

# CROCKETT COMMUNITY SERVICES DISTRICT

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## MINUTES OF REGULAR MEETING, SEPTEMBER 25, 2019

1. CALL TO ORDER: The meeting was called to order at 7:04 PM by President Peterson. Present were Board Members Barassi, Kirker, Mackenzie and Sutton, along with General Manager McDonald, Recreation Department Manager Wilson, Assistant Sanitary Dept. Manager Barnhill, and Assistant Secretary Witschi. Also present were Sanitary Commissioners Bartlebaugh, Cusack and Wais.
2. AGENDA ORDER: Commissioner Cusack asked if Item 13 can be moved after Item 2. The meeting resumed at in open session 7:18 pm.
13. CLOSED SESSION – PERSONNEL EVALUATION: The Board went into closed session at 7:06 pm to receive employee performance evaluation of General Manager McDonald. The Personnel Committee was invited to stay to present the evaluation. General Manager McDonald, staff, and others left the meeting.
14. OPEN SESSION – PERSONNEL EVALUATION: The meeting resumed in open session at 7:18 pm. Director Peterson said the Board accepted the consolidated evaluation. He expressed the Board's confidence in the General Manager. The remainder of the closed session evaluation with the General Manager was continued to the end of the meeting in consideration of the remaining staff's time. Mr. Cusack left the meeting.
3. PUBLIC COMMENTS: None
4. REPORTS FROM COMMISSIONERS: Commissioner Wais said there was not a Crockett Sanitary Commission meeting this month due to a lack of a quorum.
- 5.a. THRU 5.f. PUBLIC HEARINGS ON ORDINANCE ADOPTIONS: Director Peterson asked if items 5.a. thru 5.f. may be considered together under one motion. Mr. McDonald said that as long as members of the public have an opportunity to comment after the ordinances are introduced one motion can be considered. Mr. McDonald said all ordinances were introduced last month and have been available for public review at the District office. He began by reading off Ordinance numbers and titles as listed on the agenda and asked that the second reading of the ordinances be waived. Director Peterson opened the public hearings and called for public comment. There were no comments from the public. Director Peterson closed the hearings and called for a motion. A motion was made to adopt the following ordinances, waive the reading of the presented ordinances, and to direct staff to publish a combined summary for the following ordinances; Ordinance No. 19-2 superseding Ordinance No. 09-1, amending Chapter 9 of the District Code in order to clarify the rights and responsibilities of condominium property owners and homeowners associations with respect to the inspection and timely replacement of existing private building sewers; Ordinance No. 19-3 superseding Ordinance No. 09-4, adding Title 7 to the District Code regulating the use of parks and recreation facilities; Ordinance No. 19-4 superseding Ordinance No. 09-5, revising private and building sewer fees; Ordinance No. 19-5 superseding Ordinance No. 10-1, adding Chapter 1.14 to the District Code related to administrative enforcement; Ordinance No. 19-6 superseding Ordinance No. 18-1, amending Chapter 9 of the District Code and

adopting the revised Standard Specifications for the design, construction, and use of sanitary sewers in Crockett and Port Costa; and Ordinance No. 19-7 superseding Ordinance No. 19-1, establishing informal bidding procedures under the Uniform Public Construction Cost Accounting Act, carried unanimously (lb/es).

**6. REPORT OF DISTRICT COUNSEL:** None

**7.a. RECREATION DEPT. REPORT:** Mr. Wilson reported new stairs have been installed off the front entrance of the Community Center by Chuck Dell. He is working on a grant to hire an engineering firm to perform engineering and design of the retaining wall and stairs on Pomona Street. Director Mackenzie asked how he is doing on the Fire Marshall's correction list of the facility. Mr. Wilson said most of the items have been completed. He said he received a proposal from Denalect Alarm Company for the fire alarm system; however staff is still waiting for a couple of more companies to contact from you. Director Mackenzie said he will get the names and numbers to him.

**7.b. MAINTENANCE DEPARTMENT:** Director Peterson reported he spoke with the engineer today and he has not had a chance to work on the Memorial Hall project. The engineer will have the revision of drawings with notes and specifications concerning pilings outside the Memorial Hall building to us in two weeks. Director Peterson reported Caltrans sent Glenn Hummel from the Dog Park Committee some CEQA questionnaires. Caltrans to comment on proposal and make some declaration or issue on final lease agreement. It's expected the annual lease payment to be \$2,000. Director Peterson said he ordered four decorative light poles and still has not received them yet. Director Kirker asked if the light pole on the northeast corner of Port Street is being replaced and, if not, can it be removed from the property insurance. Director Peterson said the bolts were cut and patched over which removed tripping hazard. Mr. McDonald said the pole was already removed from inventory for purpose of insurance.

**7.c. PORT COSTA SANITARY DEPT.:** The Board had received the Minutes of August 14. Mr. Barnhill reported the electronic self-monitoring report (eSMR) for July was just submitted today as we were instructed to hold of submittal by the Regional Water Quality Control Board while they corrected eSMR input form. Staff was directed to get proposals to clean out the septic tank. He sent four out to contractors and has not received any back yet. The initial proposal was \$172K plus time and money for baffle repair. The deadline to received proposals is September 30. Director Peterson asked if Board action is expected by October. Mr. McDonald said most likely.

**7.d. CROCKETT SANITARY DEPT.:** Mr. McDonald reported it has been pretty quiet. He presented the written manager's report and asked if there were any questions. He has been busy with the Atherton/Cooke sewer replacement project. He said bids for the job will be returned by October 9 and a second pre-bid walk-through has been scheduled on September 30.

**7.e. STAFF REPORT ON GOVERNMENTAL MATTERS:** Mr. McDonald reported CASA launched a field study on wipes dispersibility. The study will examine how several wet wipe products, or flushable wipes perform in actual sewer lines. The State Water Board will adopt water quality fees for FY 2019-20. NPDES fees are expected to increase by approximately 13% and WDR fees are expected to increase by approximately 15%. Extended NPDES permit terms to 10 years continues to gain support. Governor Gavin Newsom signed Assembly Bill AB 5 into law, which codifies the California Supreme Court's decision on independent contractor requirements. The law makes it more difficult for employers to improperly classify workers as independent contractor instead of employees. Whether public entities are exempt from the new law is not specifically addressed. Public entities are exempted from numerous provisions in the labor code and wage orders. There is ambiguity surrounding the law's

application to public employers. All employers, particularly public entities, need to consult with legal counsel and carefully review AB 5's potential application. US Department of Labor announced a final rule modifying the weekly salary and annual compensation threshold levels for white collar exemptions to the Fair Labor Standards Act (FLSA) overtime requirements. Public employers should audit all exempt job positions to determine which job positions are affected by these new salary basis test regulations. For California employers, few, if any changes will be necessary as a result of the increased weekly threshold because the threshold is still lower than the salary of virtually all public employees who will qualify under the duties test for exemption.

7.f. STAFF ANNOUNCEMENTS: Mr. McDonald reported CalPERS is hosting a local elected official's forum on October 28 from 9:30 am – Noon, a free half-day educational session specifically geared towards public agency. Contra Costa County Census 2020 grant funding is available, staff has chosen not to participate. Climate Adaptation Roundtable on November 6 in Berkeley. Board Secretary/Clerk Conference in Monterey on November 12-14 would be great for Ms. Witschi to attend. Mr. McDonald will investigate if feasible. He said continuing education is essential to keep current on the many aspects of the job. West County Wastewater District (WCWD) has a new executive team which reflects its district commitment to their community core values. Staff will watch for opportunities for open house or other events where the District Board can meet and interact with WCWD Directors.

8. CONSENT CALENDAR: The consent items were approved unanimously (mk/jm):

- a. Approve Minutes of August 28, 2019.
- b. Approve payment of District bills (warrants Rec. 8316-8361; PCSan, 1137-1143; CVSan 5937-5960; Maintenance 421).
- c. Receive Minutes of Commissions and Committees.
- d. Receive cc letter from Supervisor Glover to state Lands Commission re: 501 Port St.
- e. Receive cc response letter from State Lands Commission re: 501 Port St and its future.

9.a. CONSENT ITEMS REMOVED: None

9.b. HEALTH BENEFITS PROGRAM: Mr. McDonald presented a memo on the Health Benefits Program proposed for the District. The Special District Risk Management Authority's (SDRMA) program was chosen by the Personnel Committee and staff. Mr. McDonald clarified a typo on page 2, the second sentence referring to employee should be employer. He said the Personnel Committee is in favor of the 90/80/70 split proposed with the effective date to begin on January 1 or February 1, 2020. Director Barassi asked where the funds would be coming from to pay for this. Mr. McDonald said the budget allocated funds from the reformulization of the property tax money received annually. A motion to draft resolution and Memorandum-of-Understanding with SDRMA and bring back in October carried by consensus.

9.c. NO TIP POLICY: Mr. McDonald reported on November 1, 2017 the Personnel Committee directed staff to research and develop a Tip/No Tip Policy. Staff has completed its research and concluded that it is in the best interest of the public to implement a No Tip Policy. The Conflict of Interest Policy states in part that employees should avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of the District. Director Barassi said he does not support this and cannot vote on it. Director Sutton said this pertains to all government employees and believes it prudent to have a policy. Director Mackenzie said he also does not support this. Mr. Wilson said the employee is working for the taxpayer. Director Kirker said if the department manager brings this to the Board there is a good reason. This item was continued to next month. Staff will discuss further and bring back to the Personnel Committee and/or Board.

9.d. HOSELKUS CHAPEL: Mr. McDonald reported the property located at 1 Rolph Park Drive and known as Hosselkus Chapel is the property the District is interested to acquire. The District needs to identify a negotiator to conduct negotiations. Mr. McDonald said the Crockett Community Foundation is also interested in the property and at least one of foundation members has expressed interest in serving on the Ad Hoc Committee. A motion to have General Manager McDonald serve as the negotiator with Carriage Services, with any negotiated agreements to be approved by the Board, carried unanimously (lb/es).

9.e. RE-APPOINTING COMMISSIONERS: A motion to approve Resolution No. 19/20-10 re-appointing Tom Cusack, John Mann and Anne Scheer to the Port Costa Sanitary Commission for two years carried unanimously (mk/jm).

10.a. FINANCIAL REPORT: The monthly statements of District finances and reports on investments were examined by the Board. Mr. McDonald reported the Dog Park detail is now reflected on the Maintenance monthly summary worksheet.

10.b. ANNUAL CAPACITY CHARGE REPORT: A motion to accept Capacity Charge Accounting and Reporting (Government Code Section 66013/AB 1600) carried unanimously (lb/es). Staff will post on our website as required.

10.c. ANNUAL REVIEW OF INVESTMENT POLICY: A motion to receive the annual review of investment policy (Gov't Code Sec. 53646) and recommend no changes carried by consensus.

11.a. PERSONNEL COMMITTEE REPORT: None

11.b. BUDGET & FINANCE COMMITTEE REPORT: None

11.c. AD HOC COMMITTEE REPORTS: None

11.d. INTER-AGENCY MEETINGS: None

12. CLOSED SESSION – REAL ESTATE NEGOTIATIONS: The Board went into closed session at 8:43 pm to meet with negotiator McDonald regarding the Hosselkus Chapel.

13. CLOSED SESSION – PERSONNEL EVALUATION (CONTINUED): Mr. McDonald remained in the closed session with the Board.

14. OPEN SESSION – REPORT ON CLOSED SESSIONS: Mr. Peterson said the Board supports continued investigation into the District acquiring the Hosselkus Chapel and the negotiator was given direction. The Personnel Evaluation of the General Manager was continued until the next Board meeting of October 23. Mr. Peterson will share completed evaluation forms with Directors prior to the next Board meeting.

15. FUTURE AGENDA ITEMS:

Introduce Ordinance repealing and replacing District Code in entirety(Oct).

Annual long-term strategy workshop (Oct/Nov).

Consider adoption of District Code Ordinance (Nov).

Introduce Capacity Charge Accessory Dwelling Unit (ADU) Ordinance (Dec).

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.

16. BOARD COMMENTS:

17. ADJOURNMENT: The meeting was adjourned at 9:43 PM until October 23, 2019.

Respectfully submitted,

*Susan Witschi*

Susan Witschi  
September 27, 2019