



# TOWN OF DISCOVERY BAY

## A COMMUNITY SERVICES DISTRICT



### SDLF Platinum-Level of Governance

PLATINUM LEVEL

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

#### **NOTICE OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY Wednesday February 2, 2022 REGULAR MEETING 7:00 P.M.**

#### **NOTICE Coronavirus COVID-19**

In response to the current proclaimed State of Emergency, indoor masking requirements, and recommended measures to promote social distancing imposed by State and local officials, the Town of Discovery Bay Community Services District Board of Directors will take all actions necessary to carry out the intent and purpose of AB 361, including, ensuring that the Directors and meeting attendees may continue to have the option to access and participate in this public meeting by teleconference to avoid imminent risks to the health or safety of the Directors and meeting attendees.

To accommodate the public during this period of time that the Board's Chambers are closed to the public, the Town of Discovery Bay Community Services District Board of Directors has arranged for members of the public to observe and address the meeting telephonically.

#### **TO ATTEND BY WEBINAR:**

**Please register for Regular Meeting of the Board of Directors at:** *(Copy and paste into your browser the registration URL. You will then be directed to download the webinar to your device and register with LogMeIn, Inc.)*

**Registration URL:** <https://attendee.gotowebinar.com/register/4176430464157960718>  
**Webinar ID#** 531-059-227

**After registering, you will receive a confirmation email containing information about joining the webinar by computer or by phone.**

**For listen-only mode dial:** (213) 929-4212 **ID#** 625-635-650

**Download Agenda Packet and Materials at** [www.todb.ca.gov](http://www.todb.ca.gov)

#### **REGULAR MEETING 7:00 P.M.**

#### **A. ROLL CALL AND PLEDGE OF ALLEGIANCE**

1. Call business meeting to order 7:00 p.m.
2. Roll Call.

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

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the Agenda. The public may comment on any item on the Agenda at the time the item is before the Board for consideration. Any person wishing to speak will have 3 minutes to make their comment. There will be no dialog between the Board and the commenter as the law strictly limits the ability of Board members to discuss matters not on the agenda. We ask that you refrain from personal attacks during comment, and that you address all comments to the Board only. Any clarifying questions from the Board must go through the President. Comments from the public do not necessarily reflect the viewpoint of the Directors.

**C. CONSENT CALENDAR**

1. Approve DRAFT minutes of Board of Directors meeting for January 19, 2022.
2. Approve Register of District Invoices.
3. Approve Resolution 2022-03 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.

**D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS**

1. Supervisor Diane Burgis, District III Report.
2. Sheriff's Office Report.
3. CHP Report.
4. East Contra Costa Fire Protection District Report.

**E. PRESENTATIONS**

1. None.

**F. BUSINESS AND ACTION ITEMS**

1. Discussion and Possible Action to Adopt a Proposal to Submit to Discovery Bay Voters Limiting the Number of Terms a Town of Discovery Bay Board of Director May Serve.
2. Discussion and Possible Action to Set the Date and Time of the 2022 Annual Board Workshop.

**G. MANAGERS REPORTS****H. GENERAL MANAGERS REPORTS****I. DIRECTOR'S REPORTS****J. DIRECTOR'S REGINAL MEETING REPORTS****K. FUTURE AGENDA ITEM(S)****L. CLOSED SESSION**

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS FOR WELL 8 AS ALLOWED UNDER GOVERNMENT CODE SECTION 54956.8  
Property: A portion of APN 011-220-010, Discovery Bay  
Agency Negotiator: Dina Breitstein, General Manager  
Negotiating Parties: C&D Discovery Bay LLC/Waterfront Lots LLC  
Under Negotiation: Price and Terms of Payment

**M. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION****N. ADJOURNMENT**

1. Adjourn to the Next Regular Board of Director's Meeting, beginning at 7 PM at the Community Center located at 1601 Discovery Bay Boulevard.

"This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the American with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the Town of Discovery Bay, at (925) 634-1131, during regular business hours, at least forty-eight hours prior to the time of the meeting."

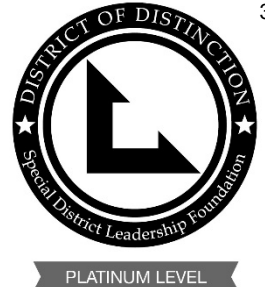
"Materials related to an item on the Agenda submitted to the Town of Discovery Bay after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

**SDLF Platinum-Level of Governance**



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

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY  
Wednesday January 19, 2022  
REGULAR MEETING 7:00 P.M.**

**NOTICE  
Coronavirus COVID-19**

In accordance with the Governor's Executive Order N-08-21, and for the period in which the Order remains in effect, the Town of Discovery Bay Community Services District Board will hold public meetings via teleconferencing as Board Chambers remain closed to the public.

To accommodate the public during this period of time that the Board's Chambers are closed to the public, the Town of Discovery Bay Community Services District Board of Directors has arranged for members of the public to observe and address the meeting telephonically.

**TO ATTEND BY WEBINAR:**

Please register for Regular Meeting of the Board of Directors at: *(copy and paste into your browser the registration URL)*

Registration URL: <https://attendee.gotowebinar.com/register/6868340595065874956>  
Webinar ID# 907-048-315

After registering, you will receive a confirmation email containing information about joining the webinar by computer or by phone.

For listen only mode dial: (562) 247-8422 ID# 172-766-135

If there is any disruption to the meeting due to unforeseen circumstances we will continue via teleconference.

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

**REGULAR MEETING 7:00 P.M.**

**A. ROLL CALL AND PLEDGE OF ALLEGIANCE**

1. Call business meeting to order 7:00 p.m.
2. Pledge of Allegiance – Led by Director Michael Callahan
3. Roll Call – All Present

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

None

**C. CONSENT CALENDAR**

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

1. Regular Board of Directors DRAFT Meeting minutes for December 15, 2021 not available for approval.
2. Approve January 12, 2022, Special Board of Directors DRAFT Meeting minutes.
3. Approve Register of District Invoices

Motion made by Director Callahan to approve items 2 and 3 on the Consent Calendar as presented; Item C1 removed to be brought back at a later meeting date.

Seconded by Director Gutow

Vote: Motion Carried – Yes: 5, No: 0, Abstained: 0, Absent: 0

#### **D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS**

1. No representative for Supervisor Diane Burgis, District III present; No Report
2. No representative for Sheriff's Office present; No Report
3. No representative for CHP present; No Report
4. No representative for East Contra Costa Fire Protection District present; No Report

#### **E. PRESENTATIONS**

1. Announcement thanking Director Gutow for his year of service as the District's 2021 Board President. And a congratulations to Andy Pinasco, legal counsel for Town of Discovery Bay, for making partner at the law firm Neumiller and Beardslee.
2. Monthly Report from Veolia – December 2021  
Veolia Project Manager Harper announced Veolia completed 4,509 safe working days at the close of the year 2021; safety topics included bloodborne pathogens, office safety, hazard recognition, Holiday and cold weather safety / fires, and OSHA's top 10 violations. Confirmed all 6 wells currently active – Well 5 in emergency status only (has the highest conductivity potential and strong organics). Water production for the month was 44M gallons and 1,822 gallons of sodium hypochlorite water. Water compliance collected 20 samples and received 2 water quality complaints; investigation completed and led to entire Lakeshore area being treated and issue resolved. Veolia Project Manager Anthony Harper advised that in order to save on operational costs when responding to customer complaints workers will also address other un-related work while in the area if needed. Wastewater samples satisfy state requirements.

#### **F. BUSINESS AND ACTION ITEMS**

1. Discussion with Caltrans Representative and Possible Board Action to Recommend Change(s) to the Intersection of Highway #4 and Discovery Bay Blvd.  
Interim Assist. General Manager Davies presented an overview of the ongoing discussion with Caltrans in regard to the intersection of Highway #4 and Discovery Bay Blvd. On June 16, 2021, Town staff requested a meeting with Caltrans to ask for a "second look" at traffic safety options at the Intersection. On November 22, 2021, staff participated in a video meeting with Caltrans to discuss options for possible Intersection improvements. On December 6, 2021, Caltrans provided a proposed striping plan that would eliminate the Intersection's current delineators and striping. It was proposed that the W/B Highway #4 right-turn-only lane, east of Intersection, be changed to allow thru traffic and right turns. This means that traffic coming W/B from Stockton would have two lanes of travel that can proceed through the Intersection. No other changes were proposed. S/B Discovery Bay Blvd. traffic could still turn right (W/B) on a red light at the Intersection. On December 15, 2021, the Board reviewed the proposed Caltrans striping plan and directed staff, by Board vote, to request Caltrans come up with alternatives for the Intersection. In response to the request, Caltrans staff proposed, as an alternative, to keep the originally proposed plan, but add a change to the #1 S/B Discovery Bay Blvd traffic lane. Caltrans proposed turning the #1 S/B Discovery Bay Blvd traffic lane into a left-turn or right-turn-only lane on a green light. The #1 S/B lane is currently left-turn-only. The #2 S/B Discovery Bay Blvd traffic lane would remain right-turn-only lane that allows a right on a green or red light. The Intersection's signal light would be optimized (timed) for optimum traffic flow. Caltrans agreed to attend the January 19, 2022 Regular Board Meeting to discuss their latest proposal; Nicholas Sing was present as Caltrans representative.  
Public Comments on this subject: (1) Public comment was in support of the original Caltrans proposal as discussed at the December 15, 2021 Board of Directors Meeting. Feeling it is the best change to address current safety issues. Stating that this change would eliminate confusion for unfamiliar drivers. No further Director Comments.  
Nicholas Sing from Caltrans present for Q&A. Director Bryon Gutow question: Has Caltrans looked at solely removing the yellow delineators as one possible solution without any change to the traffic flow? Must all yellow delineators be removed, or could there be a partial removal [to reduce confusion]? Nicholas Sing responded that he must confer with traffic engineers for possible options; Caltrans traffic engineers were unable to attend the January 19, 2022 Regular Board Meeting. Director Carolyn Graham question: If we did remove all the delineators and changed the traffic pattern for either solution suggested, would there be any safety concerns or traffic issues? Nicholas Sing responded that both designs meet current safety standards. Director Michael Callahan question: Is there any consideration for any type of signage or any type of notice that would indicate the Discovery Bay Blvd turn onto Highway #4 is / will no longer be a protected turn? Caltrans representative Nicholas Sing responded that a possibility would be that prior to, or during, implementation of restriping Caltrans could install a portable changeable sign to alert drivers for a

determined period of time [no permanent signage]. Vice-President Ashley Porter question: Is there a way to increase the right-hand green arrow during heavy commute times? Peak times noted as Monday – Friday 5:30 – 8:30 A.M. Caltrans representative Nicholas Sing responded that he will refer question to Caltrans traffic engineers. President Kevin Graves question: When is the last time a traffic study was done on this Intersection? Caltrans representative Nicholas Sing was unable to provide details; He will have to review data and provide an answer at a later time. President Kevin Graves noted that, per his recollection, in 1994, there was no traffic light, stop sign, or turn lane but as the Town grew and commute traffic increased it is apparent Caltrans saw a need for safety to install a left-hand turn light. President Kevin Graves question: Was there a traffic study done on the Intersection at that time to determine the need for changes to the Intersection? Caltrans representative Nicholas Sing responded affirmatively. President Kevin Graves voiced concern over making a major change to traffic for the entrance / exit of Discovery Bay without doing a traffic study to really analyze what the impact is going to be on the 4,000 (or so) residents of Discovery Bay; Would Caltrans do that without doing a complete traffic study on the Intersection? Caltrans representative Nicholas Sing responded he will need to refer question to Caltrans traffic engineers to see how much of a change they think this is going to make and if it warrants a traffic study. President Kevin Graves voiced further concern that Caltrans is potentially creating a bottleneck by going from 1,200 ft plus the intersection to four (4) lanes, then back to two (2) - 600 ft right-hand turn lane currently exists coming from the East W/B and then E/B on Discovery Bay Blvd there is another 600 ft merge lane. Whenever you reduce lanes traffic is increased, especially during peak traffic times, correct? Caltrans representative Nicholas Sing responded that this question would also have to be referred to Caltrans traffic engineers. President Kevin Graves again requested a traffic study be done prior to any changes being implemented that could potentially cause an increase in commute traffic. Another concern is landscaping – with the proposed changes landscaping crew will be working within feet distance of vehicles traveling an average of 55 MPH on Highway #4. Is this being considered as a safety issue? Caltrans representative Nicholas Sing agreed to ask for a traffic study. Nicholas Sing was instructed to direct all future communication to Interim Asst. General Manager Michael R. Davies. No action taken by the Board at this time, pending further information from Caltrans. Future agenda item.

2. Discussion and Possible Action Authorizing Luhdorff & Scalmanini to Provide Design and Construction Engineering Services for new Well 8 and Pump Station, in the amount of \$357,998 plus 10% for Contingencies.

Projects Manager Mike Yeraka presented a brief summary of this multi-faceted project: The Board has already authorized Harris & Associates to perform the CEQA environmental review for the project at the November 17, 2021, Board Meeting. Item (A) before the Board is to approve Luhdorff & Scalmanini to prepare the design for the Well and the Well Pump Station as well as oversee the construction. The Scope of the Work contains four (4) Tasks: (1) Project Coordination and Administration \$21, 280 (2) Regulatory and Permitting Activities \$15, 420 (3) Production Well Design and Construction \$75, 470 (4) Well Pump Station Design and Construction \$245, 828. The cost of \$357, 998 plus 10% for Contingencies is included in the budgeted \$4.8 million for the total project. Item (B) before the Board is to authorize General Manager Dina Breitstein to Execute the Town's Standard Form of Professional Services Agreement, but the effective date of this contract would only take place after the approval and purchase of the land for the well site – the purchase of the well site property will be brought before the Board for approval at a subsequent Board Meeting. President Kevin Graves asked how soon the Board can expect to have action on the purchase of the land. General Manager Dina Breitstein confirmed it would be brought before the Board at the February 2, 2022 Regular Board Meeting.

Director Bryon Gutow asked what happens to the contract in the event property negotiations are unsuccessful.

Projects Manager Mike Yeraka confirmed that in the event property negotiations were unsuccessful the contract would not be executed.

Public Comments: none

Motion made by Director Gutow to approve

Seconded by Director Callahan

Vote: Motion Carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0

3. Discussion and Possible Action Regarding the Independent Special District Selection Committee and Special District Representative on LAFCO

General Manager Breitstein stated that the District received correspondence dated January 7, 2022 from LAFCO announcing that two regular special district member seats on LAFCO will expire on May 2, 2022; LAFCO requested the District respond by March 4, 2022 naming the District's presiding officer and appointing an alternate for the Independent Special District Selection Committee (ISDSC) and to consider nominating a candidate for the two expiring regular special district member seats on LAFCO. Noted that both Commissioners will be seeking reappointment. President Graves is a regular special district member and (1) Staff is looking to appoint the District Vice President, Director Porter, as the District alternate. (2) Staff is also

asking the Board to solicit a member to fill the upcoming Special District vacancies and (3) approve a Board Nomination Resolution for submittal to LAFCO.

President Kevin Graves asked if there were any Board Member volunteers for nomination to LAFCO but there were none. Items 2 and 3 removed from the agenda.

No Public Comment

Motion made by Director Graham to appoint Vice President Porter to the LAFCO special committee to as an alternative if President Graves is unable to participate in an Independent Special District Selection Committee (ISDSC) meeting or election.

Seconded by Director Gutow

Vote: Motion Carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0

## **G. MANAGER'S REPORT**

### 1. Synthetic Turf Update

Parks and Landscape Manager Engelman updated the Board regarding the Community Center Pool Turf Project, scheduled to begin January 31, 2022. A few weeks of prep work should be expected, followed by 1-2 weeks of down time. First week of March 2022 the Turf will be laid and the entire project is expected to be complete by the end of March 2022.

Director Graham asked if at that point everything will be done (other than seating / furnishing).

Recreation Programs Supervisor Gallo responded that we are still awaiting final inspection; the appointment for final inspection was scheduled but the County cancelled the appointment without explanation and Adam's Pool has been reaching out to reschedule but there has been no response from the County. Once the final inspection is complete, furnishing and hiring staff will be the final step.

President Graves asked what percentage of payment are we currently at with Adam's Pool?

Finance Manager Carter responded that it is believed that only the retention fee has been paid but unsure. They have not been paid 100%.

President Graves inquired if, overall, Recreation Programs Supervisor Gallo has been the project manager.

Recreation Programs Supervisor Gallo answered affirmatively.

President Graves asked if Recreation Programs Supervisor Gallo was satisfied with the service received from Adam's Pool.

Recreation Programs Supervisor Gallo answered that she was very happy with the service received; Adam's Pool was easy to work with and any delays encountered were out of their control (COVID Pandemic caused delays) but they were very responsive and successfully developed an efficient working relationship.

President Graves also asked the opinion of Director Callahan regarding Adam's Pool due to his close working relationship with them at the beginning of the project.

Director Callahan responded that not enough good things could be said about Adam's Pool; they are an outstanding organization to work with.

### 2. Temporary Closure of the Large Dog Park for Repairs

Parks and Landscape Manager Engelman added an item to the agenda regarding the dog park drainage correction project due to begin Monday January 24, 2022. Estimated to take a week, give or take a few days, and once complete it will re-open immediately. The small dog park will be open to all-size dogs in the meantime.

## **H. GENERAL MANAGER'S REPORT**

No Report

## **I. DIRECTOR REPORTS**

### 1. Special Parks & Recreation Committee Meeting Update

Director Gutow reported Park and Rec. had a meeting today to discuss proposal for revamping Willow Lake Island, potential fee increase for community center pool usage, addressing and mitigating graffiti at the Cornell Park bathroom, and the issuance of the new Community Activities Guide.

### 2. Attendance at the Lakeshore HOA Meeting

Director Graham and General Manager Breitstein had a zoom meeting with Lakeshore HOA. The Town is working to increase communication with The Lakes and Lakeshore. It was a very good call; Lakeshore HOA is going to allow Staff to post events and important announcements on their Facebook page and newsletter. Lakeshore HOA will also be emailing Staff a list of what issues they're having now so we can see what we can do to assist them. There will be a future meeting similar to this with The Lakes HOA.

## **J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS**

### 1. ECCFPD - CONFIRE Merger Update

President Graves reported the East Contra Costa Fire Protection District (ECCFPD) merger and consolidation with CONFIRE paused due to LAFCO experiencing technical issues and unable to approve per

planned timeline. Also noted there is a difference in pay for staff between ECCFPD and CONFIRE; due to ECCFPD being a smaller agency (and more responsibility for each employee) their employees were paid a higher salary. This difference in pay is an issue with the union that is being negotiated.

**K. CORRESPONDENCE RECEIVED**

None

**L. FUTURE AGENDA ITEMS**

1. Action Item to Establish Ad Hoc Committee

President Graves requested an action item for the establishment of an ad hoc committee with the specific purpose of investigating and looking into the feasibility of building new offices for the Town of Discovery Bay.

**M. ADJOURNMENT**

1. Adjourned at 8:01 p.m. to the regular meeting on February 2, 2022, beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

"This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the American with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the Town of Discovery Bay, at (925) 634-1131, during regular business hours, at least forty-eight hours prior to the time of the meeting."

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# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

**Meeting Date**

February 2, 2022

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

**Agenda Title**

Approve Register of District Invoices.

**Recommended Action**

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

**Executive Summary**

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

**Fiscal Impact:**

**Amount Requested** \$ 168,322.50

**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 2021/2022

**AGENDA ITEM: C-2**



**Request for Authorization to Pay Invoices**  
**For The Meeting On February 2, 2022**  
**Town of Discovery Bay CSD**  
**Fiscal Year 7/21 - 6/22**

Pacific Gas & Electric	\$86,666.22
Town of Discovery Bay CSD	\$24,787.42
BSK Associates	\$13,212.00
U.S. Bank Corporate Payment System	\$11,080.74
Bob Murray & Associates	\$8,908.22
Stantec Consulting Services Inc	\$8,363.00
City Of Brentwood	\$4,246.20
Freedom Mailing Service, Inc	\$3,230.45
San Joaquin County Office Of Ed	\$2,546.25
Janitorial Plus	\$2,033.85
Lechowicz & Tseng Municipal Consultants	\$1,155.00
All Star Rents	\$979.75
Water Utilitiy Customer	\$441.69
Office Depot	\$198.70
Lincoln Aquatics	\$119.45
Alhambra	\$106.68
Watersavers Irrigation Inc.	\$93.41
Discovery Pest Control	\$68.00
UniFirst Corporation	\$60.45
Verizon Wireless	\$25.02
	\$168,322.50



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION 2022-03**

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

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

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

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

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

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

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

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

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

WHEREAS, the health orders issued by the Contra Costa County Health Officer to preserve the public health, including requiring all people in Contra Costa County, regardless of vaccine status, to adhere to indoor masking requirements, recommending measures for social distancing from non-household members for vaccinated individuals that have been exposed to COVID-19, and measures acknowledging that close contact to other persons increases the risk of transmission, remain in effect; and

WHEREAS, on January 5, 2022, the California Department of Public Health updated the Guidance for Use of Face Coverings requiring masks to be worn in all indoor public settings by all persons, irrespective of vaccine status, beginning December 15, 2021 through February 15, 2022.

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

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

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

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

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

Section 5. Indoor Masking Requirement. The Board of Directors hereby finds that the California Department of Public Health and the County Health Official require all persons to wear masks indoors, regardless of vaccination status.

Section 6. Remote Teleconference Meetings. The General Manager of the Town of Discovery Bay Community Services District is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

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Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a meeting, held on February 2, 2022, by the following vote of the Board:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Dina Breitstein  
Board Secretary



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

**Meeting Date**

February 02, 2022

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

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

### Agenda Title

Discussion and Possible Action to Adopt a Proposal to Submit to Discovery Bay Voters Limiting the Number of Terms a Town of Discovery Bay Board of Director May Serve.

### Recommended Action

1. If the Board chooses to place a term limit measure on the November 8, 2022, general election ballot, that the Board approve the number of terms;  
AND, IF SO
2. That the Board adopt Resolution Number 2022-04 placing the term limit measure on the November 8, 2022, general election ballot.

### Executive Summary:

At the Board's December 15, 2021, meeting the Board directed Staff to bring a future agenda item for the Board to consider adopting a proposal limiting the number of terms a Director may serve on the Town's Board of Directors.

If the Board votes to place the issue of term limits on the November 2022 ballot, the Board would be required to select the specific number of terms that the Board may serve to be considered by Town of Discovery Bay voters and adopt Resolution Number 2022-04 by August 12, 2022, in order to comply with the Contra Costa County Registrar of Voters deadline for submission of ballot measures for the November 2022 general election.

If the Board decides to place a term limit measure on the November 2022 ballot, the attached draft Resolution Number 2022-04 and Ordinance contains the ballot language to do so.

### Financial Impact:

The cost provided by Contra Costa County Elections Department are as follows:

- \$3 - \$4 per registered voter for June 2022
- \$2 - \$3 per registered voter for November 2022

Example:

10,438 Registered Voters in Discovery Bay the estimated costs are:

\$2.00 per registered voter = \$20,876

\$3.00 per registered voter = \$31,314

\$4.00 per registered voter = \$41,752

### Previous Relevant Board Actions for This Item -

December 15, 2021

**Attachments**

Resolution 2022-04  
Proposed Draft Ordinance

AGENDA ITEM: F1



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION 2022-04**

**RESOLUTION OF THE TOWN OF DISCOVERY BAY BOARD OF DIRECTORS  
SUBMITTING TO THE VOTERS AT THE NEXT REGULARLY SCHEDULED  
ELECTION AN ORDINANCE SETTING TERM LIMITS FOR THE OFFICE OF  
DIRECTOR ON THE TOWN OF DISCOVERY BAY BOARD OF DIRECTORS**

**WHEREAS**, California Government Code Section 53077 authorizes the adoption of limits upon the number of terms a Director of the Town of Discovery Bay (the “Town”) Board of Directors (the “Board”) may serve on the Town’s Board; and

**WHEREAS**, any proposal to limit the number of terms a Director may serve on the Town’s Board shall apply prospectively and shall not become operative unless it is submitted to the electors of the Town at a regularly scheduled election, and a majority of the votes cast on the question favor the adoption of the proposal; and

**WHEREAS**, the Town’s next regularly scheduled election is to be held in accordance with the Uniform District Election Law on November 8, 2022 (the “Election”); and

**WHEREAS**, the Town’s Board desires to submit to the voters at the next Election an ordinance regarding term limits.

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

1. Pursuant to Government Code Section 53077, the Board of Directors of the Town of Discovery Bay Community Services District directs that the ordinance attached hereto as Exhibit A and incorporated herein by reference be submitted to the voters at the November 8, 2022, election.
2. The question shall appear on the ballot as follows:

Shall the ordinance limiting the number of future full consecutive four-year terms that may be served by an individual as Director on the Town of Discovery Bay Community Services District Board of Directors to [NUMBER] [consecutive] terms in office be adopted?

This ordinance must be approved by a majority of the votes cast in order to be adopted.

3. The Town of Discovery Bay Board of Directors hereby directs the Town General Manager, or her designee, to transmit a copy of the Ordinance to the Registrar of Voters of Contra Costa County in accordance with the requirements as established by the Registrar.
4. Pursuant to Elections Code Section 10403, the Board of Directors requests that the Contra Costa County Board of Supervisors consent to consolidation of the special election with the general election to be conducted by the Contra Costa County Registrar of Voters on November 8, 2022. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating such election consolidated with a general election. The Town of Discovery Bay Community Services District will bear all costs customarily charged by the County to a district in connection with a ballot question submitted at a general election that is consolidated with an election conducted by the County.
5. The Town of Discovery Bay Community Services District Board of Directors hereby directs the Town General Manager, or her designee, to perform any additional tasks or execute any documents or forms necessary to submit the question to the Registrar of Voters of Contra Costa County.
6. The Town of Discovery Bay Community Services District Board of Directors hereby directs the Town General Manager, or her designee, to file a certified copy of this Resolution with the Registrar of Voters of Contra Costa County.

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Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on February 2, 2022, by the following vote of the Board:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Dina Breitstein  
Board Secretary

DRAFT



# PROPOSED DRAFT



## TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT

### ORDINANCE NO. XXXX

AN ORDINANCE OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT TO ESTABLISH TERM LIMITS FOR THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT

The People of the Town of Discovery Bay Community Services District ordain as follows:

#### SECTION 1. Legislative body

A. No person shall serve as a member of the Board of Directors for more than two [consecutive] full terms.

[B. No person shall serve on the Board of Directors for more than four consecutive full terms.]

[C. For purposes of paragraph (B) of this section, two terms of office are considered consecutive unless there is a break in service of at least three years and eleven months.]

[D. For purposes of paragraph (C) of this section, service on the Board of Directors is considered to be consecutive unless there is a break of at least three years and eleven months.]

[E. The following shall not be considered service on the Board of Directors or full terms of office for purposes of this section:

1. Any service that occurs as the result of appointment or election to the remainder of a term in an office that was vacated by its prior holder before the normal expiration of the term.
2. Any term that has been completed or is in the progress as of the effective date of this Ordinance.]

**SECTION 2. Severability.** If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

**SECTION 3. Execution.** The Board President of the Board of Directors is hereby authorized to attest to the adoption of this ordinance by signing where indicated below upon certification by the Town General Manager that a majority of those electors voting on this Ordinance have voted in the affirmative.



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

**Meeting Date**

February 2, 2022

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

**Agenda Title:**

Discussion and Possible Action to Set the Date and Time of the 2022 Annual Board Workshop.

**Recommended Action**

Set date and time for 2022 Annual Board Workshop. Staff recommendation is Thursday, March 24, 2022 at 4:00pm.

**Executive Summary**

Each year, the Board schedules an interactive workshop with Staff to review Town accomplishments and future direction. Last year, the Annual Board Workshop was held Thursday, March 4, 2021 at 4:00pm.

Staff recommends Thursday, March 24, 2022 at 4:00pm for the next Board Workshop. This date and time allows staff the time necessary to prepare for the workshop and take input from the Board. The 4:00pm time frame, has in the past, been the most convenient time period for all Board Members to attend. Staff estimates that the workshop will not last longer than two hours.

**Primary Recommended Date: Thursday, March 24, 2022 at 4:00pm.**

Alternative Dates for Consideration: Thursday, March 31, 2022 at 4:00pm.

**Previous Relevant Board Actions:**

February 2, 2017 Annual Board Workshop for 2017.  
 March 1, 2018 Annual Board Workshop for 2018.  
 March 7, 2019 Annual Board Workshop for 2019.  
 March 5, 2020 Annual Board Workshop for 2020.  
 March 4, 2021 Annual Board Workshop for 2021.

AGENDA ITEM: F2