



TOWN OF DISCOVERY BAY CSD

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

**MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY CSD
Wednesday November 17, 2010
1800 Willow Lake Road, Discovery Bay, California
Website address: www.todb.ca.gov**

REGULAR MEETING at 7:00p.m.

A. ROLL CALL

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

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

Resident Jeff Barber – Stated that he believes our Town needs a plan/vision statement. In addition, our Town needs a Communication system, such as Presidents Newsletter with details on our Community. He also believes that we need a new program for quality standards for Water and Wastewater.

Resident Bud Kyle – Congratulations to the newly elected Board Member and to the Board Members for re-election. Also, Bud wanted to thank Director Piepho for the long term he has served with the Town of Discovery Bay CSD. He commented on the Discovery Bay Golf Course Lake that is in poor condition and would like the Board to find out how to obtain resources to have cleaned. Bud also suggested that a representative from each Entity would assist with the communication process within each Committee/Department.

Don Flint -- Asked why a public record was altered and sent to resident Bob Mankin.

C. PRESENTATIONS

None

D. CHAIR REPORT AND DIRECTORS' COMMENTS

Vice-President Simon - Clarified a statement that he had made at the October 20, 2010 CSD Board Meeting that the District did not intentionally withhold information relative to the June 22, 2010 sewer spill overflow.

Director Piepho – Stated that it is his understanding that any document that comes into the Board, that is not an Attorney Client privileged document, is then a public document, and we can share that document with anyone that is interested. Director Piepho would like Legal Counsel McGrew to clarify documents passed on to the board.

Legal Counsel McGrew – Explained that Director Piepho was referring to any document transmitted to a Board Member is a public record and that Board Member may distribute that record as desired.

E. CONSENT CALENDAR

1. Minutes of Regular Meeting for November 3, 2010

2. District Invoices

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

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

F. NEW BUSINESS AND ACTION ITEMS

1. Agreement between the Town of Discovery Bay CSD and U.S. Bank National Association N.D. (U.S. Bank) for participation in the State of California's "Cal Card" program

General Manager Howard – Explained the Cal-Card Program details. He pointed out that the Cal-Card will have restrictions; which will eliminate charges not authorized. Also, the card will have a design set for the Town of Discovery Bay CSD; therefore there will be no confusion as to which card should be used.

Motion made – by Director Tetreault and seconded by Director Piepho to Authorize the General Manager to execute all necessary and contract documents between the Town of Discovery Bay CSD and U.S. Bank National Association N.D. (U.S. Bank) for participation in the State of California's "Cal Card" program; and Adopt resolution 2010-18 Authorizing U.S. Bank as the sole purchase card program for the District and to cancel the current Capital One Visa account.

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

2. Employee Medical Coverage

General Manager Howard - Gave details on the medical coverage plan for the employees of the Town of Discovery Bay CSD. The proposal is medical only and does not provide dental and vision for the employee. Eligibility of contribution is based on a full time or part-time basis. The Board and General Manager had a discussion on the medical coverage and what the time period is for the proposal, along with what other comparable Districts provide for their employees. General Manager Howard also pointed out that due to not providing Medical Coverage the Town of Discovery Bay CSD has lost employees. The discussion continued on in regards to the contribution amount. General Manager Howard gave details on the research of the contribution amount and that the plan can be re-evaluated and negotiated on an annual basis, and adjustments can be made.

Motion made – by Director Dawson and seconded by Director Tetreault to Authorize agreements between the Special District Risk Management Authority (SDRMA) and the Town of Discovery Bay CSD, and authorize the President of the Board to execute the necessary documents approving participation in SDRMA's medical and ancillary employee benefits program and; Adopt Resolution 2010-17 authorizing the monthly contribution by the District for each employee be established at a not to exceed cost of \$527 per month per employee for Calendar Year 2011.

Resident Jeff Barber – Pointed out that he has operated businesses and believes that the 100% contribution is an amount that should be re-evaluated.

Resident Bob Mankin – Stated he is self-employed and believes that the contribution cost will go up and that the amount should not be locked in at 100%, and instead have an amount that is closer to a 50% contribution

Resident Don Flint – Questioned why the Employee Medical Coverage was in a closed session.

Legal Counsel McGrew – Stated that the session was negotiations with unrepresented employees and that General Manager Howard attended the closed session to represent the employees and that the negotiations for him are at the discretion of the Board.

Resident Don Flint – Stated that the decision for the employees to have medical coverage is a great plan, however, believes that Kaiser would be able to offer different levels of medical and does not see within the packet.

General Manager Howard – Explained that the SDRMA program does not offer a Kaiser plan and also due to the number of employees we have, we do not have other options.

Motion carried by the following vote: AYES: 4, NOES: 1 – Vice-President Simon

3. Establishment of a Town of Discovery Bay CSD General Fund

General Manager Howard – Gave details on the general fund and that the lease for T-Mobile West Corporation revenues will be placed in the General Fund account. In addition, this account will be useful for additional funding projects.

Resident Jeff Barber – What is the anticipated amount that is going into this fund from the current source annually? And are there other sources going into the fund?

General Manager Howard – Stated that the amount is a \$2,000/month lease for the first year which would add up to \$24,000 for that first year, increasing by 4% annually for twenty-five (25) years. There will not be any other amount going into the fund at this time.

Resident Jeff Barber – Can a provision be placed on the general fund that says the first purpose is to pay the expenses, such as MAC or AC expenses, and then what is left could be used at the Board's discretion?

General Manager Howard – Stated that is not the description of a general fund; to have restrictions or to begin with that approach. We need to have a place for the lease which will allow time to build up that fund. During the budgetary process, we will revisit the general fund and adjustments may be made at that time.

Resident Don Flint – Since the land and the cell tower project has been funded so far with rate payer dollars, he would like to know why that money coming in may possibly be placed in the general fund that is not tied to rate payer dollars.

Motion made – by Vice-President Simon and seconded by Director Dawson that the Board authorize the creation of a General Fund and Adopt Resolution 2010-19 establishing a Town of Discovery Bay CSD (TODBCSD) General Fund.

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

G. VEOLIA REPORT

1. Quarterly Report – July, August, and September

2. Monthly Report – October

Veolia Manager Gerald Smart - Provided slides for the Quarterly Report and discussed the Monthly Report.

H. MANAGERS REPORTS

Director Piepho – Provided a Code Enforcement Report for Discovery Bay.

I. GENERAL MANAGER REPORT

General Manager Howard – Provided a clip from Channel 7 on the Egeria Densa.

J. DISTRICT LEGAL COUNSEL REPORT

No Report

K. CORRESPONDENCE-Discussion and Possible Action

1. R – Contra Costa County Aviation Advisory Committee Meeting Minutes for August 17, 2010
2. S – Letter of Commendation for Lt. Mike Burton dated November 3, 2010
3. R – Letter from Supervisor Piepho to Liberty Union High School District regarding the district's property located at Delta Road and Sellers Avenue dated November 2, 2010
4. R – Letter from Supervisor Piepho regarding Liberty Union School District's acreage located a Delta Road and Sellers Ave dated November 2, 2010
5. R – Letter from Supervisor Piepho regarding a Board Order from the November 2, 2010 Board of Supervisors' meeting regarding the California Vehicle Code at the Discovery Bay Country Club dated November 3, 2010
6. R – Letter from Supervisor Mary Piepho regarding the cleanup of the Mount Diablo Mercury Mine dated November 4, 2010
7. R – Letter from Supervisor Mary Piepho regarding the dedication of the proposed Discovery Bay Community Center in honor of John Fritz dated November 2, 2010
8. R – Letter from the County Auditor-Controller regarding the Keller Canyon Mitigation Fund dated November 9, 2010

L. PUBLIC RECORD REQUESTS RECEIVED

Request from William Richardson–Deferred Compensation Program for employees–dated Nov. 2, 2010

Request from William Richardson – USDA Funding for Fire District – dated November 8, 2010

M. FUTURE AGENDA ITEMS

Vice-President Simon– We should no longer use cash as payments for different items, and possibly go to Credit Card or Debit Card process.

Director Dawson – Suggested revamping the Community Center Committee.

President Graves - Have the Manager of Code Enforcement attend a Board meeting and discuss what the priorities are for Discovery Bay and have input from the public.

N. ADJOURNMENT

The meeting was adjourned at 8:49p.m. to the next Regular meeting of December 1, 2010 starting at 7:00pm at 1800 Willow Lake Road- Located in back of the Delta Community Presbyterian Church.

cmc- 11.22.10