Authority (CCTA) and the CTC to secure the full \$33 million funding since the CTC had only allocated \$25 million of that amount. If able to secure the full \$33 million through a potential savings related to the Highway 4 Project, he stated that the agreement was that the SR4 Bypass Authority would pay the \$4 million cost of relinquishment to the County and cities of Oakley and Brentwood since Caltrans was currently financially challenged.

Mr. Gray stated that the CTC had programmed \$25 million of CMIA money for the project after which an allocation and baseline agreement would be adopted with the agency involved. Noting the sequence of events to be able to take advantage of potential savings on the Highway 4 project, he explained that bid opening for the Highway 4 project was scheduled at the end of the month. If good and favorable, there should be revenue sufficient to make up the shortfall. The baseline agreement would then be included on the agenda for the CTC October 26 and 27 meeting. He explained that the Cooperative Agreement would need to be signed prior to the transfer and relinquishment. As a result, the transfer and relinquishment would be on the agenda at the CTC December 7 and 8. He advised that the Cooperative Agreement had been reviewed by legal counsel, all cities and agencies, and staff. The core remaining issue was the provision in the Draft Cooperative Agreement regarding payment of the \$4 million cost of relinquishment.

Ross Chittenden, CCTA's Deputy Executive Director for Projects, stated that currently Segment 2 of the SR4 East project was scheduled for bid opening August 31. He noted that at least three bidders had asked for an extension, a decision which would be made by Caltrans next week. He remained hopeful of making the October date to get the baseline agreement on the CTC agenda. He acknowledged Mr. Gray's optimism in being able to secure \$8 million in savings on the bids, but noted if that was not the case something else would have to be determined to make up the difference. He reported that there had been tremendous interest by prospective bidders regarding Segment 2 of the SR4 East project and because other projects were bidding at the same time, he wanted to allow bidders to give their full attention to the project.

When asked the realistic dates for CTC consideration, Mr. Gray suggested it would be December but emphasized the goal to make October. He did not recommend that the Cooperative Agreement be executed until the baseline amendment was approved and explained that the CTC wanted to see a complete packet. He was skeptical that a packet would be accepted without a signed Cooperative Agreement. As such, the recommendation was to approve the document with the caveat of securing the full \$33 million funding, and if not possible, the item would be brought back to the Board for further discussion.

As an important facet of the project, Chair Frazier wanted to make sure that the Mokelumne Overcrossing was not overlooked, and recognized it as a SR4 Bypass commitment.

Bruce Ohlson, Pittsburg, a member of the TRANSPLAN Committee representing the East Bay Bicycle Coalition, commented that the Coalition had intended to litigate to stop the transfer until the overcrossing had been constructed, but decided not to litigate. He emphasized that bicyclists in East Contra Costa County were looking forward to the construction of the Mokelumne Overcrossing.

On motion by Director Taylor, seconded by Director Agopian, the Authority unanimously APPROVED the Cooperative Agreement between the County, the State of California, SR4 Bypass Authority, and the cities of Antioch, Brentwood, and Oakley for the transfer of the SR4 Bypass to the State and the relinquishment of existing SR4 to the respective local agencies, and AUTHORIZED the Secretary or designee to execute the Cooperative Agreement on behalf of the Authority substantially in the form attached to the staff report dated August 11, 2011.

B. RECEIVE Status Report on the State Route 4 Bypass Projects

Mr. Dennis advised that the primary focus over the past month was to continue moving forward with the transfer and relinquishment.

Mr. Dennis acknowledged that the significant outstanding issues were the Balfour Road Interchange and the Kinder Morgan Pump station and reported that Caltrans had responded as to how it would like to proceed when the Balfour Road Interchange was implemented with the Kinder Morgan Pump Station being rotated approximately 400 feet to the west (adjacent to Balfour Road), thereby providing Caltrans the ability to have a loop with an off-ramp in an L-9 configuration in the northwest quadrant.

Mr. Dennis reported that a public meeting had recently been held on the Balfour Road Interchange with Director Taylor present along with 150 to 200 members of the public. He described that meeting as positive, well attended, and well received. An update had been provided on the entire Bypass project with potential funding for the Sand Creek Interchange, 4-Lanes from Laurel to Sand Creek, and the connector, with the next focus to be the Balfour Road Interchange.

Mr. Dennis added that those in attendance at the meeting had been reminded that a transfer of the Bypass to Caltrans would allow truck traffic on the Bypass. The noise consultant had indicated that the decibel level in the area would be approximately 5 dB higher once trucks were allowed on the SR4 Bypass (future SR4).

Bart Littell, Construction Manager, offered the status of ongoing construction reporting that the East Bay Municipal Utility District (EBMUD) Aqueduct encasement to protect the EBMUD aqueducts was proceeding well. Right-of-way fencing was also being installed along the SR4 Bypass with work expected to be completed by the end of August. Also, in the September timeframe, a soft median barrier and rumble strips between south of Lone Tree Way and Balfour Road would be installed. The work is planned to be conducted at night.

BOARDMEMBER COMMENTS

There were no Boardmember comments.

CORRESPONDENCE

There was no correspondence.

Chair Frazier adjourned into closed session at 7:05 P.M.

CLOSED SESSION

Conference with Legal Counsel -- Existing Litigation (Government Code §54956.9(a))
Name of case: Anthony J. Soldano, Jr., et al. vs. John Bryan McDonald, et al.

Chair Frazier reconvened into open session at 7:42 P.M. and advised that there was nothing to report from closed session.

State Route 4 Bypass Authority Minutes
August 11, 2011
Page 5

ADJOURNMENT

With no further business to come before the State Route 4 Bypass Authority, Chair Frazier adjourned the meeting at 7:43 P.M. to the next meeting scheduled for Thursday, September 8, 2011.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

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**STATE ROUTE 4 BYPASS AUTHORITY
Antioch - Brentwood - Oakley and Contra Costa County**

JOINT EXERCISE OF POWERS AGENCY

MINUTES

September 8, 2011

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Tri-Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California by Chair Jim Frazier at 9:00 P.M.

ROLL CALL

PRESENT: Federal Glover (Contra Costa County), Brian Kalinowski (Antioch), Mary Nejedly Piepho (Alternate for Federal Glover, Contra Costa County), Robert Taylor (Brentwood), and Chair Jim Frazier (Oakley)

ABSENT: None

STAFF: Dale Dennis, Program Manager
David Schmidt, Legal Counsel

PUBLIC COMMENT

There were no comments from the public.

The agenda was taken out of order to move the closed session to the end of the meeting.

CONSENT ITEMS

Legal Counsel David Schmidt advised for the record that when both a regular Director and an alternate were present, the regular Director would cast the vote and not the alternate.

On motion by Director Glover, seconded by Director Taylor, the Authority unanimously adopted the Consent Items, as follows:

- A. **AWARDED** a construction contract to McGuire Pacific Constructors, the lowest responsible bidder for the Construction, Removal, and Overlay of State Route 4 and State Route 160 Signing Project, in the amount of \$172,866; and **AUTHORIZED** the Secretary or designee to execute the contract on behalf of the Authority upon verification that the required bonds and evidence of insurance have been submitted.

- B. APPROVED an amendment to the Consulting Services Agreement with Anita Tucci-Smith for minute-taking services to extend the term of the existing contract through June 20, 2012 (no payment limit increase), and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- C. APPROVED a \$10,400 amendment to the Consulting Services Agreement with Zwemmer Land Surveying to complete right-of-way engineering services for the transfer of the SR4 Bypass to Caltrans and to extend the term to November 30, 2011, and AUTHORIZED the Secretary or designee to sign the amendment.
- D. APPROVED a \$40,920 amendment to the Consulting Services Agreement with Lucy Owens to complete right-of-way services for the right-of-way transfer of the SR4 Bypass to Caltrans, as well as property to Contra Costa County, Antioch, and Brentwood and extend the term to December 31, 2011, and AUTHORIZED the Secretary or designee to sign the amendment.
- E. APPROVED Utility Agreement Amendment with PG&E for an increase in the estimated cost of \$24,000 for the relocation of electrical facilities in conflict with the Segment 2 project at Old Sand Creek Road for an estimated cost of \$78,000, and AUTHORIZED the Secretary or designee to sign the amendment.
- F. THE BOARD TOOK THE FOLLOWING ACTIONS:
 - 1. APPROVED the Right-of-Way Contract between Contra Costa Water District for the acquisition of aerial easements for Pacific Gas and Electric (PG&E) and Pacific Bell Telephone relocated facilities in Segment 3.
 - 2. AUTHORIZED the Secretary or designee to execute said Right-of-Way Contract on behalf of the State Route 4 Bypass Authority.
 - 3. APPROVED total payment of \$2,000 and AUTHORIZED the Auditor-Controller to issue a check in said amount payable to Contra Costa Water District to be forwarded to the Real Property Division for delivery.
 - 4. DIRECTED the Real Property Division of Contra Costa County to work with PG&E and Pacific Bell to have the above referenced easements recorded in the office of the Contra Costa County Recorder.

G. THE BOARD TOOK THE FOLLOWING ACTIONS:

1. DETERMINED that conveyance of an aerial easement to Pacific Gas and Electric Company is in the public interest and will not substantially conflict or interfere with the Authority's use of the property.
2. APPROVED the conveyance of said easement, pursuant to Government Code Section 25526.6.
3. AUTHORIZED the Secretary or designee to execute the easement.
4. DIRECTED the Real Property Division to deliver the easement to PG&E, for acceptance and recording.

DETERMINATION ITEMS

- A. APPROVE the Eighth Amendment to the Joint Exercise of Powers Agreement for the Construction of the State Route 4 Bypass and DIRECT the Secretary or designee to forward the amendment for approval and Execution

Program Manager Dale Dennis presented an amended document to identify revisions and noted that County Counsel had been working with the city attorneys to fine-tune the language of paragraph 3B to include additional detail to the elements of when the SR4 Bypass Authority would terminate. He recommended approval of the Eighth Amendment substantially in the form of the amended agreement with the understanding that minor changes could be made working with Legal Counsel for those minor changes.

On motion by Director Taylor, seconded by Director Kalinowski, the Authority unanimously APPROVED the benched Eighth Amendment to the Joint Exercise of Powers Agreement for the Construction of the State Route 4 Bypass and DIRECTED the Secretary or designee to forward the amendment for approval and execution by the Authority's members.

- B. RECEIVE Status Report on the State Route 4 Bypass Projects

Mr. Dennis stated that the focus in the last month was to move the transfer and relinquishment of the SR4 Bypass and the existing SR4 forward with approval of the transfer of the SR4 Bypass to the State by the California Transportation Commission (CTC) anticipated in December following approval of the baseline agreement with the Contra Costa Transportation Authority (CCTA) at the October CTC meeting.

Chair Frazier adjourned into closed session at 9:04 P.M.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(a))

Case Name: Soldano vs. McDonald, et al.; Contra Costa County Superior Court Case No. C11-01176.

Chair Frazier reconvened into open session at 9:11 P.M.

Mr. Schmidt advised that there was nothing to report from closed session.

BOARDMEMBER COMMENTS

There were no Boardmember comments.

CORRESPONDENCE

There was no correspondence.

ADJOURNMENT

With no further business to come before the State Route 4 Bypass Authority, Chair Frazier adjourned the meeting at 9:12 P.M. to the next meeting scheduled for Thursday, October 13, 2011.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk