

# CROCKETT COMMUNITY SERVICES DISTRICT

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## MINUTES OF REGULAR MEETING, DECEMBER 19, 2018

1. OATH OF OFFICE: Board President Barassi administered the Oath of Office to Michael Kirker, John Mackenzie, and Emma Sutton and welcomed them on board as elected Directors of the Crockett Community Services District.
2. CALL TO ORDER: The meeting was then called to order at 7:02 PM by President Barassi. Present were Board Members Kirker, Mackenzie, Peterson and Sutton, along with General Manager McDonald, Recreation Department Manager Wilson, and Assistant Sanitary Dept. Manager Barnhill. Also present were Sanitary Commissioners Mann and Wais. Assistant Secretary Witschi was absent excused.
3. AGENDA ORDER: There were no requests to hear agenda items out of order.
4. PUBLIC COMMENTS: Ms. Wais thank Ron Wilson and the Recreation Department for the utterly fabulous District dinner held at the Crockett Community Center last week.
5. REPORTS FROM COMMISSIONERS: None.
6. PUBLIC HEARING CROCKETT MARINE SERVICES: Mr. McDonald informed the Board that Crockett Marine Services (CMS) was properly noticed on the public hearing to consider terminating sewer service serving their buildings at the marina including The Nantucket restaurant. He said he has spoken with State Lands Commission (SLC) representative Nick Lavoie as well as the County Code Enforcement Officer and can confirm there are multiple agencies pursuing the termination of their leases or services for the buildings along the waterfront. Mr. McDonald says there has been no contact from CMS regarding their default prior year sewer service charge payments, delinquent sewer service charges for FY 18/19, or on the notice of termination of their sanitary sewer service. Staff supports the recommendation of the Crockett Sanitary Commission to suspend sewer service, to authorize the General Manager to take steps necessary to disconnect the sewer from the sewer system, and to authorize the General Manager to take all steps necessary including litigation to obtain payment of the delinquent sewer service charges and the penalty interest due. Mr. McDonald said that he does not plan to physically disconnect the sewer anytime soon but instead plans to work with other agencies to safely secure the facilities to prevent environmental harm as various leases and rights are terminated. Mr. Peterson asked when the SLC general lease termination grace period of 90 days is up. Mr. McDonald said that the Nantucket must vacate and secure the building by March 7, 2019 and to restore the lease premises back to their natural state. Mr. Kirker said it would be good to notify CMS and the SLC of our action. Mr. McDonald said he will share our findings with SLC and others such as the Union Pacific Railroad, the lessor holding a lease with CMS for a portion of the restaurant and marine building that encroaches onto the railroad right-of-way. Mr. Barassi expressed concern that the building, if boarded up and left abandon, would fall into further disrepair leading to demolition as the only choice rather than having someone else take ownership and restore the

restaurant and waterfront area for public benefit. He is worried about loss of access to services along the waterfront. Mr. McDonald informed SLC contact Nick Lavoie that citizens as well as individual commission and board members have expressed their interest in maintaining a viable business along the waterfront if it is at all possible. A motion finding that CMS has not paid their delinquent sewer service charges since June 21, 2018, confirming the suspension of sewer service to the property, authorizing the general manager to disconnect the sewer, and authorizing the general manager to collect payment of delinquent sewer service charges as amended to include directing staff to look into attaching a lien on the assets of the corporation carried unanimously (kp/es).

7.a. RECREATION DEPT. REPORT: The Board had received the Minutes of November 5. Mr. Wilson presented the Recreation Department manager's report. He said the Community Center tar roof was repaired. The lawn area in front of the gazebo was raised to level out with a low spot. He said a fire marshal with the Crockett-Carquinez Fire Department performed an inspection at the Community Center and it did not go well. Mr. Peterson asked for an explanation. Mr. Wilson give a summary of the inspection findings and discussed his overall dissatisfaction that the some of the violations identified are not clear on what action needs to be taken to resolve. He questioned the calculations that were used to determine capacity for the auditorium as they are clearly incorrect. Mr. Mackenzie said he contacted the fire department chief and said the District should expect a letter, addressed to the General Manager, referencing the fire department codes for each of the identified violations which should clarify what action will be needed. Mr. Mackenzie said for example the Crockett Community Center sprinkler system was installed prior to when the codes related to tying sprinkler systems into alarm systems were passed and therefore this issue should be grandfathered in and not be considered a violation.

7.b. MAINTENANCE DEPARTMENT: Mr. Peterson said the replacement decorative streetlamp for the Port and Pomona corner has not yet been delivered. Mr. McDonald said that once the replacement pole is installed and all invoices have been received LDI Trucking will be billed as they committed to paying for the cost of the replacement streetlamp. Mr. Peterson said a proposal for soil stabilization has been received and forwarded to our geotechnical engineer and structural engineer for comment. Most of the questions were on the sufficiency of the proposal. He expects the Memorial Hall Committee to discuss this issue at their regular January meeting. He said it will be an important meeting and suggested planning for an item to be added to the next District Board agenda to review the committee's recommendation so that timely action can be taken. Mr. Barassi asked if this is just for soil stabilization and asked would it also level out the building. Mr. Peterson said the stabilization would not level the building but only address the dead weight of the building from further shifting; it would not address the seismic stability required during an earthquake event for both vertical and horizontal movement. He said we still would need to go out to public bid for the soil stabilization work but what we have to really do is determine if the value warrants pursuing this method of strengthening. Mr. Wilson said the State Parks, Environment and Water Bond Proposition 68 passed in June with \$4 billion being allocated for park and water projects. He said he is still looking into the language of the bond measure to see if the District would qualify for any improvement to our parks similar to the previous bond measure that passed and benefited our Crockett Community Center and grounds.

7.c. PORT COSTA SANITARY DEPT.: The Board had received the Minutes of November 7. Mr. Barnhill reported No Sanitary Sewer Overflows (SSO's) occurred in November. He informed

the Board that the Port Costa NPDES permit was approved to be effective February 1, 2019. He said the department is waiting on the last invoice from Larry Walker Associates (LWA) for their work on the permit renewal. The total cost of the permit renewal is expected to be well under the budgeted allocation. The invoices paid are just shy of \$20,000 and the outstanding invoice is expected to be around \$2,500. Savings were recognized in part because the Regional Water Quality Control Board (RWQCB) allowed the existing dilution study to be used rather than having the sanitary department contract for a new study. Mr. Mann said he's been very happy with the work that Mr. Barnhill has done driving the permit process, working with LWA and the RWQCB, and for the amount of money that has been saved on issues related to the permit process. He said the Port Costa Sanitary Commission is appreciative of all involved. Mr. Barnhill said that the remaining unspent funding puts the department in a good position mid-year. There are other maintenance items that need to be addressed in Port Costa. It is expected the unspent funds will be available for outstanding work needed at the septic tank and treatment plant. The Commission will be considering these items in the near future after the mid-year budget report is complete.

7.d. CROCKETT SANITARY DEPT.: The Board had received the Minutes of November 14. Mr. McDonald presented the written Crockett Sanitary Department managers report. He drew attention to the emergency repair of the shoreline sewer and said the work has been completed. C&H has agreed to pay for all damages incurred. Staff will be submitting invoices in January once all contractors and vendors submit their bills. Mr. Peterson asked where the damage occurred. Mr. McDonald said the damaged section of pipe was adjacent to the C&H refinery process line that was repaired earlier by C&H Sugar, directly under the eastbound 80 highway bridge near the bridge footing and uphill from the shoreline and the C&H process diversion pipe. This was west of the creek crossing and before the manhole that turns and cuts underneath the railroad tracks towards the pump station. He said only the top of the pipe was broken and there was no Sanitary Sewer Overflow event caused by the damage.

7.e. STAFF REPORT ON GOVERNMENTAL MATTERS: None

7.f. STAFF ANNOUNCEMENTS: Mr. Peterson asked when the next Contra Costa Special District Association (CCSDA) meeting would be occurring. Mr. McDonald said that the next meeting will be in Walnut Creek and that there will be a Collection System Operations (CSO) tour afterwards. He said Mr. Barnhill will attend the next CCSDA meeting. He informed the Board that he regularly shares announcements and agenda postings for various partner agencies, such as CCSD and CASA, to the Board if he sees something on their agenda that the Board may be interested in. In this case with the CCSDA meeting occurring in Walnut Creek and with the focus on CSO he thought it was best to send staff to represent the District. He will continue to share notices of interest and the Directors can decide for themselves if they want to attend or not. He said the Directors can also subscribe to receive notices directly from many of the agencies and associations to receive all of their respective notices.

8. CONSENT CALENDAR: Mr. Peterson asked that Item 8.c. be removed from the consent calendar. Mr. McDonald handed out additional warrant transmittal statements for the upcoming payments to be made on December 20. The consent items 8.a. b. and d. were approved unanimously (kp/jm):

- a. Approve Minutes of November 28, 2018.
- b. Approve payment of District bills (warrants REC 7765-7807; PCSan 1058-1065; CVSan 5745-5770; MAINT 400-408 ).
- d. Annual report on compliance with identity theft regulations (FACTA).

9.a. CONSENT ITEMS REMOVED: Mr. Peterson asked for clarification to the Crockett Sanitary Commission minutes of November 14, 2018 saying it is not clear what properties had public hearings under item 4.a and 4.b. Mr. McDonald said he will have the minutes corrected to include the property addresses. A motion to receive the Minutes of Commissions and Committees as amended carried unanimously (kp/mk).

9.b. ELECTION OF OFFICERS: A motion to appoint Director Peterson to serve as Board President and Director Kirker as Vice President, to be effective at the conclusion of this meeting, carried unanimously (kp/jm).

9.c. AUDIT REPORT: Mr. McDonald said the independent audit report for FY 17/18 is still pending completion. He said there have been delays in preparing the report due to GASB68 pension liability reporting requirements and in reconciling staff payroll allocations that had been split between departments. He said the State Controller's Office (SCO) electronic Financial Transaction Report (FTP) is due January 31, 2019. Once the audit report is available he will send it to the Board in advance of the next Board meeting of January 23, 2019 so they have time to review. The auditor is aware of the FTP deadline and they have said there will be enough time for to complete the online FTP reporting requirements.

9.d. RESIGNATION OF ELENA GOMEZ: A motion to accept the resignation of Elena Gomez from the Crockett Recreation Commission and Crockett Police Liaison Committee effective January 1, 2019 carried unanimously (es/jm). Mr. Peterson asked if Vanessa Eskildsen, who was appointed to the Recreation Commission last year, has been attending the meetings. Mr. McDonald said that she missed some meetings mid-year due to a variety of factors but that she has been attending regularly more recently. He said at the last meeting she seemed interested in promoting programs for young children.

9.e. ANNUAL USE OF RECREATION TAXES: Mr. McDonald presented the annual report which included language that the special tax is allocated and expended first for the improvement, maintenance, and operation of park and recreation facilities and services within the area served by the District. A motion to approve annual report on use of recreation taxes (Gov't Code Sec. 50075.3) carried unanimously (mk/es).

9.f. CROCKETT ENGAGED NEWSLETTER: Mr. Peterson presented the January-February Crockett Engaged newsletter and asked for feedback from the Board to develop the final version. Mr. Barassi is very thankful for the work on the newsletter Mr. Peterson has put together. Mr. Kirker asked if the newsletter is available on our website. Mr. McDonald said past Crockett Engaged and annual newsletters will be on our newly redesigned website anticipated to be live by the end of this month. There was some discussion on the promotion of using social media referenced in the draft newsletter. Mr. Peterson said one of the findings of the Little Hoover Commission related to special districts was the need for them to increase their social media presence. Discussion has been ongoing with the Ad-hoc Communication Committee as well as discussions with the Personnel Committee to see if we need to make changes to our current social media policy and what resources would be required to do that. Mr. McDonald reminded the Board that staff is following the current policy whereby social media is used to promote events held by the District but is not used as a tool for discussion with the public. Staff had been previously instructed to urge people to attend our various Commission and District meetings if they want more information rather than engage them on social media platforms. The Board can consider changing this policy in the future. Mr. Barassi

said it would be nice to inform the community in a future newsletter that we would be prepared to do battle with the State to keep them from trying to over regulate smaller districts, for example the requirement that District must have a web site, without providing funding to pay for it. Ms. Sutton said she is not in support of fighting unfunded mandates. Mr. Peterson says he always looks forward to comments from others to help put out a better product and thanked the Board for their comments. The newsletter will be updated and reviewed by management before final publication.

10. FINANCIAL REPORT: The monthly statements of District finances and reports on investments were examined by the Board. Mr. McDonald presented the monthly summary worksheets to the Board. He asked if there are any comments people may have on the worksheets or their corresponding reconciliation detail pages. He reported that the Tax Rate Area (TRA) allocation of property taxes for FY 2018/2019 was received from the County on December 15. There was a 7.02% increase in property taxes received over the prior year. He described the historical breakdown of property taxes between the Crockett Sanitary Department and Recreation Department to the Board. Total taxes received were \$355K with the Crockett Sanitary Department receiving \$303K and the Recreation Department receiving \$52K. Receiving the share of property taxes is very helpful as it helps keep sewer use charges lower in Crockett and provides a steady stream of slowly increasing funding for recreation services. He said our departments are in sound financial shape with the exception of the Maintenance Department which, due to lack of ongoing funding sources, the Board should pay close attention to. Mr. Mann asked if the Port Costa sewer use charges have been received. Mr. McDonald said that the special tax assessment for all sewer use charges billed was placed in our Advance on Taxes sub-fund mid-October and about half the funds were transferred to our cash account on December 15. The remaining funds will convert to cash about a month after the County receives the 2<sup>nd</sup> property tax installment payment from property owners.

11.a. PERSONNEL COMMITTEE REPORT: Mr. Peterson asked when management foresees the need for another Personnel Committee meeting. Mr. McDonald said he may hold the next one in January or February depending on action required.

11.b. BUDGET & FINANCE COMMITTEE REPORT: Mr. McDonald said the next Budget & Finance Committee meeting will occur in February after the review of the mid-year budget reports by the respective commissions and Board in January.

11.c. AD HOC COMMITTEE REPORTS: Mr. Peterson that said the Strategic Planning Committee has not met. He said the Board can consider reconstituting the ad-hoc committees in January if the need is still supported by the board.

11.d. INTER-AGENCY MEETINGS: None

12. FUTURE AGENDA ITEMS:

- Seating of Officers (Jan.)
- Consider reconstituting Ad-hoc Committees (Jan.)
- Committee appointments (Jan.)
- Mid-year budget reports (Jan.)
- Consider Memorial Hall Committee recommendations (Jan./Feb.)
- Adopt Action Plans for 2019 (Jan/Feb)
- Review and adopt ADA compliance plan.

Adopt purchasing procedures and spending limits.  
Adopt policy for use of private devices and e-accounts.  
Develop policy on proposals for new programs without established funding.

13. BOARD COMMENTS: Ms. Wais, as Police Liaison Committee (PLC) member, said she forgot to mention that the PLC called for a town wide meeting at the beginning of their January 7 meeting to discuss illegal side shows and the impact they have on the community. The PLC meeting will be held in the main auditorium. She is hoping invited representatives from the county and state will attend and urged any Directors who are interested to attend as well. Mr. Barassi thanked the Board for letting him served as president over the last year and he is now happy to take a secondary role as a regular board member come January. Mr. Mann thanked Mr. Barassi for his service to the community.

14. ADJOURNMENT: The meeting was adjourned at 8:35 PM until January 23, 2019.

Respectfully submitted,

Dale McDonald  
December 20, 2018