



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

President - Chris Steele • Vice-President - Kevin Graves • Director - Jim Mattison • Director - Mark Simon • Director - Ray Tetreault

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

Wednesday April 4, 2012

REGULAR MEETING 7:00 P.M.

1800 Willow Lake Road, Discovery Bay, California

Website address: www.todb.ca.gov

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

Call business meeting to order – 7:00 p.m. by President Steele

Pledge of Allegiance – Led by President Steele

Roll Call – All Present

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

None

C. PRESENTATIONS

1. Supervisor Mary Nejedly Piepho, Chair, Contra Costa County Board of Supervisors – Delta Conservation/Water Diversion Issues

General Manager Howard – Introduced Supervisor Piepho

Supervisor Mary Nejedly Piepho – Provided a PowerPoint Presentation for the Delta Conservation and Water Diversion Issues

There was discussion between the Board and Supervisor Piepho. The Board also thanked Supervisor Piepho for the Presentation. General Manager Howard stated that the PowerPoint Presentation will be posted to the Town of Discovery Bay CSD Website.

President Steele – Presented a Proclamation to former Director David Piepho

D. AREA AGENCIES REPORTS / PRESENTATION

1. SHERIFF'S OFFICE REPORT

Lieutenant Alan Johnson – Provided the law enforcement report for the month of February and March

There were two (2) Public Comment Speakers. There was discussion between the Board and Lieutenant Johnson.

2. CHP REPORT

Officer Godman – Provided an update of the services to the Town of Discovery Bay

There was one (1) Public Comment Speaker. There was discussion between the Board and Officer Godman.

3. FIRE DISTRICT REPORT

Chief Burris – Provided his report and the details for the month of February. There was one (1) Public Comment Speaker.

There was discussion between the Board and Chief Burris.

4. EAST CONTRA COSTA FIRE PROTECTION DISTRICT REPORT – No report

5. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT

Supervisor Mary Piepho, District III Report was provided within Agenda Item C

E. COMMITTEE/LIAISON REPORTS

1. Trans-Plan Report – No Report

2. County Planning Commission Report – No Report

3. Code Enforcement Report

General Manager Howard – Provided an update on the meeting he attended dated March 29, 2012

4. Special Districts Report** - No Report

**These meetings are held Quarterly

F. 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. Minutes of previous Special Meeting for March 21, 2012
2. Minutes of previous Regular Meeting for March 21, 2012
3. District Invoices
4. Notice of Exemption (CEQA) for Highway 4 (East) Landscape Improvement Project

Motion by: Director Simon to approve the Consent Calendar

Second: Director Tetreault

Vote: Motion carried – AYES: 4, NOES: 0

G. NEW BUSINESS AND ACTION ITEMS

1. **Professional Services Contract with Veolia Water North America for Supervisory Control And Data Acquisition (SCADA) Related Work associated with the Dewatering and Biosolids Construction Project**

General Manager Howard – Provided the details of Item G-1

There was one (1) Public Comment Speaker

Motion by: Director Tetreault to approve the Contract for \$76,638.61 with Veolia Water

Second: Vice-President Graves

Vote: Motion Carried – AYES: 4, NOES: 0

2. **Agency Comment Request – Land Use Permit Application – Verizon Cellular/Pfaffenhofen (LP12-2017)**

General Manager Howard – Provided the details of Item G-2

There was one (1) Public Comment Speaker

Motion by: Director Tetreault to advise Staff to send a letter to the County to indicate that we have no problem with this project

Second: Vice-President Graves

Vote: Motion Carried – AYES: 4, NOES: 0

3. **Well 5A Water Quality & Proposed Testing Program**

General Manager Howard – Provided the details of Item G-3

Motion by: Director Tetreault to approve this Contract with our Consultants

Second: Director Simon

Vote: Motion Carried – AYES: 4, NOES: 0

H. PRESIDENT REPORT AND DIRECTORS' COMMENTS

Vice-President Graves – Provided the details and his report for the East Contra Costa Fire Protection District meeting dated April 2, 2012

President Steele – Stated that he wanted to acknowledge the Discovery Bay and Timber Point Elementary Schools – They earned the California Distinguished School recognition.

I. MANAGER'S REPORT

None

J. GENERAL MANAGER'S REPORT

General Manager Howard – Stated that the Biosolids Project has begun and wanted to remind everyone of the Earth Day Celebration coming up on April 21, 2012

Water and Wastewater Manger Koehne – Provided an update on the auto accident by the Lakeview Business Plaza

K. DISTRICT LEGAL COUNSEL REPORT

1. **Board Vacancy Appointment**

Legal Counsel Schroeder – Provided an update on the Resignation of Director Dawson and the three (3) options to fill the Vacancy.

There was one (1) Public Comment Speaker

Director Tetreault – Thanked the applicants for the Board of Director vacancy and explained the reasons for nominating Bruce Hall

Nomination by: Director Tetreault for Bruce Hall

Second: Director Simon

Director Simon – Thanked the applicants for the Board of Director vacancy

Vote: Motion Failed – AYES: 2 – Director Simon, Director Tetreault, NOES: 2 – President Steele, Vice-President Graves

Vice-President Graves – Thanked the applicants for the Board of Director vacancy and explained the reasons for nominating Jim Mattison

Nomination by: Vice-President Graves for Jim Mattison

Second: President Steele

President Steele – Explained the reasons for Jim Mattison to fill the Vacancy

Vote: Motion Failed – AYES: 2 – President Steele, Vice-President Graves, NOES: 1 – Director Tetreault, ABSTAIN: 1 – Director Simon

Legal Counsel Schroeder – Requested a five (5) minutes recess at 8:32 p.m.

Legal Counsel Schroeder – Stated that the Bylaws, Government Code Section 61225 – The affirmative vote of three (3) Members of the Board are required for action to be taken – no rule established of Abstentions – Abstentions are not affirmative votes, therefore, not a majority vote. The options are to move on to a third applicant or to revisit one of the other nominated applicants.

There was discussion within the Board

Motion by: Director Tetreault to reconsider the nomination of Jim Mattison

Second: Vice-President Graves

Vote: Motion carried: AYES: 3 – President Steele, Vice-President Graves, Director Tetreault, NOES: 0, ABSTAIN: 1 – Director Simon

Legal Counsel Schroeder – Stated that the appointee will take the Oath of Office

General Manager Howard – Administered the Oath of Office for the Town of Discovery Bay CSD appointee, Director Jim Mattison

L. COMMITTEE UPDATES

General Manager Howard – The notice is out for the Budget Review Committee and if there are any applicants from the Board of Directors vacancy interested in that Committee please submit your information.

M. CORRESPONDENCE – Discussion and Possible Action

1. Letter from Supervisor Piepho regarding an update for the County's Parking Ordinance from the CCC Department of Conservation and Development dated March 15, 2012

N. PUBLIC RECORD REQUESTS RECEIVED

1. Request from Brian Dawson – People Interested in Board Vacancy #2 – Request date March 6, 2012

O. FUTURE AGENDA ITEMS

None

P. ADJOURNMENT

The meeting adjourned at 8:49 p.m. to the next regular meeting on April 18, 2012 at 1800 Willow Lake Road.

For the Audio of this meeting please visit our Website at <http://www.todb.ca.gov/content/agenda-and-minutes/>

//cmc – 04.10.12