



TOWN OF DISCOVERY BAY CSD

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Board Members

President-Ray Tetreault	raytetreault@comcast.net
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Director-David Piepho	DApiepho@sbcglobal.net
Director-Shannon Murphy-Teixeira	smt@politician.com

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY CSD

February 4, 2009

1800 Willow Lake Road, Discovery Bay, California
REGULAR MEETING 7:00 P.M.

Website address: www.townofdiscoverybay.org

A. ROLL CALL

President Tetreault called the meeting to order at 7:00p.m. Roll call reflected that all directors were present. He then led in the Pledge of Allegiance

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

Walter MacVittie reported that he was no longer a member of the East County Planning Commission and that he would reapply to the position.

C. AREA AGENCIES REPORTS / PRESENTATION

1. DEPUTY SHERIFF /MARINE PATROL REPORT –

Lieutenant Burton commented about the meeting that had been held on February 3, 2009 regarding the P-6 Funds and thanked the community for coming out and participating. He then gave the report for the month of January 2009, which is on file in the District Office. He presented a graph that shows the trends of crime over the last years.

Lieutenant Duke gave his report for the month of January 2009, which is on file in the District Office. He also commented about the possibility of the marine gas tax being reallocated to the Parks and Recreation Department and that these funds currently are for the Department of Boating and Waterways work and the Marine Patrol.

2. CHP REPORT – no one in attendance.

3. FIRE DISTRICT REPORT – No one in attendance.

4. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT –

Karyn of Supervisor Piepho's office reported that Supervisor Piepho had attended last night's meeting and the Neighborhood Meeting regarding the P-6 funds. She reported that the Supervisor looks forward to hearing from the Community Services District (CSD) and the community with their input, comments and suggestions. She reported that the Supervisor has prepared a memo to County Counsel to inquire into the process required to allow the Sheriff to enforce all vehicle code on public and private streets within the boundaries of the Discovery Bay CSD. She reported that when they receive a response they will bring it back to the board. She reported that at the request of the County Farming Community the Supervisor got a board order at the Board of Supervisors meeting directing the Department of Conservation and

Development in consultation with the Contra Costa Ag Task Force to review the current regulations of the County designated Ag Corp and determine specific actions that would further promote and preserve local agriculture tourism and enterprises. She reported that Supervisor Piepho had been awarded the Partner in Prevention Award. There is a press release on file. She reported that there will be a Town Hall meeting on February 18, 2009 to talk about teen drinking in Alamo. She reported how the monies are acquired for the Park Dedication Funds. There is a listing of the census tracts, each ones funds and a map of the areas on file. She reported that they are working on updating the Counties pedestrian, equestrian and hiking trails for the master plan. She reported that Supervisor Piepho will be hosting a meeting to discuss the future of State Route 239 Brentwood to Tracy Expressway. She reported that Contra Costa County received a Federal Earmark of \$12 million dollars to plan for and make improvements to this route. She reported that Supervisor Piepho met with the Delta Six group and they discussed the issue of the railroad cars along the MoCoCo Line and the Bypass and the concern of the graffiti on the cars.

D. DISTRICT FINANCIAL REPORT

No report at this meeting.

E. CONSENT CALENDAR

There was discussion about the Minutes of the Special Meeting on December 23, 2008. The discussion pertained to the fact that the meeting was before the change of directors at the first of the year but that the minutes being after the change of directors were produced on letterhead with the new director's names. Also, that there was no note of the fact that the directors attending the meeting were different than the directors on the letter head. The concern was that there could be confusion as to who had attended the meeting.

Director Piepho motioned to approve the Consent Calendar with the amendment to rewrite the minutes of the December 23, 2008 meeting to list individually the board members in attendance. Vice-President Simon 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

General Manager Koehne requested that item F5 be moved up behind item F1. It was agreed to by President Tetreault.

F. NEW BUSINESS FOR BOARD CONSIDERATION

1. Discuss and Comment on County's / Sheriffs 2009 Plan on Allocation Of Accumulated P6 Funds (Tetreault) President Tetreault stated that he had asked for this item in order to come up with a letter that the board could send to Supervisor Piepho. Director Murphy-Teixeira stated that there would be no conflict of interest by her being involved in the input of this item. She stated that based on the two meetings that had been held she would suggest that there be an oversight committee. She further suggested that the committee be made up of a member from each Zone that puts into the P-6 Fund and one person from the CSD board that is completely neutral, that does not have any ties to the Sheriff, the SMAC (Sheriff's Municipal Advisory Committee), lives in one of the Zones or is married to the Supervisor, and that would be Mark Simon. She also suggested that she had found that the communities did not want the surveillance cameras but wanted more officers. President Tetreault commented that he felt that any member of the board would be neutral, that they were all elected to serve the whole community. Director Piepho stated that he would like to see an actual plan from the Sheriff. He stated that he would like to see an oversight committee made up of citizens, not from the board since the board does not have the power of police, and that they would meet with the Sheriff once a year to review the services of the P-6. He stated that he would like to see an agreement from the Sheriff that the deputies the community gets with the P-6 Funds do not become a substitute, because of budget cuts, for the basic service we are already receiving. Treasurer Dove stated that from the meeting the previous night that he had heard the community ask for traffic enforcement. Vice-President Simon stated that no one had decided where the community would want the deputies to be housed. He stated that he had not heard what the community really wants; he had heard them talk about trust, accountability and transparency. He stated that he would like to see something in writing from the community and a plan from the Sheriff. President Tetreault stated that he would like to see an oversight committee and that the CSD should be involved since they have always given input to the Supervisor on items such as Sheriffs, policing, and fire. He stated that he felt there should be two or three

members of the community and then two from the CSD board, logically the directors already on the board's sheriff's committee. He stated that he felt that there should be a committee, traffic enforcement, which the Supervisor is working on how to have the enforcement in the gated communities. He stated that he did not see that the community wants the surveillance cameras and the last thing he saw that the community asked for was some kind of youth program as an outreach. He stated that he would like to come up with a consensus tonight instead of dragging this on so they can get the deputies on the street.

Suggestions from the public where:

- That the board should have members on the oversight committee.
- That the cameras should not be done at this time.
- That there should be youth programs.
- That the members of the committee should be P-6 members only, selected by the Board of Supervisors.
- That the board should go out for a vote to the rest of the community and ask them to contribute to the P-6 Funds so all would be involved.
- That the people paying into the fund should have the use or majority of the funds. Return to source.
- That there is a contract from the Sheriff that he will not pull our base coverage now that the community has the extra coverage because of the P-6 Funds.
- That there is a crime specialist.
- That the CSD re-tool their existing committee that focuses on Policing to be a Public Safety Committee which would include Sheriff, Marine Patrol, Fire and include members of the community. That there is regular meetings of this committee and a more aggressive role of advising the Supervisor on needs for the entire community.

Director Piepho reiterated that he would like to see four things in the letter; a plan from the Sheriff, a request to the Board of Supervisors to create an oversight committee, having the process put in place to allow the Sheriffs to enforce traffic regulations in the gated communities, and an agreement from the Sheriff regarding the continuation of base coverage.

Director Murphy-Teixeira stated that she hears from the community that the oversight committee should not have a member from the CSD.

Vice-President Simon had no further comment.

Treasurer Dove commented that he would like to see the issue of the Sheriff being able to enforce in the gated communities and does not know why this has not been done before since it has been an issue for some time. He agrees that the people that pay into it should control it and that the Supervisors should work with them and that the CSD should put in the recommendations they have heard in these meetings.

President Tetreault went over the items to be put in the letter. He listed the following:

- Two Deputies and a Crime Prevention Specialist
- No surveillance cameras at this time
- A car that says Discovery Bay on the side (it was suggested that a specific car be listed; such as a Crown Victoria)
- Use the funds that were being considered for the camera , \$40,000.00, for Youth Programs
- Recommend that the Board of Supervisors create an Oversight Committee
- A plan from the Sheriff of how the two deputies, 80 man hours, a Crime Prevention Specialist and the car are going to be deployed
- Emphasis on Traffic Controller when the Board of Supervisors, the Sheriffs office and County Counsel can get that in place

Vice-President Simon made a motion that the General Manager write a letter to the Board of Supervisors, to be approved and signed by the CSD Board President, that the CSD recommends the above seven items and ask that they be expedited as soon as possible to get the Deputies on the Street. Director Murphy-Teixeira 2nd the motion. The motion passed. (4 ayes, 0 nos, 1 abstain)

2. **Discuss and Possible Action on Hiring Human Resources Services for District (Koehne)(Originally F5)** General Manager Koehne asked the board for clarification of the boards wishes on this item. He stated that he had been trying to bring the wages of the staff up to comparable with other districts. He stated that in their packets there is information from the California Special Districts Association with job descriptions, the range of wages, and the benefits offered to various other districts employees. He stated that he feels

this information is a lot of what an HR Consultant would do, but that they do not have what the benefit types or costs would be. He stated that staff had also looked for HR Consultants and tried to find out what the deliverable should be and that what staff has found is also in the packet. President Tetreault replied that he wanted an HR Consultant that would come in and look over the job descriptions, requirements, propose different options for benefits and propose an organizational chart. He stated that he personally is not interested in bringing staff up to comparable rates unless that is the suggestion of the HR Consultant. Director Piepho stated that he feels it is time to have a professional to review the structure of the District and advise the board how it should be and then look at the wages, benefits, etc. to compare apples to apples. Director Murphy-Teixeira commented that she agrees but that they need to move on this since they have been working on it for so long. Vice-President Simon agreed with Director Piepho that they need to decide what positions are now in place, what positions the board wants to create, base entry levels, stair steps, ceilings of the positions, and qualifications. He stated once they had the positions that they had used a head hunter in his businesses. Treasurer Dove stated that he too would like to see this get moving and that they could define the positions with the HR Company that they choose to do the job. Director Piepho suggested an Internal Ops Committee. Steve Wilner of Think HR was introduced and gave a short synopsis of his company. He stated that the organizational structure of the district would need to be something that they would work on together. He stated that they could do job descriptions, organizational charts, compensation analysis, with benefits, compliance items and recruiting. Director Piepho made a motion to create an HR Committee of President Tetreault and Mark Simon and authorize them to work with Think HR to bring back to the board a business model and the contract of how the board will be working with them. Director Dove 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

3. **Review and Approve "List of Committees that Directors are Appointed to Represent" for the Town of Discovery Bay CSD for Year 2009 (Koehne)** General Manager Koehne presented this to the board for their approval. Vice-President Simon made a motion that Director Piepho be added to the "List of Committees" as alternate to the School District Committee. Director Murphy-Teixeira 2nd the motion. Director Piepho asked if the new HR committee could be added to the List of Committees. Vice-President Simon amended his motion to included adding the new HR Committee of President Tetreault and Vice-President Simon to the Listing. Director Murphy-Teixeira amended her 2nd to the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
4. **Discuss and Approve Emergency Sewer Pipeline Replacement of 450-feet for a portion of Beaver Lane (Koehne)** General Manager Koehne explained that there had been a couple of collapses when doing this work and that the work was continuing and will probably be bringing this back to the board two to three more times until completed. Director Piepho made a motion to approve the Emergency Sewer Pipeline Replacement continuation with finding in the motion that the emergency situation described in the previous meeting still applies. Director Murphy-Teixeira 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
5. **Discuss and Approve Resolution 2009-03, Repealing Resolution 2000-04, Establishing the Date, time and Place of Regular Meetings and District Bylaws Accordingly (Koehne)** General Manager Koehne commented that he and legal when going over some resolutions had found some discrepancies and this item is to make those corrections. Director Piepho made a motion to approve Resolution 2009-03, repealing Resolution 2000-04, Establishing the Date, Time, and Place of Regular Meetings and District Bylaws Accordingly. Vice-President Simon 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
6. **Discuss and Possible Action on Letter of Support for Department of Boating & Waterways (Piepho)** Director Piepho stated that the bottom line of this is that the State is out of money and that they are talking about abolishing the Department of Boating and Waterways. Director Piepho made a motion that he would write a letter based on what was put out by US Boat and will stick to these issues and give the letter to the President of the Board for signature and then forward to local and state officials. Director Dove 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
7. **Presentation By Director Dove on "Fat Trapper" (Dove)** President Tetreault tabled this item and asked that it be presented in the front of the meeting when brought back.
8. **Discuss and Possible Action on District "Correspondence" for Board Agenda's (Piepho)** Director Piepho commented that last year the board had asked legal to come up with a policy for correspondence and that legal came back with several options. He stated that he believed that the board had chosen an

option that is not in the best interest of the public or the board. He stated that this current policy does not give the board the option to take action on all correspondence on the agenda. Director Piepho motioned to list all Correspondence under "Discussion and Possible Action". Treasurer Dove 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

G. COMMITTEE/LIAISON REPORTS

1. **East County Planning Report** – No Representative
2. **Trans-Plan Report** – No Representative
3. **Code Enforcement Report** – Director Piepho turned in the report and agenda from the meeting. He went over the report.
4. **Special Districts Report**** - Director Piepho turned in the agenda from the meeting. He reported that West County Wastewater spoke at the meeting about their solar power. He reported that one of the Directors from Contra Costa Water spoke about a program that they are sponsoring for training of operators at Community Colleges. He reported that County Supervisor Susan Bonilla spoke about the County economy.

**These meetings are held Quarterly

H. DIRECTORS' COMMENTS

Director Murphy-Teixeira - No comment.

Director Piepho – Commented about emails he had received regarding Measure WW and their calculations of population in Discovery Bay. He further commented that their calculations could affect the amount of funds that we receive through Measure WW, so he asked that staff follow up on this.

Treasurer Dove – No comment.

Vice-President Simon – No Comment

President Tetreault – Commented that the calculation of population is important also with regards to the water plant because at 15,000 people our staff has to be trained at higher levels.

I. GENERAL MANAGER'S REPORT

1. **Report on Status of Capital Projects** General Manager Koehne asked to table this item. Director Piepho commented that the project timeline used before would be good to give a status on the Capital Projects and asked that staff bring it back at a future meeting.

2. **Regatta Park Plans**

No report

General Manager Koehne reported that staff had been working with Veolia Water. He also reported that they would be taking samples for the required salinity testing for the NPDES permit. He stated that between getting a new vendor acquainted with the district and working on the requirements of the new NPDES permit staff had been very busy.

J. LEGAL REPORT

1. **Repeat of Report by legal counsel on MAC Normalization Committee Meeting of 09/18/08**

Legal Counsel repeated the Legal Counsel Report from the meeting of January 21, 2009 in order for the public to have had prior notice and be able to comment. An audience member commented that he did not feel that General Manager Koehne did not participate in the MAC meeting; he also asked if a board member is able to attend a meeting and speak for the board. It was responded that General Manager Koehne attended but did not participate in the meeting. It was also responded that if a board member is elected to a committee position they may represent the board at those committee meetings.

K. CORRESPONDENCE RECEIVED & SENT

Information Only

1. **R – Letter from Central Delta Water Agency & South Delta Water Agency – December 23, 2008**
2. **R – Letter from County Election Dept on Cost to hold an Election – January 13, 2009**
3. **Community Center Time line**
4. **R – Byron Sanitary District Meeting Minutes of November 18, 2008**

5. S – Letter to DA re: Break- in – January 2009
6. S – Letter to Regional Board, Amended 5-Day Spill Report - January 22, 2009

Discussion & Direction

L. FUTURE AGENDA ITEMS

Director Piepho asked that it be put on the agenda to consider telling other agencies of committees that have been formed and their members to possibly alleviate the issue that happened regarding the MAC Normalization Committee.

Treasurer Dove asked for presentation of the audit report.

Vice-President Simon asked to revisit the issue of Walter MacVittie no longer being on the East-County and Trans Plan Committee because he has done a good job for Discovery Bay and possibly writing a letter in support.

President Tetreault asked to place on the agenda to get sandwich board signs to put out to advertise upcoming meetings.

M. ADJOURNMENT

Director Murphy-Teixeira motioned to adjourn the meeting. Vice-President Simon 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain) The meeting was adjourned at 10:27 pm to next regular meeting on February 18, 2009.