



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



PLATINUM LEVEL

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

**NOTICE OF THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY  
Wednesday January 12, 2022  
SPECIAL MEETING 7:00 P.M.**

**NOTICE  
Coronavirus COVID-19**

In response to the current proclaimed State of Emergency, indoor masking requirements, and recommended measures to promote social distancing imposed by State and local officials, the Town of Discovery Bay Community Services District Board of Directors will take all actions necessary to carry out the intent and purpose of AB 361, including, ensuring that the Directors and meeting attendees may continue to have the option to access and participate in this public meeting by teleconference to avoid imminent risks to the health or safety of the Directors and meeting attendees.

To accommodate the public during this period of time that the Board's Chambers are closed to the public, the Town of Discovery Bay Community Services District Board of Directors has arranged for members of the public to observe and address the meeting telephonically.

**TO ATTEND BY WEBINAR:**

Please register for Special Meeting of the Board of Directors at: *(copy and paste into your browser the registration URL)*

Registration URL: <https://attendee.gotowebinar.com/register/2354613367152670475>  
Webinar ID# 709-833-539

After registering, you will receive a confirmation email containing information about joining the webinar by computer or by phone.

For listen only mode dial: (415)655-0060 ID# 609-565-717

If there is any disruption to the meeting due to unforeseen circumstances we will continue via teleconference.

Download Agenda Packet and Materials at <http://www.todb.ca.gov/>

**SPECIAL MEETING 7:00 P.M.**

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

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

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

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the Agenda. The public may comment on any item on the Agenda at the time the item is before the Board for consideration. Any person wishing to speak will have 3 minutes to make their comment. There will be no dialog between the Board and the commenter as the law strictly limits the ability of Board members to discuss matters not on the agenda. We ask that you refrain from personal attacks during comment, and that you address all comments to the Board only. Any clarifying questions from the Board

must go through the President. Comments from the public do not necessarily reflect the viewpoint of the Directors.

**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. Elect Board Officers for Calendar Year 2022 – Kevin Graves President and Ashley Porter Vice-President.
2. Approve Resolution 2022-01 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.

**D. CORRESPONDENCE RECEIVED**

**E. FUTURE AGENDA ITEMS**

**F. ADJOURNMENT**

1. Adjourn to the regular meeting on January 19, 2022, beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

"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 forty-eight hours prior to the time of the meeting."

"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."



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

**Meeting Date**

January 12, 2022

**Prepared By:** Dina Breitstein, General Manager

**Submitted By:** Dina Breitstein, General Manager

**Agenda Title**

Elect Board Officers for Calendar Year 2022 – Kevin Graves President and Ashley Porter Vice-President

**Recommended Action**

Elect the Board Officers for Calendar Year 2022 consistent with Board Policy 004: Board President – Kevin Graves; Board Vice-President – Ashley Porter.

**Executive Summary**

Yearly the Board of Directors elects a President and Vice-President. Board Policy 004 (amended February 21, 2018) designates the procedure for electing Board officers for the 2021 calendar year. According to Policy 004, the following Directors will serve in calendar year 2022:

Board President: Kevin Graves

Board Vice-President: Ashley Porter

**Previous Relevant Board Actions for This Item**

- January 4, 2017 - Board Officers for Calendar Year 2017
- December 6, 2017 – Board Officers for Calendar Year 2018
- January 16, 2019 – Board Officers for Calendar Year 2019
- January 15, 2020 – Board Officers for Calendar Year 2020
- January 20, 2021 – Board Officers for Calendar Year 2021

**Attachments**

Board Policy 004

**AGENDA ITEM: C-1**



## Town of Discovery Bay

<b>Program Area:</b> Board	<b>Policy Name:</b> Board Policy	<b>Policy Number:</b> 004
<b>Date Established:</b> June 19, 2002	<b>Date Amended:</b> February 21, 2018	<b>Resolution:</b> 2018-01

### PURPOSE

The purpose of the elected Board of Directors of the Town of Discovery Bay, a multipurpose independent special district, is to represent the residents within its boundaries in any and all matters covered under the California Government Code relating to a Community Services District.

In addition to the purposes listed in the Government Code, the District has been ordered by LAFCO and the Board of Supervisors to perform an advisory role for the residents of Discovery Bay. This role includes, but is not limited to, advising the County in matters of land use planning, zoning, compliance, roads and streets, lighting, landscaping, parks and public safety services.

### I. BOARD OF DIRECTORS

The governing body of the Town of Discovery Bay is a Board of Directors comprised of five (5) Board members elected by the registered voters of the District to serve four (4) year staggered terms. During the elections every two (2) years, either two (2) or three (3) Directors are elected to serve the District for the next four (4) years.

Yearly the Board of Directors elects a President and Vice-President. The President of the Board chairs the meeting, performs such duties as prescribed by State or Federal law and such other duties as prescribed by Board Policy or the established Bylaws of the Town of Discovery Bay. In the event of the President's absence, the Vice-President performs said duties.

Should the President and Vice President not be present to chair a meeting, the duties of the chair shall be performed by the Board member with the highest seniority. In the event seniority cannot be determined due to the date of the assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member.

The appointment of Board officers shall be established based upon the following schedule:

### **Board President**

In order to be considered to serve as President of the Board, the Board member must have served on the Board for a minimum 24 months prior to being considered for rotation into the Board President position. The Board Presidency shall be assigned to the Board member who has not served as President and who has met the 24 month requirement.

If more than one Board member has met the 24 month requirement and not served as President, the member with the longest tenure on the Board of Directors shall be the first person appointed to the position of President.

In the event each member of the Board has previously served as President at one point in their respective office, the Board member to serve as Board President shall be the member who has not served as President for the longest period time.

In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure.

### **Vice President**

The Vice President shall be the Director next in line to be President based on the then current service time. In order for a Board member to be considered for the position of Vice President, the Board member must have served on the Board for a minimum of 12 months prior to being considered for rotation into the Board Vice President position. The Board Vice President shall be assigned to the Board member who has not served as Vice President and who has met the minimum 12 month service requirement.

In the event seniority cannot be determined due to the date of assumption of office, the Board member with the highest vote count in their most recent election shall prevail as the senior member for purposes of this selection procedure.

## **II. POWER OF THE BOARD**

The Board of Directors recognizes its duty to formulate and approve the policy program for the operation, control, administration and planning of the District's facilities and activities of the District.

Board meetings shall be noticed and shall take place pursuant to the Ralph M Brown Act of 1953, as amended (hereafter, Brown Act).

The parliamentary procedure for conducting all meetings will be Rosenberg's Rules of Order.

The Board meets its obligations to the electorate by performing as a legislative, administrative and control body.

The Board may have standing committees and may appoint ad hoc committees as the need arises. The District's General Manager or Designee may serve as staff support to those committees.

In the discharge of their duties, Directors shall comply with all applicable local, state and federal laws, including, but not limited to, the participation in and completion of any mandatory training program for Directors required by California law.

### **III. RESPONSIBILITIES**

#### **A. Responsibilities of the Board of Directors:**

- 1.** To select a General Manager as the Board's chief administrative officer and professional advisor and properly delegate to him or her the authority and responsibility to execute its' policies, enforce its rules and regulations, and administer the facilities, programs, and services of the District. Provide the General Manager with the necessary personnel and resources to carry out his or her responsibilities.
- 2.** To adopt a District budget that provides the best possible facilities, programs, and services, within the limits of fiscal responsibility, to the people of the District.
- 3.** To adopt a comprehensive set of Board policies and administrative procedures to govern the operation of the District. These policies and procedures shall be amended and revised as appropriate and shall be compiled and published in a Board Policies Manual. The District shall keep at its offices a master copy of such manual, which shall be kept for all purposes the official record of the Board policies of the District.
- 4.** By motion, resolution, or ordinance conduct the business of the District, taking those actions that ensure that satisfactory services are provided throughout the community.
- 5.** Keep informed on agenda items and on-going business of the Board.
- 6.** Be well informed on the provisions of laws, ordinances and resolutions as they affect conduct of the District and the Board.
- 7.** Attend meetings with promptness and regularity.
- 8.** Elect officers and confirm standing and ad hoc committee members and District representatives to external agencies.
- 9.** Initiate, review and approve plans that will satisfy future requirements, including a long-range plan (five (5) to ten (10) years).
- 10.** Review and act upon plans and recommendations submitted by the Board committees and the General Manager. This action includes adoption, rejection, amendment or return to committee.

11. Single Board members will not represent the whole of the Board in other open or closed meetings without prior sanction by the majority direction of the Board.

## **B. GENERAL CONDUCT OF BOARD OF DIRECTORS AND OFFICERS**

### **1. No member of the Board or Officers of the District shall:**

- a. Represent his or her position as that of the Board unless the Board has acted upon that position.
- b. Make unsolicited statements to anyone other than the Board during Board deliberations.
- c. Issue any writings or statements to the press or public without clearly distinguishing which statements are his or her own and which are established Board positions.

### **2. Preparation and Commitment:**

- a. Shall respect the Board's commitment to work through the General Manager by requesting desired information about the District's programs/activities directly from him/her, by referring to him/her suggestions for new policies, for his/her professional advice, by refraining from acting on any complaint until after the General Manager has had an opportunity to investigate fully and report to the Board, and by wholeheartedly supporting Board approved actions of the General Manager and his/her staff.
- b. Accept the principle of Board unity or consensus by supporting majority decisions of the Board.
- c. Shall make decisions involving the welfare of the District based on factual information and evidence recognizing that personal feelings, opinions and other such factors are not conducive to sound decision making.
- d. Come prepared, ready to ask questions and make decisions.
- e. Do what is agreed upon.
- f. Respect confidentiality of Closed Session agenda items.
- g. Contact the General Manager prior to meeting for more information, if needed.

## **C. ADDITIONAL RESPONSIBILITIES OF THE BOARD MEMBERS**

### **1. Orientation of Board Members**

- a. The Board of Directors recognizes its responsibility in helping and assisting a newly elected or appointed Board member to understand the operation of the District as well as the roles and responsibilities of a member of the Board. The Board and General Manager shall assist each new member-elect to understand the Board functions, policies, procedures, roles, duties and responsibilities of members of the Board. The following methods shall be employed:

- b. The new member shall be given selected material on the duties and responsibilities associated with Board membership. These materials shall include, but are not limited to: The Government Code dealing with Community Services Districts, the Ralph M. Brown Act, the California Public Records Act, Board Policies, and any pertinent publications issued by the California Special Districts Association, the California Parks and Recreation Society and other agencies, as needed.
- c. As soon as practical after the new Board member assumes office, an orientation meeting with General Manager will be held prior to the first Board meeting to acquaint the new member with details of District operations.
- d. The incoming member may meet with the General Manager and members of his staff to discuss services they perform for the Board and the District.

## **2. Policy Violations**

- a. Board Members who intentionally or repeatedly do not comply with this Policy may be reprimanded or formally censured by the Board of Directors.

## **D. Responsibilities of a Committee Chairperson**

1. Undertake the specific tasks or assignments as established by the Board or Board President together with the participation of the other members of the committee.
2. Plan and schedule the necessary activities and obtain commitments for the necessary resources to complete the assignment.
3. Present a report on status and progress to the Board at appropriate times as designated by the President.
4. Prepare recommendations and justification for any proposed action and submit to the Board for decision and implementation when approved.
5. Provide overall leadership of the committee.
6. Perform the duties of a Board member if appropriate.



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION 2022-01**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT RE-AUTHORIZING REMOTE TELECONFERENCE  
MEETINGS OF THE LEGISLATIVE BODY OF THE TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT PURSUANT TO BROWN ACT PROVISIONS**

WHEREAS, the Town of Discovery Bay Community Services District (the “Town”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Town’s legislative body are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative body conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the Town’s Board of Directors previously adopted a Resolution, Number 2021-16 on October 20, 2021, finding that the requisite conditions exist for the legislative body of the Town to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must make findings that the Board has reconsidered the circumstances of the state of emergency that exist in the Town, and that either the state of emergency continues to directly impact the ability of the members to meet safely in person, or State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency continues to exist throughout California as a result of the threat of COVID-19; and

WHEREAS, currently the dominant strain of COVID-19 in the country continues to be more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees and members; and

WHEREAS, the Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing remain in effect; and

WHEREAS, the health orders issued by the Contra Costa County Health Officer to preserve the public health, including requiring all people in Contra Costa County, regardless of vaccine status, to adhere to indoor masking requirements, recommending measures for social distancing from non-household members for vaccinated individuals that have been exposed to COVID-19, and measures acknowledging that close contact to other persons increases the risk of transmission, remain in effect; and

WHEREAS, on December 13, 2021, the California Department of Public Health updated the Guidance for Use of Face Coverings requiring masks to be worn in all indoor public settings by all persons, irrespective of vaccine status, beginning December 15, 2021 through January 15, 2022.

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

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. AB 361 Compliance. The Board of Directors began using teleconferencing in accordance with subdivision (e) of Section 54953 of the Government Code, as amended by AB 361, on October 20, 2021, and have made the requisite findings by majority vote not later than 30 days after October 20, 2021, and every 30 days thereafter.

Section 3. State of Emergency. The Board of Directors hereby reconsiders the circumstances of the current State of Emergency proclaimed by the Governor on March 4, 2020, and find that the ongoing conditions of the State of Emergency directly impact the ability of members to meet safely in person.

Section 4. Measures to Promote Social Distancing. The Board of Directors hereby finds that Cal-OSHA and the County Health Official continue to recommend measures to promote physical distancing.

Section 5. Indoor Masking Requirement. The Board of Directors hereby finds that the California Department of Public Health and the County Health Official require all persons to wear masks indoors, regardless of vaccination status.

Section 6. Remote Teleconference Meetings. The General Manager of the Town of Discovery Bay Community Services District is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

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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 special meeting, held on January 12, 2022, by the following vote of the Board:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Dina Breitstein  
Board Secretary