



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

## SDLF Platinum-Level of Governance



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

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY Wednesday June 7, 2023, 7:00 P.M.

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

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

1. Called business meeting to order 7:00 p.m.
2. Pledge of Allegiance was led by President Porter.
3. Roll Call was taken, and all Board members were present.

Due to the volume of potential public comments, President Porter asked the area agencies to give their presentations before public comment.

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

- Public Comment #1  
Speaker was Scott Pastor. He is running for a LAFCO position and asked for support.
- Public Comment #2  
Speaker stated he was pleased to hear that the Board was moving forward with a new District Office but was not in support of the current proposal for the building.
- Public Comment #3  
Speaker thanked Director Gutow for voting no on the new building. The speaker commented on the state of the landscaping.
- Public Comment #4  
Speaker stated his wish to reverse the decision of the Board and would like to create a building committee comprised of residents.
- Public Comment #5  
Speaker was a former Board Member who expressed concerns over the expense and felt the decision was not fiducially responsible. He provided several alternative suggestions.
- Public Comment #6  
Speaker thanked Director Gutow for his vote of no. He stated that he was against the new building and thinks the Board should start over.
- Public Comment #7  
Speaker wants the Town to have more social functions that bring in revenue. She was against the new building plan.
- Public Comment #8  
Speaker stated he wanted more communication in the form of flyers, social media, and email. He requested the project be paused.
- Public Comment #9  
Speaker agrees with all prior comments. He questioned the process that was used in the decision-making process for the building.
- Public Comment #10  
Speaker felt there are smart people in the community that could help with this process. Would like a committee started with residents.
- Public Comment #11  
Speaker wanted to know if each Board of Directors has a signed fiduciary statement on file. She would like each Director to review what a fiduciary duty is, so they fully understand.

- Public Comment #12  
Speaker wanted to echo what others have said. She would like to know about the fiduciary statements.
- Public Comment #13  
Speaker is a 2-month resident of Discovery Bay. He compared the cost of the building per resident of Discovery Bay to the amount of residents in San Jose.
- Public Comment #14  
Speaker is a former Board Member who stated she voted this down years ago when it was presented.
- Public Comment #15  
Speaker questioned if the Board has experience to evaluate this project.
- Public Comment #16  
Speaker is a former Board member that stated when he was on the Board, they denied the District Office project.
- Public Comment #17  
Speaker stated Board Members are elected to serve the people. He mentioned the water meter and community center pool projects from the past.
- Public Comment #18  
Speaker thanked everyone for making comments. He wants the project reevaluated.
- Public Comment #19  
Speaker thinks the project will affect the wildlife and children of Discovery Bay. She believe it will damage the businesses in the area.
- Public Comment #20  
Speaker agreed with the prior speakers and thanked Director Gutow.

After Public Comment concluded, President Ashley Porter addressed the crowd. She thanked everyone for attending. She mentioned how this has been a budget item starting in 2014 because the District Office needs to be moved. In 2018 the America's Water Infrastructure Act (AWIA) was signed into law. Section 2013 of the AWIA requires community drinking water systems that serve more than 3,300 people develop Risk and Resilience and Emergency Response Plans. An Ad Hoc committee was formed in 2022 to address the need for a new building.

President Porter asked General Manager Dina Breitstein to contact Aetypic to see how long they would hold their quoted price. A contract has not been signed.

President Porter would like to improve the Town's communication methods.

President Porter stated that there is no discussion or action items on the agenda.

A resident interrupted President Porter and wanted to know how far the water tanks are away from the District Office.

Legal Counsel Andy Pinasco spoke to the crowd explaining the rules of the Brown Act. He explained that no discussion or action is permitted during the meeting that is not on the agenda.

Resident continued inquiring about the distance of the water tank. Director Graves explained that it is not about distance. It is about the water tanks being in a secured facility.

Another resident interrupted President Porter to ask that she ask legal counsel if they could rescind the prior decisions of the Board. Legal counsel said that it is not possible to take any action that is not on the agenda.

A third resident interrupted to ask if the item could be placed on the future agenda. She was told it could be.

Director Gutow asked for clarification on what the Board was suggesting.

Director Graves stated that the Board has heard the concerns and wants to take a pause and evaluate the options that are available. He restated that no contract has been signed.

Legal counsel explained that staff was directed to gather further information for the Board to bring to a future meeting.

### **C. CONSENT CALENDAR**

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

1. Approve Regular Board of Directors DRAFT Meeting minutes from May 17, 2023.
2. Approve Register of District Invoices.

Director Gutow made a Motion to Approve the Consent Calendar.  
Director Graham seconded.  
Vote: Motion carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0

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

1. Supervisor Diane Burgis, District III Report.  
None.
2. Assembly Member Lori Wilson’s Office Report.  
None.
3. Sheriff’s Office Report.

Presented by Tony Fontenot.

- 377 calls for service.
- 47 reports were taken.
- Director Graham asked a question about parties occurring at Short term rentals.
- National Night Out is in August. Call the Sheriff’s Department for details.

4. CHP Report.  
None.
5. ~~Contra Costa Fire Report~~ (Assignment by Con Fire Pending).  
None.
6. Congressman Josh Harder’s Office Report.

Presented by Katie Jaycox. [katie.jaycox1@mail.house.gov](mailto:katie.jaycox1@mail.house.gov)

- Katie Jaycox manages the case work program for Federal issues.
- Josh Harder’s office writes letters of support for grants.
- Currently accepting applications for nominations to military academies.

Presented by Fatima Urena.

Congressman Josh Harder is working on:

- Legislation for Agriculture and Nutrition.
- Youth workforce readiness program.
- Police hiring shortages.

**E. MUNICIPAL ADVISORY COUNCIL**

None.

**F. PRESENTATIONS**

None.

**G. DISCUSSION AND POSSIBLE ACTION**

None.

**H. MANAGER’S REPORT**

None.

**I. GENERAL MANAGER’S REPORT**

None.

**J. DIRECTOR REPORTS**

No Director reports were given.

1. Standing Committee Reports.
  - a. Internal Operations Committee Meeting (Committee Members Michael Callahan and Kevin Graves) June 7, 2023.
  - b. Finance Committee Meeting (Committee Members Ashley Porter and Carolyn Graham) June 7, 2023.
  - c. Water & Wastewater Committee Meeting (Committee Members Ashley Porter and Kevin Graves) June 7, 2023.

**K. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS**

1. Confire Meeting – May 16, 2023 (Director Carolyn Graham).
2. Liberty Union High School District Meeting – May 10, 2023 (Director Kevin Graves).
3. Contra Costa County Aviation Advisory Committee Meeting – May 11, 2023 (Director Kevin Graves).
4. Liberty Union High School District Meeting – May 24, 2023 (Director Kevin Graves).
5. Anti-Harassment Training (SB1343/AB1825)– May 31, 2023 (Director Ashley Porter).

**L. CORRESPONDENCE**

None.

**M. LEGAL REPORT**

None.

**N. FUTURE AGENDA ITEMS**

None.

**O. ADJOURNMENT**

1. Meeting adjourned at 8:24p.m. to the next Regular Meeting of the Board of Directors on June 21, 2023, beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

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