



TOWN OF DISCOVERY BAY CSD

President - Kevin Graves • Vice-President - Mark Simon • Director - Brian Dawson • Director - David Piepho • Director - Ray Tetreault

**NOTICE OF REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY CSD**
Wednesday, October 20, 2010
1800 Willow Lake Road, Discovery Bay, California
Website address: www.todb.ca.gov

REGULAR MEETING at 7:00p.m.

A. ROLL CALL

1. Call business meeting to order 7:00p.m.
2. Pledge of Allegiance

B. PUBLIC COMMENTS (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

D. CHAIR REPORT AND DIRECTORS' COMMENTS

E. CONSENT CALENDAR

1. Minutes of Regular Meeting for October 6, 2010
2. Establish a Deferred Compensation Program for Employees of the Town of Discovery Bay CSD pursuant to Internal Revenue Code Section 457(b)
3. District Invoices
4. Well 4A Rehabilitation Project

F. NEW BUSINESS AND ACTION ITEMS

1. Consideration of Purchasing and Procurement Policy
2. Consider establishing Town of Discovery Bay CSD Internship Program
3. Update and Summary of Findings related to Harbor Bay HOA Water Metering Program

G. MANAGERS REPORTS

1. Landscape Quarterly Report

H. GENERAL MANAGER REPORT

I. VEOLIA REPORT

J. DISTRICT LEGAL COUNSEL REPORT

K. CORRESPONDENCE-Discussion and Possible Action

1. Contra Costa County Aviation Advisory Committee Meeting Minutes for July 20, 2010
2. Letter from Supervisor Mary Piepho regarding potential access to Automated External Defibrillators (AED) into your community
3. Letter from Supervisor Mary Piepho regarding truck and vehicles parked along Caltrans Right of Way
4. State Route 4 Bypass Authority Minutes for Antioch, Brentwood, Oakley, and Contra Costa County for June 10, 2010, July 8, 2010, and September 16, 2010

L. PUBLIC RECORD REQUESTS RECEIVED

M. FUTURE AGENDA ITEMS

N. ADJOURNMENT

Adjourn to next Regular meeting of November 3, 2010 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

President - Kevin Graves • Vice-President - Mark Simon • Director - Brian Dawson • Director - David Piepho • Director - Ray Tetreault

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY CSD
Wednesday October 6, 2010
1800 Willow Lake Road, Discovery Bay, California
Website address: www.todb.ca.gov**

SPECIAL MEETING at 6:30p.m.

President Graves called the meeting to order at 6:30p.m. Director Piepho was absent. All other Directors were present.

A. CLOSED SESSION:

District Legal Counsel McGrew took the meeting into closed session.

1. CONFERENCE WITH LABOR NEGOTIATOR Government Code section 54957.6

Agency Designated Representative: Richard J. Howard
Unrepresented Employees: All

B. Return to open session; report on closed session

The Board returned from Closed Session and District Legal Counsel McGrew returned the meeting to open session and stated that there was no reportable action taken. The meeting adjourned at 7:09p.m.

REGULAR MEETING AT 7:00p.m.

A. ROLL CALL

The meeting was called to order at 7:10. President Graves led the Pledge of Allegiance. Roll call was taken. All Directors were present with the exception that Director Piepho was absent. District Legal Counsel McGrew stated that the board held a closed session at 6:30 and there was nothing to report.

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

Resident Don Flint - Stated that Item D6 on the consent calendar from the September 15, 2010 meeting that the items G1 and G2 from the previous meeting of August 4, 2010 were brought back to the board to ratify direction. Resident Flint is concerned that the agenda did not state that any mistakes had been made. He also stated that he was not allowed to make a comment or have the item pulled. Following that meeting Resident Don Flint sent an email to the board asking what the rules and policy requirements are for making a motion and vote to ratify the prior action of the Board. The board replied back advising that it is Government Code 61045B and suggested that if he has any other questions to direct those questions to his personal Legal Counsel. Resident Don Flint feels that the Board violated Government Code 61045B by taking action without Ordinance, Resolution, or a motion.

C. AREA AGENCIES REPORTS / PRESENTATION

1. DEPUTY SHERIFF /MARINE PATROL REPORT – Report

Deputy Spalding – 62 Reports – Pointed out incidents on the report.

Receives tips from residents, however, they are anonymous. Background information is needed to take action. Burglaries – Do not leave windows open in your home because that indicates the alarm is off, the same goes with your vehicle windows.

President Graves – States that we as a Community need to watch out for our Neighbors

Vice-President Simon – Asked about the party houses?

Deputy Spalding – Stated that many party houses are squatters; however, when calling in as an anonymous caller, that person may need to give their name and phone number in order to take follow up action. The online record line allows a resident to call in a complaint. In case of a non-emergency the number is 925-646-2441, and the number can be tracked much quicker from a cell phone call.

The Neighborhood Watch Program can be setup very quickly by coming into their office with the information and arranging a meeting.

2. **CHP REPORT - No Report**
3. **FIRE DISTRICT REPORT – Report**

Battalion Chief Burris - Provided copies of the September Incident Summary Report for the ECCFPD

When there are fires in the cul-de-sacs, and a resident sees the smoke, do not drive down to see what is going on, however, please call 911. Director Piepho questioned, at the previous Board Meeting, if the call boxes were working and Chief Burris said that they all work. Always use 911 when there is an emergency, in place of physically driving to the fire station.

President Graves – Requested that the report show the previous month to do a comparison.

Battalion Chief Burris – The boat fire on Reef Court was a 60 foot, 1960 Carlson. The bilge had fuel and when the owner placed a pump in, the fuel vapors sparked the fire. Owner was taken to the emergency trauma center, burned on his hands and face. The boat burned to the ground.

4. **EAST CONTRA COSTA FIRE PROTECTION DISTRICT REPORT**

None

5. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT**

Karyn Cornell from Supervisor Piepho's office – Delays on Vasco Road from 8:30a.m. - 3:00p.m., will continue until tomorrow with one lane traffic. Update of the California Vehicle Code, for the Discovery Bay Country Club, is scheduled to go before the Board of Supervisors on October 19, 2010 to set the hearing for November 2, 2010. Karyn will keep the board updated. Contra Costa County Public Works Department will perform roadwork on Marsh Creek Road from the SR4 Bypass to Byron Highway beginning Monday, October 11, 2010 and continuing through the end of October between 8:00a.m. - 4:00p.m., including Saturdays. The main section of the Willow Lake Sidewalk Project is finished and the contractor is now working on some additional areas on Willow Lake Road and Riverlake Road. The Code Enforcement Staff will be attending the November 3, 2010 meeting to discuss Code Enforcement priorities for Discovery Bay. The Slurry Seal Project is complete. There is no official date set for minor cleanup and replacement of the traffic striping, however, Public Works anticipates next week and they are targeting October 15, 2010 as the last day of the work.

Vice-President Simon – Wanted to know how you would file a claim if you had damage during the Slurry Seal Project.

Karyn Cornell – Stated that you should get in touch with with the Contractor, Graham; the number to call is 408-293-9516.

D. CONSENT CALENDAR

1. Minutes of Regular Meeting for September 15, 2010
2. Capacity Fee Report for Fiscal Year 2009-2010
Recommended Action – Approval of the Capacity Fee Charge Report for Fiscal Year 2009-2010
3. Claim against the District – David and Jan McWilliams
Recommended Action – Reject Claim
4. District Invoices
Recommended Action – Staff recommends that the Board approve the listed invoices for payment
5. District Financials
Recommended Action – Receive and File
6. Consideration of contract approval for play structure removal in the play areas on the south side of Cornell Park
Recommended Action – Approve and authorize the General Manager to contract with Playgrounds Unlimited for demolition and removal of the play structure located on the south side of Cornell Park in an amount not to exceed \$6,630.00.
7. Consideration of contract approval for partition replacements for Cornell Park restroom facilities
Recommended Action – Approve and authorize the General Manager to contract removal and replacement services with TF Construction for the Restroom Partition Replacement project at Cornell Park.

Motion made by Vice-President Simon to approve the Consent Calendar and seconded by Director Tetreault.

Motion carried by the following vote: AYES: 4, NOES: 0, ABSENT: 1 – Director Piepho

E. NEW BUSINESS AND ACTION ITEMS

President Graves – Asked to move item two (2), requested by Staff, to be addressed first.

2. Acceptance of bid and Contract Award to James Breneman for the Ravenswood Spray Park Capital Improvement Construction Project.
Recommended Action – Accept lowest responsible bid for the Ravenswood Spray Park Capital Improvement Project and award construction contract to James Breneman and authorize the Board President to execute related contract documents.

General Manager Howard – Announced that the Consultant is here tonight. The Bids range from a low of \$111,000 to a high of \$184,000 and there were (9) nine different bidders on the project.

Landscape Manager Fairin Perez – Provided additional documents which are mainly financial. Landscape

Manager Perez stated that each bid item on the summary has a low bid; however, the low bidder was not the lowest bidder across the board. Fairin explained the budget in detail.

Architect Bruce Jett for Ravenswood Spray Park - Provided slides of the project.

Vice-President Simon – Asked if the change in the texture of the sidewalk will match the existing sidewalk.

Landscape Manager Fairin Perez – Stated that there are different colors of concrete and originally the bid included the plain gray concrete. Bruce Jett brought in that they want to match the existing concrete and that is included in the bid.

Motion made by Director Tetreault to accept the bid at \$111,000 and seconded by Vice-President Simon.

Motion carried by the following vote: AYES: 4, NOES: 0, ABSENT: 1 – Director Piepho

Resident Mary Summer – A mother of two (2), spends many days at the park, and she thought this was a wonderful idea and wants to say thank you.

1. Placement and Location of "Director Comments" portion of Agenda

Recommended Action – As Necessary

Director Tetreault – Proposed that the Director Comments be placed at the beginning of the meeting. He also stated that Director Piepho had an issue with the movement of the Director Comments.

Legal Counsel – Stated Director Comments are generally not related to the Agenda items, they are announcements, reports on training, or meetings attended.

President Graves – Stated that the Director Comments stay "as is" until the newly elected Board Members are chosen.

3. Lease agreement between T-Mobile West Corporation and the Town of Discovery Bay, a Community Services District, for the placement of a cellular antenna to be located at the Newport Lift Station, adjacent to Slifer Park.

Recommended Action – Approve lease agreement between T-Mobile West Corporation and the Town of Discovery Bay, a Community Service District, for the placement of a cellular antenna to be located at the Newport Lift Station, adjacent to Slifer Park and authorize the President of the Board to execute all associated lease documents.

General Manager Howard – Stated that payments of \$2,000 per month at a fixed rate for the first five (5) years, increasing at 15% for each (5) five year term has been renegotiated and the new agreement is \$2,000 per month with a 4% increase annually. The first five (5) year term represents approximately a \$9,000 increase of what the original terms were. Some other legal terms that Counsel would like to see in the lease agreement are regarding the Possessory Interest Tax. General Manager Howard would like the Board to move forward with the lease agreement tonight with the revisions stated. In addition, have the President authorize the terms of the lease agreement and if there are any other substantial changes, staff can come back at that time and make those changes.

Director Dawson – Stated that his only concern was the five (5) year term and the rate of the increase.

Director Tetreault – Asked if there are any height issues?

General Manager Howard – Stated that the height was originally going to be 75 feet and will now be 70 feet. The reason why is one, because of the data that needs goes through, and two the FCC that regulates the pole can allow other Co-Locators on the same pole. Also, the distance between the Co-Locators needs to be 10 feet apart which will eliminate another pole.

President Graves – Asked when the contract become effective and what will the revenue be?

General Manager Howard – Stated that we will enter into a one (1) year lease agreement, which may not take that long, and the revenue will begin once building permits are pulled.

The Board – Would like to have the final version of the Lease Agreement brought back to the Board due to some of the concerns the Board has.

Resident Walter Mac Vittle – Asked about the Co-Locator of the project and if that is a requirement?

General Manager Howard – Stated that it is a requirement of the County and FCC.

Resident Mankin – Asked when the revenues come in, will it be a fund that will go towards the Community Center?

President Graves – Stated that the Board has just been presented with the lease and there is discussion that needs to take place to make a decision on what the revenue will be used for. There are needs for the revenue to be used, which may be outside the limitations of the Board.

F. COMMITTEE/LIAISON REPORTS

1. Trans-Plan Report

Duane Steele Contra Costa Planning Commissioner – Stated that proposed Vehicle Registration Fee, Measure O that will be coming up. The Contra Costa Transportation Committee has approved the placement on the November Ballot, which will add a \$10.00 cost in registering a vehicle. The revenue will be used for the roads, public transit, and pedestrian routes. The Metropolitan Transit Commission said that we have a \$500 million shortfall on the payment maintenance and rehabilitation projects. He states that within the next 25 years it is estimated that the \$10 fee will actually generate \$8.5 million annually to help the County improve roads and he encouraged residents to vote on this Measure to take care of our infrastructure.

President Graves – Asked if the funds will be used for those purposes you have stated and will not go into the general fund?

Duane Steele Contra Costa Planning Commissioner – Things are worked out with the collection process of the DMV and where the money should go, although he can not guarantee the money will be used for those purposes. Other items that specifically affect us here is an Amendment to the Residential 2nd Unit Ordinance and those that would like a copy of that it is Chapter 82-24 and 84-74, which is the Kensington Combining District Ordinance. The amendment is being reviewed by the Planning Commission and the hearing is November 9, 2010 and will continue discussing this item. The October 12, 2010 meeting has been cancelled.

2. County Planning Commission Report – No Report

3. Code Enforcement Report – No Report

4. Special Districts Report - No Report**

***These meetings are held Quarterly*

G. DIRECTORS' COMMENTS

Vice-President Simon – Stated that he met with Landscape Manager Perez and discussed landscaping, Ravenswood Spray Park, and Basketball Courts. One thing that was discussed was that the use of the Website for ongoing projects and that it would be beneficial to have those projects available to the public.

Director Dawson – Stated that he, Director Piepho, and President Graves attended the Joint MAC meeting in Bay Point. There was a presentation on health food vendors. Director Piepho presented the MAC Report. There were updates on accounting on the Vasco Road construction and then the meeting was adjourned. He also attended the Egeria Densa Meeting and has all of the documentation if anyone is interested. Nothing will be done with the Egeria Densa until May which is due to the permitting process. The amount of the project is approximately \$1 million, however, the Department of Boating and Waterways does not have a budget and the cost is still up in the air. The chemical is Fluridone and it takes approximately 8 weeks to clear.

Vice-President Simon – Stated the good news is that the Egeria Densa can not live in water that is below 65 degrees.

Resident Richardson – Asked for a copy of the Egeria Densa document.

General Manager Howard – Stated that the document will be posted to the website.

H. GENERAL MANAGER'S REPORT

1. Veolia August Monthly Report

Gerald Smart – Discussed the Veolia Report

August report – An item that they have been working on is flushing the water lines, also they have only had (2) two calls in the last (2) two weeks. Veolia is working with Trojan Representatives on the Ultra Violet Disinfection Project, which is an upgrade to the existing 3000 system. Air Relief Valves (ARV's) – (1) One was vandalized, and another failed. (1) eleven other valves were flushed. There are (4) four valves on Highway 4 that will have to be replaced due to being broken on the bottom.

Vice-President Simon – Asked about the (4) four Valves on Highway and when they are going to be replaced.

Water and Waste Water Manager Koehne – Stated that a Contractor will be hired and the parts will need to be ordered, which will bring the project to completion within approximately 30 days.

Vice-President Simon – Asked about Staff turnover.

Gerald Smart – Stated that the turnover rate may be due to the job not being what the person expected. In each case the training time has been a significant setback.

President Graves – Asked how many ARV's we have in our system and if they can be inspected?

Gerald Smart – Stated that there are (23) twenty-three ARV's that were listed and inspected by JW during a cleanout that was performed

Water and Waste Water Manager Koehne – Stated that ARV's can be inspected once the man holes are opened and some ARV's are already exposed.

Water and Waste Water Manager Koehne -- Discussed the two new Moles - Tick and Track, and that the sensors have been streamlined and the Moles are currently in service.

He also stated that there are a couple of items that staff is working on, due to petitions from Metropolitan Water and West Lake Irrigation District. The State has reopened the permit, NPDES, to be reviewed at the State Regional Board's Meeting on December 8, 9, and 10 to be approved. He received a call today and it is possible that the permit might be pulled from the State Board's Agenda and we will then use the existing permit.

General Manager Howard -- Stated that the permit will be brought back for review at a future Board Meeting for a summary of what is taking place.

I. LEGAL COUNSEL REPORT

None

J. CORRESPONDENCE -- Discussion and Possible Action

None

K. PUBLIC RECORD REQUESTS RECEIVED

No requests received since last published Regular Meeting Agenda

L. FUTURE AGENDA ITEMS

General Manager Howard -- Stated that the Director Comments item will be carried over as a future item.

M. ADJOURNMENT

1. The meeting adjourned at 9:04 to next regular meeting on October 20, 2010 at 1800 Willow Lake Rd -- Located in back of Delta Community Presbyterian Church.

cmc - 10.11.10

DRAFT



Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

October 20, 2010

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

Agenda Title

Establish a Deferred Compensation Program for Employees of the Town of Discovery Bay CSD pursuant to Internal Revenue Code Section 457(b).

Recommended Action

Adopt Plan Adoption Agreement between the Town of Discovery Bay CSD and ING North America Insurance Corporation and Approve resolution 2010-XX establishing a deferred compensation plan pursuant to Section 457(b) of the Internal Revenue Code of 1986.

Executive Summary

Deferred Compensation Programs that are adopted pursuant to Internal Revenue Code §457(b) (457) allow employees, at no cost to the employer, the opportunity to voluntarily contribute, via payroll deduction, into a tax-deferred plan for purposes of retirement planning. For 2011, employees are limited to deferring up to \$16,500 in salary; however, if an employee is over 50 years of age, they are eligible to contribute an additional \$5,500 in salary as a "catch up" provision. This qualified tax advantaged deferred-compensation retirement plan is available for governmental and certain non-governmental employers in the United States. This type of plan is a supplemental retirement savings program that allows employees to make contributions on a pre-tax basis. Federal and state income taxes are deferred until the employee's assets are withdrawn, generally during retirement when it is anticipated that their tax bracket may be lower than when employed. Deferred Compensation plans operate similarly to a 401(k) or 403(b) plan that most people are familiar with. The key exception is that unlike a 401(k) plan in that there is not a 10% penalty for withdrawal before the age of 59½ (although the withdrawal is subject to ordinary income taxation).

The plan, as proposed, is a 100% voluntary plan for employee participation and there is no financial contribution or administrative costs to the District. It is recommended that ING North America Insurance Corporation be designated as the Plan Administrator as ING is one of the nation's largest 457 plan administrators and they presently manage and administer the Special District Risk Management Association (SDRMA) plan through CalPERS. Their expertise and experience in this area of employee compensation is extensive.

It is important that the Board take action on this proposed employee benefit in order that it may be available for employees to participate beginning in January 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

N/A

Attachments

Resolution 2010-16

Adoption Agreement between the Town of Discovery Bay CSD and ING North America Insurance Corporation

Information Materials related to IRC Section 457(b) Deferred Compensation plans

AGENDA ITEM: E-2



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2010-16**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT (CSD) TO ESTABLISH A DEFERRED COMPENSATION PROGRAM FOR DISTRICT EMPLOYEES PURSUANT TO SECTION 457(B) OF THE INTERNAL REVENUE CODE OF 1986.

WHEREAS, the Town of Discovery Bay CSD does not now have a mechanism for employees to voluntarily contribute to a Deferred Compensation program; and

WHEREAS, it is the desire of the Town of Discovery Bay CSD to make available, at no cost to the District, a voluntary deferred compensation program that is established pursuant to Section 457(b) of the Internal Revenue Code of 1986.

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

SECTION 1. The District shall establish a deferred compensation plan intended to meet the requirements of Section 457(b) of the Internal Revenue Code of 1986, as amended, and the requirements of applicable state and/or local law, and the plan, as adopted by the Board, shall be known as the Town of Discovery Bay CSD, 457(b) Plan.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 20th DAY OF October, 2010.

J. 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 October 20, 2010, by the following vote of the Board:

AYES:
NOES:
ABSENT:

Richard J. Howard
Board Secretary

**TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT (CSD)
ADOPTION AGREEMENT FOR 457(b)
DEFERRED COMENSATION PLAN FOR
GOVERNMENTAL EMPLOYERS**

The undersigned Employer adopts the 457(b) Deferred Compensation Plan for Governmental Employers for those Employees who will qualify as Participants hereunder, to be known as the

TOWN OF DISCOVERY BAY CSD, 457(b) PLAN

It will be effective as of the date specified below. The Employer hereby selects the following Plan specifications:

EMPLOYER INFORMATION (Plan Section 1.9)

Name of Employer: TOWN OF DISCOVERY BAY CSD

Address: 1800 WILLOW LAKE ROAD
DISCOVERY BAY, CA 94505

Telephone Number: 925-634-1131

Employer Identification Number: 68-0401578

Location of Employer's Principal Office:

1800 Willow Lake Road, Discovery Bay, CA 94505, and the Plan will be governed in accordance with retirement plan laws of the State of California.

Employer Fiscal Year:

The 12-consecutive month period commencing on January 1, and ending on December 31.

PLAN INFORMATION

Effective Date:

This Adoption Agreement of the 457(b) Deferred Compensation Plan for Governmental Employers will establish a new Plan effective as of January 1, 2011.

Plan Year (Plan Section 1.22):

The 12-consecutive month period commencing on January 1 and ending on December 31.

Name of Administrator (Plan Section 1.1):

Employer, 1800 Willow Lake Road, Discovery Bay, CA 94505

ELIGIBILITY (Plan Section 2.1)

Eligible Individuals for Purposes of Participant Deferral Contributions:

All Employees other than the following group or groups of Employees elected below:

- Nonresident aliens with no U.S. source of income
- Employees who normally work less than 20 hours per week
- Students performing services for the Employer whose Compensation is not considered wages under the Federal Insurance Contributions Act ("FICA")
- Collectively bargained employees

Leased Employees

For purposes of this section, the term Eligible Individual will **not** include any leased employees described in Code Section 414(n).

Independent Contractors

For purposes of this section, the term Eligible Individual will **not** include Independent Contractors.

CONTRIBUTIONS AND ALLOCATIONS

Deferral of Accumulated Sick Pay, Accumulated Vacation Pay and Back Pay (Plan Section 3.1(b)):

Participant may not elect to defer accumulated sick pay, accumulated vacation pay and back pay to the Plan.

Age 50 Plus Catch-Up Contributions (Plan Section 3.3):

Age 50 Plus Catch-Up Contributions will be permitted under the Plan.

Transfers into the Plan (Plan Section 3.7):

Transfers into the Plan from an eligible 457 plan sponsored by another governmental employer will be permitted.

Rollovers:

Rollover Contributions will be permitted under the Plan (Plan Section 3.8).

Normal Retirement Age (Plan Section 1.14):

For purposes of the Special 457 Catch-Up Deferral Election under Section 3.2, Normal Retirement Age will be at fifty (50) years of age.

DISTRIBUTIONS

Distribution Options (Plan Section 4.2(c)):

- Joint and Survivor Annuity
- Lump sum
- Immediate or Deferred Annuity (including life annuities and installment payment annuities)
- Systematic distribution option permitted under the Investment Product.

In the event that a Participant does not elect a form of payment at the time that distributions are required to begin in accordance with Section 4.2, any benefits payable to the Participant will be made in the form of an Annuity payable over the Life Expectancy of the Participant that meets the requirements of Section 401(a)(9) of the code.

Death Benefits Payable to Beneficiary (Plan Section 4.3(d)):

Amounts payable to the Beneficiary may be elected by the Beneficiary in the same distribution options as available to the Participant

NOTE: Distribution options selected are available to the extent permitted by applicable law and the terms of the Investment Product.

In the event a Beneficiary fails to make an election as to a benefit distribution option, any benefit payable to such Beneficiary will be distributed in accordance with Section 401(a)(9) of the Code.

Rollovers:

Distribution of a Participant 457 Rollover Account and a Participant Non-457 Rollover Account (Plan Section 4.1(b)):

Amounts payable under a Participant 457 Rollover Account and a Participant Non-457 Rollover Account will be paid to a Participant upon attainment of an event as described in Section 4.1.

Unforeseeable Emergency Withdrawals (Plan Section 4.5):

Unforeseeable Emergency Withdrawals will be permitted under the Plan.

If Unforeseeable Emergency withdrawals are allowed by the Plan, the amount eligible for such withdrawals will consist of:

- The Participant Account
- The Participant Deferral Account
- The Participant 457 Rollover Account
- The Participant Non-457 Rollover Account

A Participant may take an Unforeseeable Emergency Withdrawal resulting from the illness or accident of a primary Beneficiary designated by the Participant.

Small Balance Distribution (Plan Section 4.6):

Small balance distributions attributable to a Participant Deferral Account will **not** be permitted under the Plan.

Transfer of Amounts for Purchase of Service Credits in Governmental Retirement System (Plan Section 4.8)

Participant will be permitted to transfer amounts under the Plan to a governmental retirement system in order to purchase service credits.

Loans to Participants (Plan Section 4.10):

Loans will **not** be permitted under the Plan.

Distributions for Health Insurance and Long Term Care (Plan Section 4.11):

Distributions to pay for health insurance and long term care will **not** be permitted under the Plan.

CERTIFICATION AND SIGNATURE

The undersigned Employer hereby represents that it is a unit of a State or local government or an agency or instrumentality of one or more units of a State or local government as described in Code Section 414(d).

IN WITNESS WHEREOF, the Employer hereby causes this Plan to be executed on this 20th day of October, 2010.

EMPLOYER:

Town of Discovery Bay CSD

By: _____
J. Kevin Graves, President

**TOWN OF DISCOVERY BAY CSD
457(b) DEFERRED COMPENSATION PLAN**

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TOWN OF DISCOVERY BAY CSD
457(b) DEFERRED COMPENSATION PLAN

PREAMBLE

The Employer hereby establishes the Code Section 457(b) Deferred Compensation Plan for Governmental Employers (the "Plan").

The Plan is established pursuant to applicable state law and is intended to comply with the provisions of Section 457(b) of the Internal Revenue Code of 1986, as amended, Income Tax Regulations thereunder and applicable law. The Plan consists of the provisions set forth in this basic plan document and the Adoption Agreement, and is applicable to each Eligible Individual.

ARTICLE I
DEFINITIONS

As used in this Plan, the following words and phrases will have the meanings set forth herein unless a different meaning is clearly required by the context.

1.1 "Administrator" means the person(s), committee or organization appointed by the Employer pursuant to Section 5.2 to administer the Plan and perform administrative functions for the Plan as specified by the Employer.

1.2 "Adoption Agreement" means the separate agreement that is executed by the Employer and sets forth the elective provisions of the Plan. The Adoption Agreement is considered a part of the Plan.

1.3 "Age 50 Plus Catch-Up Contribution" means the catch-up contribution for Participants who attain age 50 by the end of the calendar year, as permitted under Section 414(v) of the Code and pursuant to Section 3.3.

1.4 "Beneficiary" means the individual, individuals or trust designated by the Participant in writing on a form acceptable to the Administrator, and received by the Administrator before the Participant's death, to receive any undistributed amounts under the Participant Account which becomes payable upon the Participant's death. A Beneficiary may designate his own Beneficiary. If a Participant or Beneficiary does not designate a Beneficiary in a form acceptable to the Administrator, then his estate will be deemed to be his Beneficiary. In addition, any Beneficiary designation will meet the requirements of applicable state law.

1.5 "Code" means the Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to sections of the Code are to such sections as they may from time to time be amended or renumbered.

1.6 "Compensation" means for an Employee all cash compensation for services to the Employer, including salary, wages, fees, commissions, bonuses, and overtime pay, that is includible in the Employee's gross income for the calendar year, plus amounts that would be cash compensation for services to the Employer includible in the Employee's gross income for the calendar year but for a compensation reduction election under Sections 125, 132(f), 401(k), 403(b) or 457(b) of the Code (including an election under Article III to defer Compensation under the Plan). For purposes of an Independent Contractor or Leased Employee, "Compensation" will mean all amounts payable to a Participant from the Employer as remuneration for services rendered which would be includible in income for federal tax purposes if not deferred under this Plan, subject to the provisions of the current Code.

1.7 "Eligible Individual" means any Employee who is in one or more of the classifications specified in the Adoption Agreement, and, if elected by the Employer, may include Leased Employees and Independent Contractors.

1.8 "Employee" means any common law employee who is employed by the Employer and who performs services for the Employer for which Compensation is payable.

1.9 "Employer" means a state or the District of Columbia, any political subdivision of a state or the District of Columbia, or any agency or instrumentality of a state or the District of Columbia, which satisfies the definition of Section 457(e)(1)(A) of the Code (together with any other entity required to be aggregated with such governmental employer under Sections 414(b), (c), (m) or (o) of the Code) and which has adopted this Plan as indicated in the Adoption Agreement.

1.10 "Includible Compensation" an Employee's actual wages in box 1 of Form W-2 for the Employer, but increased (up to the dollar maximum) by any compensation reduction election under Section 125, 132(f), 402(g)(3) or 457(b) of the Code. The amount of Includible Compensation is determined without regard to any community property laws. Pursuant to Section 1.457-4(d)(1) of the Income Tax Regulations, Includible Compensation will include any payments made to a Participant who has had a Severance from Employment, provided that the Includible Compensation is paid by the later of 2 ½ months after the Participant's Severance from Employment or the end of the calendar year that contains the date of such Participant's Severance from Employment. In addition, pursuant to Section 1.457-4(d)(1) of the Income Tax Regulations, Includible Compensation will include payments made to an individual who does not currently perform services for the Employer by reason of qualified military service (as defined in Section 414(u)(5) of the Code) to the extent those payments do not exceed the amount the individual would have received if the individual had continued to perform services for the Employer rather than enter qualified military service. Includible Compensation will not include Employee pick-up contributions described in Section 414(h)(2) of the Code.

1.11 "Independent Contractor" means any person to whom Compensation from the Employer is payable for services rendered pursuant to one or more written or oral contracts, if such person is not a common-law employee.

1.12 “Investment Product” means group or individual annuity contracts or such other investment arrangements issued by or offered through the Provider and used to hold assets of the Plan.

1.13 “Leased Employee” means any person (other than an Employee of the Employer) who, pursuant to an agreement between the Employer and any other person or entity (“leasing organization”) has performed services for the Employer (or for the Employer and related persons determined in accordance with Section 414(n)(6) of the Code) on a substantially full time basis for a period of at least one year, and such services are performed under primary direction or control by the Employer. Contributions or benefits provided for a leased employee by the leasing organization which are attributable to services performed for the Employer will be treated as provided by the Employer.

A leased employee will not be considered an employee of the Employer if: (a) such individual is covered by a money purchase pension plan sponsored by the leasing organization providing: (1) a nonintegrated employer contribution rate of at least 10 percent of compensation, as defined in Section 415(c)(3) of the Code, including amounts contributed pursuant to a salary reduction agreement which are excludable from the individual’s gross income under Section 125, 402(e)(3), 402(h)(1)(B), 403(b) or 132(f)(4) of the Code, (2) immediate participation, and (3) full and immediate vesting, and (b) leased employees do not constitute more than 20 percent of the Employer’s nonhighly compensated work force.

1.14 “Normal Retirement Age” means the age specified in the Adoption Agreement that is used for the Special 457 Catch-up Contribution election under Section 3.2. The Employer is not permitted to have more than one Normal Retirement Age for each Participant under all plans under Section 457(b) of the Code that it (together with any other entity required to be aggregated with the Employer under Sections 414(b), (c), (m) or (o) of the Code) sponsors.

1.15 “Participant” means any individual who has entered into a Participation Agreement to make deferrals under the Plan or has previously made deferrals under the Plan and who has not yet received a distribution of his entire Participant Account under the Plan.

1.16 “Participant Account” means the total of the Participant Deferral Account, the Participant 457 Rollover Account, and the Participant Non-457 Rollover Account for each Participant, the account established for a Beneficiary after a Participant’s death, and any account or accounts established for an alternate payee (as defined in Section 414(p)(8) of the Code).

1.17 “Participant Deferral Account” means that portion of the Participant Account (including any earnings and losses attributable thereon) established and maintained by the Administrator for each Participant with respect to his deferral of Compensation to the Plan, including any amounts transferred in accordance with Section 3.7.

1.18 "Participant 457 Rollover Account" means that portion of the Participant Account (including any earnings and losses attributable thereon) established and maintained by the Administrator for each Participant with respect to Rollover Contributions received from another plan under Section 457(b) of the Code sponsored by an employer defined in Code Section 457(e)(1)(A) in accordance with Section 3.8.

1.19 "Participant Non-457 Rollover Account" means that portion of the Participant Account (including any earnings and losses attributable thereon) established and maintained by the Administrator for each Participant with respect to Rollover Contributions rolled over from all rollover eligible plans other than from another plan under Section 457(b) of the Code sponsored by an employer defined in Code Section 457(e)(1)(A) in accordance with Section 3.8.

1.20 "Participation Agreement" means an agreement, which meets the requirements of Section 2.4, entered into between an Eligible Individual and the Employer pursuant to which an Eligible Individual agrees to commence deferring amounts from Compensation to the Plan and thus to become a Participant.

1.21 "Plan" means the name of the Plan as indicated in the Adoption Agreement.

1.22 "Plan Year" means the Plan's 12-consecutive month accounting year as elected by the Employer in the Adoption Agreement.

1.23 "Provider" means ING Life Insurance and Annuity Company and/or ReliaStar Life Insurance Company or such other provider entity as the Employer may approve.

1.24 "Rollover Contribution" means, if so elected by the Employer in the Adoption Agreement, contributions made by a Participant (or, if applicable, Eligible Individual) pursuant to Section 3.8 of "eligible rollover distributions" in accordance with Section 402(c)(4) of the Code.

1.25 "Severance from Employment" means the date on which the Employee dies, retires or otherwise has a severance from employment with the Employer, as determined by the Administrator.

1.26 "Special Section 457 Catch-up Contributions" means the catch-up contribution for a Participant in the three consecutive years prior to the year in which the Participant reaches Normal Retirement Age, as permitted under Section 457(b)(3) of the Code and pursuant to Section 3.2.

1.27 "Unforeseeable Emergency" means a financial hardship of the Participant or Beneficiary resulting from:

- (a) An illness or accident of:
 - (1) the Participant or the Beneficiary
 - (2) the spouse of the Participant or Beneficiary, or
 - (3) the dependent of the Participant or Beneficiary;
- (b) Loss of the Participant's or Beneficiary's property due to casualty; or
- (c) Similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Participant or Beneficiary.

In addition, if permitted in the Adoption Agreement, an Unforeseeable Emergency means a severe financial hardship of the Participant resulting from an illness or accident of a primary Beneficiary designated by the Participant under the Plan.

A determination of an Unforeseeable Emergency will be based on each Participant's and Beneficiary's specific facts and circumstances.

ARTICLE II PARTICIPATION

2.1 Eligibility

Each Eligible Individual will be a Participant in the Plan when he satisfies the eligibility requirements specified in the Adoption Agreement and has executed a Participation Agreement.

2.2 Determination of Eligibility and Effective Date of Participation

(a) The Administrator will determine whether an Eligible Individual has satisfied the eligibility requirements specified in the Adoption Agreement based upon information furnished by the Employer. Such determination will be conclusive and binding and the criteria for such determination will be applied uniformly to all Participants.

(b) The Participant will provide investment direction for contributions made to an Investment Product on such forms as may be required by the Provider.

2.3 Termination of Eligibility

In the event a Participant will go from a classification of an Eligible Individual to a non-Eligible Individual, such Participant will not be able to defer Compensation to the Plan until he is again reclassified as an Eligible Individual. The Participant Account of such inactive Participant will continue to be allocated any attributable earnings and losses based on the investment direction supplied by the Participant.

2.4 Participation Agreements

(a) In order to participate in the Plan, a Participant must complete a Participation Agreement with the Employer and file such Participation Agreement in a manner and method determined by the Administrator. The Participation Agreement will specify:

- (1) The amount (expressed either as a dollar amount or as a percentage) of the Participant's Compensation which the Participant agrees to defer, subject to the limitations of Article III; and
- (2) The date as of which reduction and deferral of Compensation pursuant to the Participation Agreement will begin.

(b) A Participant may defer Compensation payable in the calendar month during which the Eligible Individual first becomes a Participant if the Participation Agreement providing for such deferral is entered into on or before the first day of the month in which the Compensation is paid or becomes available.

(c) Notwithstanding subsection (b), a new Employee who is also an Eligible Individual may become a Participant and defer Compensation payable in the calendar month during which he first becomes an Employee if a Participation Agreement providing for the deferral is entered into on or before the first day on which he performs services for the Employer.

(d) A Participant may, by amendment of a Participation Agreement or by any manner as the Administrator may prescribe, do any of the following:

- (1) change the specification of the investment for any contributions to a Participant Account under an Investment Product; or
- (2) change prospectively the amount of Compensation to be deferred.

An amendment to the Participation Agreement will be effective as early as administratively practicable, but not earlier than the first day of the following calendar month in which the Compensation is paid or made available.

2.5 Information Provided by the Employee

Each Eligible Individual enrolling in the Plan should provide to the Administrator at the time of initial enrollment, and later if there are any changes, any information necessary or advisable for the Administrator to administer the Plan, including, without limitation, whether he is a participant in any other eligible plan under Section 457(b) of the Code.

2.6 Contributions Made Promptly

All contributions under the Plan shall be transferred to the applicable Investment Product within a period that is not longer than is reasonable for the proper administration of the Participant Accounts. For purposes of this requirement, amounts deferred under the Plan by a Participant

must be transferred to the Investment Product within 15 business days following the month in which these amounts would otherwise have been paid to the Participant.

2.7 Leave of Absence

Unless an election is otherwise revised, if an Employee is absent from work by leave of absence, deferrals under the Plan shall continue to the extent that Compensation continues.

ARTICLE III CONTRIBUTIONS AND LIMITATIONS

3.1 Deferrals

(a) Except as provided in Section 3.2 and 3.3 and subject to any applicable law or under any applicable collective bargaining agreement, the maximum amount which may be deferred by a Participant in any taxable year will not exceed the lesser of (1) the applicable dollar amount provided under Section 457(b)(2) of the Code (adjusted for cost of living under Section 457(e)(15) of the Code) or (2) 100% of the Participant's Includible Compensation.

(b) If elected by the Employer in the Adoption Agreement, a Participant may elect to defer accumulated sick pay, accumulated vacation pay and back pay, provided the Participant enters into a Participation Agreement pursuant to Section 2.4 to defer such pay before the amounts would otherwise be paid or made available. A Participant who is a former Employee may defer accumulated sick pay, vacation pay and back pay, provided that the Participant enters into a Participation Agreement pursuant to Section 2.4 prior to the first day of the calendar month to defer such pay before the amounts would otherwise be paid or made available, provided that such amounts are payable within the later of 2 ½ months after the Participant's Severance from Employment or the end of the calendar year that includes the date of the Participant's Severance from Employment.

3.2 Special 457 Catch-Up Contributions

(a) In any one or more of a Participant's last three calendar years ending before the year in which the Participant attains Normal Retirement Age, as defined in the Adoption Agreement, the Participant may elect to defer an amount not exceeding the lesser of (1) twice the dollar amount permitted as a general deferral under Section 3.1 or (2) the sum of the maximum deferral permitted under Section 3.1 for the current tax year and as much of the applicable deferral limit under Section 457(b)(2) of the Code in prior years before the current tax year that had not previously been used ("underutilized amount"). For purposes of this Section, a prior year will be taken into account only if such year began after December 31, 1978, and the Participant was eligible to participate in the Plan during all or a portion of the prior year. A Participant may only make this election under this subsection once with respect to any plan under Section 457(b) of the Code of the Employer.

(b) In determining a Participant's underutilized amount, the Plan will take into consideration:

- (1) Prior to 2002, if a Participant made deferrals to the Plan and deferrals to any other plan under Section 457(b) of the Code, salary reduction contributions made to plans under Section 401(k) of the Code, plans under Section 403(b) of the Code, simplified employee pension (SARSEP) plans under Section 402(h)(1) of the Code, simple retirement accounts under Section 408(p) of the Code, and amounts deferred under any plan for which a deduction is allowed because of a contribution to an organization described in Section 501(c)(18) of the Code, such deferrals to the other plans will be taken into account in determining a Participant's underutilized amount under Section 457(b)(2) of the Code. In addition, Includible Compensation will be limited to the limitation in effect in the calendar year in which the deferrals were made. If such deferrals cumulatively exceed the then-applicable dollar amount in Section 457(b)(2) of the Code in the year that such amounts were deferred, then there will be no underutilized amount for that year.
- (2) To the extent that the Employer did not maintain a plan under Section 457(b) of the Code, no underutilized limitation is available to a Participant for that prior year.
- (3) After 2001, only deferrals to plans under Section 457(b) of the Code will be taken into account for purposes of determining the underutilized amount.
- (4) Age 50 Plus Catch-Up Contributions will not be taken into account for purposes of determining a Participant's underutilized amount.

3.3 Age 50 Plus Catch-Up Contributions

If elected by the Employer in the Adoption Agreement, a Participant who has attained age 50 before the close of the calendar year may elect Age 50 Plus Catch-up Contributions and commence making such contributions to his Participant Deferral Account. Such contributions are not subject to the limitations of Section 457(b) of the Code. The maximum dollar amount of the Age 50 Plus Catch-up Contributions for a calendar year adjusted for cost of living under Section 414(v)(2)(C) of the Code.

3.4 Maximum Amount of Catch-Up Contributions

Any catch-up contributions made by a Participant pursuant to Section 3.2 or Section 3.3 may not exceed the greater of (1) the amount that the Participant is eligible to defer under Section 3.2 or (2) the amount that the Participant is eligible to defer under Section 3.3.

3.5 Participant Covered by More than one 457(b) Plan

If a Participant is or has been a participant in one or more other plans under Section 457(b) of the Code in the same calendar year, then the Plan and all such other plans will be considered as one plan for purposes of applying the limitations of this Article III. For this purpose, the Administrator will take into account any other such plan of the Employer under Section 457(b) of the Code and, to the extent the Participant provides the Administrator with sufficient information concerning his participation, any such other plans under Section 457(b) of the Code in which the individual participated in the same calendar year.

3.6 Excess Deferrals

(a) In the event that the limit on deferral contributions is exceeded pursuant to this Article III, the Administrator will direct the Provider as to the proper correction method permissible under applicable law, including calculation of any earnings or losses and the proper tax reporting with respect to such distributions as soon as administratively practicable after the Administrator determines that the amount is an excess deferral.

(b) A Participant who participates in the Plan and another 457(b) plan of another employer will be responsible for complying with the deferral limits of this Article III. In the event of an excess amount, the Participant will notify the Administrator so that the excess may be distributed as soon as practicable after the Administrator determines that the amount is an excess deferral.

3.7 Transfers from Other Plans under Section 457(b) of the Code

(a) If elected by the Employer in the Adoption Agreement, the Plan will accept transfers of amounts previously deferred under another plan under Section 457(b) of the Code maintained by another employer as defined in Section 457(e)(1)(A) of the Code.

(b) A transfer under subsection (a) will only be permitted if:

- (1) the transferring plan provides for the transfer of such amounts, and
- (2) the Participant has a benefit equal to the amount immediately after the transfer to least equal to the amount under the Plan immediately before the transfer.

(c) The Administrator may require such documentation from the transferring plan as it deems necessary to effectuate the transfer in accordance with Section 1.457-10(b) of the Income Tax Regulations and to confirm that the transferring plan is an eligible government plan as defined in Section 1.457-2(f) of the Income Tax Regulations. The amount so transferred will be credited to the Participant Deferral Account and will be held, accounted for, administered and otherwise treated in the same manner as amounts deferred under Section 3.1, except that the

transferred amounts will not be taken into consideration for purposes of Section 457(b)(2) of the Code for the year of transfer.

3.8 Rollovers to the Plan

(a) If elected by the Employer in the Adoption Agreement and with the consent of the Administrator, amounts that are considered eligible rollover distributions as defined in Section 402(c)(4) of the Code may be rolled over by an Eligible Individual, whether or not a Participant at the time, from an eligible retirement plan, as defined in subsection (b) below. A Participant who is a surviving spousal Beneficiary or an alternate payee (who is a spouse or former spouse) of another eligible retirement plan may roll over eligible rollover distributions from such eligible retirement plan as further defined in subsection (b). The amounts rolled over from an eligible retirement plan other than a plan under Section 457(b) of the Code maintained by an employer as defined in Section 457(e)(1)(A) of the Code will be allocated to the Participant Non-457 Rollover Account. The amounts rolled over from another plan under Section 457(b) of the Code maintained by such employer as defined in Section 457(e)(1)(A) of the Code will be allocated to the Participant 457 Rollover Account. Amounts in the Participant Non-457 Rollover Account will be accounted for separately from amounts in the Participant 457 Rollover Account.

(b) For purposes of this Section, the term "eligible retirement plan" means any other plan under Section 457(b) of the Code maintained by an employer as defined in Section 457(e)(1)(A) of the Code, a plan under Section 403(b) of the Code, a plan under Section 401(a) of the Code, an individual retirement account as described in Section 408(a) of the Code, and an individual retirement annuity as described in Section 408(b) of the Code. For purposes of this Section, the term "amounts rolled over from an eligible retirement plan" means:

- (1) amounts rolled to the Plan directly from another eligible retirement plan on behalf of an Eligible Individual (or Participant, surviving spouse or alternate payee, as applicable); and
- (2) eligible rollover distributions as defined in Section 402(c)(4) of the Code received by an Eligible Individual (or Participant, surviving spouse or alternate payee, as applicable) from another eligible retirement plan that are rolled over by him to the Plan within sixty (60) days, following his receipt thereof.

3.9 Investments

Amounts deferred under the Plan will be invested in any Investment Product. Participants will direct the investment of their Participant Accounts among the investment options available under the Investment Product. Contributions will be allocated to a Participant Account in accordance with this Article III and earnings and losses attributable to such contributions will be allocated to such Participant Account. If any provision of an Investment Product agreement is not consistent with the Plan provisions, the terms of the Plan will control.

3.10 Protection of Persons Who Serve In a Uniformed Service

(a) An Employee whose employment is interrupted by qualified military service under Section 414(u) of the Code or who is on a leave of absence for qualified military service under Section 414(u) of the Code may elect to make additional deferrals upon resumption of employment with the Employer equal to the maximum deferrals that the Employee could have elected during that period if the Employee's employment with the Employer had continued (at the same level of Compensation) without the interruption or leave, reduced by the deferrals, if any, actually made for the Employee during the period of the interruption or leave. Except to the extent provided under Section 414(u) of the Code, this right applies for five years following the resumption of employment (or, if sooner, for a period equal to three times the period of the interruption or leave).

(b) In the case of a Participant who dies while performing qualified military service (as defined in Section 414(u) of the Code), the Beneficiaries are entitled to any additional benefits (other than deferrals relating to the period of qualified military service) provided under the Plan had the Participant resumed employment and then had a Severance from Employment on account of death.

ARTICLE IV BENEFIT DISTRIBUTIONS

4.1 Distributions Under the Plan

(a) A Participant Deferral Account may not be paid to a Participant (or, if applicable, the Beneficiary) until one of the following events has occurred:

- (1) upon the Participant's Severance from Employment;
- (2) an Unforeseeable Emergency, within the meaning of and subject to Section 4.5, if permitted under the Adoption Agreement; or
- (3) the election of a small balance distribution within the meaning of and subject to Section 4.6, if permitted under the Adoption Agreement.

(b) A Participant may choose to receive a distribution from his 457(b) Rollover Account and Participant Non-457(b) Rollover Account at the time elected by the Employer in the Adoption Agreement.

(c) An Independent Contractor will be considered to have a Severance from Employment upon the expiration of all of the contracts under which services are performed for the Employer, if the expiration constitutes a good faith and complete termination of the contractual relationship. An expiration of such contractual relationship will not be considered to be a good faith and complete termination if the Employer anticipates a renewal of such contractual relationship or the Independent Contractor becomes an Employee.

4.2 Determination of Benefits Payable to a Participant

(a) Upon attainment of a distributable event described in Section 4.1, but in no event later than the requirement to commence minimum distribution payments in accordance with Section 401(a)(9) of the Code and the Income Tax Regulations thereunder, a Participant may elect a benefit distribution option to which benefits will be paid.

(b) Upon a Participant's application for benefits, the Administrator will direct the distribution of a Participant Account in accordance with this Section 4.2.

(c) A Participant may choose a benefit distribution option as selected by the Employer in the Adoption Agreement. In the event a Participant fails to make an election as to a benefit distribution option, any benefit payable to such Participant will be distributed as elected by the Employer in the Adoption Agreement. The terms of any annuity contract purchased and distributed by the Plan to a Participant will comply with the requirements of the Plan.

4.3 Determination of Benefits Upon Death

(a) Upon the death of a Participant, the Administrator will direct that the deceased Participant's Participant Account, be distributed to the Beneficiary in accordance with the provisions of this Section 4.3.

(b) The designation of a Beneficiary will be made on a form satisfactory to the Administrator. A Participant or Beneficiary may at any time revoke his designation of a Beneficiary or change his Beneficiary by filing written notice of such revocation or change with the Administrator. In the event no valid designation of Beneficiary exists at the time of the Participant's or Beneficiary's death, the death benefit will be payable to the Participant's or Beneficiary's estate.

(c) The Administrator may require such proper proof of death and such evidence of the right of any person to receive payment of the value of the Participant Account of a deceased Participant or Beneficiary, as the Administrator may deem appropriate. The Administrator's determination of death and of the right of any person to receive payment will be conclusive.

(d) Death benefits payable to a Beneficiary will be made in a form as selected by the Beneficiary in accordance with the available options as elected by the Employer in the Adoption Agreement. In the event a Beneficiary fails to make an election as to a benefit distribution option, any benefit payable to such Beneficiary will be distributed in accordance with Section 401(a)(9) of the Code. The terms of any annuity contract purchased and distributed by the Plan to a Beneficiary will comply with the requirements of the Plan.

4.4 Minimum Distributions.

All distributions under the Plan shall comply with the minimum distribution requirements of Section 401(a)(9) of the Code and the Income Tax Regulations.

4.5 Unforeseeable Emergency Withdrawals

(a) If elected by the Employer in the Adoption Agreement, a Participant or Beneficiary may request an Unforeseeable Emergency withdrawal subject to the following requirements:

- (1) The request for an Unforeseeable Emergency withdrawal will be determined by the Administrator based on the Participant's or Beneficiary's relevant facts and circumstances.
- (2) The request for an Unforeseeable Emergency may be made only to the extent that such emergency is or may not be relieved through:
 - reimbursement or compensation from insurance or otherwise;
 - liquidation of the Participant's or Beneficiary's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship; or
 - cessation of the Participant's deferrals under the Plan.
- (3) Distributions due to an Unforeseeable Emergency must be limited to the amount reasonably necessary to satisfy the emergency need (which may include any amounts necessary to pay federal, state, or local income taxes or penalties reasonably anticipated to result from the distribution).

(b) A Participant or Beneficiary may request an Unforeseeable Emergency withdrawal by submitting that request in writing on the Plan's approved form to the Administrator, who will review and approve the request. If the request is denied, a request for review of the determination may be made in writing to such entity as the Administrator may designate, provided that such entity has accepted the designation. If the review of the determination fails to confirm a claim of Unforeseeable Emergency, an appeal may be made to the appellate committee established by the Administrator in writing. If at any time a request of an Unforeseeable Emergency withdrawal is approved, the Employer may thereupon direct the Provider to distribute so much of the Participant Account as is necessary to provide the amount approved to meet the Unforeseeable Emergency, as determined by the Administrator.

4.6 Small Balance Distribution

If elected by the Employer in the Adoption Agreement and upon proper written request, a Participant may elect to receive a small balance distribution, payable in a lump sum, if the Participant Deferral Account value is \$5,000 or less, and the Participant has not deferred into the Plan for a period of two years prior to distribution. A Participant may take a small balance distribution under this Section only once while a Participant under the Plan.

4.7 Rollovers From The Plan

(a) Notwithstanding any provision of the Plan to the contrary, a Participant will be permitted to elect to have any eligible rollover distribution (as defined in Section 402(c)(4) of the Code) paid directly to an eligible retirement plan (as defined in Section 3.8(b)) or to a Roth IRA established under Code Section 408A specified by the Participant. The Participant will, in the time and manner prescribed by the Administrator, specify the amount to be rolled over and the eligible retirement plan to receive such rollover. Any portion of a distribution which is not rolled over will be distributed directly to the Participant.

(b) The election described in subsection (a) also applies to the surviving spouse who is the designated Beneficiary of the Participant or a spouse or former spouse who is the alternate payee, provided that such spouse, former spouse or alternate payee directs the transfer of an eligible rollover distribution, as defined in Section 402(c)(4) of the Code into an eligible retirement plan, as defined in Section 3.8(b), in which such spouse, former spouse or alternate payee is a participant.

(c) A non-spousal Beneficiary may elect to roll over death benefits amounts in accordance with Section 402(c)(11) of the Code provided that:

- (1) such amounts are rolled over to an inherited IRA via a direct trustee-to-trustee transfer;
- (2) such election is made by December 31 of the year following the year of the Participant's death; and
- (3) the rolled over amounts are eligible rollover distributions as defined in Section 402(c)(4) of the Code.

4.8 Permissive Service Credit Transfers

(a) If a Participant is also a participant in a tax qualified defined benefit governmental plan (as defined in Section 414(d) of the Code) that provides for the acceptance of plan-to-plan transfers with respect to the Participant, then the Participant may elect to have any portion of his or her Participant Account transferred to the defined benefit governmental plan in accordance with Section 457(e)(17) of the Code. A transfer under this Section may be made before the Participant has had a Severance from Employment.

(b) A transfer may be made under subsection (a) only if the transfer is either for the purchase of permissive service credit (as defined in Section 415(n)(3)(A) of the Code) under the receiving defined benefit governmental plan or a repayment to which Section 415 of the Code does not apply by reason of Section 415(k)(3) of the Code.

4.9 Transfers to Other Plans under Section 457(b) of the Code Upon Severance From Employment

(a) Upon a Participant's Severance from Employment, a Participant may elect to have all or a portion of the Participant Account transferred to the plan under Section 457(b) of the Code of an employer defined in Section 457(e)(1)(A) of the Code. Such amounts will be transferred at the Participant's election, provided:

- (1) The plan under Section 457(b) of the Code to which the Participant's benefit is being transferred provides for the acceptance of such amounts;
- (2) The Participant or Beneficiary has a benefit equal to the amount immediately after the transfer to least equal to the amount under the Plan immediately before the transfer; and
- (3) In the case of a transfer made on behalf of a Participant, such individual has had a Severance from Employment with the Employer and is performing services for the employer maintaining the receiving plan.

(b) Upon the transfer of amounts under subsection (a), the Plan's liability to pay benefits to the Participant or Beneficiary under the Plan will be discharged to the extent of the amount so transferred on behalf of the Participant or Beneficiary. The Administrator may require such documentation from the receiving plan as it deems appropriate or necessary to comply with this Section or effectuate the transfer pursuant to Section 1.457-10(b) of the Income Tax Regulations.

4.10 Loans to Participants

(a) This Section will apply only if elected by the Employer in the Adoption Agreement. For purposes of this Section, all plans of the Employer will be considered one plan in accordance with Section 72(p) of the Code and regulations thereunder, and the balance of all loans under any plan of the Employer under which the Participant participates must be aggregated in determining the maximum loan available under subsection (c).

(b) The Provider may, in accordance with the Administrator's direction, make loans to Participants under the following circumstances: (1) loans will be made available to all Participants on a reasonably equivalent basis; (2) loans will bear a reasonable rate of interest; (3) loans will be adequately secured; and (4) will provide for periodic repayment over a reasonable period of time. Such loans may also be subject to the requirements of the Investment Product.

- (c) No loan made pursuant to this Section shall exceed the lesser of:
- (1) \$50,000 reduced by the excess (if any) of the highest outstanding balance of loans from the Plan to the Participant during the one-year period ending on the day before the date on which such loan is made, over the outstanding balance of loans from the Plan to the Participant on the date on which such loan was made, or
 - (2) one-half (1/2) of the Participant Account.

For purposes of this Section, any loan from any other plan maintained by the Employer shall be treated as if it were a loan made from the Plan, and the Participant's vested interest under any such other plan shall be considered a vested interest under this Plan; provided, however, that the provisions of this paragraph shall not be applied so as to allow the amount of a loan to exceed the amount that would otherwise be permitted in the absence of this paragraph.

(d) Loans will provide for level amortization with payments to be made not less frequently than quarterly over a period not to exceed five (5) years. However, loans used to acquire any dwelling unit which, within a reasonable time, is to be used (determined at the time the loan is made) as a principal residence of the Participant will, provide for periodic repayment over a reasonable period to be determined by the Administrator of time that may exceed five (5) years. Notwithstanding the foregoing, in the event a Participant enters the uniformed services of the United States and retains reemployment rights under law, repayments will be suspended and interest will cease to accrue during the period of leave and the period of repayment will be extended by the number of months of leave in the uniformed services. In the event a Participant is on an Employer approved, bona fide leave of absence without pay, loan payments may be suspended (but interest will continue to accrue) for the period of leave but not to exceed one year; however, the loan must be repaid by the original loan repayment date.

(e) An assignment or pledge of any portion of a Participant's interest in the Plan will be treated as a loan under this Section.

(f) Any security interest held by the Plan by reason of an outstanding loan to the Participant will be taken into account in determining the amount of the death benefit or single lump-sum payment.

4.11 Distributions from Governmental Plans for Health and Long Term Care.

If elected by the Employer in the Adoption Agreement and pursuant to Section 457(a)(3) of the Code, annual distributions of up to \$3,000 from the Plan are excludable for income tax purposes if the following conditions are satisfied: (1) the distribution is used to pay for qualified health insurance premiums (accident, health insurance or long term care) for an eligible public safety officer, or spouse or dependent of the public safety officer, (2) the public safety officer is separated from service due to disability or attainment of the age which the Participant has the right to retire and receive unreduced retirement benefits from the Employer's basic pension plan,

and (3) the distributions are paid directly to the insurer or to the administrator of a self-insured plan.

ARTICLE V ADMINISTRATION

5.1 Powers and Responsibilities of the Employer

(a) The Employer will have full power to interpret and construe the Plan in a manner consistent with its terms and the provisions of Section 457 of the Code, including the applicable Income Tax Regulations and to establish practices and procedures conforming to those provisions. In all such cases, the Employer's determination will be final and conclusive upon all persons. It is recognized that unusual circumstances may occur and questions may arise that are not specifically covered by any provision of the Plan, and the Employer will have the right to resolve all such questions. Notwithstanding the above, the Employer's power and responsibility under the Plan will not extend to, nor have any control over, those responsibilities and duties of the Provider.

(b) The Employer will be empowered to appoint and remove the Administrator from time to time as it deems necessary for the proper administration of the Plan to assure that the Plan is being operated for the exclusive benefit of the Participants and their Beneficiaries in accordance with the terms of the Plan and the Code.

(c) The Employer will periodically review the performance of any person to whom duties have been delegated or allocated by it under the provisions of this Plan or pursuant to procedures established hereunder. This requirement may be satisfied by formal periodic review by the Employer or by a qualified person specifically designated by the Employer, through day-to-day conduct and evaluation, or through other appropriate ways.

5.2 Designation of Administrative Authority

The Employer may appoint a committee ("Committee") of one or more persons to serve as the Administrator and to discharge the Administrator's responsibilities under the Plan. The Employer may remove a Committee member for any reason by giving such member ten (10) days written notice and may thereafter fill any vacancy thus created. If the Employer does not appoint a Committee to administer the Plan, the Employer will be the Administrator.

5.3 Allocation and Delegation of Responsibilities

If more than one person is appointed as Administrator, the responsibilities of each Administrator may be specified by the Employer and accepted in writing by each Administrator. In the event that the Employer makes no such delegation, the Administrators may allocate the responsibilities among themselves, in which event the Administrators will notify the Employer in writing of such action and specify the responsibilities of each Administrator.

5.4 Powers and Duties of the Administrator

The primary responsibility of the Administrator is to administer the Plan for the benefit of the Participants and their Beneficiaries, subject to the specific terms of the Plan. The Administrator will administer the Plan in accordance with its terms and will have the power and discretion to construe the terms of the Plan and determine all questions arising in connection with the administration, interpretation, and application of the Plan. Any such determination by the Administrator will be conclusive and binding upon all persons. The Administrator may establish procedures, correct any defect, supply any information, or reconcile any inconsistency in such manner and to such extent as will be deemed necessary or advisable to carry out the purpose of the Plan; provided, however, that any procedure, discretionary act, interpretation or construction will be done in a nondiscriminatory manner based upon uniform principles consistently applied and will be consistent with the intent that the Plan will continue to be deemed a qualified plan under the terms of Section 457 of the Code, and will comply with the terms of all Income Tax Regulations issued pursuant thereto. The Administrator will have all powers necessary or appropriate to accomplish his duties under this Plan. The Administrator will be charged with the duties of the general administration of the Plan, including, but not limited to, the following:

- (a) the discretion to determine all questions relating to the eligibility of Employees and Independent Contractors to participate or remain a Participant hereunder and to receive benefits under the Plan;
- (b) determine the amounts to be contributed to each Participant Account;
- (c) to authorize and direct the Provider with respect to all disbursements to which a Participant is entitled under the Plan;
- (d) to maintain all necessary records for the administration of the Plan;
- (e) to maintain practices and procedures necessary to administer the Plan as are consistent with the terms hereof;
- (f) to determine the type of any Investment Product to be purchased from the Provider; and

(g) to assist any Participant regarding his rights, benefits, or elections available under the Plan.

5.5 Records and Reports

The Administrator will keep a record of all actions taken and will keep all other books of accounts, records, and other data that may be necessary for proper administration of the Plan and will be responsible for supplying all information and reports to the Internal Revenue Service, Participants, Beneficiaries and others as required by law.

5.6 Appointment of Advisors

The Administrator may appoint/employ such agents, attorneys, actuaries, accountants, auditors, investment counsel, and clerical assistants, and other persons as the Administrator deems necessary or desirable in connection with the administration of this Plan.

5.7 Information from the Employer

To enable the Administrator to perform his functions, the Employer will supply the necessary information to the Administrator on a timely basis regarding the Participants under the Plan, including but not limited to Compensation, date of hire, date of death, Severance from Employment, and such other pertinent facts and data as the Administrator may require. The Administrator may rely upon such information as is supplied by the Employer and will have no duty or responsibility to verify such information.

5.8 Payment of Expenses

All expenses of administration will be paid by the Employer. Such expenses will include any expenses incident to the functioning of the Administrator, including, but not limited to, fees of accountants, counsel, and other specialists and their agents, and other costs of administering the Plan.

ARTICLE VI AMENDMENT AND TERMINATION

6.1 Amendment

(a) The Employer will have the right at any time to amend this Plan subject to the limitations of this Section. Any such amendment will become effective as provided therein upon its execution.

(b) No amendment to the Plan will be effective if it authorizes or permits any part of the Investment Product (other than such part as is required to pay taxes and administration expenses) to be used for or diverted to any purpose other than for the exclusive benefit of Participants or Beneficiaries; or causes any reduction in the amount credited to the account of any Participant or Beneficiary; or causes or permits any portion of the Investment Product to revert to or become property of the Employer.

6.2 Termination

(a) The Employer will have the right at any time to terminate the Plan by resolution of its governing board. In addition, the Employer must deliver written notice of discontinuance of the Investment Product to the Provider.

(b) Upon the full termination of the Plan, the Employer will direct the distribution of the assets to Participants and Beneficiaries in a manner which is consistent with and satisfies the provisions of Article IV as soon as administratively practicable after termination of the Plan.

6.3 Transfer of Entire Plan Assets to Another Eligible Plan Within the Same State

Subject to this Section, the Employer may direct the transfer of all assets of the Plan to another plan under Section 457(b) of the Code Section 457(e)(1)(A) of the Code and that is located in the same state, provided that the requirements of Section 457(b) of the Code and Section 1.457(b)-10(b)(3) of the Income Tax Regulations are satisfied.

ARTICLE VII MISCELLANEOUS

7.1 Assets For Exclusive Benefit Of Participants And Beneficiaries

All amounts in the Participant Accounts under this Plan, all property and rights which may be purchased with such amounts and all income attributable to such amounts, property or rights will be held in trust (or a custodial account or annuity contract described in Section 401(f) of the Code) for the exclusive benefit of Participants and their Beneficiaries. All such amounts will not be subject to the claims of the Employer's general creditors.

7.2 Participant Rights

This Plan will not be deemed to constitute a contract between the Employer and any Participant or to be a consideration or an inducement for the employment of any Participant, Employee, or Independent Contractor. Nothing contained in this Plan will be deemed to give any Participant, Employee, or Independent Contractor the right to be retained in the service of the Employer or to interfere with the right of the Employer to discharge any Participant, Employee or Independent Contractor at any time regardless of the effect which such discharge will have upon him as a Participant in this Plan.

7.3 Alienation

Subject to applicable state law (and Section 401(g) of the Code if the Investment Product consists of an annuity contract) and except as provided in Section 7.4, no benefit which will be payable to any person (including a Participant or his Beneficiary) will be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge, and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, or charge the same will be void; and no such benefit will in any manner be liable for, or subject to, the debts, contracts, liabilities, engagements, or torts of any such person, nor will be subject to attachment or legal process for or against such person, and the same will not be recognized except to such extent as may be required by law.

7.4 Recognition of Approved Domestic Relations Orders

Notwithstanding Section 7.3, if a judgment, decree or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or the marital property rights of a spouse or former spouse, child, or other dependent of a Participant is made pursuant to the domestic relations law of any State ("domestic relations order") and Section 414(p) of the Code, then the amount of the Participant Account shall be paid in the manner and to the person or persons so directed in the domestic relations order. Such payment shall be made without regard to whether the Participant is eligible for a distribution of benefits under the Plan. The Administrator shall establish reasonable procedures for determining the status of any such decree or order and for effectuating distribution pursuant to the domestic relations order.

7.5 IRS Levy

Notwithstanding Section 7.3, if a Participant or Beneficiary is entitled to a distribution in accordance with Section 5, the Administrator may pay from a Participant's or Beneficiary's Account the amount that the Administrator finds is lawfully demanded under a levy issued by the Internal Revenue Service with respect to that Participant or Beneficiary or is sought to be collected by the United States Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary.

7.6 Distribution for Minor Beneficiary or Incompetent

If a Participant or Beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits will be paid to such person as the Administrator may designate for the benefit of such Participant or Beneficiary. Such payments shall be considered a payment to such Participant or Beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Plan.

7.7 Mistaken Contributions

If any contribution (or any portion of a contribution) is made to the Plan by a good faith mistake of fact, then within one year after the payment of the contribution, and upon receipt in good order of a proper request approved by the Administrator, the amount of the mistaken contribution (adjusted for any income or loss in value, if any, allocable thereto) shall be returned directly to the Participant or, to the extent required or permitted by the Administrator, to the Employer.

7.8 Procedure When Distributee Cannot Be Located

The Administrator shall make all reasonable attempts to determine the identity and address of a Participant or Beneficiary entitled to benefits under the Plan. For this purpose, a reasonable attempt means (a) the mailing by certified mail of a notice to the last known address shown on the Employer's or the Administrator's records, (b) notification sent to the Social Security Administration or the Pension Benefit Guaranty Corporation (under their program to identify payees under retirement plans), and (c) the payee has not responded within 6 months. If the Administrator is unable to locate such a person entitled to benefits hereunder, or if there has been no claim made for such benefits, the funding vehicle shall continue to hold the benefits due such person.

7.9 Governing Law

The Plan will be construed, administered and enforced according to the Code and the laws of the state in which the Employer has its principal place of business.

7.10 Headings

Headings of the Plan have been inserted for convenience of reference only and are to be ignored in any construction of the provisions hereof.

7.11 Gender

Pronouns used in the Plan in the masculine or feminine gender include both genders unless the context clearly indicates otherwise.



Experience, Commitment, Support

With ING as your plan provider, you have a global leader focused on your governmental deferred compensation plan. We are committed to providing high quality programs with proactive advancements in service, technology, product design and customer satisfaction.

Experience You Can Trust

- \$300 billion in retirement plan assets under management covering 60,000 plans and 9.8 million participants.
(2008 PLANSPONSOR DC Recordkeepers Survey, based on year-end 2007 data)
- The provider for 23 states and more than 4,300 cities, counties, and municipalities, totaling more than \$17 billion in assets and 660,000 participants
(Internal data as of September 2007)

Local Support

- The ING Government team has worked, on average, nearly 16½ years in the financial services industry – supporting governmental deferred compensation plans for 10% of those years
(Internal data as of June 2008)
- Face-to-face support for employees
- On-site individual meetings, group education, and investment and retirement planning seminars

Comprehensive Education and Communication

- Designed so participants can access our support when, where and how they want
- Multi-faceted approach using a variety of tools and methods
- Targeted delivery to effectively communicate with different audiences

Technological Innovations

- Web site designed specifically for plan sponsors
- Interactive and informative participant web sites providing access to information and transaction capabilities
- Interactive tools and calculators, web-based seminars and flash presentations

Comprehensive Participant Services

- National toll-free Customer Service Center. Customer Services Associates available Monday-Friday from 8:00 a.m. to 10:00 p.m. and Saturday from 8:00 a.m. to 4:00 p.m. Eastern Time; self-service phone and internet services available 24/7
- Bilingual customer service capabilities
- Quarterly account statements mailed directly to participants' homes

Proactive Sponsor Services

- Annual plan reviews and a variety of ad hoc reports
- Record keeping support to assist with plan administration functions
- Legislative updates and sponsor training and workshops
(Type of plan determines which services are available)

FOR PLAN SPONSOR USE ONLY.

ING 

Your future. Made easier.SM

PRODUCT FAMILY PRODUCT NAME

Investment Flexibility

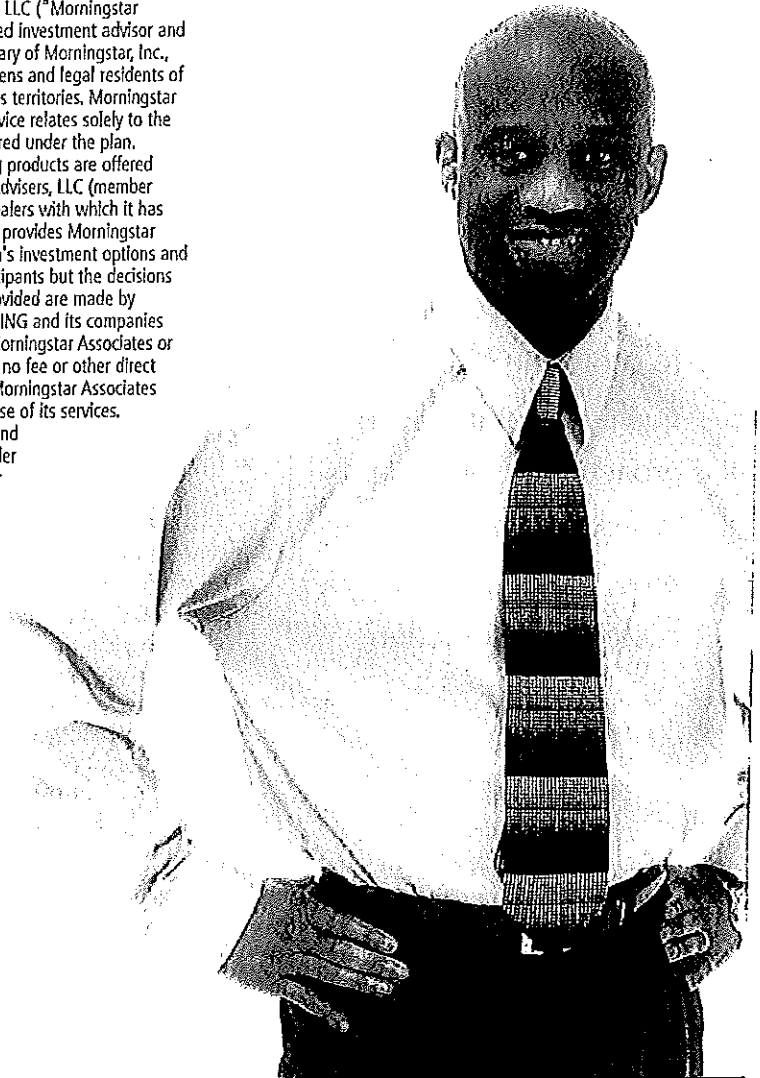
- A full spectrum of choice includes variable investment options from over 40 fund managers, stable value/fixed options, target date/lifecycle, and risk-based lifestyle funds
- Assistance in selection and monitoring of investments with ING Fund Evaluation ScorecardSM
- Self-Directed Brokerage Account supplements core investment options¹
- Online investment advice services offered through Morningstar[®] Retirement Manager^{SM2}

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10 reasons you
should plan for your
retirement now

Looking for a Good Reason to Start Planning for Retirement? We'll give you 10!

1 YOUR RESPONSIBILITY FOR SAVING MONEY IS INCREASING

The burden for building retirement savings is no longer as "shared" as we may think. Employee pensions, Social Security, and other benefits are shrinking, while the costs of healthcare, long-term care, and basic goods and services are rising. 39% of Americans have no confidence at all that Social Security will continue to provide benefits of at least equal value to benefits received by retirees today. (Employee Benefit Research Institute (EBRI) and Mathew Greenwald & Associates, Inc. 1992-2009 Retirement Confidence Surveys)

Most financial planners recommend you'll want 70-90% of what you earned during your peak earning years for your retirement income. (U.S. Department of Labor, 2009)

To help ensure your retirement income doesn't fall short, you need a sound retirement savings plan. **Start today.**

2 SOCIAL SECURITY IS ONLY ONE LEG OF THE STOOL

The current Social Security monthly benefit check averages about \$1,155 for retirees and \$1,114 for survivors of workers. (Social Security Brief no. 30, "Social Security Finances: Findings of the 2009 Trustees Report," National Academy of Social Insurance, May 2009). **Could you live comfortably on that?**

Some experts say it's not wise for those under 50 to include Social Security in their calculations because it may not fully materialize.

3 MANY OF US HAVEN'T CALCULATED OUR RETIREMENT NEEDS

Not only have the majority of Americans never even attempted to calculate their retirement needs, most who actually have, either can't remember or have underestimated the amount they'll need to save.

Calculating correctly and setting sound objectives is an essential part of a successful retirement savings plan. **Make sure you do it - make sure you get it right.**

Only 44% of Americans report that they or their spouse have tried to calculate how much money they will need to have saved by the time they retire so that they can live comfortably in retirement. (2009 EBRI Retirement Confidence Survey, Employee Benefits Research Institute)



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10 REASONS YOU SHOULD PLAN FOR YOUR RETIREMENT NOW

4 YOU'LL NEED MORE THAN YOU THINK

How much more? Social Security benefits might be adjusted for inflation, but private pensions are generally fixed. Will putting away a little extra here and there suffice? **The short answer: No.**

Let's assume you're age 45, earn \$50,000 a year, and you haven't begun to save for retirement yet. Here's what your retirement picture would look like:

Present annual income: \$50,000
 Percentage of present income desired in retirement: 80%
 Total contributions needed by age 65: \$417,848
 Contributions needed this year: \$14,928

This is a hypothetical example only and does not represent any specific investment or fees. Actual results may vary. (Choices to Sue's Bailout: Estimate retirement worksheet, www.suebailout.com/retirement). Assume a 3% return on investments after inflation, 3.4% annual wage growth, no pension benefits, Social Security benefits estimated in future dollars, and a life expectancy of 87 years. Periodic investing does not assure a profit or protect against loss.

5 WE'RE SAVING LESS

These days our lives are active and spending is up. Our savings, however, are down. Here are the figures pertaining to personal savings in the United States in the past two decades:

Savings as percentage of disposable personal income

1980	10.0%
1990	7.0%
2000	2.3%
2004	1.8%
2007	0.2%
2008	1.8%

Personal Saving Rate, U.S. Department of Commerce, Bureau of Economic Analysis, June 2009.

6 WORKING AFTER RETIREMENT

It's not a safe bet. Working after retirement can be a rewarding way to supplement income. However, counting on your ability to do so in advance can be dangerous. Here's why:

72% of workers plan to work after they retire yet only 34% of retirees have actually worked for pay at some time during their retirement.¹

47% of retirees leave the workforce earlier than planned because of:

- Health problems or disability (42%)
- Company changes such as downsizing or closure (34%)
- Having to care for a spouse or family member (18%)²

1, 2: 2009 EBRI Retirement Confidence Survey, Employee Benefits Research Institute.

7 THE HEALTHCARE HURDLE

In 2007, Americans age 65 and over spent on average \$4,631 on healthcare. (Bureau of Labor Statistics "Consumer Expenditures in 2007")

Between 1988 and 2008, the number of large employers offering retiree health benefits declined from 66% to 31%. Why? Because as employers look to cut spending and raise their profit margins, they have been shifting the cost of healthcare onto the retirees in the form of higher premium contributions and cost-sharing requirements. (2008 Employer Health Benefits Survey, Kaiser Family Foundation and the Health Research & Education Trust)

8 FACTORING IN LONG-TERM CARE

It's truly difficult to predict whether or not you'll need nursing home or in-home care in the future, but long-term care could be one of the most expensive types of care you'll ever face. Medicare, Medicaid, and private health insurance

10 TIME IS MONEY

Contributing to an income tax-deferred retirement account is one way to put time on your side – allowing you the potential to accumulate money for retirement that is deferred from income taxation until it's withdrawn. All withdrawals reduce the death benefit and may reduce the value of any optional benefits. Early withdrawals and other distributions of taxable amounts may be subject to ordinary income tax, a surrender charge, and if taken prior to age 59½, an IRS 10% premature distribution penalty tax may apply.

Putting off planning for even one more year could significantly affect your retirement income.

	At 65 you accumulate	Loss of interest
Begin at 35	\$ 88,491	N/A
Begin at 36	\$ 82,655	\$4,836
Begin at 40	\$ 63,194	\$20,294

This chart is hypothetical and is for illustrative purposes only and does not represent any specific investment or product. The calculations assume a \$100 monthly contribution and a 5.5% annual interest but do not include any specific product fees or charges. If product fees and charges were included, the results would have been lower. Past performance is no guarantee of future results. Periodic investing does not assure a profit or protect against loss.

do not cover the costs of long-term care; they only help pay for hospital stays and brief periods of post-hospital recovery.

Medicaid may cover nursing home or in-home care, but you have to spend down your assets in order to be eligible. **Don't forget to factor long-term care into your retirement savings plan.**

Consider this: The average cost of a private room in a nursing home in the U.S. is \$77,745 annually, or \$213 a day. (2008 MedLife Market Survey of Nursing Home and Home Care Costs)

According to the Employee Benefit Research Institute (June 2009) men age 65 in 2009 will need anywhere from \$68,000 – \$173,000 in savings to cover health insurance and out-of-pocket expenses in retirement if they want a 50-50 chance of having enough money and women age 65 in 2009 will need \$98,000 – \$242,000 in savings, because of their greater rate of longevity. If you are seeking a 90% chance of having enough money, plan on at least doubling those amounts.

9 RETIREES SPEND AT HIGH LEVELS

Retirees are vital consumers and often spend close to, if not more than, the amount they spent during their working years. Mortgage payments, business suits, and other work-life necessities are often replaced by vacations, recreation, help with the needs of family and grandchildren, and basic goods and services. **Will you have enough? How are you making your money work for you?**

From 2006-2008, 33% of those who changed jobs rolled over their employment-based retirement savings into an IRA and 8% rolled over their employment-based retirement savings into their new employer's plan. The remaining 59% either took their money in a lump-sum payment or left their money in their old employer's plan. (2009 Trends in the United States, LIMRA, 2009)

The ING family of companies offers a number of products and services that can help you meet your retirement savings objectives. For more information, contact your ING representative.

Variable Annuities

ING Advantage Century 403(b), Roth 403(b) and 457

GENERAL INFORMATION

Plans Available

403(b), Roth 403(b) and 457

Minimum Initial Purchase Payment

\$5,000 as a lump sum, \$200 annually for periodic payments.

Maximum Issue Age

75

Withdrawal Charges

See table of withdrawal charge percentages.

Variable Investment Options

A broad menu of over 70 variable investment options from highly respected fund companies.

Enhanced Death Benefit

Asset Reallocation/Dollar Cost Averaging

Number of Fixed Accounts

Guaranteed Minimum Interest Rate

Fixed accounts only. 1.0% to 3.0%, depending upon contract issue date. See your contract for the applicable rate.

Interest Crediting Method (fixed accounts)

New Money, Bucketed

Loan Provision

Loans are available under 403(b) plans only (not Roth 403(b)). Loans will reduce available account balance and reduce the death benefit.

Fixed Account B: The interest rate credited on this account is generally higher than for Fixed Account A due to restrictions on the transfer of funds from Fixed Account B. Transfers may only be made within a 30-day period before and after an account anniversary, and only one transfer may be made in that period. The transfer amount cannot exceed the greater of 25% of the amount in Fixed Account B or \$1,000. Transfer amounts may not be less than \$250. Other transfer restrictions may apply. See the contract for more information.

Fixed Account C: Used for dollar cost averaging into variable investment options, this investment option is limited to purchase payments. Transfers to Fixed Account C from any variable investment option or from Fixed Account A or Fixed Account B are prohibited. Minimum premium payment is \$5,000. Reallocations must start within 30 days of premium payment and be completed over a 12-month period.

Getting Started

You may start an ING Advantage Century variable annuity by making periodic payments totaling as little as \$200 annually. Or you can start off with a single payment of \$5,000 or more. This variable annuity is issued through age 75. Contributions to a 403(b) or 457 plan are made on a pre-tax basis. Contributions to a Roth 403(b) are made on an after-tax basis.

Control and Diversification

With 70 variable investment options from several well-known investment management firms, the ING Advantage Century variable annuity gives you the flexibility you need to help plan for the retirement you want.

Variable Investment Options and Fixed Accounts

Variable investment options:

Funds from the variable investment options may be reallocated to other variable investment options or to Fixed Account A or Fixed Account B at any time, but cannot be reallocated to Fixed Account C. All transfers are subject to ING's policy on market timing and excessive trading.

Fixed Account A: The interest crediting strategy on this account is similar to a money market account. Transfers from Fixed Account A may be reallocated to Fixed Account B or to any of the variable investment options at any time, except for funds used as security for a loan. Because this account allows unlimited transfers, it will offer a lower interest crediting rate.

Enhanced Death Benefit

If you die before annuity payments begin and before reaching age 80, your beneficiary receives the greater of the following amounts, less any outstanding loan balance:

- The contract value at the time of death; or
- Contributions reduced by withdrawals or loans; or
- The contract value on the contract's most recent six-year anniversary (i.e., 6-year, 12-year, 18-year anniversary, and so on) plus contributions reduced by withdrawals or loans made since that anniversary.



Additional 403(b) Waiver:

For 403(b) contracts only, the early withdrawal charge is waived if the surrender occurs when the contract is at least 5 years old and the annuitant owner is separated from service after attainment of age 55.

Roth 403(b)

If offered by your employer, a Roth 403(b) allows you to make after-tax contributions to the Roth 403(b) under your employer's 403(b) program. Distributions from the Roth 403(b) will be tax free for federal income tax purposes if they are Qualified Distributions. To be a Qualified Distribution, the following criteria must be met:

- 1) The funds must be held for a 5-year holding period, measured from the earlier of (A) the first year that contributions were made on your behalf to any Roth 403(b) account in your employer's plan, or (B) if a direct rollover contribution is made from another Roth 403(b) to the Roth 403(b) of your employer's plan, the first year contributions were made in the account from which the direct rollover originated, if earlier, and
- 2) the distribution must be due to attainment of age 59½, death or disability.

Distributed earnings from the Roth 403(b) before the Qualified Distribution provisions are satisfied are subject to taxation.

Automatic Asset Reallocation

If the total contract value is at least \$10,000, the contract value can be reallocated automatically every calendar quarter. This program automatically adjusts your contract value quarterly to reflect your predetermined mix of investment options. This investment method does not guarantee profits or assure that a contract owner will avoid losses. Contract value in Fixed Account C is not eligible for automatic reallocation.

Dollar Cost Averaging

Dollar cost averaging is a system for investing a fixed amount of money at regular intervals over a period of time in an effort to reduce market timing risk. Dollar cost averaging does not ensure a profit or guarantee against loss. Investors should consider their financial ability to continue their purchases through periods of low price levels.

ING Advantage Century allows policyholders to designate a fixed dollar amount or percentage from Fixed Account A or Fixed Account C contract value to be automatically transferred to one or more of the variable investment options. Reallocations from Fixed Account C to Fixed Account A or Fixed Account B are not allowed. Reallocations for dollar cost averaging may be made on a monthly, quarterly, semiannual, or annual basis. However, reallocations from Fixed Account C will occur only on a monthly basis.

Important Notes

You should consider the investment objectives, risks and charges, and expenses of the variable annuity and its underlying investment options carefully before investing. The prospectuses for the variable annuity and underlying investment options contain this and other information. You may obtain free prospectuses by calling your financial professional or 800-366-0066. Please read the prospectuses carefully before investing.

Variable insurance products are subject to investment risk, are not guaranteed and will fluctuate in value. In addition, there is no guarantee that any variable investment option will meet its stated objective. Variable annuities are long-term investments designed for retirement purposes. They offer the opportunity to allocate premiums among fixed and variable annuity investment options that have the potential to grow income tax-deferred, until an income stream begins. Account values fluctuate with market conditions, and when surrendered the principal may be worth more or less than its original amount invested. IRAs and other qualified plans already provide tax deferral like that provided by the annuity. For an additional cost, the annuity provides additional features and benefits, including death benefits and the ability to receive a lifetime income. If other options are available, you should not purchase a qualified annuity unless you want these additional features and benefits, taking into account their cost.

All guarantees are based on the financial strength and claims-paying ability of ReliaStar Life Insurance Company, who is solely responsible for the obligations under its policies.

These materials are not intended to be used to avoid tax penalties, and were prepared to support the promotion or marketing of the matter addressed in this document. The taxpayer should seek advice from an independent tax advisor.

Refers to Policy Form Nos. 13076 7-99, 13077 7-99, 13084 7-99, 13086 8-99, issued by ReliaStar Life Insurance Company.

**For more information
please contact your local
ING representative**

www.ing-usa.com
www.ingretirementplans.com

Products that span the financial spectrum. Distribution through customers' channel of choice. Services to help manage financial, benefits, and retirement programs.

The ING family of companies in the United States provides financial solutions for individuals, organizations and companies. Through a network of wholly owned, indirect subsidiaries, we help people prepare for a financial future. Your goals are our business.

Annuities are issued by ReliaStar Life Insurance Company, 20 Washington Avenue South, Minneapolis, MN 55401. Variable annuities are distributed by ING Financial Advisers, LLC, (member SIPC), One Orange Way, Windsor, CT 06095. Both companies are members of the ING family of companies.

These companies are wholly owned, indirect subsidiaries of ING Groep N.V. Securities may also be distributed through other broker-dealers with which ING Financial Advisers, LLC has selling agreements. Insurance obligations are the responsibility of each individual company. Products and services may not be available in all states.

Products and services offered through the ING family of companies.

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Flexible Premium Deferred Annuity

ING QuintaFlex Group 457

Issued by ReliaStar Life Insurance Company, a member of the ING family of companies.

GENERAL INFORMATION

Contract Type
Group 457

Minimum Premium
\$50 per payment or \$500 annually (without Home Office approval)

Maximum Single Premium
\$500,000 (without Home Office approval); transfers may be restricted after contract year five

Maximum Issue Age
80

Front End Loads
None

Withdrawal Charges
See below

Annual Fees
None

Loans
Not currently available

Guaranteed Minimum Interest Rate
1.0% to 3.0%, depending upon contract issue date. See the contract for the applicable rate.

Benefits to you are provided by and pursuant to the terms of the 457 Plan. Availability of amounts contributed to the contract are subject to the terms of the Internal Revenue Code (IRC) Section 457 plan document and IRC Section 457. If you participate in a 457 plan sponsored by a state or local government, all amounts held under the contract, and any amounts distributed, are for the exclusive benefit of the plan participants and their beneficiaries. If you participate in a 457 plan sponsored by a tax-exempt entity, the contract owner is entitled to all amounts held under the contract.

Withdrawal Charge Percentages

Percent of each Premium (not Accumulation)

For the purpose of calculating contractual withdrawal charges, withdrawals will be taken first from your earliest premiums, then your later premiums, and finally your interest. Withdrawal charges are assessed based on the age of the premium(s) used to satisfy the withdrawal and are not applicable to interest earned on the premiums. Loans and withdrawals will reduce cash values and death benefits and may have tax implications. The schedule below does not apply in Texas. Please speak to your ING representative for more information.

Elapsed Years Since Receipt of Premium	0 - 5	More than 5
% of Premium Charge	5%	0%

No withdrawal charges after 12th contract year (10th contract year in Utah and Texas). Amounts held under a 457 plan may only be distributed in accordance with the terms of the plan and the Internal Revenue Code.

The contract funds a deferred compensation plan established by your employer as the group contract holder, who owns and controls the contract. ReliaStar Life Insurance Company maintains an individual account for you as the annuitant under the contract and issues a certificate to reflect each annuitant's account under the contract. Withdrawals will be made on a last-in, first-out basis (i.e., the most recent premium payment and associated interest on that premium payment will be the first to be withdrawn from the contract value, followed by the next most recent premium payment and associated interest, and so on).

Waiver of Withdrawal Charges

Penalty-Free Partial Withdrawals
10% of contract value, available every 12 months or remaining premium out of penalty, if greater.

Nursing Home Waiver

Yes, if annuitant is confined to a qualified facility for at least 60 days after certificate issue date.

Availability of this provision may be restricted in certain states.

Benefit Sensitive Feature

Yes, if contract is at least 5 years old and annuitant separates from service after attainment of age 55.

Refund Value Provision

Guarantees full return of premium (less any partial withdrawals and annuitizations) upon full withdrawal of contract.



Your future. Made easier.®

ING QUINTAFLEX

Annuitizations

Minimum Period

Five years

Guaranteed Options

Fixed Period Only, Life Only, 10-year
Certain and Life, Joint, and 100%
Survivor

Partial Annuitizations

Allowed

Other Distribution Options

1) Systematic Withdrawals

2) Required Minimum Distribution (RMD)

Our product offers distribution options that are designed to meet the IRS rules relating to Required Minimum Distributions. Generally, RMDs for 457 plans must begin by April 1st of the year following the later of the year in which you turn 70½ or retire. RMD payouts are recalculated annually based on your life expectancy(ies). Based upon the accuracy of the data provided to ReliaStar Life Insurance Company, the calculation of your RMD amount is guaranteed by the Company to comply with IRS guidelines.

Important Notes

The tax-deferred feature of an annuity should not be a factor in purchasing an annuity in a tax-qualified plan. Tax deferral is provided by the plan and the tax deferral of the annuity does not provide any additional benefit. Individuals should only purchase an annuity in a qualified plan when its other benefits, such as lifetime income payment, family protection through death benefits, and/or guaranteed fees, meet their current needs.

Guarantees are based on the financial strength and claims-paying ability of ReliaStar Life Insurance Company, who is solely responsible for all obligations under its policies.

Annuities have limitations. For additional information and complete details regarding this product, including costs, please contact your ING representative or the Company. These materials are not intended to be used to avoid tax penalties and were prepared to support the promotion or marketing of the matter addressed in this document. The taxpayer should seek advice from an independent tax advisor.

www.ing.com/us/tsa

ING Quintaflex Fixed Annuity issued by ReliaStar Life Insurance Company (Minneapolis, MN), member of the ING family of companies. Contract Series #03806, varies by state, and may not be available in all states. © 2009 ING North America Insurance Corporation. cn51782112010 (1/1/09)



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ING ADVANTAGE CENTURY 403(b), ROTH 403(b), AND 457

Should you die after reaching age 80, and before annuity payments have begun, the beneficiary will receive the greater of the contract value at the time of death, or contributions minus withdrawals, and any outstanding loan balance.

Optional One-Year Step-Up Death Benefit

For an additional 0.15% mortality fee, you may choose an optional one-year step-up death benefit as an irrevocably elected alternative to the enhanced death benefit. If you die before annuity payments begin, and before you reach age 80, your beneficiary receives the greater of the following amounts, less any outstanding loan balance:

- The contract value at time of death; or
- Contributions adjusted for withdrawals or loans; or
- The contract value on the contract anniversary immediately preceding your death plus premiums adjusted for withdrawals or loans made since that anniversary.

Should you die after reaching age 80 and before annuity payments have begun, the beneficiary will receive the greater of the contract value at the time of death, or contributions adjusted for withdrawals, and adjusted for any outstanding loan balance. Not available in Texas.

Fees

The ING Advantage Century variable annuity annual contract charge is \$30, to be deducted at the end of each contract year.

This charge is waived when the contract value exceeds \$25,000, or \$5,000 of annual premium payments (net of withdrawals) is received. The annual asset charge covering mortality risk, expense risk, and administrative charges is a competitive 1.40% applied to the variable accounts only. In addition, there is an annual portfolio expense charge which varies by variable investment option. The contingent deferred sales charge (sometimes referred to as withdrawal charge) is shown in the table below.

Twelve years from the original effective date (10 years in Utah), the withdrawal charge will decrease to zero regardless of the table below.

Annuity Payouts

Both variable and fixed annuity payouts are available. Fixed payouts are guaranteed for duration and amount. Variable payouts are guaranteed for duration but may fluctuate in amount based on the performance of the variable investment options.

Withdrawals

Withdrawal charges are levied only on purchase payments you have made, not on any earnings that may accrue to your policy. When you make a withdrawal from your policy while a withdrawal charge is in effect, ReliaStar Life Insurance Company will only reflect your purchase payments in calculating the withdrawal charge if the amount of your withdrawal exceeds the earnings that have accrued.

ReliaStar Life Insurance Company will calculate your withdrawal charges on a "first-in, first-out basis," applying withdrawal charges first against the dates of the earliest purchase payments.

For 403(b)(1) annuities, employee deferrals (including earnings) may generally be distributed only upon your: attainment of age 59½, severance from employment, death, disability, or hardship. Note: Hardship withdrawals are limited to employee deferrals made after 12/31/88. Exceptions to the distribution rules: No Internal Revenue Code withdrawal restrictions apply to '88 cash value employee deferrals (including earnings) as of 12/31/88 and employer contributions (including earnings). However, employer contributions made to an annuity contract issued after December 31, 2008 may not be paid or made available before a distributable event occurs. Such amounts may be distributed to a participant or if applicable, the beneficiary: upon the participant's severance from employment or upon the occurrence of an event, such as after a fixed number of years, the attainment of a stated age, or disability. Please see the contract for additional information.

Waiver of Withdrawal Charges

10% Free Withdrawal Provision: During any contract year, you may withdraw the greater of the accumulated earnings or 10% of your total purchase payments subject to the early withdrawal charge, as of the prior account anniversary.

Withdrawal Charges

Contract year of withdrawal minus contract year of Premium Payment	0	1	2	3	4	5	6+
Withdrawal Charge as a percentage of each Premium Payment	7	7	6	5	4	2	0%

¹ In Texas, for Individual 403(b) and Roth 403(b), the withdrawal charge is 8% for the first year. No withdrawal charge applies after the 10th contract year.



Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

October 20, 2010

Prepared By: Liz Hardy, Accounts Assistant
Submitted By: Rick Howard, General Manager

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 \$113,928.23

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 and Community Center

Town of Discovery Bay CSD Operating and Capital Budgets

Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District #8

Discovery Bay Lighting & Landscape District #8 Operating and Capital Budgets

Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District #9

Discovery Bay Lighting & Landscape District #9 Operating Budget & Capital Budgets

AGENDA ITEM: E-3

Request for authorization to pay invoices
 For the Meeting on October 20, 2010
 Town of Discovery Bay CSD
 For Fiscal Year's 7/10 - 6/11

Acct Code			
1	7002	Express Employment Inv# 98896312-0 dtd 9/29/10, Payroll for Temp Services	\$918.80
2	7002	Frank Cramer Expenses for Mileage, dtd 10/5/10	\$104.50
3	7010	Liz Hardy Expenses for Seminar, dtd 10/6/10	\$50.70
4	7010	AMS.NET Inv# 124560, dtd 9/29/10 IP Video Surveillance	\$330.00
5	7010	Eco Logic Job# DISC10-001, dtd 9/29/10 DB WWTP master plan report	\$1,137.50
6	7010	Herwit Engineering Inv# 10-09, dtd 10/2/10 Professional Services for DB CSD	\$3,465.00
	0910-007	Herwit Engineering Inv# 10-09, dtd 10/2/10 Professional Services for DB CSD	<u>\$770.00</u>
		Sub-Total	\$4,235.00
7	7135	EnerPower Inv# 56008, dtd 9/28/10 Elec Energy Charges for 8/12-9/10/10	\$95.00
8	7137	EnerPower Inv# 55998, dtd 09/28/10 Elec Energy Charges for 8/11-9/9/10	\$105.00
9	7137	EnerPower Inv# 55999, dtd 9/28/10 Elec Energy Charges for 8/13-9/13/10	<u>\$191.00</u>
		Sub-Total	\$391.00
10	7250	Calif Rural Water Assoc Dtd 8/16/10 Membership dues Oct 2010 - Oct 2011	\$850.00
11	7280	Calif Dept of Public Health Inv# 1130037, dtd 9/30/10 Water system fees 7/1/09 - 6/30/10	\$14,786.01
12	7300	American Retrofit Systems Inv# 4454, dtd 9/30/10 Cable seals/strain relief connector influent p-3	\$450.00
13	7300	American Retrofit Systems Inv# 4457, dtd 10/12/10 Rework elec motor for babbler	\$250.00
14	7300	American Retrofit Systems Inv# 4458, dtd 10/12/10 Ultrasonic level systm for w-well p-2inflnt p1	\$350.00
15	7300	American Retrofit Systems Inv# 4459, dtd 10/12/10 Programd ultrasonic level contrl p2 influent	\$400.00
16	7300	American Retrofit Systems Inv# 4460, dtd 10/13/10 rewire brkn conduit flex for headwrk auger/spry valve	<u>\$225.00</u>
		Sub-Total	\$1,675.00
17		<u>Ace Hardware Account # 808 Closing Date 7/31/10</u>	
	7300	General Repairs	\$15.23
	7685	Tools	<u>\$14.73</u>
		Sub-Total	\$29.96
18		<u>Capitol One Account - Printout for Sept 15-Oct 14, 2010</u>	
	7300	General Repairs Water / Sewer	\$154.65
	7320	Special Equipment / Signage	\$65.97
	7510	Web Site / Internet	\$279.92
	7550	Telephone	\$782.95
	7670	Office Equipment / Software	\$102.99
	7685	Tools	\$1,012.19
	7690	Maint / Fuel	\$706.58
	7950	Misc	\$188.54
	7952	Misc. - Zones Reimbursable	\$206.33
	0910-014	Water Meter Program	<u>\$62.13</u>
		Sub-Total	\$3,562.25
19		<u>Capitol One Account - Statement for Aug 15-Sept 14, 2010 #2</u>	
	7300	General Repairs / Sewer	\$36.81
	7510	Web Site / Internet	\$39.00
	7665	Office Bldng / Improvements	\$28.27
	7690	Maint / Fuel	\$57.22
	7951	Misc. - Reimbursement	<u>\$29.77</u>
		Sub-Total	\$191.07
20		<u>Petty Cash Reimbursements - Receipts for Sept 09- Oct 13, 2010</u>	
	7690	Maint / Fuel	\$11.59
	7950	Misc	<u>\$80.23</u>
		Sub-Total	\$91.82
21	7300	D.C. Frost Assoc Inv# 5603, dtd 9/28/10 Wastewater Treatment Plant #2	\$4,997.16

2	7300	ITT Water & Wastewater Inv# 07603354, dtd 09/30/10 Grommet, NBR 21ID 520D	\$16.26
3	7300	J.W. Backhoe & Construction Inv# 1411, dtd 10/05/10 5 gate valves on Newport Drive	\$1,023.00
4	7300	J.W. Backhoe & Construction Inv# 1412, dtd 10/05/10 Replcd section of concrete brokn fixing valve	\$1,734.39
		Sub-Total	\$2,767.39
5	7300	Pollard Water.com Inv# I284148-IN, dtd 10/5/10 A-100NV Vari Spd Pump 95 GPD	\$1,441.11
3	7300	R & B Company Inv# S1233068.001, dtd 09/28/10 PVC pipe SW blue pvc cement	\$86.85
7	7300	Telstar Instrument Inv# 63796, dtd 08/31/10 Services on installation of phase monitors WL plant	\$5,777.50
3	7300	USABlueBook Inv# 245978, dtd 9/29/10 Endress & Hauser prosonc ultrasonic level trans	\$1,859.19
3	7330	Basic Chemical Solutions Inv# SI5790739, dtd 10/01/10 1800 Willow Lake Drive	\$601.84
3	7330	Basic Chemical Solutions Inv# SI5790740, dtd 10/01/10 1800 Newport Drive	\$935.82
		Sub-Total	\$1,537.66
1	7410	Ricoh Inv# 410273814, dtd 10/01/10 Copler Maintenance for Sept 2010	\$214.45
3	7300	Office Depot Inv# 535774802001, dtd 09/30/10 Office Supplies	\$6.46
1	7300	Office Depot Inv# 534667200001, dtd 09/21/10 Office Supplies	\$6.68
1	7430	Office Depot Inv# 535259102001, dtd 09/27/10 Office Supplies	\$5.40
1	7430	Office Depot Inv# 535260005001, dtd 09/27/10 Office Supplies	\$22.24
1	7430	Office Depot Inv# 535259052001, dtd 09/27/10 Office Supplies	\$180.61
1	7670	Office Depot Inv# 535259052001, dtd 09/27/10 Office Supplies	\$56.69
		Sub-Total	\$278.08
1	7300	UPS Inv# 000012X417410, dtd 10/09/10 Returned to Radwell for repalrs	\$63.38
1	7430	UPS Inv# 000012X417400, dtd 10/02/10 Web Request J Fawcett	\$37.27
		Sub-Total	\$100.65
	7520	Verizon Wireless Inv# 571177035-00001, dtd 10/21/10 office staff charges	\$514.49
	7630	Brut Force Janitorial Inv# 110, dtd 10/1/10 Cleaning of office in October	\$110.00
	7665	CC Fire Equipment Inv# 14062, dtd 10/6/10 Fire extinguisher service	\$43.00
	7665	Denalect Alarm Company Inv# R19408, dtd 10/1/10 Quarterly Alarm Charge	\$105.00
	7690	Days Generator Service Inv# 5632, dtd 10/8/10 Annual Service Stationery Gen Set	\$7,397.00
	7720	David Plepho Expenses for Meetings in Sept 2010	\$300.00
	7720	Kevin Graves Expense Report meetings, dtd 10/11/10	\$300.00
	7720	Mark Simon Expenses for Meetings in Sept 2010	\$200.00
	7720	Ray Tetreault Expenses for Meetings in Sept 2010	\$200.00
	7950	CCC Treasurer Tax Collector Bill# 10-021723, dtd 9/11/10 Parcel# 799-999-008-3	\$46.77
	7950	CCC Treasurer Tax Collector Bill# 10 006935 2, dtd 09/14/10 Parcel# 008-200-015-9 00	\$156.48
		Sub-Total	\$203.25
		TODB TOTAL...	\$56,792.65
		Community Center Account	
		Capitol One Account - Printout for Sept 15-Oct 14, 2010	
	7960	Fund raiser	\$362.61

Acct. #	TOWN OF DISCOVERY BAY CSD OPERATING BUDGET 2010/2011 Approved at 06/16/10 Meeting	2009/2010 Budget	2009/2010 YTD ACTUALS	2009/2010 % of Budget YTD	2010/2011 Budget	2010/2011					Pending Approval 10/20/10	2010/2011 YTD REIMB.	2010/2011 YTD ACTUALS	2010/2011 % of Budget YTD
						Jul 10 Month Expenses	Aug 10 Month Expenses	Sep 10 Month Expenses	Oct 10 Month Expenses	Nov 10 Month Expenses				
7000	Contract Services													
7001	General Manager	\$102,000	\$103,719	102%	\$130,000		\$10,735						\$10,735	8%
7002	District Staff	\$221,000	\$388,578	175%	\$270,000		\$46,855	\$1,661	\$2,573		\$1,023		\$51,069	19%
	W Staff Water Related				\$126,000								\$0	0%
	L Landscape Related (Reimb)				\$121,000								\$0	0%
7003	District Benefits	\$50,000	\$0	0%	\$52,500								\$0	0%
7005	Legal	\$60,000	\$67,417	112%	\$60,000	\$7,366	\$7,909		\$4,524				\$19,799	33%
7010	Consulting Services	\$130,000	\$104,787	81%	\$130,000	\$6,956	\$21,427	\$14,391	\$4,983				\$46,182	36%
7011	Veolia Operations	\$1,020,000	\$1,079,476	106%	\$1,173,000	\$63,362	\$83,362	\$93,362	\$93,362				\$250,085	21%
7012	Veolia Prev & Corrective Fund	\$48,000	\$101,819	212%	\$80,000	\$6,560	\$8,721	\$3,560					\$15,842	20%
7013	NPDES Permit	\$0	\$0	0%	\$0								\$0	0%
	W Staff Water Related				\$82,000								\$0	0%
7014	Outsource of Water Billing				\$24,000								\$0	0%
	General Operating Expenses													
7120	Audit	\$19,000	\$21,025	111%	\$35,000								\$0	0%
7135	Electrical Cost (water)	\$300,000	\$328,208	109%	\$300,000	\$90,892	\$108	\$53,365	\$95				\$144,365	48%
7137	Electrical Cost (sewer)	\$300,000	\$371,784	124%	\$325,000	\$60,510	\$9,894	\$38,937	\$236				\$109,341	34%
7210	Public Comm & Noticing	\$10,000	\$13,367	134%	\$5,000	\$228		\$160					\$388	8%
7220	Election Expenses	\$0	\$0	0%	\$12,000								\$0	0%
7230	Rent - Public Meetings	\$500	\$0	0%	\$500			\$248					\$0	0%
7250	Memberships	\$6,000	\$28,073	469%	\$16,000	\$120		\$575					\$368	2%
7280	Permits	\$30,000	\$29,233	97%	\$50,000	\$6,821							\$7,396	15%
7285	NPDES NOV Fines (c)	\$0	\$0	0%	\$25,000								\$0	0%
7290	Staff Training	\$3,500	\$1,716	49%	\$2,500	\$1,531		\$281					\$1,811	72%
7300	General Repairs Water / Sewer	\$300,000	\$554,147	185%	\$350,000	\$18,405	\$103,347	\$95,401	\$20,699				\$237,853	68%
	P Pump Repairs				\$150,000								\$0	0%
7310	NTR / SIP Testing	\$15,000	\$0	0%	\$15,000			\$157					\$0	0%
7320	Special Equipment/Signage	\$3,000	\$4,699	157%	\$3,000	\$178		\$105	\$92				\$375	13%
7330	Chemicals/Order Materials	\$50,000	\$97,797	196%	\$65,000	\$4,964	\$14,476	\$9,653	\$11,163				\$39,287	60%
	Office Expenses													
7410	Copier Maint	\$5,000	\$4,697	94%	\$4,500	\$251		\$157	\$226				\$634	14%
7420	Postage	\$7,000	\$17,497	250%	\$3,500	\$199		\$124	\$205				\$1,469	18%
	Office Supplies													
7500	Communications	\$3,000	\$29,109	970%	\$1,000	\$64	\$160	\$160	\$160				\$384	38%
7520	Wireless	\$3,000	\$4,849	162%	\$4,500	\$731	\$460	\$137	\$137				\$1,327	29%
7550	Telephone	\$2,500	\$6,371	255%	\$4,000	\$195	\$380	\$371					\$945	24%
	District Wide													
7600	Site Maintenance/Landscape	\$10,000	\$23,632	236%	\$15,000	\$110	\$373	\$196	\$26				\$705	5%
7665	Office Bldg / Improvements	\$5,000	\$21,877	438%	\$10,000	\$105	\$76	\$1,965	\$1,176				\$2,146	21%
7670	Office Equipment / Software	\$5,000	\$30,035	601%	\$8,000	\$30	\$60	\$471	\$160				\$2,004	25%
7680	Office Furnishings	\$1,000	\$1,456	146%	\$1,000	\$76		\$252					\$328	33%
7685	Tools	\$3,000	\$6,193	206%	\$3,500	\$427	\$253	\$38	\$1,027				\$718	21%
7690	Maint / Fuel	\$18,000	\$25,323	141%	\$19,000	\$100	\$5,505	\$293	\$925				\$6,822	36%
	Directors Expense													
7700	Compensation	\$35,000	\$25,039	70%	\$36,000	\$1,200	\$2,100	\$400	\$1,000				\$5,966	17%
7730	Training	\$1,000	\$912	91%	\$600			\$24	\$24				\$24	4%
7950	Miscellaneous	\$1,000	\$161,203	16120%	\$12,000	\$12,000	\$379	\$72	\$5,150				\$5,602	47%
7951	Misc. - Reimbursable	\$0	\$0	0%	\$0			\$77	\$30				\$77	1%
7955	Misc. - Zones Reimbursable	\$0	\$0	0%	\$100,000	\$5,545	\$8,923	\$1,254	\$10,069				\$25,792	26%
	Reimbursement (Hofmann)													
	Insurance													
7100	General Liability	\$60,000	\$102,503	171%	\$48,000								\$0	0%
7120	Worker's Comp	\$0	\$0	0%	\$6,000								\$0	0%
	County Services													
7805	Revenue Collection	\$3,000	\$5,153	172%	\$5,500								\$0	0%
7810-0810	Investment Fee	\$600	\$0	0%	\$700								\$0	0%
7815-2315	Data Processing	\$0	\$0	0%	\$0								\$0	0%
7820	Accounting (A/P, A/R, GL)	\$0	\$0	0%	\$2,500								\$0	0%
7825	Public Works - permits	\$5,000	\$21,180	424%	\$5,000								\$0	0%
	CREDITS Reimbursements to Town of DB		(\$91,100)		(\$231,000)								\$0	0%
	TOTAL	\$2,919,100	\$3,711,273	127%	\$3,697,800	\$132,301	\$479,351	\$223,655	\$157,392	\$0	\$55,961	\$0	\$992,739	27%

Miscellaneous Adjustments:			
Date	Acct #	Amount	Description
7/21/2010	7950	\$5,545.00	S/B in #7952
8/4/2010	7950	\$168.44	S/B in #7952

Acct. #	SEWER	TOWN OF DISCOVERY BAY CSD CAPITAL IMPROVEMENT PROGRAM 2010/2011 Approved at 6/16/10 Meeting	2009/2010 ACTUALS	2009/2010 % of Budget YTD	2010/2011 BUDGET	Jul 10 M-T-D Exp.	16.67%	Aug 10 M-T-D Exp.	25.00%	33.33%	41.67%	50.00%	Dec 10 M-T-D Exp.	Plan to Approve 10/20/10	2010/2010 YTD REIMB.	2010/2011 ACTUALS	2010/2011 % of Budget YTD
0910-004	Rehab Manholes	\$0	0%	\$15,000				\$14,893								\$14,893	99%
0910-005	Landscape Plant #1	\$2,636	53%	\$5,000												\$0	0%
0910-006	Replace Sewer Main	\$0	0%					\$151,290	\$7,450							\$158,740	#DIV/0!
0910-007	UV System	\$457,297	114%			\$4,489		\$28,439	\$49,196	\$43,637				\$770		\$125,761	#DIV/0!
0910-008	Salinity Project	\$0	0%	\$200,000												\$0	0%
0910-009	Pumps / Motors Replacement	\$35,470	71%													\$0	#DIV/0!
0910-010	Wetlands	\$8,304	1%	\$85,000												\$0	0%
1011-001	By-Pass Pipeline	\$0		\$80,000						\$5,590						\$5,590	7%
1011-002	Replace PLC's	\$0		\$20,000												\$0	0%
1011-003	Bio-Solids Pumps (2) Wet Well	\$0		\$22,000												\$0	0%
1011-004	Rehab Lift Station W			\$60,000												\$0	0%
1011-005	Bypass Valve Lift Station S			\$12,000												\$0	0%
1011-006	Metal Cover for UV Area			\$125,000												\$0	0%
1011-007	Clarifier Cleaning Devices			\$25,000												\$0	0%
1011-008	Paving for Bio-Solids Area			\$15,000												\$0	0%
1011-009	New Moles (2)			\$80,000						\$42,608						\$42,608	53%
1011-010	Road Crossing Ramps			\$25,000												\$0	0%
	Sewer Sub Total	\$581,375	36%	\$769,000		\$4,489	\$179,729	\$71,539	\$91,834	\$0	\$0	\$0	\$0	\$770	\$0	\$347,591	45%
0909-002	Well #6 Design & Drill Test Hole	\$475,615														\$0	0%
0910-011	Security Door Locks (12)	\$12,980	216%	\$6,000				\$88,782	\$816	\$5,612						\$0	0%
0910-012	Ladder Vandal Guard	\$0	0%	\$2,000												\$0	0%
0910-013	Pumps / Motors Replacement	\$2,972	20%													\$0	0%
0910-014	Water Meter Program	\$63,079	13%	\$500,000		\$250				\$20,781				\$62		\$21,031	4%
	Water Meter Program: Reimbursements			(\$500,000)												\$0	0%
1011-011	Filter Media Replacement			\$40,000												\$0	0%
1011-012	Stabilize Around Willow Lake															\$0	0%
1011-013	Rehab Well(s)			\$30,000												\$0	#DIV/0!
1011-014	Replace Water Mains			\$50,000												\$0	0%
1011-015	Water Meter Trailer			\$20,000												\$0	0%
	Water Sub Total	\$555,237	106%	\$148,000		\$250	\$38,782	\$816	\$26,393	\$0	\$0	\$0	\$0	\$62	\$0	\$66,241	45%
OTHER																	
1011-016	Pickup Truck (1)			\$20,000												\$0	0%
1011-017	K-Rail for Bulk Material			\$15,000												\$0	0%
1011-018	Portable Message Units			\$30,000												\$0	0%
1011-019	GPS Tracking Device			\$12,000												\$0	0%
1011-020	Replace Fence Near Maritna			\$15,000												\$0	0%
1011-021	New Chairs for Board Room			\$6,000												\$0	0%
	Other Sub Total	\$7,251	19%	\$98,000		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	#DIV/0!
0102-00	Pipeline Replace Reserve	\$0														\$0	0%
CREDITS	Reimbursement to Town of DB	\$0														\$0	#DIV/0!
	Total CIP Budget	\$1,143,864	71%	\$1,015,000		\$4,739	\$218,512	\$72,354	\$118,227	\$0	\$0	\$0	\$0	\$832	\$0	\$413,832	#DIV/0!

**Request for authorization to pay invoices
For the Meeting on October 20, 2010
Town of Discovery Bay, D.Bay L&L Park #8
For Fiscal Year's 7/10 - 6/11**

<u>Acct Code</u>			
1	2100	Office Depot Inv# 534667200001, dtd 9/21/10 Office supplies	\$32.28
2	2100	Office Depot Inv# 535504828001, dtd 9/28/10 Office supplies	\$17.13
3	2100	Office Depot Inv# 535940115001, dtd 10/01/10 Office supplies	<u>\$4.26</u>
		Sub-Total	\$53.67
		<u>Capital One 10/11 Printout for Sept 15- Oct 14,2010</u>	
4	2100	Office Expenses	\$30.37
	2272	Gasoline / Fuel for Equipment	\$75.00
	2282	Grounds Maintenance	\$236.47
	2490	Miscellaneous Services & Supplies	<u>\$27.22</u>
		Sub-Total	\$369.06
5	2120	Discovery Bay Disposal Inv# 17-0001966, dtd 10/01/10 Service for September 2010	\$239.00
6	2120	PG&E / Acct# 5939734421-5 PG&E Owned Street & Highway Lighting	08/19-09/17/10 \$4,639.84
		<u>Ace Hardware Account # 808 Closing Date 7/31/10</u>	
7	2130	Small Tools & Instruments	\$21.26
	2282	Grounds Maintenance	<u>\$50.27</u>
		Sub-Total	\$71.53
8	2281	Janiking Inv# OAK10100283, dtd 10/01/10 Monthly contract billing for October cleaning service	\$350.00
9	2282	Delta Fence Co Inv# 22248, dtd 10/1/10 Repaired wood posts and removed existing and installed new	\$325.00
10	4829	Green Valley Landscape Inv# 763, dtd 9/29/10 WL Road Landscape Improv Phs 1	\$50,365.98
		TOTAL	\$56,414.08

County Acct#	Account Description	2009/2010		2009/2010 Actuals	2009/2010 % of Budget YTD	2010/2011 Budget	2010/2011 Budget	Jul 10 Month to Date Expenses	Aug 10 Month to Date Expenses	Sep 10 Month to Date Expenses	Oct 10 Month to Date Expenses	Nov 10 Month to Date Expenses	Dec 10 Month to Date Expenses	Jan 11 Month to Date Expenses	Plan to Approve 10/20/2010	2010/2011 Actuals	2010/2011 % of Budget YTD
		Budget	Actuals														
2100	Office Expenses	\$500	\$1,076	\$350	215%	\$350	\$350	\$105	\$105	\$51	\$79	\$84	\$236	\$84	\$236	28%	
2102	Books, Periodicals & Subscriptions	\$50	\$25	\$150	49%	\$50	\$50									\$0	0%
2103	Postage	\$50	\$0	\$50	0%	\$50	\$50									\$0	0%
2110	Communications (Messenger, Radio, etc.)	\$1,500	\$1,140	\$1,785	78%	\$1,500	\$1,500	\$60	\$60							\$60	3%
2120	Utilities (Street Lights, Water, & Garbage)	\$105,000	\$89,858	\$117,000	86%	\$105,000	\$105,000	\$7,702	\$7,702	\$12,060	\$402	\$4,879	\$20,404	\$4,879	\$20,404	\$17%	
2130	Small Tools & Instruments	\$1,000	\$875	\$750	87%	\$1,000	\$750	\$736	\$736	\$107	\$103	\$21	\$1,047	\$21	\$1,047	140%	
2131	Minor Equipment, Furniture Less than \$1000.	\$500	\$1,208	\$975	242%	\$500	\$975									\$0	0%
2170	Household Items	\$800	\$1,209	\$900	151%	\$800	\$900			\$879						\$879	98%
2190	Public Notices	\$100	\$633	\$150	63%	\$100	\$150									\$0	0%
2200	Memberships	\$200	\$0	\$450	0%	\$200	\$450			\$220	\$120					\$120	27%
2250	Rent & Lease of Equipment	\$100	\$95	\$500	95%	\$100	\$500									\$220	44%
2251	Computer Software	\$700	\$1,858	\$950	265%	\$700	\$950									\$0	#DIV/0!
2270	Maintenance of Equipment	\$1,300	\$9	\$2,000	1%	\$1,300	\$2,000	\$159	\$159		\$80					\$80	9%
2271	Automotive Supplies & Repairs	\$4,100	\$2,246	\$5,000	55%	\$4,100	\$5,000	\$244	\$244	\$368	\$106					\$1,045	52%
2272	Gasoline/Fuel for Equipment	\$5,000	\$5,402	\$5,300	108%	\$5,000	\$5,300	\$350	\$350							\$75	18%
2281	Maintenance of Buildings	\$250,000	\$189,315	\$166,434	76%	\$250,000	\$166,434	\$9,915	\$9,915	\$1,854	\$11,278					\$350	13%
2282	Grounds Maintenance	\$500	\$0	\$0	0%	\$500	\$0									\$612	32%
2284	Requested Maintenance from County (3620)	\$300	\$790	\$100	26%	\$300	\$100									\$0	#DIV/0!
2301	Auto Mileage/Employee Reimbursement	\$200	\$102	\$1,500	51%	\$200	\$1,500									\$0	0%
2303	Other Travel Employee Expenses	\$10,000	\$11,116	\$8,100	11%	\$10,000	\$8,100	\$366	\$366	\$400	\$170					\$936	12%
2310	Professional Services	\$63,000	\$39,064	\$72,000	62%	\$63,000	\$72,000	\$726	\$726							\$12,397	17%
2310	Staff Payroll	\$8,000	\$10,369	\$5,200	130%	\$8,000	\$5,200	\$11,671	\$11,671		\$523					\$528	10%
2360	Insurance	\$1,000	\$0	\$500	0%	\$1,000	\$500									\$0	0%
2470	Road/Construction Materials (Street Signs)	\$5,000	\$5,810	\$3,500	116%	\$5,000	\$3,500	\$647	\$647	\$59	\$778					\$1,484	42%
2479	Other Special Expenses	\$200	\$21	\$300	10%	\$200	\$300									\$0	0%
3530	Taxes & Assessments	\$4,500	\$0	\$500	0%	\$4,500	\$500									\$0	#DIV/0!
3611	Intorland Exp - Gov/Gov (Investment Svcs&Property Tax Adm. Costs)	\$500	\$0	\$500	0%	\$500	\$500									\$0	0%
5011	Reimbursement-Gov/Gov County Administration Chrgs	\$500	\$0	\$500	0%	\$500	\$500									\$0	0%
Misc.	Reserves	\$0	\$0	\$0	0%	\$0	\$0									\$0	0%
	Total Expenses	\$465,100	\$362,238	\$394,494	78%	\$465,100	\$394,494	\$10,619	\$52,065	\$17,134	\$14,532	\$0	\$0	\$0	\$6,048	\$94,350	24%

Miscellaneous Adjustments:

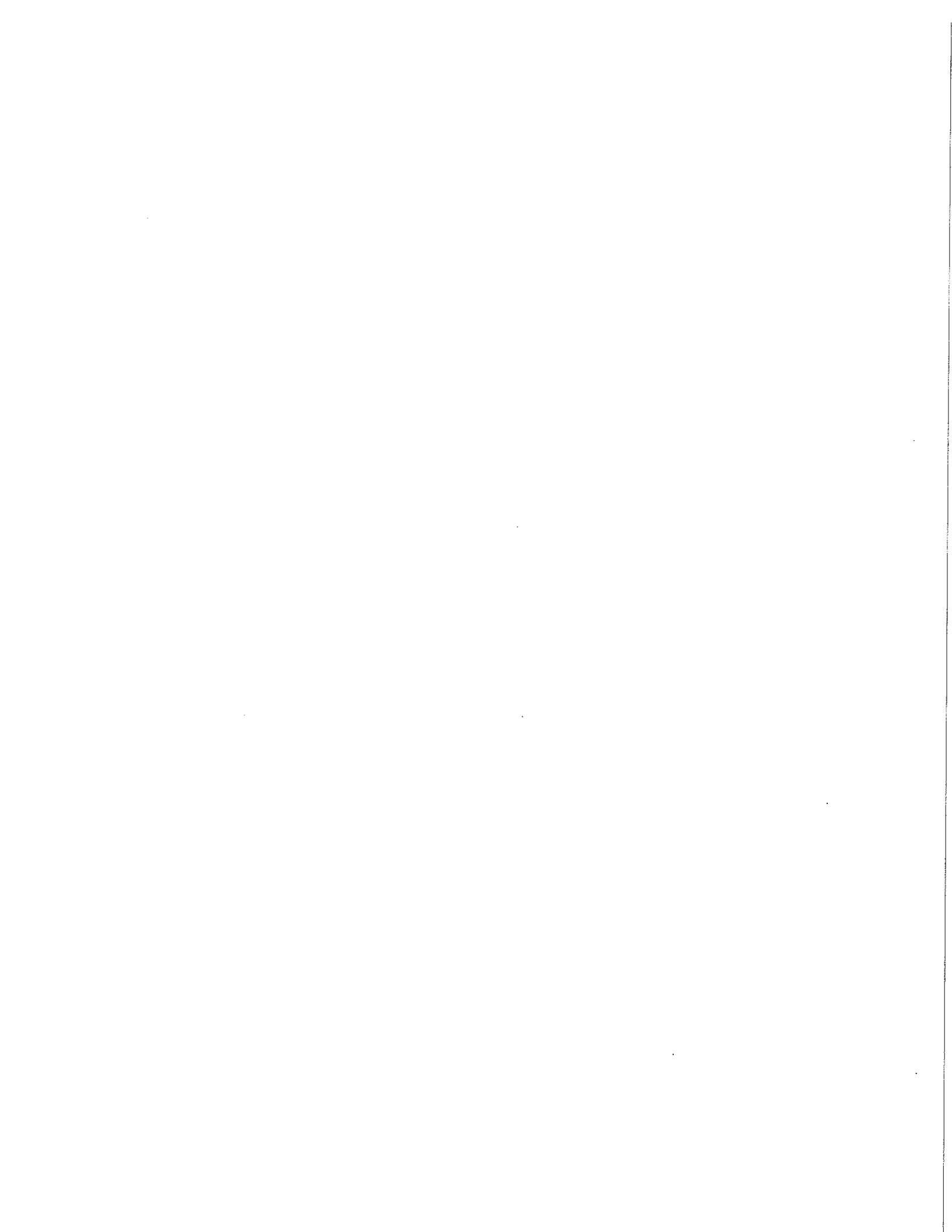
County Acct#	Town of Discovery Bay/D.Bay L&L Zone #8 Capital / Asset Budget 10/11 Approved at 6/16/10 Meeting	2009/2010 Budget	2009/2010 Actuals	2009/2010 % of Budget YTD	2010/2011 Budget	Jul 10 Month to Date Expenses	Aug 10 Month to Date Expenses	Sep 10 Month to Date Expenses	Oct 10 Month to Date Expenses	Nov 10 Month to Date Expenses	Dec 10 Month to Date Expenses	2010/2011 Actuals	2010/2011 % of Budget YTD
4265	Various Improvements	\$7,500	\$4,842	65%	\$7,500							\$0	0%
4546	Structure & Walkway Repairs	\$3,500	\$0	0%	\$3,500							\$0	0%
4789	DB L&L Zone #8 Playground Equipment	\$3,000	\$0	0%	\$115,000							\$0	0%
4829	DB L&L Zone #8 Landscape Master Plan Entral	\$0	\$0		\$0							\$0	#DIV/0!
	DB L&L Zone #8 Landscape Clipper Drive Phas	\$0	\$0		\$0							\$0	#DIV/0!
***		\$233,100	\$9,314	4%	\$350,000	\$21	\$1,965	\$3,188	\$33,798			\$38,972	11%
4834	Cornell Park - Discovery Bay	\$3,000	\$0	0%	\$7,500							\$0	0%
4953	Vehicle Purchase	\$1,000	\$26	3%	\$1,000			\$17,030	\$464			\$17,493	#DIV/0!
4956	Tools & Sundry Equipment	\$251,100	\$14,182	6%	\$484,500	\$21	\$1,965	\$20,218	\$34,261	\$0	\$0	\$56,465	12%
	Total												

*** DB L&L Zone #8 Misc. Projects (1)

- 1 Willow Lake Rd \$120,000
 - 2 Discovery Bay Blvd. (East) \$230,000
- \$350,000

Request for authorization to pay invoices
 For the Meeting on October 20, 2010
 Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)
 For Fiscal Year's 7/10 - 6/11

<u>Acct Code</u>				
1	2100	Office Depot Inv# 535774802001, dtd 09/30/10	Office Supplies	\$10.07
2	2100	Office Depot Inv# 535774848001, dtd 09/30/10	Office Supplies	<u>\$3.50</u>
			Sub-Total	\$13.57
<u>Ace Hardware Account # 808 Closing Date 7/31/10</u>				
3	2130	Small Tools & Instruments		\$20.00
<u>Capital One 10/11 Printout for Sept 15 - Oct 14, 2010</u>				
4	2131	Minor Equipment, Furniture Less than \$1000		\$103.00
	2272	Gasoline / Fuel for Equipment		\$126.88
	4265	Various Improvements		<u>\$95.44</u>
			Sub-Total	\$325.32
TOTAL				\$358.89



County Acct#	Town of Discovery Bay/L&L #9 Ravenswood Operating Expense Budget Approved at 6/16/10 Meeting Account Description	2009/2010 Budget	2009/2010 YTD ACTUALS	2009/2010 % of Budget YTD	2010/2011 Budget	8.33% Jul 10 Month Expenses	16.67% Aug 10 Month Expenses	25.00% Sep 10 Month Expenses	33.33% Oct 10 Month Expenses	58.33% Jan 10 Month Expenses	Planned to Pay 10/20/2010	2010/2011 YTD REIMB.	2010/2011 YTD ACTUALS	2010/2011 % of Budget YTD
2100	Offices Expenses	\$150	16	10%	\$150	\$51	\$51	\$51	\$48	\$14	\$14	\$150	100%	
2102	Books, Periodicals & Subscriptions	\$50	120	240%	\$50							\$0	0%	
2103	Postage	\$50	1,497	2993%	\$50		\$60		\$16			\$16	31%	
2110	Communications (Messenger, Radio, etc.)	\$100	100	100%	\$50				\$60			\$120	18%	
2120	Utilities (Street Lights, Water, & Garbage)	\$5,000	0	0%	\$12,500	\$1,497						\$1,497	12%	
2130	Small Tools & Instruments	\$100	193	193%	\$100				\$100		\$20	\$100	100%	
2131	Minor Equipment, Furniture Less than \$1000.	\$100	253	253%	\$500						\$103	\$0	0%	
2170	Household Items	\$0	581	#DIV/0!	\$700			\$183				\$193	28%	
2190	Public Notices	\$50	38	76%	\$150		\$53	\$200				\$253	169%	
2200	Memberships	\$50	0	0%	\$165				\$40			\$40	24%	
2250	Rent & Lease of Equipment	\$500	0	0%								\$0	0%	
2251	Computer Software		0	#DIV/0!	\$500							\$0	0%	
2270	Maintenance of Equipment	\$200	109	55%	\$200				\$80			\$80	40%	
2271	Automotive Supplies & Repairs	\$300	0	0%	\$300							\$0	0%	
2272	Gasoline/Fuel for Equipment	\$300	0	0%	\$500				\$211		\$127	\$211	42%	
2282	Grounds Maintenance	\$54,000	32,593	60%	\$48,540	\$81	\$3,720	\$3,970	\$2,920			\$10,691	22%	
2301	Auto Mileage/Employee Reimbursement	\$100	129	129%								\$0	0%	
2303	Other Travel Employee Expenses		46	#DIV/0!	\$250							\$0	0%	
2310	Professional Services	\$5,000	2,890	58%	\$2,000	\$840	\$2,100	\$255				\$3,155	160%	
2310	Staff Payroll	\$13,000	356	3%	\$25,500							\$0	0%	
2360	Insurance	\$5,000	0	0%	\$1,850				\$175			\$175	9%	
2470	Road/Construction Materials (Street Signs)		0	#DIV/0!								\$0	0%	
2479	Other Special Expenses		1,249	#DIV/0!	\$500		\$333					\$333	67%	
2490	Miscellaneous Services & Supplies		0	#DIV/0!	\$300							\$0	0%	
3530	Taxes & Assessments	\$1,000	0	0%	\$500							\$0	0%	
5011	Reimbursement-Gov/County Admin. Chrgs	\$100	0	0%								\$0	0%	
	Misc. Reserves		0	#DIV/0!								\$0	0%	
	Total Expenses	\$85,150	40,169	47%	\$95,955	\$921	\$7,814	\$4,669	\$3,651	\$0	\$263	\$17,055	18%	

Reserves=
Total Reserves
* Maintenance Includes bioswales/mitigation areas.
* Future budget for utilities etc. to be based on actuals.

Town of Discovery Bay/L&L #9 Ravenswood
Capital / Asset

For 2007/08 there is no planned Capital Improvement
Plans
Miscellaneous Adjustments:

County Acct#	Account Description	2010/2011 Budget	Town of Discovery Bay/D.Bay L&L Zone #9 Capital / Asset Budget 10/11							Planned to Pay 10/20/2010	2010/2011 YTD REIMB.	2010/2011 YTD ACTUALS	2010/2011 % of Budget YTD
			8.33%	16.67%	25.00%	33.33%	41.67%	50.00%	Dec 10 Month to Date Expenses				
4226	Various Park	\$0									0		
4265	Various Improvements	\$87,865	\$2,891				\$290			\$95	3,181	4%	
4546	Structure & Walkway Repairs	\$11,000	\$750	\$17,640	\$23						18,413	167%	
4789	Playground Equipment	\$0									0		
4956	Tools & Sundry Equipment	\$0									0		
	Total	\$98,865	\$3,641	\$17,640	\$313	\$0	\$0	\$0	\$95	\$0	21,594	22%	



Town of Discovery Bay CSD AGENDA REPORT

Meeting Date

October 20, 2010

Prepared By: Virgil Koehne, Water & Wastewater Manager
Submitted By: Rick Howard, General Manager

Agenda Title

Well 4A Rehabilitation Project

Recommended Action

Approval to have Kirby Pump & Repair to pull submersible pump and video Well 4, in an amount not to exceed \$10,000

Executive Summary

As part of routine maintenance and to make sure that the District's four water production wells are operating properly, with the recommendation from the District's engineer for water, Luhdorff & Scalmanini the District has removed a well pump and videoed the well-casing once every five to tens years or so. During the pass three years the District has removed the pumps and videoed Well 5b, Well 2 and this pass Winter, Well 1B. The last one that should be worked on is Well 4A, which staff would like to schedule to have this work done either late Fall or Early Winter of this year.

The work that is recommended for Well 4A is to pull the submersible pump and remove about 200-feet of column pipe in 20-foot segments, wait about a week and have vendor video the inside of the well-casing for possible holes in the steel casing and possible buildup of minerals at the bottom stainless screens. Also the pump-bowl assembly will be checked for wear, etc., before the pump is reinstalled.

If the well needs to have extra work done on it based on the video report, staff will come back with another purchase order. For example, if the stainless screens, located on the bottom of the well-casing are somewhat clogged with mineral deposits, then usually we have an acid wash done to remove these built-up deposits. Based on the current pump and draw-down performance of Well 4A, staff does not think this type of extra work will be needed at this time.

Fiscal Impact:

Amount Requested \$ Not to exceed \$10,000
Sufficient Budgeted Funds Available?: Yes (If no, see attached fiscal analysis)
Prog/Fund = CIP# 1011-013

Previous Relevant Board Actions for This Item

Attachments

AGENDA ITEM: E-4



Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

October 20, 2010

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

Agenda Title

Consideration of Purchasing and Procurement Policy

Recommended Action

Rescind Resolution 98-31 and Adopt Resolution 2010-15 Adopting a Purchasing and Procurement Policy for the Town of Discovery Bay Community Services District

Executive Summary

The Town of Discovery Bay CSD spends millions of dollars each year in the procurement of goods and services. A functional and efficient Purchasing and Procurement Policy is essential to maintaining a system that manages the District's approach to acquiring goods and services. It is also important that the system be specific and structured in such a manner that clearly identifies how, and under what dollar thresholds, purchases can be made.

On August 18, 1998 the Discovery Bay Community Services District Board of Directors adopted Resolution 98-31 (Attached) which implemented a purchasing system for the District. Since 1998, laws have changed and the manner in which the District conducts its business has also changed. However, the Purchasing Policy has not been amended or updated to reflect current business practices or legal requirements.

Staff has spent a considerable amount of time updating and reviewing proposed changes to the existing purchasing processes. While the basic purchasing methods remain the same, the proposed Policy (Attached) includes a number of minor changes to the original Policy that more clearly identify the Purchasing structure for the District and define for staff, the public, and Board the method and manner in which purchases and procurement of goods and/or services are transacted.

Proposed modifications include reducing the dollar amount for formal bidding from \$30,000 to \$25,000 to parallel other requirements in the Government Code relating to construction projects; putting limitations on credit card purchases; increasing from \$5,000 to \$10,000 staff authorization limits for purchases of goods or services; and establishing a cap on the amount of money that can be spent on a maintenance or repair project without first obtaining Board authorization. Additional proposed changes include establishing purchasing procedures in times of emergency; the manner in which surplus supplies and equipment are disposed; and when Purchase Orders need to be utilized.

Staff believes that this Policy will enhance the ability of the District to more favorably, compete for better pricing as well as provide clear definition in the manner and method of acquiring goods and/or services.

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

Adoption of Resolution 98-31 effective August 19, 1998

Attachments

Resolution 98-31

Draft Purchasing and Procurement Policy

Summary of Proposed Policy Changes

Resolution 2010-15

AGENDA ITEM: F-1

DISCOVERY BAY COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 98-31

RESOLUTION ADOPTING A PURCHASING SYSTEM FOR THE DISTRICT

WHEREAS, Section 54201 and following of the California Government Code requires every local agency to adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the local agency; and

WHEREAS, the policies and procedures shall be adopted by means of a written rule or regulation, copies of which shall be available for public distribution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Discovery Bay Community Services District adopts the Purchasing System attached hereto as Exhibit A; and

WHEREAS, these purchasing procedures are expressly made inapplicable to bids for and award of public projects as defined by the Public Contracts Code and where the expenditures required for the public project exceeds the limit set by the Public Contracts Code. The provisions contained in the Public Contracts Code establish contract procedures the District shall follow regarding such public projects.

PASSED AND ADOPTED by the Board of Directors of the Discovery Bay Community Services District, at a regular meeting thereof, held on August 19, 1998, by the following vote:

AYES: 4
NOES: 0
ABSENT: 1
ABSTENTION: _____

WILLIAM SLIFER

William Slifer

President, Board of Directors

ATTEST:

Virgil Koebner
Secretary, Board of Directors

SUMMARY

Purchasing System

This Purchasing System would allow the General Manager authority to purchase a contract for supplies or equipment under the following guidelines:

- (1) If under \$100.00, in an emergency, or certain other circumstances, without competitive bidding;**
- (2) If between \$100.00 and \$5,000.00 under an informal bidding procedure;**
- (3) If between \$5,000.00 and \$30,000.00 under an informal bidding procedure but only with consent of the Board of Directors;**
- (4) If more than \$30,000.00 only by formal bidding procedure and consent of the Board of Directors.**

Specifications for formal bidders list, requirements for performance bonds, and procedural requirements are set forth in the Purchasing System.

PURCHASING SYSTEM

Sections:

- 1.01 Adoption of Purchasing System.**
- 1.02 Purchasing Officer.**
- 1.03 General Procedure.**
- 1.04 No Bidding Required.**
- 1.05 Informal Bidding Procedure.**
- 1.06 Informal Bidding Procedure For Purchasing Between Five Thousand Dollars and Thirty Thousand Dollars.**
- 1.07 Formal Bidding Procedure.**
- 1.08 Inspection--Testing.**
- 1.09 Encumbrance of Funds.**

1.01 Adoption of Purchasing System. In order to establish efficient procedures for the purchase of supplies and equipment, to secure for the District supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is adopted.

1.02 Purchasing Officer. The General Manager shall be the Purchasing Officer, and shall have authority to:

A. Purchase or contract for supplies and equipment required by the District in accordance with the provisions of this chapter, such administrative regulations as the purchasing officer may adopt, and such other rules and regulations as may be prescribed by the Board of Directors;

B. Negotiate and recommend execution of contracts for the purchase of supplies and equipment;

C. Act to procure for the District the needed quality in supplies and equipment at least expense to the District;

D. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;

E. Prepare and recommend to the Board of Directors rules governing the purchase of supplies and equipment for the District;

F. Prepare and recommend to the Board of Directors revisions and amendments to the purchasing rules;

G. Keep informed of current developments in the file of purchasing, prices, market conditions and new products;

H. Prescribe and maintain such forms as are reasonably necessary to the operation of this System and other rules and regulations;

I. Supervise the inspection of all supplies and equipment purchased to ensure conformance with specifications;

J. Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any agency or which have been unsuitable for District use;

K. Maintain a bidders list, vendors catalog file and records needed for the efficient operation of the purchasing department.

1.03 General Procedure. The purchase of, or contracting for, supplies and equipment shall be done in accordance with the procedures established in Section 1.04 for purchases for which neither informal nor formal bids are required, or the informal bidding procedures established in Section 1.05 for purchases or contracts of less than five thousand dollars, or the informal bidding procedures of Section 1.06 for purchases or contracts of between five thousand dollars and thirty thousand dollars, or the formal bidding procedures established in Section 1.07 for Purchases or Contracts of Greater Than Thirty Thousand Dollars.

1.04 No Bidding Required. Purchases of supplies and, equipment shall normally be by bid procedures pursuant to this System, as applicable, provided, however, that bidding may be dispensed with in the following circumstances:

A. When an emergency requires that an order be placed with the nearest available source of supply immediately;

B. When the commodity can be purchased only from vendor or supplier, or, in the case of vehicles, machinery or other equipment, where the commodity can be reasonably repaired or otherwise serviced by only one vendor or supplier; or

C. Where the estimated purchase price is less than one hundred dollars; or

D. Where the purchase or acquisition is made in accordance with law by or through the county, state or federal government.

1.05 Informal Bidding Procedure. Where the estimated value of the purchase of supplies or equipment is less than five thousand dollars, the purchasing officer may make the purchase in the open market under the following procedure without observing the formal procedure set forth in Section 1.07 (this procedure may be referred to as the "open market" procedure), and need not return to the District for Board of Directors authorization to make the purchase.

A. Minimum Number of Bids. Open market purchases shall, wherever possible, be based on at least three bids and shall be awarded to the lowest responsible bidder.

B. Notice Inviting Bids. The purchasing officer shall solicit bids by written requests to prospective vendors or by telephone and by public notice posted on a public bulletin board at the District Office.

C. Written Bids. Sealed, written bids shall be submitted to the purchasing officer, who shall keep a record of all open market orders and bids for a period of one year after the submission of bids or the placing of an order. This record, while so kept, shall be open to public inspection.

1.06 Informal Bidding Procedure For Purchasing Between Five Thousand and Thirty Thousand Dollars. Where the estimated value of the purchase of supplies or equipment is greater than five thousand dollars, but less than thirty thousand dollars, the purchasing officer may utilize the open market procedure specified in Section 1.05, to obtain bids, provided, however, that he shall first obtain the consent of the Board of Directors before awarding any contract or purchase.

1.07 Formal Bidding Procedure. Except as otherwise provided herein, purchases and contracts for supplies and equipment of estimated value greater than thirty thousand dollars shall be by written contract with the lowest responsible bidder pursuant to the procedure prescribed herein.

A. Notice Inviting Bids. Notice inviting bids shall include a general description of the articles to be purchased, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

1. Published Notice. Notice inviting bids shall be published at least ten days before the date of opening of the bids. Notice shall be published at least once in a newspaper of general circulation, printed and published in the District or, if there is none, it shall be posted in at least three public places in the District that have been designated as places for posting public notices or ordinances.

2. Bidders List. The purchasing officer shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidders list or who have requested their names be added thereto.

3. Bulletin Board. The purchasing officer shall also advertise pending purchases by a notice posted on a public bulletin board at the District Office.

B. Bidders' Security. When deemed necessary by the purchasing officer, bidders' security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security, provided that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract with ten days after the notice of award of contract has been mailed, unless the District is responsible for the delay. The Board of Directors may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the Board of Directors awards the contract to the next lowest responsible bidder, the amount of the lowest bidder's security shall be applied by the District to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

C. Bid Opening Procedure. Sealed bids shall be submitted to the purchasing officer and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty calendar days after the bid opening.

D. Rejection of Bids. In its discretion, the Board of Directors may reject any and all bids presented and re-advertise for bids.

E. Award of Contracts. Contracts shall be awarded by the Board of Directors to the lowest responsible bidder, except as otherwise provided herein.

F. Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the Board of Directors may accept the one it chooses or accept the lowest bid made by negotiation with the bidders at the time of the bid opening.

G. Performance Bonds. The Board of Directors shall have the authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interest of the District. If the Board of Directors requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

1.08 Inspection--Testing. The purchasing officer shall inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order or contract. The purchasing officer shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

1.09 Encumbrance of Funds. Except in cases of emergency, the purchasing officer shall not issue any purchase order of supplies or equipment unless there exists an unencumbered appropriation in the fund account against which said purchase is to be charged.



Town of Discovery Bay Community Services District Board Policy

PURCHASING AND CONTRACTING

A purchasing system is adopted in order to establish efficient procedures for the purchase or procurement of supplies, services and equipment at the lowest possible cost commensurate with the level of quality required, to exercise financial control over the purchase or procurement, and to clearly define authority for the purchasing function.

I. Purchasing Agent Designated;

- a. The General Manager is the designated Purchasing Agent. The Purchasing Agent may delegate all or a portion of the purchasing duties to any District staff member. The Purchasing Agent shall have the authority to:
 - i. Purchase or contract for supplies, services and equipment required by the District, in accordance with purchasing procedures outlined in this policy;
 - ii. Negotiate and recommend execution of contracts for the purchase of supplies, services and equipment;
 - iii. Act to procure for the District the necessary quality in supplies, services and equipment at the lowest responsible cost to the district;
 - iv. Prepare and recommend to the Board of Directors revisions and amendments to the purchasing rules;
 - v. Establish and maintain such forms as reasonably necessary to the operation of purchasing guidelines;
 - vi. Supervise the inspection of all supplies, services and equipment purchased to insure conformance with required specifications;
 - vii. Recommend the sale or disposal of all supplies and equipment which cannot be used by the District, or which are no longer suitable for District use;
 - viii. Maintain a bidder's list and other records necessary for the efficient acquisition of goods and services.
- b. The General Manager (or designee) is hereby authorized to sign all contracts for the purchase of goods or services awarded pursuant to this section or separately approved by the Board of Directors.

II. Purchase or Procurement of Goods or Services Exceeding \$25,000

- a. When the amount or value involved is at least \$25,000, the purchase shall be made by the Board of Directors through competitive bid as outlined below:
- i. Notice inviting bids shall include a general description of the services and/or articles to be purchased or sold, where bid blanks and specifications may be obtained; the time and place for bid openings, and whether bid deposit or bond and faithful performance bond will be required.
 - ii. Notice inviting bids shall be posted on the Districts website at ww.todb.ca.gov and in at least two public places in the District that have been designated as the location for posting public notices, at least 10 days before the date of opening the bids.
 - iii. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidder's list and may advertise the notice inviting bids in applicable publications.
 - iv. When deemed necessary by the Purchasing Agent or Board of Directors, any bidder may be required to submit a bid deposit or bond in an amount determined by the Purchasing Agent or Board of Directors. A successful bidder (and the bidder's surety, if a bond is furnished) shall be liable for any damages upon the bidder's failure to enter into a contract with the District or upon the failure to perform in accordance with the tenor of their bid.
 - v. When deemed necessary by the Purchasing Agent or Board of Directors, any person or entity entering into a contract with the District may be required to furnish a faithful performance deposit or bond in an amount determined by the Purchasing Agent or Board.
 - vi. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than 30 calendar days after the bid opening.
 - vii. At its discretion, the Board of Directors may reject all bids presented and re-advertises for bids.
 - viii. Contracts shall be awarded by the Board of Directors to the lowest responsible bidder, except as otherwise provided herein.
 - ix. All contracts shall be processed with a tracking Purchase Order and all funds encumbered at the contract value.
 - x. If two or more bids received from responsible bidders are for the same total amount or unit price, quality and service being equal, preference shall be given to the local vendor, or the Board of Directors may accept the lowest bid made by negotiation with the tie bidders and the Purchasing Agent at the time of the bid opening.

III. Award of Bid

a. Purchase or Procurement or Contracts shall be awarded after consideration of the following factors:

- i. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- ii. The ability of the bidder to perform the contract or provide the service promptly or within the time specified, without delay or interface;
- iii. The reputation and experience of the bidder;
- iv. The previous experience of the District with the bidder;
- v. The previous existing compliance by the bidder with federal, state, and local laws and ordinances;
- vi. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- vii. The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
- viii. The ability of the bidder to provide future maintenance and service of the use of the subject of the contract;
- ix. The number and scope of conditions attached to the bid.

b. The provisions of this section requiring competitive bidding shall not apply to the following:

- i. Contracts involving the acquisition of professional or specialized services, such as, but not limited to, services rendered by architects, attorneys, engineers, and other specialized consultants;
- ii. When the District's requirements can be met solely by a single patented article or process;
- iii. When no bids have been received following bid announcements under other provisions of this section;
- iv. When the amount involved is less than \$25,000;
- v. When an emergency requires that an order is placed with the nearest source of supply;
- vi. When a purchase involves goods of a technical nature, and it would be difficult for a vendor to bid on a standard set of specifications, the Purchasing Agent shall undertake a thorough review of known products and a comparison of features which would most closely meet the District's needs at the least cost;

- vii. For janitorial services for District buildings and facilities;
 - viii. When another agency has administered a competitive bidding process within the past two years for the same or substantially similar supplies, services or equipment and the District desires to utilize that other agency's bidding process.
- c. When the procurement falls into any of the categories listed above, and the amount does not exceed \$25,000, the Purchasing Agent may authorize the use of the other purchasing procedures set forth in this section, depending on the value of the goods or services. When the procurement falls into one of the categories listed above, and the amount exceeds \$25,000, procurement without competitive bidding must be authorized by the Board of Directors by simple majority, except as otherwise provided above.
 - d. Any request for an exception under this section shall include the nature of the contract, amount of the contract, and the reasons why competitive bidding is not feasible.

IV. Purchase or Procurement of Goods or Services between \$10,000 and \$25,000

- a. All purchases or procurement for goods or services that exceed \$10,000 shall be authorized by the Board of Directors at a Regular or Special Meeting thereof.
 - i. The provisions of this section requiring Board authorization shall not apply for maintenance and repair of District owned buildings or facilities.
- b. If the amount or value involved in a purchase is \$10,000 or more, but less than \$25,000, the Purchasing Agent may allow the purchase without written bid, by informal price checking through telephone or mail inquiry, comparison of prices on file or otherwise, subject to Board authorization.
- c. Every attempt shall be made to receive at least three price quotations.
- d. At the discretion of the Purchasing Agent, the acquisition of goods and services the value of which is at least \$10,000, but less than \$25,000, the formal competitive bid process may be used.

V. Purchase or Procurement between \$101 and \$10,000

If the amount or value involved in a purchase is at least \$100, but less than \$10,000, the Purchasing Agent may make the purchase, without written bid, by using purchase orders or by direct purchase and through comparison pricing from at least 3 sources via telephone, internet, written price proposal or using on site information.

VI. Purchase or Procurement Up To \$100

If the amount or value involved in a purchase is \$100 or less, the Purchasing Agent may make the purchase, without written bid, by using direct purchase, including by using available petty cash.

VII. Credit card purchases.

It is recognized that certain authorized employees are issued a District Credit card for incidental purchases. Incidental purchases include fuel for vehicles, small supplies such as hardware, and online purchases where a credit card is the only method of payment. In addition, while traveling on District business, credit cards may be used for transportation, hotel, and meals when applicable and authorized by the General Manager. All credit card purchases shall be authorized by the General Manager. Credit Card purchases shall not be used for the purpose of evading the competitive bidding provisions of this Policy.

VIII. Purchase Orders.

All Purchase or Procurement over \$1,000 shall be documented by a purchase order prepared by the Purchasing Agent. The original copy shall be directed to the vendor and one copy shall be retained for the purchase order file. The final copy shall be directed to the department for whose benefit the purchase is being made to be used as a receiving report.

IX. Availability of Sufficient Funds.

No purchase order shall be issued until it has been ascertained that there is to the credit of the department of the District for whose benefit such purchase is to be made a sufficient unappropriated balance in excess of all unpaid obligations to defray the amount of such order.

X. Inspect and Review.

The Purchasing Agent shall require the inspection of supplies and equipment delivered, and contractual services performed, to determine their conformance with the specifications and requirements set forth in the order or contract.

XI. Surplus Supplies and Equipment.

At such times as determined by the Purchasing Agent, reports shall be prepared showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The Purchasing Agent shall have the authority to sell trade or exchange all said supplies and equipment. The manner of disposing of surplus property shall be consistent with the procedures for Purchase or Procurement set forth in this policy, depending on the value of the property.

XII. Splitting Orders Prohibited.

It is unlawful to split or separate into smaller orders the purchase of supplies, materials, equipment or services for the purpose of evading the competitive bidding provisions of this Policy.

XIII. Exceptions – Public Projects.

This Policy is expressly made inapplicable to bids for public projects as defined by Public Contracts Code Section 20680 and where the expenditure required for the public project exceeds the limit set by Public Contracts Code Section 20682. The provisions contained in Public Contracts Code Section 20680 et seq.

XIV. Exceptions – Contracting during Declared Emergencies, Emergency Cleanup, or Emergency Cleanup of Hazardous Materials or Waste.

When, in the discretion of the General manager, or designee, it is determined that a declared Emergency exists, or a hazardous spill has occurred and that immediate cleanup is required to prevent the spill from entering the storm drain system or any watercourse, the General Manager, or designee, may contract for the cleanup of the spill. Any such contract in the amount of \$10,000 or less may be entered into on behalf of the District by the General Manager, or designee, without prior Board of Directors approval; however, a contract in excess \$10,000 shall be ratified by the Board of Directors at the next regular or special meeting of the Town of Discovery Bay Board of Directors.

XV. Protest Procedure.

After the award of any contract, any unsuccessful bidder may challenge the bid procedure by filing a written protest with the General Manager. The protest must set forth the reasons for the challenge and must be filed within 10 days of the award of the contract. The General Manager shall review the protest and provide a written reply in an expeditious manner. The decision of the awarding authority with respect to the protest shall be final. Failure to file a timely protest shall be deemed a waiver of any challenge to the procedure or award of contract.

DRAFT

Town of Discovery Bay CSD
General Purchasing Requirements Summary
For Goods and Services

1. For Purchase or procurement of \$100 or less:

- Direct Purchase or procurement. No competitive bids, no documented price comparisons or quotes required.

2. For Purchase or procurement of \$101-\$10,000:

- Use PO or Direct Purchase or procurement. Competitive bid not required, however, informal bid procedures need to be followed: if products readily available, seek quotes from at least 3 sources via telephone, internet, written price proposal or using on site information.
- Purchase may require a contract if the procurement is for professional, construction, or technical services.
- Purchase or procurement requires a PO – See PO Requirements Section. Purchasing Agent may require written competitive bid.
- For purchase or procurement under \$10,000 no Board action is necessary, however, the item must be budgeted.
- If a purchase or procurement is not budgeted, it must be authorized by the Board prior to procurement.

3. For Purchase or procurement of \$10,000-\$24,999:

- Purchasing Agent may approve purchase or procurement without competitive bid, using informal price quotes from at least 3 sources via telephone, internet, written price proposal or using on site information.
- Purchase or procurement requires a PO – See PO Requirements Section. Purchasing Agent may require written competitive bid.
- All purchase or procurement over \$10,000 must be approved by the Board of Directors prior to purchase or procurement.
- Purchase may require a contract if the procurement is for professional, construction, or technical services.

4. For Purchase or procurement of \$25,000 or more:

Requirement #1 - Purchase or procurement itself must be approved by the Board of Directors (it's not enough to have an approved budget),

Requirement #2 – Purchase or procurement requires a Contract and a PO – See PO Requirements Section; and

Requirement #3 – Purchase or procurement must be awarded using a written competitive bid process unless the purchase or procurement meets one of the specific exclusions below:

- Contracts for specialized or professional services including but not limited to architects, attorneys, engineers, and other specialized professionals.
- When the Town's requirements can be met solely by a single patented article or process.
- When after bid announcements, no bids have been received.
- When an emergency requires an order be placed with the nearest source of supply.
- When a purchase or procurement involves goods of a technical nature, and it would be difficult for a vendor to bid on a standard set of specifications.
- For janitorial services or maintenance and repair of buildings and facilities.
- For maintenance and repair of public streets, including street sweeping.
- When another public agency has administered a competitive bidding process within the past two years for the same or substantially similar supplies, services, or equipment.
- When the Board of Directors specifically waives the competitive bid process and authorizes staff to negotiate the purchase or procurement of vehicles by 4/5ths vote.

Who can sign contracts for the purchase or procurement of services, supplies and equipment? The General Manager (or Designee).

PO Requirements

- All Purchase or procurement \$1000 or more must be documented with a PO or Direct Purchase agreement.
- PO's must be approved by General Manager.

- PO's cannot be approved unless there is unencumbered budget in place.

Credit Card Purchases

It is recognized that certain authorized employees are issued a District Credit card for incidental purchases. Incidental purchases include fuel for vehicles, small supplies such as hardware, and online purchases where a credit card is the only method of payment. In addition, while traveling on District business, credit cards may be used for transportation, hotel, and meals when applicable and authorized by the General Manager. All credit card purchases shall be authorized by the General Manager.

Other Purchasing Policy General Requirements

Supplies or equipment delivered, and contractual services performed all must be inspected for conformance with the specifications and requirements set forth in the order or contract. Department Managers should approve payment for such goods or services only after determining their sufficiency and conformance with those specifications and requirements.

Note:

- The preceding Applies to all Purchase or procurement of Services, Supplies, and Equipment not subject to California Public Contracts Code Section 20680 et seq).
- This summary of purchasing and procurement procedures is made available to assist the reader and summarize the District's Purchasing and Procurement procedures. It is intended for general information only. In the event this document is in conflict with District Policy then District Policy shall prevail.



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2010-15**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT (CSD) RESCINDING RESOLUTION 98-31 THAT ADOPTED A
PURCHASING SYSTEM FOR THE DISTRICT AND ADOPTING
A PURCHASING AND PROCUREMENT POLICY**

WHEREAS, Town of Discovery Bay Community Services District adopted Resolution 98-31 on August 19, 1998 establishing a Purchasing System for the District; and,

WHEREAS, the Purchasing System authorized by Resolution 98-31 needs to be Rescinded; and,

WHEREAS, a new Purchasing and Procurement Policy for the District has been created that is consistent with state law and District purchasing practices.

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

SECTION 1. That the original Purchasing System for the District that was established pursuant to Resolution 98-31 be Rescinded and replaced with the Purchasing and Procurement Policy and is made a part of this Resolution.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED THIS 20th DAY OF OCTOBER 2010.

J. 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 October 20, 2010, by the following vote of the Board:

AYES:
NOES:
ABSENT:

Richard J. Howard
Board Secretary



Town of Discovery Bay CSD AGENDA REPORT

Meeting Date

October 20, 2010

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

Agenda Title

Consider establishing Town of Discovery Bay Internship Program

Recommended Action

As Necessary

Executive Summary

At the September 15, 2010 Board meeting, Director Dawson requested the Board consider the establishment of an Internship Program with the District. Director Dawson will outline his plan at tonight's meeting.

Projects a potential intern can assist and provide support include, but are not limited to the following;

Administrative support, research and assistance in developing/revising District operational and administrative policies, coordination of files, assistance with budget document preparation, and other office related functions. All of the work would be overseen by a staff member and the work product would be reviewed by staff.

Staff is prepared to implement an internship program if that is the desire of the Board.

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

September 15, 2010 request by Director Dawson to consider implementing a District Internship program

Attachments

None

AGENDA ITEM: F-2



Town of Discovery Bay CSD

AGENDA REPORT

Meeting Date

October 20, 2010

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

Agenda Title

Update and Summary of Findings related to Harbor Bay HOA water metering program.

Recommended Action

- 1) Reaffirm direction to staff to initiate water meter installations at all residential and landscape parcels located within the Harbor Bay HOA;
- 2) Provide direction to initiate Cypress Landing, Lido and Marina Circle water meter installations for all landscaped and residential parcels;
- 3) Provide direction to initiate Sand Bay Isle water meter installations for all landscaped and residential parcels;
- 4) Direct staff to develop a program of property owner notification and procedures associated with these actions; and
- 5) Once completed remove the unmetered parcels from the list of unmetered parcels on the County Tax Roll and begin the process of metered billing for all associated parcels.

Executive Summary

At the July 7, 2010 meeting of the CSD Board of Directors, Mr. Lou Erickson of the Harbor Bay Home Owners Association (HBHOA) addressed the Board and stated that the HBHOA believes that there is inequity in the manner in which the Town of Discovery Bay CSD charges for water for condominium owners. At that time, the Board directed staff to meet with Mr. Erickson and attempt to resolve the matter. Harbor Bay consists of 122 residential condominium parcels and three landscape parcels for a total of approximately 12.3 acres. Currently, water usage and charges for Harbor Bay residential parcels are billed through their individual property taxes pursuant to the existing rate and fee schedule for unmetered parcels in Discovery Bay. The three landscape parcels are serviced by two meters and billed quarterly by metered usage as determined through water meters.

On September 1, 2010 Staff again returned to the Board and recommended that the Board temporarily suspend the current water rate structure at the Harbor Bay HOA until the entire property has received meters for their water consumption. After a lengthy discussion, it was the recommendation of the majority of the members present that staff: 1) identify all other home owners associations (HOA) in Discovery Bay that are similar to HBHOA, in that there is no landscaping associated to the residential units; and; 2) begin to evaluate the process of installing residential water meters at Harbor Bay.

(Continued on Page Two)

Fiscal Impact:

Amount Requested \$None at this time

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

July 7, 2010 and September 1, 2010 Board Meetings

Attachments

AGENDA ITEM: F-3

Subsequent to that meeting, staff determined that there are three other condominium HOA's that are similar to HBHOA – Marina Circle, Lido Circle and Sand Bay Isle HOA's. These three condominium HOA's have no or very limited landscaping associated with their residential units. Additionally, all three HOA's contain common area landscaping; however, Harbor Bay's landscaping is significantly more extensive than those of the other HOA's.

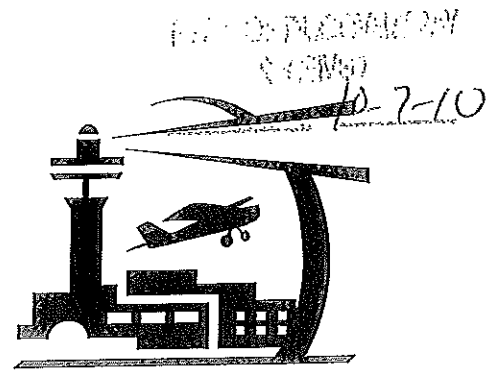
Staff is prepared to move the residential parcel water metering program forward at the HBHOA once direction is confirmed by the Board. The overall effect of this action will result in the entire complex (all common area and all residential parcels) on water meters, balancing water costs based upon actual usage.

In addition to these four HOA's, the only other community that resembles the others is Cypress Landing HOA. The community does have common area landscaping that is metered; however, Cypress Landing is a community of single family residences. Those SFR's are unmetered and presently fall within the unmetered water rate structure.

Staff is prepared, at the direction of the Board, to move forward with the installation of meters for the residential and landscape parcels located within Lido and Marina Circle, respectively, and Cypress Landing. Sand Bay Isle is a little more problematic as the location of individual residential connection lines are not clearly defined on as built plans and further evaluation of service locations will be necessary.

Estimated costs for each homeowner will range from and approximate low of \$250.00 to a high of \$1,000.00 depending on the difficulty of the installation. The price may vary due to property owners covering control boxes with concrete, distance from lateral service, or a number of circumstances that may result in added costs. However, it is anticipated that the majority of services will fall within the lower range of the cost estimate.

FINAL



**CONTRA COSTA COUNTY
AVIATION ADVISORY COMMITTEE
MINUTES OF MEETING
July 20, 2010**

MEETING CALLED: The meeting was called to order by Chair Tom Weber at 12:00 p.m. at the Director of Airports Office.

PRESENT: Mike Bruno, CCC Airports Business Association
David Dolter, At Large 1
Janet Kaiser, Diablo Valley College
Geoffrey Logan, Vice Chairperson, District III
Russell Roe, District II
Rich Spatz, Secretary, At Large 2
Tom Weber, Chair, District IV

ABSENT: Patricia Howlett, City of Concord
Derek Mims, City of Pleasant Hill

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

**OPENING COMMENTS
BY CHAIR:** Tom Weber reported that District 5 is in the process of nominating a representative. District 1 is still looking to fill their Aviation Advisory Committee (AAC) position.

**PUBLIC COMMENT
PERIOD:** Pete Wiebens, of Buchanan Airport Hangar Owner's Association (BAHOA), stated that there have been ongoing issues with aircraft making u-turns on the ramp in front of the hangars. Even though most of this issue has been resolved the new hangar development, by Aviation Development Group (ADG), invites pilots to make a 90 degree turn in front of the BAHOA hangars in order to taxi onto their ramp. Pete further stated there are significant safety issues with propeller and jet blast with the way the project is configured. Aircraft should not be allowed to make those 90 degree turns on such a narrow taxiway. A letter was sent to the Airport and County to apprise them of the issue and a meeting was held with Keith Freitas and ADG to discuss the issue. This item will be agendized for the August meeting.

Duane Allen expressed his disappointment with the hangar repairs. Many of the aircraft will have to be removed from the hangars again to have the wheels on the doors replaced making the project inefficient and not very cost effective. Beth Lee stated that she would look into this issue. Airport staff understood most of the work would be done during the initial visit and a separate visit would be scheduled for wheel replacement when the company knew which doors would need new wheels.

APPROVAL OF MINUTES:

June minutes were approved. **Moved by Rich Spatz; seconded by Mike Bruno. Approved Unanimously.**

APPROVAL OF CONSENT ITEMS:

The Development Project Report was pulled from the consent items. Consent items were approved. **Moved by Geoff Logan; seconded by Russ Roe. Approved Unanimously.**

PRESENTATION/ SPECIAL REPORTS:

None

DISCUSSION/ACTION ITEMS:

a. Items Pulled from Consent
None

b. Consideration of surrendering Buchanan Field Airport's Part 139 Operating Certificate

Keith Freitas gave a brief history of Buchanan Field's Part 139 Operating Certificate (Certificate). A discussion then followed of the current and upcoming Part 139 issues:

- Enhanced Airfield Markings (\$30,000 initial cost with 480 annual staff hours)
- Updates to Airport Emergency Plan (\$75,000 initial cost with 200 staff hours)
- Safety Management System (\$20,000 initial cost with 200 annual staff hours)

Keith discussed the ongoing challenges facing the Airport as well as the FAA and Transportation Security Administration (TSA) requirements that would have to be met to establish airline service at Buchanan Field. Input from stakeholders was reviewed as well as the Airport's plan to continue existing services. Keith then asked for this item to be added to the next agenda for additional discussion.

c. AAC Bylaws Update

Tom Weber reported that the bylaws were taken before the Airport Committee in June. The bylaws will now reflect representatives on the AAC must live or work within Contra Costa County; this is consistent with the County policies. Supervisor Piepho expressed concern that there was no limit on the length of time a member could holdover past their term expiration; after much discussion the hold over period would be limited to 60 days.

This item will be forwarded to the Internal Operations Committee for review and then to the full Board of Supervisors for final approval.

d. Mariposa Energy Plant Report

Keith Freitas gave a brief history of the proposed Mariposa Energy Plant Project which would be located about 2.7 miles from the Byron Airport. Mariposa recently provided a four (4) inch thick report to respond to the aviation/airport questions submitted by the Airport, Airport Land Use Commission (ALUC) and the County Board of Supervisors. The ALUC has dedicated three meetings to review and discuss the report; the next meeting is scheduled for July 28, 2010 at 7:30 p.m. The California Energy Commission (CEC) will draft a report to the Commissioners so that a decision can be made during the first quarter of 2011. Pilot groups continue to express their concerns about power plants near airports. The FAA has decided to do further study on this matter and should have a report in a few months.

Geoff Logan stated the energy plant applicant was at the last ALUC meeting and gave a presentation with follow-up information to answer questions posed by the ALUC. This item was listed as an action item on the ALUC agenda, however, the ALUC decided not to take action until they get additional information and have further discussion.

Bo Buchynsky stated the report addresses the issues raised by the County. The CEC has asked some additional questions and a response will be drafted and should be available by July 28, for the ALUC meeting.

e. AAC Tenant Recognition Program & Nominations

Tom Weber stated that there were two nominations for the AAC Tenant Recognition Award. **Geoff Logan made a motion to nominate Pacific States Aviation for the award. Mike Bruno seconded the nomination. Approved unanimously.**

f. State Fee for Flight Instructors – Assembly Bill 48

Keith Freitas stated that concern was expressed, at the last Airport Committee, about Assembly Bill 48 (Bill). This new state law goes into affect August 1, 2010. The law requires all flight schools and possibly flight instructors to pay a fee of \$5,000 in the initial year and then \$1,000 per year thereafter. The law also adds additional accounting requirements. This Bill was enacted because fly-by-night flight schools were taking money from students, closing their doors and leaving the country. The Bill was to regulate those schools but will end up penalizing all flight schools and instructors with large fees. The Air Transport Association (ATA), Aircraft Owners and Pilots Association (AOPA) and three other entities have rallied some state senators who are willing to draft a bill to buy time to fight this bill.

Mike Bruno commented that they are trying to get the August 1, 2010 date extended. There are a lot of people involved and this law could affect flight schools pretty drastically. Mike further stated that the issue was not necessarily the fee but the process that comes with government requirements.

UPDATES/ANNOUNCEMENTS

a. **Airport Committee Update**

- The June Airport Committee meeting primarily focused on the AAC Bylaw changes. The next meeting is scheduled for September 20, 2010 at 11:00 a.m.

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

Keith Freitas reported:

- Comanche fly in August 13 – 15.
- Golden Gate German Shepherd Foundation is holding its annual fund raiser at the Crowne Plaza September 25, 2010. They will use the transient ramp to do some demonstrations.
- Lieutenant Colonel James Warren, a retired Tuskegee Airman, with over 12,000 hours as a navigator bombardier in World War II, Vietnam and Korea has been taking flying lessons at Buchanan Field and will be taking his private pilots certificate this Thursday, July 22, on his 87th birthday.

g. **Airport Business Association Update**

Mike Bruno reported that he spoke with most of the Airport Businesses and they reported they continue to see increases in their hangar vacancies.

c. **AAC Announcements**

Tom Weber reported that he applied for a long standing vacant position on the ALUC.

d. **Airport Staff Announcements**

None

FUTURE AGENDA ITEMS

- a. AAC Tenant Recognition Program Award
- b. Consideration of surrendering Buchanan Field Airport's Part 139 Operating Certificate
- c. BAHOA concerns with blast issues
- d. Mariposa Energy Plant Report
- e. RAPC Update

ADJOURNMENT: The meeting was adjourned by the Chair at 2:20 p.m.

Received 10/4/10

10/5/10 Emailed to Board



County Supervisor Mary Nejedly Piepho, District III

CONTRA COSTA COUNTY BOARD OF SUPERVISORS

COMMITTEES

Internal Operations Committee

Delta Protection Commission

Transportation, Water & Infrastructure Committee

Tri Valley Transportation Committee

Local Agency Formation Commission

Central Contra Costa Solid Waste Authority

Airport Committee

Association of Bay Area Governments

Contra Costa Regional Medical Center Joint Services Committee

Dougherty Valley Oversight Committee

South West Area Transportation

September 28, 2010

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

Dear President *Kevin* Graves and Members,

Please find enclosed information provided to my office from Joanne Leibe, Community Outreach Coordinator with American Medical Response (AMR), regarding potential access to Automated External Defibrillators (AED) into your community.

Please review the enclosed materials and if interested appoint a member of the Town of Discovery Bay Community Services District to work with my office to participate in AMR's AED Donation Program.

I look forward to working with you to add this positive addition to your community.

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

As always, it is an honor to work with you in service to the citizens of Discovery Bay.

Sincerely,

MARY N. PIEPHO
County Supervisor, District III

Cc: Joanne Liebe, American Medical Response
Pam Dodson, Contra Costa County Health Services Dept.

MNP: kc

AGENDA ITEM - K-2



AMERICAN MEDICAL RESPONSE®

Thank you for your interest in starting a Public Access Defibrillation (PAD) program in Contra Costa County. Early defibrillation has been proven to improve survival from out-of-hospital sudden cardiac arrest

You can make a difference!

Did you know that?

- *More than 460,000 Americans die each year from Sudden Cardiac Arrest*
- *Sudden Cardiac Arrest is a major public health problem and a leading cause of death in the United States*
- *The most common cause of Sudden Cardiac Arrest is ventricular fibrillation-when the heart's electrical impulses become irregular and the heart is unable to pump oxygen- rich blood through the body*
- *Currently, a person who suffers Sudden Cardiac Arrest in the U.S, outside of a hospital, has just better than a 6% chance of survival*
- *Once a victim has suffered a cardiac arrest, every minute that passes before returning the heart to a normal rhythm decreases the chance of survival by 10%*
- *Communities that have implemented programs ensuring widespread public access defibrillation, combined with training, maintenance, and coordination with local emergency medical systems, have dramatically improved the survival rates from cardiac arrest.*

This packet contains the following documents to assist you in developing and implementing a PAD program:

- Public Access Defibrillation Program Implementation Guide
- Public Access Defibrillation Program - Frequently Asked Questions
- Lay Rescuer Automated External Defibrillator Regulations
- California Statutes Pertaining to Automated External Defibrillators
- Automated External Defibrillator Manufacturers List
- AED Consultant, Distributor and Training Organization List
- Notice of new Public Access Defibrillator Program
- Report of Automated External Defibrillator (AED) Use
- Sample Policy

Please don't hesitate to contact me at (925) 646-4690 if you have any questions.

Thank you for your interest in saving lives!

Sincerely,

Joanne Leibe
Community Outreach Coordinator
American Medical Response, Contra Costa County

Public Access Defibrillation Program Implementation Guide

There are 4 key elements to establishing a Public Access Defibrillation program.
These include:

- Having designated rescuers trained in CPR and in how to use an automated external defibrillator (AED)
- Having a physician to provide medical oversight and direction
- Integrating your program with the local emergency medical services (EMS) system
- Using and maintaining the AED(s) according to the manufacturers specifications

Steps:

1. **Gain consensus**

Within your company or organization begin to identify the key decision makers and arrange a meeting to gain support. The American Heart Association or your local EMS Agency can assist you with presentation materials.

2. **Review the law and regulations**

Review Federal, State and local laws and regulations regarding Public Access Defibrillation program requirements. Consult your local Emergency Medical Services (EMS) Agency

3. **Consult your local Emergency Medical Services (EMS) Agency**

The local EMS Agency can provide you with information regarding training, purchasing AEDs, medical direction and laws and regulations.

4. **Identify your response team**

Identify who would be most likely to respond in an emergency – this will help determine how and where AEDs are mounted or stored.

5. **Arrange for medical direction**

Since the Food and Drug Administration classify AEDs as medical devices, they cannot be purchased without a prescription from a physician. This physician may serve as the “medical director” of the AED program, providing medical oversight. The medical director assists in the development of an emergency response plan – a procedure to follow in the event of an emergency. The medical director may also assist with training plans, the development of policies and procedures, updates as needed and reviews the use of the AED. Suggestions for identifying a physician to provide medical oversight may be obtained by calling your local EMS Agency, the American Heart Association, or individual vendors.

6. **Select equipment and vendor**

Some considerations in selecting the AED may include: Reputation of the AED manufacturer for the product's quality and customer service, compatibility with the equipment used in the local EMS system, and ease of operation of the AED.

7. **Design Policies and Procedures**

These may include:

- Who manages the AED program
- Who provides medical direction
- When the AED should be used, when it should not be used
- Training required to use the AED
- Locations of AEDs and other equipment (such as gloves and pocket mask for CPR)
- Notification process for internal AED responders and external emergency medical services responders
- Maintenance schedule for equipment
- Training and refresher training policies

8. **Determine the quantity and location for AEDs**

The American Heart Association recommends defibrillation in less than 4 to 5 minutes, ideally in less than 3 minutes. When determining the quantity and location for AEDs, use this 3 minute response time as a guideline.

9. **Develop a budget**

Consider costs related to equipment, training and promotion of your program

10. **Purchase and deploy AEDs and other supplies**

11. **Required notification**

Once your AED(s) is/are purchased and training is complete notification of the local EMS Agency as to the location of the AED is required by regulation. Use of the AED is to be reported to the EMS Agency as well. (Forms attached)

12. **Promote your program**

Everyone within you organization needs to know about the program. They should know how to respond if they witness a sudden cardiac arrest.



AMERICAN MEDICAL RESPONSE®



Public Access Defibrillation Program Implementation Guide

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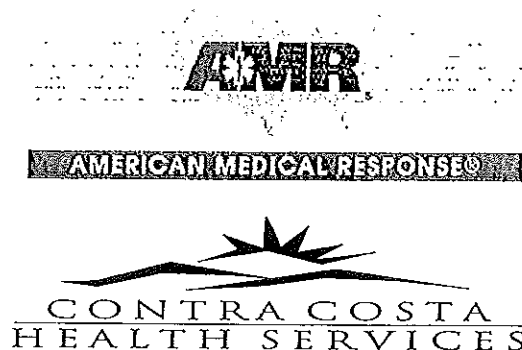
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12. **Promote your program**

Everyone within you organization needs to know about the program. They should know how to respond if they witness a sudden cardiac arrest.





Public Access Defibrillation Program Frequently Asked Questions

What is public access defibrillation?

Public access defibrillation (PAD) means making an automated external defibrillator(s) available in public and/or private places.

What is an AED?

An Automated External Defibrillator (AED) is a computerized medical device that is able to check a person's heart rhythm, recognize rhythms that require a shock and use voice prompts, lights and text messages to tell the individual using the machine that a shock is advised and the steps to take to provide the needed shock.

How many AEDs do I need at my worksite?

This is usually determined by the size of your facility. In addition, if your facility is spread out or on several floors, more than one AED may be recommended. The goal of a successful AED program is to deliver a shock to a victim within 3-5 minutes of collapse. When determining where to place AEDs, use a 3 minute response time as a guide.

How can I get an AED?

AEDs can be purchased through one of several manufacturers and/or vendors. Lists manufacturers and vendors are provided in this packet.

What does training involve?

Training involves a 4 hour course in CPR and the use of an AED. A list of training organizations is provided in this packet. Local CPR/AED course information is also available at 1-800-GIVE-CPR or on our website: cccems.org.

If AEDs are so easy to use, why do people need formal training in how to use them?

An AED operator must know how to recognize the signs of sudden cardiac arrest, when to activate the 911 system, and how to do CPR. Training also teaches the operator how to avoid potentially hazardous situations.

Am I legally liable for using an AED?

The California Health & Safety Code and Civil Code gives liability protection to those people or entities that acquire an AED and abide by the regulations and to people who are trained in CPR, who in good faith, render emergency CPR at the scene of an emergency. As awareness of AEDs grows, companies and organizations may face greater threat of liability if they are not properly prepared to respond to a cardiac emergency in a timely manner. This trend can be seen by three cases in which lawsuits were filed against companies that were not prepared.

Why can't I just buy an AED and keep it at my worksite?

AEDs are manufactured and sold under guidelines approved by the Food and Drug Administration (FDA). To purchase an AED requires a physician's prescription for the device.

Why must there be oversight by a medical doctor?

An AED is a medical device and must be prescribed by a physician. The physician's main duties include: providing medical leadership and expertise, reviewing each incident where emergency care or treatment on a person in cardiac arrest is rendered, coordinating the program with the local EMS agency, ensuring that rescuers are properly trained and their skills maintained, and to assist in the development of an Internal Emergency Response Plan that ensures compliance with regulation requirements.

Why is notifying the local EMS Agency important?

It is important for the local EMS Agency to know where AEDs are located in the community. In the event of a sudden cardiac arrest, the 9-1-1 dispatcher will know if an AED is on the premises and will be able to notify the EMS responders as well as assure that the individuals already on the scene know that the AED is onsite assisting them when appropriate to get and use the AED.

**Contra Costa County EMS Agency
Notice of New Public Access Defibrillation Program**

Please complete a separate form for each AED at your location. Keep as master. Complete and resend if information changes.

Please mail or fax this completed form(s) to:

Joanne Leibe
American Medical Response
5151 Port Chicago Hwy, Suite A
Concord, CA 94520
Fax: 925-689-8797



Location of AED	
Name of Business	
Address	
Floor and Location Information	
Closest/Fastest Street Access	
Phone Number (Most likely to be used to call 9-1-1)	

On-Site Contact Information	
Name of On-Site Contact	
Phone Number of On-Site Contact	
E-Mail Address of On-Site Contact	
Physical Address of On-Site Contact (If different than above)	
Supervisor of On-Site Contact	
Phone Number of Supervisor	

AED Brand and Model

Medical Director	
Medical Director's Name	
Medical Director's Phone Number	

The above named physician is serving as the medical director for this public access defibrillation program as described in the California Code of Regulations, Title 22, Social Security, Division 9, Prehospital Emergency Medical Services, Chapter 1.8, Lay Rescuer Automated External Defibrillator Regulations, Section 100031 through 100042.

Received 10/4/10

10/5/10 Emailed to Bear



County Supervisor Mary Nejedly Piepho, District III

CONTRA COSTA COUNTY BOARD OF SUPERVISORS

COMMITTEES

Internal Operations Committee

Debris Protection Commission

Transportation, Water & Infrastructure Committee

Tri Valley Transportation Committee

Local Agency Formation Commission

Central Contra Costa Solid Waste Authority

Airport Committee

Association of Bay Area Governments

Contra Costa Regional Medical Center Joint Services Committee

Dougherty Valley Oversight Committee

South West Area Transportation

September 28, 2010

Bijan Sartipi, District 4 Director
California Department of Transportation
P.O. Box 23660
Oakland, CA 94623

Dear Director Sartipi,

My office has recently been contacted by several residents of east and far east Contra Costa County with regards to trucks and vehicles parked along the Caltrans Right of Way on the west side of Brentwood Blvd/Highway 4, between Balfour Road and Guthrie Lane, near the start of the important safety corridor.

This issue is very similar to a previous issue in the Discovery Bay area as individuals are crossing four lanes of a busy highway as they exit their trucks and vehicles and other traffic safety issues.

Please review and investigate this issue and respond at your earliest convenience. If there is anything myself or staff can do to assist in the process please do not hesitate to ask call my office.

Please feel free to contact my office at (925) 240-7260 with questions and or comments regarding this issue.

Thank you for doing your part to protect the drivers in Contra Costa County as well as the State of California.

Sincerely,

MARY N. PIEPHO
County Supervisor, District III

(Cont.)

AGENDA ITEM: K-3

I appreciate your thoughts on this!
M.

Cc: Julie Bueren, Director, Contra Costa County Public Works Department
Mayor Bob Taylor, City of Brentwood
Chief Mark Evenson, Brentwood Police Department
Captain James Cahoon, California Highway Patrol
Kevin Graves, President, Town of Discovery Bay CSD ✓
Linnea Juarez, Chair, Byron Municipal Advisory Council
Linda Weekes, President, Knightsen Community Services District
Linda Weekes, Chair, Knightsen Town Advisory Council

MNP: kc

3A.
STATE ROUTE 4 BYPASS AUTHORITY
10-13-10

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

A JOINT EXERCISE OF POWERS AGENCY

MINUTES
June 10, 2010

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 8:11 P.M.

ROLL CALL

PRESENT: Federal Glover (Contra Costa County), Brian Kalinowski (Antioch), Bob Taylor (Brentwood), and Chair Jim Frazier (Oakley)

ABSENT: None

STAFF: Dale Dennis, Program Manager

PUBLIC COMMENT

There were no comments.

CONSENT ITEMS

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

- A. APPROVED minutes of April 8, 2010 meeting (*May 13 meeting canceled*).
- B. APPROVED Memorandum of Understanding (MOU) with Contra Costa County for the Marsh Creek Road Rubberized Asphalt Concrete (RAC) Project, and AUTHORIZED the Secretary or designee to sign the MOU on behalf of the Authority.
- C. THE BOARD WAS ASKED TO TAKE THE FOLLOWING ACTIONS
 - 1. APPROVED the Right-of-Way Contract and ACCEPTED the Easement Deeds and Quitclaim Deed listed below:

<u>Grantor</u>	<u>Document</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>
Contra Costa Water District	010-020-008	03/10	Contra Costa Water District	\$8,900
Contra Costa Water District	59875	03/10	Contra Costa Water District	\$5,750

Contra Costa Water District	J21 & J22	07/09	Contra Costa Water District	\$2,000
Contra Costa Water District	J26	03/10	Contra Costa Water District	\$ 500

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 \$17,150 and AUTHORIZED the Auditor-Controller to issue a check in said amount payable to listed payee to be forwarded to the Real Property Division for delivery.
4. DIRECTED the Real Property Division of Contra Costa County to have the above referenced Easement Deeds and Quitclaim Deed recorded in the office of the Contra Costa County Recorder.

D. APPROVED an amendment to the Consulting Services Agreement with Mark Thomas and Company in an amount not-to-exceed \$419,672 to prepare Geometric Approval Drawings (GAD) and Project Report (PR) for the SR160/SR4 Bypass Connectors, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.

E. APPROVED the end of year adjustment to the 2009/10 Fiscal Year Work Plan and Budget.

F. APPROVED the 2010/11 Fiscal Year Work Plan and Budget.

DETERMINATION ITEMS

A. RECEIVE Status Report on the SR4 Bypass Projects

Program Manager Dale Dennis advised that staff was moving forward to secure the \$500,000 in American Recovery and Reinvestment Act (ARRA) funds for the RAC project on Marsh Creek Road and that the Board had, on consent, approved an MOU with Contra Costa County to work in partnership. Work was also proceeding on the approval drawings and project report for the connector ramps to get them prepared for any potential funding. Staff continued to work with Contra Costa Transportation Authority (CCTA) staff to look for funding for the Sand Creek Road Interchange/4-Lane: Laurel Road to Sand Creek Road projects, to be able to deliver those projects expeditiously.

Chair Frazier asked about the slide on Laurel Road, to which Mr. Dennis advised that the design engineer for the property owner expected to have the plans ready early next week, to be approved by the City of Antioch to be able to move forward within the next month.

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 8:14 P.M. to the next meeting scheduled for July 8, 2010.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

34.4
STATE ROUTE 4 BYPASS AUTHORITY
Antioch - Brentwood - Oakley and Contra Costa County

(AMOUNT OF THE FUND)
RECEIVED
10-13-10

A JOINT EXERCISE OF POWERS AGENCY

MINUTES
July 8, 2010

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 7:13 P.M.

ROLL CALL

PRESENT: Federal Glover (Contra Costa County), Brian Kalinowski (Antioch), Bob Taylor (Brentwood), and Chair Jim Frazier (Oakley)

ABSENT: None

STAFF: Dale Dennis, Program Manager

PUBLIC COMMENT

There were no comments from the public.

CONSENT ITEMS

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

- A. APPROVED Consulting Services Agreement Amendment with Zwemmer Land Surveying in the amount of \$53,820 for a not-to-exceed amount of \$134,550 to continue to assist Authority staff on the SR4 Bypass right-of-way transfer process and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- B. APPROVED an amendment with Mark Thomas and Company in an amount not-to-exceed \$85,560 to provide right-of-way services for the right-of-way transfer of Segments 1, 2, and 3 of the SR4 Bypass to Caltrans, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.
- C. APPROVED amendments to Consulting Services Agreements with the following consultants (no payment limit increases) to extend the term of the existing agreements through June 30, 2011, and AUTHORIZED the Secretary or designee to sign the amendments on behalf of the Authority:

1. Parikh Consultants – Geotechnical and Environmental Site Assessment Engineering Services for Segments 2 and 3.
 2. Biggs Cardosa – Engineering Structural Consultants, Segment 3
 3. Fugro West – Environmental Site Assessment, Segment 2
 4. Nolte and Associates, Segments 2 and 3 Design Engineering
 5. Anita Tucci-Smith, Minutes Taker
 6. PB Americas – Construction Management Services for Segment 3
- D. APPROVED an amendment with Mark Thomas and Company in an amount not-to-exceed \$50,000 to proceed with Extended Phase 1 cultural/archeological testing for NEPA clearance for the Sand Creek Road Interchange Project, and AUTHORIZED the Secretary or designee to sign the amendment on behalf of the Authority.

EMERGENCY CLOSED SESSION ITEM

Program Manager Dale Dennis recommended the addition of an emergency closed session item to the agenda. He advised that the closed session item, pursuant to Government Code §54954.2(a) to allow immediate discussion, had come to staff's attention after the posting of the agenda.

On motion by Director Glover, seconded by Director Kalinowski, the Authority unanimously added an emergency closed session item to the agenda, to be considered after the Determination items on the agenda, as follows:

- A. Conference with Legal Counsel – Pending litigation pursuant to Government Code §54954.2(a): One case. City of Brentwood vs. Peter C. Landgraf, et. al., Contra Costa County Superior Court Case #MSC08-01723

DETERMINATION ITEMS

- A. CONSIDER Various Strategies to Improve Driver Behavior on the SR4 Bypass Including Driver Education, Public Awareness, Increased Enforcement, and Double-Fine Zone Designation, and PROVIDE DIRECTION to the Program Manager as Appropriate

Mr. Dennis advised that staff had been in discussion with local agencies and the Brentwood Police Department regarding enforcement related to a recent fatality on the Bypass involving a motorist and two drivers. As to whether or not driver behavior could be improved, he suggested there could be public education, public awareness, and other actions that might be considered in an attempt to improve driver behavior. He referred to handouts that identified the methods that had been used to address safety concerns on Vasco Road, and noted that there was a possibility of adding additional speed or radar signs to advise the public of their speed and ensure that there was more attention brought to the speed of traffic. Increased enforcement was also encouraged.

Wade Gomes from the Brentwood Police Department was present to provide an indication of the increased enforcement possible as far as the portion of the Bypass within the City of Brentwood was concerned, from Lone Tree Way down to Balfour Road. He presented a spreadsheet to identify levels of increased enforcement and the potential costs involved with increased enforcement and noted that the level of enforcement could potentially exceed the levels that had been provided.

Mr. Gomes explained that the Brentwood Police Department had been contracted to provide enforcement on the Bypass. He identified statistics from 2007 to the present to identify the number of citations, reports, property damage, injuries, fatal accidents and drunken driving arrests over that time. He reported that the numbers of each had escalated over that period. To address that escalation, the Police Department had posted overtime for officers to write tickets on the Bypass. He stated that the increased visibility of those officers in marked cars over the last two weeks had resulted in 150 citations. He noted that one citation was for one driver driving over 100 MPH.

Mr. Gomes explained that the Brentwood Police Department in Fiscal Year 2006 had used an Office of Traffic Safety (OTS) grant to address the same types of problems on Vasco Road and had entered into an agreement with the City of Livermore to jointly address the safety issues. The \$202,699 grant had funded enforcement of 25 hours a week for both agencies. He advised that the Brentwood Police Chief intended to apply for a multi-jurisdictional grant in the next funding cycle, hopefully in conjunction with the cities of Brentwood, Antioch and Oakley, to secure a multi-agency grant to get a better response.

Director Glover emphasized that the Bypass was not dangerous. It was the behavior of those driving on the Bypass that had created the problem since many were violating the laws of the road.

Mr. Gomes agreed that the increase in accidents and injuries was a result of bad driving behavior. The intent was to do things to make drivers aware of their driving. He explained that at the end of the grant with Vasco Road there had been a 20 percent reduction in injury and fatal accidents.

Mr. Dennis commented that the population had grown in East County and with that increased traffic on the Bypass there were increased violations and accidents.

Director Taylor emphasized the need to slow down drivers. He referred to the potential for a double-fine zone and suggested that flashing road signs might be useful. He noted that those signs cost \$12,000 annually and suggested that might also be considered to address the safety concern since funding an enforcement officer would be more costly than \$12,000 annually. He also suggested that the California Highway Patrol (CHP) become involved.

Mr. Dennis advised that the CHP patrolled county roads as a matter of course. The grant in question provided grants for local jurisdictions.

When asked by Director Kalinowski, Mr. Dennis stated that the split from Highway 4 to Lone Tree Way was being patrolled by the CHP at no cost at this time. He explained that staff had negotiated CHP enforcement as part of the Segment 1 opening since it was a freeway and the local jurisdictions were not experienced in dealing with freeway traffic and enforcement. The CHP had agreed to conduct that enforcement since the roadway would be turned over to Caltrans in the future. Recently enforcement had been increased. He noted that the CHP was parking at Laurel Road eastbound with a CHP patrol in the westbound area as well offering increased enforcement visually.

Director Kalinowski suggested the purchase of a couple of radar trailers for use pending the transfer to Caltrans, with potential reimbursement of that equipment at that time. He supported a global approach on the Bypass.

Director Taylor supported a multi-messaging unit. He agreed with the need to secure a couple of those units by purchase or renting given the need to address the entire corridor.

Mr. Gomes suggested that each city could be approached for the use of a radar speed trailer in each community, with the local cities to donate a certain amount of days to the Bypass for speed control. He noted that the City of Brentwood had one trailer and he expected that the others might as well. He recommended that their use be coordinated on the Bypass.

Mr. Dennis stated that rent versus buy was something to consider, to potentially purchase those units and have them used by the various cities.

Chair Frazier supported a solar radar trailer or some technology to reduce the manpower and get the most out of the possibility.

Chair Frazier added that the Mayors of the cities of Brentwood and Oakley had worked on the same issue with respect to Vasco Road, which had worked well. He reported that he had asked Senator DeSaulnier to look into a double-fine zone from SR160 for the full Bypass. He thanked the Highway Patrol who had since the incident had a greater presence in the area, and he thanked the City of Brentwood for utilizing its budget to address the problem. He supported the use of radar trailers along with signs to address speed and driver behavior.

Director Taylor did not want to delay the situation. He urged staff to return as soon as possible with the suggestions offered.

Director Kalinowski suggested that a Vasco Road level cost of \$7,400 a month could be utilized by staff to address the concern on a short-term basis, pending the signage and an efficient education system.

Mr. Dennis stated that staff had been looking at a double-fine zone. He noted that there would have to be a qualification based on the total collisions per mile per year or 1.5 times the statewide average. At this point in time the situation did not exceed the statewide average. With the required criterion, he suggested it was possible the Bypass would not qualify. He noted that the timing of the OTS grant was due by January with the funds not available until October of that year. He added that the double-fine zone process could take one to three years.

Terry Ramus, Antioch, characterized enforcement as an afterthought. He noted that funds had been secured to improve Vasco Road because it was unsafe. He suggested that everything was a band aid for the fact that the Bypass had stopped where it had. He urged that resources not be removed from the limited resources in the cities. He emphasized the need to find the money to fix the road. He suggested it appeared as if stimulus funds had not been secured. He suggested that there ought to be ways in these austere times to pursue more aggressive means in funding, designing and construction. He emphasized the need to be actively working on the issue and commented that he had heard no plan to fix the problem.

Mr. Dennis added that staff had pursued stimulus funds, was pursuing National Environmental Policy Act (NEPA) clearance for Sand Creek Road, was pursuing federal funds, and was working with all legislators on all three near-term projects of the Bypass.

Chair Frazier sought a monthly report on citations so that the Authority could track the efforts.

On motion by Director Taylor, seconded by Director Kalinowski, the Authority unanimously authorized a Vasco Road level (\$7,400) of increased enforcement for the next month along with the consideration of signs, and immediately working with the cities to secure radar trailers, if available, with a cost analysis of the longer term approach of the use of radar signs.

B. RECEIVE Status Report on the SR4 Bypass Projects

Mr. Dennis reported that staff continued to move forward with the Bypass project, advertising the overlay for Marsh Creek Road project, and working with the county to use American Recovery and Reinvestment Act (ARRA) stimulus funds. As other projects were finishing up staff was tracking some of the unused funds. Since the last meeting he reported that \$635,000 had been secured, with the potential of more prior to award through the County in September.

2A.9

If there were any other funds regionwide, the Authority was a strong candidate to secure additional funds. As to NEPA, Mr. Dennis reported that an initial budget had been approved to get it started to finish Phase 1, cultural testing. He noted that the excavation needed to be done during the dry season and an augmentation would be needed which would be brought back to the Authority next month.

Mr. Dennis added that staff was moving forward with the connector ramps to prepare the project to secure additional funding. Staff had met with the City of Antioch to clear up the Laurel Road slide issue which should move forward in the next month. He emphasized that staff continued to push to get funding wherever possible.

With respect to Transportation Investment Generating Economic Recovery (TIGER) funds, Mr. Dennis stated that the funds were heavily oversubscribed; with \$1.5 billion nationwide \$57 billion in projects had been submitted. Of that \$1.5 billion, California's fair share would be ten percent, or \$150 million. A TIGER II fund scenario had lesser funds and California's fair share would be only \$25 million statewide. As such, the TIGER funds stimulus had not resulted in any significant increase in projects being funded.

Chair Frazier asked if there had been communication with the railroad which might allow some streamline of the process. He noted that at the Contra Costa Transportation Authority's (CCTA's) Planning Committee, there was a desire to get Senator Boxer out to the site for a tour.

Chair Frazier urged staff to continue to seek out funds wherever possible.

BOARDMEMBER COMMENTS

There were no Boardmember comments.

CORRESPONDENCE

There was no correspondence.

CLOSED SESSION

Chair Frazier adjourned into closed session at 7:55 P.M.

- A. Conference with Legal Counsel – Pending litigation pursuant to Government Code §54954.2(a): One case. City of Brentwood vs. Peter C. Landgraf, et. al., Contra Costa County Superior Court Case #MSC08-01723

Chair Frazier reconvened from closed session at 8:00 P.M. and advised that there was nothing to report.

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ADJOURNMENT

With no further business to come before the State Route 4 Bypass Authority, Chair Frazier adjourned the meeting at 8:01 P.M. to the next meeting scheduled for August 12, 2010.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

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

DATE OF MEETING
10-13-10

A JOINT EXERCISE OF POWERS AGENCY

**MINUTES
September 16, 2010
Special Meeting**

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in Supervisor Glovers Office, District 5, 315 E Leland Road, Pittsburg, California by Chair Jim Frazier at 5:30 P.M.

ROLL CALL

PRESENT: Federal Glover (Contra Costa County), Brian Kalinowski (Antioch), Bob Taylor (Brentwood), and Chair Jim Frazier (Oakley)

ABSENT: None

STAFF: Dale Dennis, Program Manager

PUBLIC COMMENT

There were no comments from the public.

CONSENT ITEMS

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

- A. APPROVED an amendment with Mark Thomas and Company (MTCO) in an amount not-to-exceed \$74,500 to complete an extended Phase 1 cultural/archeological testing for NEPA clearance for the Sand Creek Road Interchange Project, and prepare documents for the advanced grading at the Sand Creek Road Interchange that are required to comply with the new state requirements, and AUTHORIZE the Secretary or designee to sign the amendment on behalf of the Authority.
- B. APPROVED a Consulting Services Agreement Amendment with the PDM Group Inc. for a not-to-exceed contract amount of \$422,512 for program manager services through June 30, 2012, and AUTHORIZE the Secretary to sign the amendment on behalf of the Authority.
- C. APPROVED an amendment with Mark Thomas and Company (MTCO) in an amount not-to-exceed \$50,000 to proceed with an Addendum to the SR4 Bypass Final Environmental Impact Report for the Balfour Road Interchange, and AUTHORIZE the Secretary or designee to sign the amendment on behalf of the Authority.

D. Staff recommends the Board take the following actions:

1. APPROVED Contract Change Order No. 6 with Ghilotti Construction Company, for an estimated net cost increase of \$800,000 for the advanced embankment work for the Sand Creek Interchange, and AUTHORIZE the Secretary or his designee to sign the change order on behalf of the Authority.
 2. APPROVED an increase in the project budget of \$800,000 to \$1,877,756 to cover the above contract change order and to maintain an adequate project contingency.
- E. APPROVED the installation of two speed radar feedback signs at a total estimated cost of \$42,000 on the Bypass between Lone Tree Way and Balfour Road.
- F. APPROVED Amendment to the Contract for Law Enforcement Services with the City of Brentwood in the total amount of \$32,200 for the 2010/11 Fiscal Year, first quarter (one time basis only) for the portion of the SR4 Bypass within the city limits to provide increased law enforcement services, and AUTHORIZE the Secretary or designee to sign the amendment on behalf of the Authority.

DETERMINATION ITEMS

RECEIVE status report on the SR4 Bypass projects.

BOARDMEMBER COMMENTS

There was no board member 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 6:15 P.M. to the next meeting scheduled for October 14, 2010