



# TOWN OF DISCOVERY BAY CSD

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

MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Wednesday February 2, 2011  
1800 Willow Lake Road, Discovery Bay, California  
REGULAR MEETING 7:00 P.M.  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

**A. ROLL CALL**

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

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

Resident Don Flint – Made a statement in regards to the article from the Contra Costa Times opposing the “No Cash Policy”

Resident Jeff Barber – Wanted to complement the Board on the previous Workshop held on January 22, 2011 and that the meeting was productive. He suggests that a meeting be held to develop a Vision Statement or a Master Plan.

**C. PRESENTATION**

1. Certificate of Achievement to the Town of Discovery Bay from the California Highway Patrol  
President Graves – Presented the Certificate to Water and Wastewater Manager Virgil Koehne.

**D. AREA AGENCIES REPORTS / PRESENTATION**

1. DEPUTY SHERIFF /MARINE PATROL REPORT - (AC)

Lieutenant Burton – 39 Reports – Pointed out the incidents in the report and explained the Resident Deputy Program.

2. CHP REPORT - (AC)

Officer Godman – Pointed out that the department will have a new schedule that will be ten (10) hour shifts with six (6) shifts a day. The department is going to test the program and see how the changed shift will assist the Community.

3. FIRE DISTRICT REPORT - (AC)

Battalion Chief Burris - Provided the Incident Summary Report and explained the report in detail.

4. EAST CONTRA COSTA FIRE PROTECTION DISTRICT REPORT - (AC) – No Report

President Graves – Suggested that staff send a letter to Supervisor Piepho’s Office that the representation from the Fire District is unsatisfactory.

5. COUNTY’S CODE ENFORCEMENT DEPARTMENT REPORT - (AC) – No Report

6. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT - (AC) – No Report

President Graves – Stated that he received an email from Karyn Cornell with Supervisor Piepho’s office and she did not have much to report.

**COMMITTEE/LIAISON REPORTS**

1. Trans-Plan Report - (AC)

Duane Steele – Provided details from their last meeting, and also provided information in regards to some land acquisitions. He also provided information on the County initiating a zoning text amendment to be part of the Wind Energy Conservation Systems.

**E. CONSENT CALENDAR**

1. Minutes of previous Regular meeting dated January 19, 2011, and Minutes of previous Special meeting dated January 22, 2011
2. District Invoices
3. District Financials

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

**F. NEW BUSINESS AND ACTION ITEMS**

**1. Establishment of Ad-Hoc Committees**

**General Manager Howard** – This item is on the agenda to form three (3) Ad-Hoc Committees, the Community Center Committee, the Fiscal 2011-2012 Budget Review Committee, and the Communications Committee. Currently, there is a Community Center Committee that needs to be disbanded.

**Motion made** – by Director Simon to disband the standing Community Center Committee and seconded by Director Steele. Motion carried by the following vote: AYES: 5, NOES: 0.

**General Manager Howard** – Stated that the Board should select two (2) Board Members for each of the committees, the Community Center Committee, the Communications Committee, and the Budget Committee. The discussion continued between the Board and the Public on how to form each of the three (3) Committees.

**Legal Counsel Schroeder** – Stated that the Brown Act identifies what a legislative body is, and when those bodies meet they are required to be in compliance with the Brown Act.

**President Graves** – Stated that when you appoint the public to a Committee then you must be compliant with the Brown Act.

The discussion continued in regards to the formation of the Community Center Committee.

**Legal Counsel Schroeder** – Stated that those members of the community who are involved in the Committees need to be aware of their responsibilities and what the Brown Act requires.

**Legal Counsel Schroeder** – Stated that he would like to frame the motion

“That the Board creates an Ad-Hoc Committee for the Community Center whose purpose is to put together a feasibility study and report back to the Board and that the composition of the Committee be two (2) Board Members and three (3) Members of the Community”

**Motion made** – by Director Tetreault (the above wording stated by Legal Counsel Schroeder) and seconded by Vice-President Dawson.

The discussion continued in regards to the Community Center and what skills are needed for the committee.

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

**Motion made** – by Vice-President Dawson to have Director Tetreault and Director Steele sit on the Community Center Committee and seconded by Director Simon. Motion carried by the following vote: AYES: 5, NOES: 0.

The discussion continued on how the Committee is formed.

**Don Flint** – Asked the question if there are only two (2) Board Members on the committee, can they talk to each other.

**Legal Counsel Schroeder** – The committee is comprised of five (5) members, you currently have two (2) technically you can not have a quorum of them unless there are (3), under the Brown Act. He stated that he had an issue with another client that had a five (5) member board and they had three (3) vacancies and they wanted to meet in order to deal with the issues, technically since there were only two (2) members of the board, a quorum of the board would be both of them, however under the Brown Act, the Brown Act prohibits a meeting, unless there is a quorum of the legislative body, which meant three (3) and thus they could do nothing.

**General Manager Howard** – Suggested that we determine what the process will be and that we send out a notice to the community inviting them to participate in the process and gather the qualifications of those individuals and then bring back to the Board the qualified individuals.

**Legal Counsel Schroeder** – Stated that what can be done is create the Ad-Hoc Committee with only two (2) Board Members and their initial task is and come back with a recommendation of expanding the Committee with adding three (3) members of the public and who they should be. Legal Counsel Schroeder states to redo the motion for the Community Center with the Amendment reducing the number from five (5) to two (2) and will be comprised of the two (2) Board Members which you have identified.

**Amendment to the Motion** – by Director Tetreault to redo the motion for the Community Center with the Amendment reducing the number from five (5) to two (2) and will be comprised of the two (2) Board Members which you have identified and then expanding the Committee with adding three (3) members of the public and who they should be and seconded by Director Simon. The motions carried by the following vote: AYES: 5, NOES: 0.

**Vice-President Dawson** – The Definition of the Ad-Hoc Communications Committee should study the Communications techniques and explore education opportunities and bring back to the Board ideas to improve communications between the District and the citizens and ways to educate the public on the District.

**Motion made** – by Director Tetreault to establish a Communications Committee comprised of a two (2) Member Ad-Hoc Committee with the first task of looking to expand to a total of five (5) and seconded by Director Simon. Motion carried by the following vote: AYES: 5, NOES: 0.

**President Graves** – Recommends that Director Steele and President Graves be on the Communications Committee.

**Motion made** – by Director Simon for Director Steele and President Graves be the two (2) Board Members on the Communications Committee and seconded by Director Tetreault. Motion carried by the following vote: AYES: 5, NOES: 0.

**President Graves** – Entertains a motion that the Ad- Hoc Budget Committee work with Staff to establish the Budget for the upcoming fiscal year of 2011-2012 and make a recommendation back to the Board.

**Motion made** – by Director Steele (the above wording by President Graves) and seconded by Director Tetreault. Motion carried by the following vote: AYES: 5, NOES: 0.

**Motion made** – by Director Tetreault to establish a Budget Committee comprised of a two (2) Member Ad-Hoc Committee with the first task of looking to expand to a total of five (5) and seconded by Director Simon Motion carried by the following vote: AYES: 4, NOES: 1 – Vice-President Dawson.

**President Graves** – Recommends appointing Director Tetreault and Director Simon to the Budget Committee

**Motion made** – by Director Steele to appoint Director Tetreault and Director Simon to be on the Budget Committee and seconded by President Graves. Motion carried by the following vote: AYES: 5, NOES: 0.

## **2. Town of Discovery Bay Fiscal Year 2010-11 Operating and Capital Budget Mid Year Summary Report**

**General Manager Howard** – Explained that the next item is a mid-year 2010-2011 Operating and Capital Budget. Our current times are tight; however, he is pleased that the Budget will reach the revenue and our expenditure projections. There will need to be some modifications that he will be bringing back to the Board at a later date. General Manager Howard explained in detail the projective revenues and expenditures. He also detailed out the utility usage, along with the Chemical usage.

## **3. Discovery Bay Work Experience Project/Internship Program**

**General Manager Howard** – This is a follow up to an earlier request from Vice-President Dawson; the establishment of an Internship Program with the District. With the work and input from Vice-President Dawson, they have put together a job description along with a draft of an Internship Policy.

There was discussion and comments from the Board and Public in regards to the Internship Program.

**Motion made** – by Vice-President Dawson to approve the Discovery Bay Work Experience Project/Internship Program, Policy and Job Description and seconded by Director Simon.

**Amendment to the Motion** – by Vice-President Dawson to evaluate the program after six (6) months and seconded by Director Simon. The motion carried by the following vote: AYES: 5, NOES: 0.

## **G. COMMITTEE/LIAISON REPORTS**

1. **Trans-Plan Report - (AC)** – President Graves had Duane Steele provide his report in the beginning of the meeting.

2. **County Planning Commission Report - (AC)** – No Report

3. **Code Enforcement Report - (AC)** – No Report

4. **Special Districts Report\*\* - (AC)** - No Report

*\*\*These meetings are held Quarterly*

## **H. CHAIR REPORT AND DIRECTORS' COMMENTS**

**President Graves** – Stated that he, General Manager Howard, Director Steele, and members of the public, attended the Delta Preservation Council Meeting in Stockton on Tuesday, January 25, 2011, and he gave details of the meeting. President Graves provided a report.

**Director Simon** – The Community Services Board of Directors represented the residents of Discovery Bay at the State of the Town Dinner Awards Ceremony, and all Directors were present. The awards that were handed out were for the Teacher of the Year, Business of the Year, President's Award, and Citizen of the Year. The President's Award was given to Virgil Koehne.

Director Simon provided a report.

**Director Tetreault** – Attended the P6 Committee meeting on January 24, 2011 and the highlight is the new budget to fund the School Resource Officer, SRO for the School District. Director Tetreault provided a report.

He also attended a Wastewater Master Plan Meeting which was very informative and they are striving for a draft plan to be out within March.

**Director Steele** – The Lion's Club met last night and they have many activities coming up. He also attended the Chamber Board of Directors Meeting and they are working towards bringing more businesses out to Discovery Bay.

**I. GENERAL MANAGER'S REPORT**

The lights at the front Entrance will be coming down the second Sunday in March.

**J. LEGAL COUNSEL REPORT**

None

**K. CORRESPONDENCE – Discussion and Possible Action**

1. S – Letter to the Contra Costa County Department of Conservation and Development Community Development Division regarding County File Number DP10-3036 dated January 20, 2011
2. R – Board of Supervisors County of Contra Costa Public Hearing for the Determination of Property Tax Administrative Cost Recovery for 2010-2011
3. R – Letter from Discovery Bay Elementary regarding the Competitive Speech Program received on January 27, 2011
4. R – Letter from Supervisor Piepho regarding the Board Order from the January 18, 2011 Board of Supervisors Meeting dated January 25, 2011
5. R – Letter from Supervisor Piepho regarding the Board Orders from the January 11, 2011 Board of Supervisors Meeting dated January 25, 2011
6. R – Letter from Supervisor Piepho regarding the Vasco Road Improvements Project (Phase II) dated January 24, 2011

**L. PUBLIC RECORD REQUESTS RECEIVED**

Request from William Richardson – CSD Defamation of Citizens Submitting Public Records Requests – Dated January 21, 2011

**M. FUTURE AGENDA ITEMS**

Discuss the AC Duties  
Fire District Representative

**N. ADJOURNMENT**

The meeting was adjourned at 9:29p.m. to the next regular meeting on February 16, 2011 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

cmc – 02.08.11