

CROCKETT COMMUNITY SERVICES DISTRICT

Regular Business Meeting AGENDA FOR WEDNESDAY, DECEMBER 18, 2019

TIME: 6:30 PM *** Note: Earlier than normal meeting start time ***
PLACE: 850 Pomona Avenue, Crockett

1. CALL TO ORDER – ROLL CALL
2. FRAUD PREVENTION PRESENTATION by David Farnsworth, CPA
3. CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER
4. PUBLIC COMMENTS ON NON-AGENDA ITEMS:
(The Board is prohibited from discussing items not on this agenda. Matters brought up that are not on the agenda may be referred to staff for action or calendared on a future agenda.)
5. REPORTS FROM COMMISSIONERS:
(This item is typically for exchange of information only. No action will be taken at this time.)
6. PUBLIC HEARING:
7. MANAGERS' REPORTS: (These items are typically for exchange of information only.
No action will be taken at this time.)
 - a. Recreation Department.
 - b. Maintenance Department.
 - c. Port Costa Sanitary Department.
 - d. Crockett Sanitary Department.
 - e. Governmental matters.
 - f. Announcements and discussion.
8. CONSENT CALENDAR: Consideration of a motion to approve the following items:
(Items are subject to removal from Consent Calendar by request of any Board Member on request for discussion by a member of the public. Items removed from the Consent Calendar will be considered with the Administrative Items.)
 - a. Approve Minutes of November 20, 2019.
 - b. Approve payment of District bills.
 - c. Receive Minutes of Commissions and Committees.
 - d. Receive annual report on use of Recreation Taxes (Gov. Code Sec. 50075.3)
 - e. Receive annual report on compliance with identity theft regulations (FACTA program)
 - f. Resolution No. 19/20-11 confirming publication of Ord. No. 19-8.
 - g. Approve Payroll Schedule for 2020.
9. ADMINISTRATIVE:
 - a. Consider consent Items removed from Consent Calendar.
 - b. Resolution No. 19/20-12 reducing the Recreation Commission to five seats.

- c. Accept conditional offer to settle violations through a payment of \$12,000, the mandatory minimum penalty pursuant to Water Code section 13385, NPDES Permit CA 0005240 C&H Sugar Company Refinery, Joint Use C&H Sugar Company-Crockett Community Services District Philip F. Meads Water Treatment Plant, Crockett, CA.
- d. Accept conditional offer to settle violations through a payment of \$15,000, the mandatory minimum penalty pursuant to Water Code section 13385, NPDES Permit CA 0037885 Port Costa Wastewater Treatment Plant, Port Costa, CA.
- e. Election of Officers for 2020.
- f. Consider Resolution No. 19-/20-13 re-appointing Joe Surges to the Port Costa Sanitary Commission for two years.
- g. Consider Resolution No. 19/20-14 finding that sewer emergency exists at a public sewer, identified as Pomona V-00-20 to V-00-19, and to delegate to the General Manager authority to order any action to repair or replace public sewer without giving formal notice for bids to let contracts, per Public Contract Code Section 22050.

10. **BUDGET AND FINANCE:**

- a. Consider monthly Summary Worksheets and Investment Reports and staff report on financial matters.
- b. Revise Pay Schedule of Wages required by minimum wage increase January 1, 2020.
- c. Discussion on evaluation and potential benefit of acquiring Hosselkus Chapel property.
- d. Receive audit of District FY 18/19 performed by David Farnsworth, CPA.

11. **CLOSED SESSION – REAL ESTATE NEGOTIATIONS:** Pursuant to Government Code Section 54956.8 – meet with negotiator concerning the purchase of Hosselkus Chapel property.

12. **OPEN SESSION:** Announcement of actions, if any, taken in closed session.

13. **REPORTS FROM BOARD MEMBERS:**

(These items are typically for exchange of information only. No action will be taken at this time.)

- a. Personnel Committee – Members Barassi, Bartlebaugh, Cusack, Sutton and Wilson
- b. Budget & Finance Committee – Members Mackenzie and Peterson
- c. Ad Hoc Committees:
- d. Inter-agency meetings:

14. **FUTURE AGENDA ITEMS:**

- Introduce Capacity Charge Accessory Dwelling Unit (ADU) Ordinance (Jan.)
- 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.

15. **BOARD COMMENTS:**

16. **ADJOURNMENT** to January 22, 2020

CROCKETT COMMUNITY SERVICES DISTRICT

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MINUTES OF REGULAR MEETING, NOVEMBER 20, 2019

1. CALL TO ORDER: The meeting was called to order at 7:03 PM by Vice-President Kirker. Present were Board Members Barassi, Mackenzie and Sutton, along with General Manager McDonald, Assistant Sanitary Dept. Manager Barnhill, and Assistant Secretary Witschi. Also present was Sanitary Commissioner Bartlebaugh. Director Peterson was absent.
2. AGENDA ORDER: Mr. McDonald said the number sequence is off and that Item 11 can be heard before the Board goes into closed session. Also, under Item No. 11.a. Burnett should be removed from the Personnel Committee.
3. PUBLIC COMMENTS: None
4. REPORTS FROM COMMISSIONERS: None
5. PUBLIC HEARING: Mr. McDonald reported this is the second reading of Ordinance No. 19-8 to repeal and replace the District Code. He asked that a motion to waive the reading of the ordinance be considered. A motion to waive the reading of Ordinance No. 19-8 carried unanimously (jm/es). Director Kirker opened the public hearing and after hearing no comments closed the public hearing. A motion to adopt Ordinance No. 19-8 adding, amending, and correcting the General Provisions, Administration, Personnel, Permits and Fees Titles of the District Code by repealing and replacing the District Code in entirety as presented carried unanimously (jm/es). Staff will publish the ordinance in the West County Times.
6. REPORT OF DISTRICT COUNSEL: None
- 7.a. RECREATION DEPT. REPORT: The Board had received the Minutes of September 8. No further report.
- 7.b. MAINTENANCE DEPARTMENT: Carla Garbis and Lindsey Pannell, members of the Crockett Improvement Association (CIA), formed a committee to research the feasibility of a parcel tax to benefit the town were in attendance. Ms. Pannell asked the Board if they had suggestions who they could reach out to for support. Director Kirker suggested writing an article in the Signal. Director Sutton said they could attend the Crockett Community Foundation meeting and the Lions Club meeting. Mr. McDonald said he should review any information before going forward. Ms. Pannell asked if there are any competing measures. Director Mackenzie said Port Costa is tired of paying taxes. Mr. McDonald said you can narrow the scope of items down.
- 7.c. PORT COSTA SANITARY DEPT.: Mr. Barnhill reported the Port Costa Sanitary Commission did not have a meeting this month. He met with Clean Harbor today and is waiting to hear back from them on their proposal for the septic tank cleaning. He said someone graffitied at the Treatment Plant and did not find the person(s) responsible for it.

7.d. CROCKETT SANITARY DEPT.: The Board had received the Minutes of October 16. Mr. McDonald presented the written department manager's report. He said the Atherton/Cooke Project should begin within a week and be completed on or around January 17, 2020. Underground cable boxes down Pomona may require some changes to manhole location. He said there was one Category 1 Sanitary Sewer Overflow reported in October, manhole E-08-02 overflowed onto Bishop and into adjacent storm drain.

7.e. STAFF REPORT ON GOVERNMENTAL MATTERS: Mr. McDonald reported the San Francisco Bay Conservation and Development Commission (BCDC) has issued a permit to Lind Marine, Inc. for recovery and removal of marine debris at the former Crockett Marina.

7.f. STAFF ANNOUNCEMENTS: Mr. McDonald reported he attended the Manager's Roundtable meeting at EBMUD in Oakland on October 25. He attended the Special District Climate Adaptation Roundtable at Tilden Park on November 6.

8. CONSENT CALENDAR: Director Barassi asked that Item a. be removed from the consent calendar for discussion. The following items were approved unanimously (lb/jm):

- b. Approve payment of District bills (warrants Rec. 8428-8468; PCSan, 1153-1165; CVSan 5982-6012; Maintenance 424).
- c. Receive Minutes of Commissions and Committees.

9.a. CONSENT CALENDAR: Director Barassi suggested minor corrections to the minutes. The minutes of October 23, 2019 were approved, as amended, unanimously (es/lb).

9.b. DISTRICT MEETINGS AND HOLIDAY CALENDAR: A motion to approve District meeting and holiday calendar for 2020 carried unanimously (es/lb).

9.c. EMPLOYMENT AGREEMENT MODIFICATION: Mr. McDonald reported the Personnel Committee met and recommended a two-step increase. Director Kirker said it would be a good idea to see the process of the pay scale and said it would be nice to have a memo along with it. Director Sutton said it would be good to have a handbook for Directors of key information, having all information in one spot would help. A motion to approve Employment Agreement Modification for General Manger McDonald increasing monthly salary from \$7,704 to \$7,961 effective December 1, 2019 carried unanimously (jm/es).

9.d. PAY SCALE OF WAGES: Mr. McDonald reported Dolores Morales has begun to assist the Crockett Sanitary Department by performing duties of the Sanitary Administrative Assistant and Field Assistant, a temporary part-time position, in addition to her primary responsibility as Event Supervisor for the Recreation Department. Staff is recommending changing the position from temporary to hourly part-time and adjusting the salary scale to better match the workload required of the position and to facilitate simpler accounting. Director Sutton asked if this will cost more money. Mr. McDonald said the scale of wages is in line with what she is currently making. A motion to approve updating Pay Scale of Wages for Sanitary Administrative Assistant/Field Assistant carried unanimously (jm/es).

9.e. DEFINITION OF FULL-TIME EMPLOYEES: Mr. McDonald reported the Board authorized entering into an agreement with Special District Risk Management Authority (SDRMA) to provide health benefits to our full-time employees. SDRMA defines qualified subscribers as full-time salaried or hourly employees who are actively at work at least 30 hours per week. Staff proposes to update the definition of a regular full-time employee who regularly works a

minimum of 30 hours a week. Also, update regular part-time employees who regularly work less than 30 but more than 16 hours a week. A motion to approve updating the definition of Regular Full-Time Employees and Regular Part-Time Employees to meet the definition required for health benefits and authorize General Manager to update the Personnel Policy & Procedures Manual accordingly carried unanimously (jm/lb).

10.a. FINANCIAL REPORT: The monthly statements of District finances and reports on investments were examined by the Board. Mr. McDonald reported the Local Agency Investment Fund interest rate has gone from 2.57% to 2.45%.

10.b. HOSSELKUS CHAPEL PROPERTY: Mr. McDonald reported he is still waiting for information from the building inspector on the Hosselkus Chapel property.

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, along with General Manager McDonald, went into closed session at 8:14 PM.

13. OPEN SESSION: Resumed open session at 8:47 PM. There was no action to report to the public.

14. FUTURE AGENDA ITEMS:

- Introduce Capacity Charge Accessory Dwelling Unit (ADU) Ordinance (Jan).
- 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.

15. BOARD COMMENTS: None.

16. ADJOURNMENT: Director Barassi said if we have to meet to take action on the Port Costa septic tank cleaning project before the next meeting a special joint Port Costa Sanitary Commission / District Board meeting can be held in Crockett. The meeting was adjourned at 8:57 PM until December 18, 2019.

Respectfully submitted,

Susan Witschi

Susan Witschi
December 6, 2019

CROCKETT COMMUNITY SERVICES DISTRICT

Crockett Community Services District

Auditor's Date: 12/6/19 Fund: 324100 Account: 0830

Date	Name	Memo	Credit	Num
FUND 3241 - RECREATION				
12/06/2019	RONALD D. WILSON	Payroll November 2019	2,490.99	8469
12/06/2019	DOLORES M. MORALES	Payroll November 16-30	878.59	8470
12/06/2019	KATELYNN M. CLEMONS	Payroll November 16-30	373.01	8471
12/06/2019	SUSAN G. WITSCHI	Payroll November 16-30	1,796.94	8472
12/06/2019	TREVOR B. DEES	Payroll November 16-30	214.43	8473
12/06/2019	HARLEY W. MANDICINO	Final Paycheck	512.11	8474
12/06/2019	CalPERS Public Employees Ret...	CalPERS Retirement and 457 Plan Liability	1,898.23	8475
12/06/2019	UNITED STATES TREASURY (...)	FedTax Payroll Liability	1,367.96	8476
12/06/2019	EMPLOYMENT DEVELOPMEN...	State Payroll Tax Liability	150.41	8477
12/06/2019	MEYERS NAVE	Attorney general advice	877.76	8478
12/06/2019	AT&T (Phone)	Phones AC ...	369.59	8479
12/06/2019	Crockett Chamber of Commerce	Membership annual renewal invoice 390	50.00	8480
12/06/2019	G & C Refrigeration Inc.	Ice machine repair - Invoice 707	282.00	8481
12/06/2019	LESLIE'S POOL SUPPLIES	Chemicals for pool alka up invoice 137-01-...	186.68	8482
12/06/2019	LINCOLN AQUATICS	Sand refinish diving boards Invoice D8666...	2,305.81	8483
12/06/2019	PG&E	Gas & Electricity	2,554.10	8484
12/06/2019	TERRACARE ASSOCIATES	Landscaping services	2,171.00	8485
12/06/2019	RONALD D. WILSON	Mileage reimbursement November 2019	126.44	8486
12/06/2019	DOLORES M. MORALES	Mileage and supplies reimbursement	131.59	8487
12/06/2019	Karen Alvarado	Cleaning and damage deposit refund for 1...	485.00	8488
12/06/2019	Richard Simpson	Cleaning and damage deposit refund for 1...	700.00	8489
12/06/2019	ARMOR LOCKSMITH SERVICES	Repair MPR handle - Invoice 53891	215.00	8490
12/06/2019	Clean Hood Pros	Hood cleaning - Invoice 133461	395.00	8491
12/06/2019	Delta One Security, Inc.	Security services November Invoice 4125	126.00	8492
Total FUND 3241 - RECREATION			20,658.64	
TOTAL			20,658.64	

Kent Peterson

CROCKETT COMMUNITY SERVICES DISTRICT
Crockett Community Services District
 Auditor's Date: 12/16/19 Fund: 342600 Account : 0830

Date	Name	Memo	Credit	Num
FUND 3426 - CV SANITARY - O&M				
12/06/2019	DALE A. McDONALD	Payroll November 2019	4,245.07	6013
12/06/2019	JAMES G. BARNHILL	Payroll November 2019	4,411.70	6014
12/06/2019	CalPERS Public Employees ...	CalPERS#1977684412, Retir. 19...	4,034.89	6015
12/06/2019	UNITED STATES TREASUR...	Fed Payroll Tax Liability	1,508.36	6016
12/06/2019	EMPLOYMENT DEVELOPM...	State Payroll Tax Liability	443.96	6017
12/06/2019	MEYERS NAVE	General attorney advice Oct 2019...	1,870.61	6018
12/06/2019	STATE WATER RESOURCE...	SRF Loan Cont#01805-550-0 AR...	36,120.81	6019
12/06/2019	AT&T (Phone)	Office and PS phone lines	194.35	6020
12/06/2019	L.R. PAULSELL CONSULTING	CSO cleaning Nov and Atherton ...	12,432.50	6021
12/06/2019	PG&E	Electricity at PS	2,343.28	6022
12/06/2019	U.S. Postal Service (vendor)	Annual PO 578 Box Rental	138.00	6023
12/06/2019	VOID	*** VOIDED CHECK ****		6024
Total FUND 3426 - CV SANITARY - O&M			<u>67,743.53</u>	
TOTAL			<u>67,743.53</u>	

Kent G. Peterson

CROCKETT COMMUNITY SERVICES DISTRICT

Crockett Community Services District

Auditor's Date: 12/6/19 Fund: 342500 Account: 0830

Date	Name	Memo	Credit	Num
FUND 3425 - PC SANITARY - O&M				
12/06/2019	MEYERS NAVE	Attorney general advice Oct 2019 invoice...	297.23	1166
12/06/2019	Eurofins Calscience LLC	Lab testing 10/31-11/21 Invoice 570011045	470.00	1167
12/06/2019	L.R. PAULSELL CONSULTING	CSO cleaning invoice 19-11	690.00	1168
12/06/2019	Sierra Chemical Company	Sodium Hypochlorite Invoice 127497	732.20	1169
12/06/2019	PG&E	Electricity	582.07	1170
Total FUND 3425 - PC SANITARY - O&M			<u>2,771.50</u>	
TOTAL			<u>2,771.50</u>	

Kent Peterson

PORT COSTA SANITARY COMMISSION

of the Crockett Community Services District

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MINUTES OF REGULAR MEETING, OCTOBER 9, 2019

1. CALL TO ORDER: The meeting was called to order at 7:04 PM by Chairperson Surges. Present were Commissioners Scheer, Mann, and Beauchemin, along with Dept. Manager Barnhill, and General Manager Mr. McDonald. Mr. Cusack was absent excused. Mr. Barassi was in attendance as a member of the public.

2. AGENDA ORDER: There were no requests to hear agenda items out of order.

3. PUBLIC COMMENTS: None.

4. PUBLIC HEARING: None.

5. REPORT OF DISTRICT COUNSEL: None.

6.a. DISTRICT BOARD ACTIONS: Mr. McDonald reported that the District Board passed six Ordinances to Codify the District Code.

6.b. SELF-MONITORING REPORT: The Commission received the cover letters for July and August 2019 electronic Self-Monitoring Reports (eSMR). The reports were certified and submitted through the California Integrated Water Quality System (CIWQS). During the Month of August an exceedence occurred with the pH being below 6.0 in the final effluent. Valley commenced accelerated monitoring and reported pH levels within limits on September 4th and 5th. Mr. Barnhill said the Water Board wants Valley to investigate in order to find the cause of the low pH.

7.a. FINANCIAL REPORT: The Commission received the monthly Summary Worksheet. No questions were raised.

7.b. CONSIDER DELAYING PAYMENT OF PORT COSTA LOAN: Mr. Barnhill said that a loan payment of \$47,487 due October 15, 2019 can be delayed without consequence to Port Costa. He said that the funds would be better directed toward maintenance of the septic tank. Mr. Barassi asked how Port Costa would be paying for the septic tank maintenance. Mr. McDonald said that a Sewer Use Charge (SUC) increase would be needed. Mr. Mann asked if we can delay cleaning. Ms. Scheer said that delaying maintenance is part of the problem. Ms. Scheer asked if the funds will remain in the budget if we don't clean the tank. Mr. McDonald said the funds would remain if the cleaning is not performed. Mr. Mann said he is not convinced the tank needs to be cleaned now. Mr. Barnhill said the tank needs to be cleaned and should have been fully cleaned years ago when he initially requested authorization. He said the Commission directed Staff to partially clean the tank at that time. Mr. Barnhill said it is difficult to establish the effectiveness of partial cleaning. He said the tank needs to be cleaned in order to protect the wet well, the effluent pumps, and the sand filter beds from buildup which will reduce the effectiveness and lifespan of the sand. He said the

septic tank is charged with sludge and the water may be carrying particulates over to the treatment plant which will adversely affect its performance.

7.c. AUTHORIZE SEPTIC TANK REHABILITATION FUNDS FOR BAFFLE WORK: A motion to table items 7.b and 7.c. was unanimous (as/rb).

7.d. AUTHORIZE EXECUTION OF CONTRACT WITH HYDROSCIENCE ENGINEERS INC.: A motion to execute the contract with HydroScience in the amount of \$34,800 (engineering services to be performed following septic tank cleaning) was approved unanimously (as/jm).

8. WASTEWATER: Mr. Barnhill said Ponder added bypass and dewatering to their initial proposal which increased their proposal to clean the septic tank from \$172,723 to \$185,838. Mr. Barassi said that hauling water is their business which is why the proposal is geared to hauling volume offsite. The commission made a recommendation to staff to go after more bids (as/rb).

9a. STAFF REPORT ON OPERATIONS: Mr. Barnhill reported that October 9, he attended the meeting of the Regional Water Quality Control Board (RWQCB) in Olema, CA. He said the meeting included a tour of Marshall, CA wastewater treatment facilities. He explained that Marshall is similar in population to Port Costa and their NPDES Discharge Permit was the model which helped guide research into alternative discharge study performed by Larry Walker Associates. Marshall installed septic tanks at each individual property. Homeowners are responsible for the sewer lateral from their structure to the septic tank, their responsibility includes the inlet half of the septic tank. Foreign objects flushed, such as wipes, would be captured in the inlet half of the tank, the homeowner would be responsible for maintenance, removal or repairs. The outlet end of the septic tank, is publicly owned, the tanks discharge into a force main pipeline which carries the wastewater to a filtering system for treatment, followed by disbursement to land which is the final discharge point.

9.b. STAFF REPORT ON GOVERNMENTAL MATTERS: None

9.c. STAFF ANNOUNCEMENTS: None

9.a. BUDGET & FINANCE COMMITTEE REPORT: None

9.b. INTER-AGENCY MEETINGS: None.

10. CONSENT CALENDAR: The consent item was approved unanimously (as/jm):

- a. Approve Minutes of September 11, 2019
- b. Receive Status Report on outstanding issues

11. FUTURE AGENDA ITEMS:

Settling tank cleaning proposals

12. COMMISSIONER COMMENTS: None

13. ADJOURNMENT: The meeting was adjourned at 8:12 PM until November 6, 2019.

Respectfully submitted,



James Barnhill
October 31, 2019

CROCKETT RECREATION DEPARTMENT

of the Crockett Community Services District

850 Pomona Avenue - Crockett, CA 94525

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Fax (510) 787-3049

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website: www.town.crockett.ca.us

ANNUAL REPORT ON THE USE OF RECREATION TAXES

DECEMBER 2019

The Crockett Community Services District collects special taxes from residential properties in Crockett and Port Costa for the purpose of funding public recreation facilities and services. Government Code Section 50075 reads:

"It is the intent of the Legislature to provide all cities, counties, and districts with the authority to impose special taxes, pursuant to the provisions of Article XIII A of the California Constitution."

In the interest of accountability to the voters, an annual report on the use of special taxes is required. Government Code Section 50075.3 reads:

"The chief fiscal officer of the levying local agency shall file a report with its governing body no later than January 1, 2002, and at least once a year thereafter. The annual report shall contain both of the following:

- (a) The amount of funds collected and expended.
- (b) The status of any project required or authorized to be funded (by the special tax measure approved by the voters).

FOR CALENDAR YEAR 2018

The amount of special taxes for recreation that was placed on the tax roll to be collected by the Crockett Community Services District during FY 2018-19 was \$136,180. The entire amount was deposited into the general recreation fund 3241 spent during 2019. The funds are authorized for improvement, maintenance and operation of park and recreation facilities and services within the area served by the District.

Our park and tennis courts located at 850 Pomona Avenue, Crockett, are open year-round. Our public swimming pool was used by John Swett High School students as early as January 28, 2019, used by the Crockett Swim Team as early as March 8, 2019, opened to the general public on May 25 and closed on September 2, and was rented for private pool parties through mid-September. The Community Center is open year for private rentals, community events, and ongoing programs. Rental revenue is unpredictable and therefore the District counts on the recreation tax to provide a steady source of reliable revenue. The recreation tax is exhausted first and is supplemented by rental revenue from the Community Center and pool.

The total direct cost of operating and maintaining the park facilities between January 1 and December 1 was \$66,980. The total direct cost of operating and maintaining the pool facilities was \$151,694 between February 1 and September 30. The total direct cost of operating and maintaining the Crockett Community Center between January 1 and December 1 was \$227,338. It is therefore apparent that the \$136,180 collected in special taxes during FY 2018-19 was totally expended on the pool, park, and Community Center facilities during the spring/summer of 2019. This is expected to be the normal pattern of collection and expenditure of special taxes in the future.

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Commissioners: Jeff Airoidi, Louise Choquette, Tom Cusack, Anne Scheer, John Valentini

S.d.

CROCKETT COMMUNITY SERVICES DISTRICT

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ANNUAL REPORT OF COMPLIANCE WITH FACTA REGULATIONS DECEMBER 2019

The Crockett Community Services District adopted an Identity Theft Prevention Program on October 22, 2008, as required by the Fair and Accurate Credit Transactions Act (FACTA) of the Federal Trade Commission. The program was revised December 22, 2010. Its purpose is to detect, prevent, and mitigate identity theft.

The District's Program is broken up into four parts and provides reasonable policies and procedure to do the following:

1. Identify "red flags" applicable to financial or service accounts maintained by the District and incorporate those "red flags" into the Program;
2. Detect those "red flags" that have been incorporated into the Program as they occur;
3. Ensure that District staff respond appropriately to detected "red flags" so as to prevent and mitigate identity theft;
4. Ensure that the Program itself is updated periodically, to reflect changes in identity theft risk to District customers or the District.

The District places the highest priority on protecting any confidential, financial and personal information submitted to it in the course of providing District services. All such information is kept in locked file drawers or is locked in the archives. Additionally, the District destroys obsolete personnel records no later than seven years after employee termination.

The District has not contacted any consumer credit reporting agencies during 2019, from which a red flag might be raised.

The District has not been presented with any suspicious documents during 2019. Nor has the District been presented with any suspicious personal identifying information.

The District does not maintain any credit accounts or utility accounts for its customers. The District accepts payment by credit cards for services at the Aquatics and Community Center.

The District has engaged with two service providers to perform activities in connection with covered accounts. MacDonald Accounting Services provides professional services and assistance with QuickBooks software which contains vendor, customer, and employee identifying information. David Farnsworth, CPA, provides professional auditing services and performed an independent audit of the District's finances for fiscal year 2019/2020 requiring access to documents and electronic files containing identifying information.

C:\mydocs\admin\legal\report on identity theft program2019

The District has not been notified by any party that it has opened a fraudulent account for a person engaged in identity theft.

The District has not detected any red flags during 2019. The adopted program provides guidance on steps to be considered whenever red flags are detected.

At the Crockett Community Services District, the General Manager is the Finance Director and has specific responsibility for implementation of the identity theft prevention program.

By December 31 of every year, District Staff must prepare a report on the District's compliance with FACTA regulations. It is the opinion of the General Manager that the District has been in full compliance with FACTA regulations throughout 2019. Specifically:

- The District's policies and procedures have been fully effective in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts.
- The security of service provider arrangements was not applicable during 2019.
- The District had no incidents of identity theft during 2019.
- The General Manager has no recommendations for material changes to the Program at this time.

A copy of the Identify Theft Prevention Program is included with this annual report for convenience of the Board.

CROCKETT COMMUNITY SERVICES DISTRICT

IDENTITY THEFT PREVENTION PROGRAM

**In Accordance with the
Fair and Accurate Credit Transactions Act of 2003**

Adopted October 22, 2008

Revised December 22, 2010

INTRODUCTION

Regulations adopted by the Federal Trade Commission (“FTC”) pursuant to the Fair and Accurate Credit Transaction Act (“FACTA”) require public agencies such as the Crockett Community Services District (“District”) that act as creditors for purposes of such legislation to evaluate and formally adopt programs to detect, prevent, and mitigate identity theft before November 1, 2008. The District has a long history of protecting the personal financial and private information of its residents, businesses, and ratepayers. The following Identity Theft Prevention Program (“Program”) is intended to memorialize and outline the identity protections and procedures of the District and to formalize their continued use and update, as required by law.

To summarize, FACTA regulations require creditors like the District to adopt programs that can spot identity theft “red flags” (patterns, practices, or specific activities that indicate possible misuse or theft of personal financial information) and then act appropriately. In accordance with Federal Trade Commission guidelines and regulations, the District’s Program is broken up into four parts¹ and provides “reasonable policies and procedures” to do the following:

- 1) Identify “red flags” applicable to the types of financial or service accounts maintained by the District and incorporate those “red flags” into the Program;
- 2) Detect those “red flags” that have been incorporated into the Program as they occur;
- 3) Ensure that District staff respond appropriately to detected “red flags” so as to prevent and mitigate identity theft;
- 4) Ensure that the Program itself is updated periodically, to reflect changes in identity theft risk to District customers or the District;

The District places the highest priority on protecting any confidential financial and personal information submitted to it in the course of providing District services. The Program listed herein satisfies all FACTA requirements.

Section 1. Program “Red Flags”

FACTA covers certain District transactions in which the District defers payment for goods or services. Most, if not all, such District transactions are those connected with the District collection of payments for the provision of wastewater and recreation services. These are typically collected by Contra Costa County on the property tax roll and are not under the District’s control. Additionally, the District does not manage any credit accounts and only accepts payment by credit card only for services at the Aquatics and

¹ Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003. 72 Fed. Reg. 63717, 63773 (Nov. 9, 2007) (codified at 16 CFR Part 681).

Community Center. Nevertheless, the District takes all steps necessary for the protection of personal information in its hands.

Under the FTC regulations, the District must identify those red flags that are relevant and applicable to its FACTA-covered activities. The following are those red flags that the District's Program is designed to spot:

- A. A consumer credit reporting agency reports the following in response to a credit check request:
 - 1) Fraud or active duty
 - 2) Credit freeze
 - 3) The Social Security Number (SSN) is invalid or belongs to a deceased person.
 - 4) The age or gender on the credit report is clearly inconsistent with information provided by the customers.

- B. Suspicious Documents
 - 1) Documents provided for identification appear to have been altered or forged.
 - 2) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
 - 3) Other information on the identification is not consistent with information provided by customer.

- C. Suspicious Personal Identifying Information
 - 1) The SSN provided by the customer belongs to another customer in the Utility Billing system.
 - 2) The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

- D. Unusual Use of, or Suspicious Activity Related to, the Covered Account
 - 1) A customer other than the account holder or co-applicant requests information or asks to make changes to an established utility account.
 - 2) A customer notifies the District of the following activities:
 - a) Utility statements are not being received
 - b) Unauthorized changes to a utility account
 - c) Fraudulent activity on the customer's bank account or credit card that is used to pay utility charges

- E. Notice from Customers, Victims of Identity Theft, Law Enforcement Authorities, or Other Persons Regarding Possible Identity Theft in Connection With Covered Accounts Held by the Financial Institution or Creditor
 - 1) The District is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

Section 2. Red Flag Detection

In connection with the opening and servicing of utility accounts, District Staff will take the following steps to detect the red flags identified in Section 1.

A. New Accounts:

- 1) Require certain identifying information such as name, date of birth, SSN, residential or business address, telephone number, email address, driver's license or other identification; and
- 2) Verify the customer's identify (for instance, review a driver's license or other identification card); or
- 3) Review the Business License system to determine the existence of the business entity before establishing the utility account; or
- 4) Request a consumer credit report check

B. Existing Accounts:

- 1) Verify the identification of customers using date of birth, SSN, telephone number, or email address if they request account information other than the outstanding balance owed; and
- 2) Verify the validity of requests to change billing addresses; and
- 3) Verify changes in banking information given for billing and payment purposes

Section 3. District Response to Detected Red Flags

Each situation shall be evaluated on a case by case basis. Responses may include, but are not limited to, the following:

- 1) Marking an account in the Utility Billing system and monitoring it for evidence of identity theft;
- 2) Contacting the customer;
- 3) Not opening the new account;
- 4) Closing an existing account
- 5) Reopening an utility account with a new account number;
- 6) Notifying the appropriate law enforcement and/or prosecutorial agencies; and
- 7) Taking no action at all, if no identity theft or other malfeasance is found to have taken place

Section 4. Oversight of Program Administration

Under FACTA regulations, an identity theft prevention program must be overseen by a District Board, an appropriate committee of the District Board, or a designated employee at the level of senior management. In the District's Program, the Finance Director shall have the specific responsibility for the Program's implementation and to approve reports prepared by District Staff regarding compliance of the Program with FACTA regulations. Material changes to the Program as necessary to address changing identity theft risks shall be reviewed by the Finance Director and approved by the District Manager.

By December 31 of every year, District Staff shall prepare a report on the District's compliance with FACTA regulations to the General Manager. The report shall address materials related to the Program and evaluate such issues as:

1. The effectiveness of the District's policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
2. Security of service provider arrangements, if applicable;
3. Significant incidents involving identity theft and District management's response; and
4. Recommendations for material changes to the Program, if necessary.

Finally, whenever the District engages a service provider to perform an activity in connection with one or more covered accounts, the District shall take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. In this regard, the District may, if it deems appropriate, require the service provider to have policies and procedures to detect relevant red flags, as set forth in this Program.

c:\mydocs\admin\legal\identitytheftprogram.doc

RESOLUTION

NO. 19/20-11

**RESOLUTION CONFIRMING THAT PUBLICATION OF
DISTRICT ORDINANCE NO. 19-8, REPEALING AND REPLACING THE CROCKETT
COMMUNITY SERVICES DISTRICT CODE HAS BEEN MADE**

WHEREAS, the State of California provides that District ordinances, or summaries of such, shall be published once in a newspaper of general circulation within the District, and provides that an Order of the Board of Directors of the District to the effect that the Ordinance has been published shall constitute conclusive evidence that publication has been properly made.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Crockett Community Services District that District Ordinance No. 19-8 which repealed and replaced the Crockett Community Services District Code, was adopted on November 20, 2019, a summary of which has been properly published on November 25, 2019 in a newspaper of general circulation within Crockett, with the Ordinance to be effective December 21, 2019.

THE FOREGOING RESOLUTION was adopted at the District's Regular Meeting held on December 18, 2019 by the following vote:

AYES:

NOES:

ABSENT:

Kent Peterson, President

ATTEST:

Dale McDonald
District Secretary

**CROCKETT COMMUNITY SERVICES DISTRICT
PAYROLL SCHEDULE 2020**

Month	Timesheets Due	Paychecks Mailed By
January	Thursday 2 Thursday 16	Wednesday 8 Wednesday 22
February	Monday 3 Tuesday 18	Friday 7 Friday 21
March	Monday 2 Monday 16	Friday 6 Friday 20
April	Wednesday 1 Thursday 16	Wednesday 8 Wednesday 22
May	Friday 1 Monday 18	Thursday 7 Friday 22
June	Monday 1 Tuesday 16	Monday 8 Monday 22
July	Wednesday 1 Thursday 16	Wednesday 8 Wednesday 22
August	Monday 3 Monday 17	Friday 7 Friday 21
September	Tuesday 1 Wednesday 16	Tuesday 8 Tuesday 22
October	Thursday 1 Friday 16	Wednesday 7 Thursday 22
November	Monday 2 Monday 16	Friday 6 Friday 20
December	Tuesday 1 Wednesday 16	Tuesday 8 Tuesday 22

RESOLUTION

NO. 19/20-12

REDUCE THE RECREATION COMMISSION TO FIVE SEATS

WHEREAS, the Crockett Community Services District was officially formed on July 13, 2006, pursuant to Resolution No. 04-22 of the Contra Costa Local Agency Formation Commission; and

WHEREAS, Resolution No. 04-22 states "The intent of the Commission is that the Community Services District create Advisory Commissions for specific purposes, the initial members of which shall be the members of the governing bodies or advisory bodies of the agencies being dissolved"; and

WHEREAS, the Crockett Recreation Committee was created on July 17, 2006 by Resolution No. 06/07-02; and

WHEREAS, in the best interest of the District and to promote effective governance beneficial to the community the number of commission seats should be reduced.

NOW, THEREFORE, BE IT RESOLVED that the District Board of the Crockett Community Services District finds it prudent to reduce the Recreation Commission to five seats.

BE IT FURTHER RESOLVED that the Board confirms current Recreation Commissioners Jeff Airoldi, Louise Choquette, Tom Cusack, Anne Scheer, and John Valentini are to continue their terms of office as commissioners.

THE FOREGOING RESOLUTION was adopted at the District's Regular Meeting held on December 18, 2019 by the following vote:

AYES:

NOES:

ABSENT:

Kent Peterson, President

ATTEST:

Dale McDonald
District Secretary



San Francisco Bay Regional Water Quality Control Board

November 25, 2019
CW-212212

C&H Sugar Company, Inc.
Tanya Akkerman, Environmental Manager
(via email only to tanya.akkerman@asr-group.com)
830 Loring Avenue
Crockett, CA 94525

Crockett Community Services District
Dale McDonald, General Manager
(via email only to manager@town.crockett.ca.us)
830 Loring Avenue
Crockett, CA 94525

**Subject: Conditional Offer to Settle Violations of NPDES Permit CA0005240
C&H Sugar Company Refinery, Joint Use C&H Sugar Company-Crockett
Community Services District Philip F. Meads Water Treatment Plant,
Crockett, Contra Costa County**

Dear Ms. Akkerman and Mr. McDonald:

This letter notifies C&H Sugar Company, Inc. and Crockett Community Services District (Dischargers) of alleged violations of discharge limitations and provides the Dischargers an opportunity to settle the violations through a payment of **\$12,000**, the mandatory minimum penalty pursuant to Water Code section 13385. Please reply by **January 3, 2020**.

NOTICE OF VIOLATION

The Assistant Executive Officer alleges that the Dischargers have violated the NPDES permit indicated above as identified in Exhibit A, which is attached to this letter and incorporated by reference. The Dischargers have the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY

Water Code section 13385, subdivisions (h) and (i), requires the assessment of a \$3,000 mandatory minimum penalty for specified serious and chronic effluent limitation violations. Failure to file a discharge monitoring report required pursuant to Water Code section 13383 constitutes a serious violation for each complete period of 30 days following the deadline for submitting the report. The Dischargers may also be subject to discretionary administrative civil liabilities of up to \$10,000 per day for each violation, plus \$10 for each gallon discharged but not

Conditional Settlement Offer
C&H Sugar Company, Inc. and Crockett Community Services District

cleaned up in excess of 1,000 gallons. The Regional Water Board or the State Water Board (collectively the Water Boards) may assess these mandatory minimum penalties and discretionary administrative civil liabilities beginning with the date on which each violation first occurred.¹ To assess such liabilities, the Water Boards could initiate a formal enforcement action by issuing an administrative civil liability complaint to be followed by a public hearing. Alternatively, the Water Boards could refer the matter to the Attorney General's Office for prosecution in the Superior Court. The Superior Court may assess up to \$25,000 per day for each violation, plus \$25 per gallon discharged but not cleaned up in excess of 1,000 gallons.

CONDITIONAL OFFER TO SETTLE

The Dischargers can avoid a formal enforcement action and settle the alleged violations identified in Exhibit A by accepting this conditional offer as described below and in the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing" (Acceptance and Waiver). This offer does not address liability for any violation not specifically identified in Exhibit A.

OPTIONS FOR RESPONSE

To accept this offer, the Dischargers must complete, sign, and return the enclosed Acceptance and Waiver on or before the date specified in the first paragraph of this letter.

If the Dischargers choose to contest any of the violations alleged in Exhibit A, the Dischargers should identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the date specified in the first paragraph of this letter. Regional Water Board staff will evaluate any contested violation and take one of two actions:

1. Determine that the alleged violation warrants dismissal, dismiss the alleged violation within the California Integrated Water Quality System (CIWQS) database, notify the Dischargers of the dismissal, and take no further action against the Dischargers for the alleged violation; or
2. Determine that the alleged violation is meritorious and notify the Dischargers of that determination. The Dischargers will then have 30 days from the date of the determination to accept the mandatory minimum penalty as settlement for that violation. If the Dischargers choose not to accept the settlement or does not reply to the determination, they should expect to be contacted regarding formal enforcement for the contested violation. With respect to formal enforcement, information Water Board staff receive during any formal investigation and assessment of the violation, as well as staff costs associated with pursuing enforcement and other considerations, may increase the liability beyond that set forth in this conditional offer.

CONDITIONS FOR REGIONAL WATER BOARD ACCEPTANCE OF RESOLUTION

Federal regulations require the Regional Water Board to publish and allow the public at least 30 days to comment on any settlement of an enforcement action addressing an NPDES permit violation (40 C.F.R. § 123.27(d)(2)(iii)). Upon receipt of the Dischargers' Acceptance and

¹ The statute of limitations does not apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (5th ed. 2008) Actions, § 430. Also, the equitable doctrine of laches does not apply to mandatory minimum penalties. See State Water Board Order Nos. 2013-0053, 2013-0054, 2013-0055, and 2013-0099.

Conditional Settlement Offer
C&H Sugar Company, Inc. and Crockett Community Services District

Waiver, Regional Water Board staff will publish a notice of the proposed settlement. If staff receives no comment within the 30-day period and no new material facts are available to the Regional Water Board, the settlement will be presented to the Executive Officer who will determine whether to execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty pursuant to Water Code section 13385.

If, however, significant comments are received in opposition to the proposed settlement, this offer may be withdrawn. In that circumstance, the Water Boards will also treat the Acceptance and Waiver as withdrawn. Water Board staff will advise the Dischargers of any withdrawal and may issue an administrative civil liability complaint and schedule a hearing before the Regional Water Board or State Water Board. For such a hearing, the Dischargers will be free to argue against the alleged violations. Water Board staff will treat the Dischargers' Acceptance and Waiver as if it were a settlement communication and will not use it as evidence in the hearing. Water Board staff will provide the Dischargers with additional information on hearing procedures if a hearing is to occur.

If the Executive Officer executes the Acceptance and Waiver, payment of the settlement amount shall be due within 30 calendar days from the date of the Executive Officer's signature. In accordance with Water Code section 13385(n)(1), funds collected pursuant to Water Code section 13385 shall be deposited into the State Water Pollution Cleanup and Abatement Account. Failure to pay the penalty within the required time may subject the Dischargers to additional liability.

OPPORTUNITY FOR SUPPLEMENTAL ENVIRONMENTAL PROJECT

In lieu of paying all of the mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account, the Dischargers may elect to apply a portion of the penalty to fund a supplemental environmental project (SEP).^{2,3} One SEP option is available: the SEP Fund to supplement the Regional Monitoring Program (RMP). This SEP Fund will supplement RMP studies that would not otherwise be conducted through the RMP's annually approved cost allocations. The RMP collects data and communicates information about water quality in the San Francisco Estuary in support of management decisions to restore and protect beneficial uses of the region's waters. Information about the RMP is available at sfei.org/rmp. The non-profit San Francisco Estuary Institute manages and administers RMP funds. No funds will go to the Water Boards.

The Dischargers also may choose to pay the total mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account. These options are represented in the enclosed Acceptance and Waiver.

² Water Code section 13385(l)(1) authorizes the Regional Water Board, with the Dischargers' concurrence, to direct a portion of the penalty to be expended on a SEP in accordance with the State Water Board's Enforcement Policy (https://www.waterboards.ca.gov/water_issues/programs/enforcement/water_quality_enforcement.shtml). If the penalty is less than or equal to \$15,000, 100 percent of the penalty may be expended on a SEP. If the penalty exceeds \$15,000, then up to \$15,000 plus 50 percent of the penalty that exceeds \$15,000 may be expended on a SEP.

³ See State Water Board Policy on Supplemental Environmental Projects (2017), page 10, and Resolution 2018-0034.

Conditional Settlement Offer
C&H Sugar Company, Inc. and Crockett Community Services District

REGIONAL WATER BOARD CONTACT

Please reply to the attention of Debbie Phan, either by email or U.S. mail. If you want to discuss or have questions regarding this matter, please contact Debbie Phan at (510) 622-2116 or R2NPDES.MMPS@Waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Mumley', written in a cursive style.

Thomas Mumley
Assistant Executive Officer

**Enclosures: Exhibit A-Notice of Violation
Acceptance and Waiver**

EXHIBIT A-Notice of Violation

Dischargers: C&H Sugar Company, Inc. and Crockett Community Services District
 C&H Sugar Company Refinery, Joint Use C&H Sugar Company-Crockett Community Services District
 Philip F. Meads Water Treatment Plant, 830 Loring Avenue, Crockett, Contra Costa County
 NPDES Permit CA0005240

The following table lists the alleged violations for which the Dischargers are subject to civil liabilities pursuant to Water Code section 13385. The table lists the mandatory minimum penalty (MMP) that applies.

Table 1. List of Alleged Violations

CIWQS Violation ID No.	Violation Date	Parameter (unit)	Group	Effluent Limitation	Reported Value	Percent Exceedance^[1]	Violation Type	MMP^[2]
1057041	2/6/2019	Cyanide, Maximum Daily (µg/L)	2	43	110	156	C1, S	\$3,000
1057040	2/28/2019	Cyanide, Monthly Average (µg/L)	2	19	57.8	204	C2, S	\$3,000
1062374	7/10/2019	Copper, Daily Maximum (µg/L)	2	120	310	158	C3, S	\$3,000
1062375	7/31/2019	Copper, Monthly Average (µg/L)	2	54	310	474	>C3, S	\$3,000

Total Penalty: \$12,000

Legend:

CIWQS = California Integrated Water Quality System database that the Water Boards use to track violations and enforcement.

Violation ID = Identification number assigned to each permit violation within CIWQS.

C = Count – Number of violations within past 180 days, including this violation. A penalty applies under Water Code section 13385(i) when the count is greater than three (> C3).

S = Serious. A penalty applies under Water Code section 13385(h) whenever an effluent limitation is exceeded by 40 percent or more for a Group 1 pollutant or 20 percent or more for a Group 2 pollutant.

Footnotes:

[1] Percent that a discharger's reported value exceeds the effluent limitation for a Group 2 pollutant.

[2] The MMP required under Water Code section 13385(h).

CIWQS Place ID: 212212
WDID: 2 071006001

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**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING
ORDER NO. R2-20_____**

**C&H Sugar Company, Inc. and Crockett Community Services District
C&H Sugar Company Refinery, Joint Use C&H Sugar Company-Crockett Community
Services District Philip F. Meads Water Treatment Plant
830 Loring Avenue, Crockett, Contra Costa County
NPDES Permit CA0005240, Regulatory Measure 433518**

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board), C&H Sugar Company, Inc. and Crockett Community Services District (Dischargers) hereby accept the conditional offer to settle alleged violations through payment of a mandatory minimum penalty and waives the right to a hearing before the Regional Water Board to dispute the alleged violations. The violations are attached to this Acceptance and Waiver as Exhibit A and incorporated by reference.

The Dischargers agree that Exhibit A shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations. The Dischargers agree to pay the penalty authorized by Water Code section 13385, which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in Exhibit A. The Dischargers understand that this Acceptance and Waiver waives its right under Water Code section 13323 to contest the allegations in Exhibit A and the amount of civil liability assessed for the violations.

The Dischargers understand that this Acceptance and Waiver does not address or resolve liability for any violation not specifically identified in Exhibit A.

This Acceptance and Waiver may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document. This Acceptance and Waiver may be executed by wet or electronic signature, and may be transmitted by hand, mail service, facsimile, or email. Any such signature shall be deemed to be an original signature and shall be binding to the same extent as if it were an original signature.

Upon execution, the Dischargers shall return the Acceptance and Waiver to the following:

California Regional Water Quality Control Board, San Francisco Bay Region
NPDES Wastewater Enforcement Section
Attention: Debbie Phan
1515 Clay Street, Suite 1400
Oakland, California 94612

or

R2NPDES.MMPS@Waterboards.ca.gov

The Dischargers understand that federal regulations set forth in Code of Federal Regulations, title 40, section 123.27(d)(2)(iii), require the Regional Water Board to publish notice of, and provide at least 30 days for, public comment on any proposed resolution of an enforcement action. Accordingly, prior to execution by the Regional Water Board's Executive Officer, this Acceptance and Waiver will be published for public comment as required by law.

The Dischargers understand that the Executive Officer may execute the Acceptance and Waiver if no comments are received within the public notice period and the Executive Officer agrees that the assessment of the mandatory minimum penalty appropriately resolves the alleged violations. The Regional Water Board's resolution of the violations will preclude State Water Resources Control Board (State Water Board) action for the same violations.

The Dischargers understand that the offer may be withdrawn if significant comments are received in opposition to the conditional offer. In that circumstance, Regional Water Board staff will advise the Dischargers of the withdrawal and may issue an administrative civil liability complaint and schedule the matter for a hearing before the Regional Water Board or State Water Board.

The Dischargers understand that funds collected for violations pursuant to Water Code section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account.

The Dischargers understand that, in lieu of full payment of the assessed mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account, they may elect to pay a portion toward a supplemental environment project (SEP). The SEP option is the SEP Fund, which supplements Regional Monitoring Program (RMP) studies that would not otherwise be conducted through the RMP's annually approved RMP cost allocations.

The Dischargers understand that once the Regional Water Board's Executive Officer executes this Acceptance and Waiver, payment no later than 30 days after the date of the Executive Officer's signature is a condition of this Acceptance and Waiver. The Dischargers shall pay the assessed civil liability to the State Water Pollution Cleanup and Abatement Account and/or San Francisco Estuary Institute (for the SEP Fund) as selected above. The State Water Board will send an invoice for any payment due to the State Water Pollution Cleanup and Abatement Account. The Regional Water Board will send an invoice for any payment due to the SEP Fund.

The Dischargers agree to pay the amounts indicated below to the State Water Pollution Cleanup and Abatement Account and, if chosen, the SEP Fund. The Dischargers understand that the Regional Water Board will consider the Dischargers to have fulfilled any SEP obligation if and when the San Francisco Estuary Institute receives the Dischargers' contribution to the SEP Fund. (Place a "✓" or "✗" in one box below and fill in the blanks as appropriate. Electing to pay a portion of the assessed liability to the SEP Fund will not change the total amount to be paid.)

Payment Options:

- Option 1: Pay a portion of the assessed liability to the RMP SEP Fund:
\$ _____ Amount to be paid to the SEP Fund (cannot exceed \$12,000)
\$ _____ Amount to be paid to the State Water Pollution Cleanup and Abatement
Account (\$12,000 minus amount inserted above)
\$ 12,000 Total assessed mandatory minimum penalty (sum of amounts above).

Or

- Option 2: Pay the total assessed mandatory minimum liability (\$12,000) to the State
Water Pollution Cleanup and Abatement Account.

**I hereby affirm that I am duly authorized to act on behalf of, and to bind, the Dischargers
in the making and giving of this Acceptance and Waiver.**

C&H Sugar Company, Inc. and Crockett Community Services District

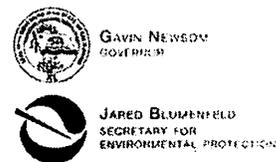
By: _____
Printed or typed name Title

Signature Date

Note: Please return the signed Acceptance and Waiver with Exhibit A, together

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13323 AND
GOVERNMENT CODE SECTION 11415.60

By: _____
Michael Montgomery Date
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region



San Francisco Bay Regional Water Quality Control Board

November 25, 2019
CW-248886

Crockett Community Services District
James Barnhill, Sanitary Department Manager
(via email only to jbarnhill@town.crockett.ca.us)
850 Pomona Street
Crockett, CA 94525

**Subject: Conditional Offer to Settle Violations of NPDES Permit CA0037885
Port Costa Wastewater Treatment Plant, Port Costa, Contra Costa County**

Dear Mr. Barnhill:

This letter notifies Crockett Community Services District (Discharger) of alleged violations of discharge limitations and provides the Discharger an opportunity to settle the violations through a payment of \$15,000, the mandatory minimum penalty pursuant to Water Code section 13385. Please reply by **January 3, 2020**.

NOTICE OF VIOLATION

The Assistant Executive Officer alleges that the Discharger has violated the NPDES permit indicated above as identified in Exhibit A, which is attached to this letter and incorporated by reference. The Discharger has the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY

Water Code section 13385, subdivisions (h) and (i), requires the assessment of a \$3,000 mandatory minimum penalty for specified serious and chronic effluent limitation violations. Failure to file a discharge monitoring report required pursuant to Water Code section 13383 constitutes a serious violation for each complete period of 30 days following the deadline for submitting the report. The Discharger may also be subject to discretionary administrative civil liabilities of up to \$10,000 per day for each violation, plus \$10 for each gallon discharged but not cleaned up in excess of 1,000 gallons. The Regional Water Board or the State Water Board (collectively the Water Boards) may assess these mandatory minimum penalties and discretionary administrative civil liabilities beginning with the date on which each violation first occurred.¹ To assess such liabilities, the Water Boards could initiate a formal enforcement action by issuing an

¹ The statute of limitations does not apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (5th ed. 2008) Actions, § 430. Also, the equitable doctrine of laches does not apply to mandatory minimum penalties. See State Water Board Order Nos. 2013-0053, 2013-0054, 2013-0055, and 2013-0099.

Conditional Settlement Offer
Crockett Community Services District

administrative civil liability complaint to be followed by a public hearing. Alternatively, the Water Boards could refer the matter to the Attorney General's Office for prosecution in the Superior Court. The Superior Court may assess up to \$25,000 per day for each violation, plus \$25 per gallon discharged but not cleaned up in excess of 1,000 gallons.

CONDITIONAL OFFER TO SETTLE

The Discharger can avoid a formal enforcement action and settle the alleged violations identified in Exhibit A by accepting this conditional offer as described below and in the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing" (Acceptance and Waiver). This offer does not address liability for any violation not specifically identified in Exhibit A.

OPTIONS FOR RESPONSE

To accept this offer, the Discharger must complete, sign, and return the enclosed Acceptance and Waiver on or before the date specified in the first paragraph of this letter.

If the Discharger chooses to contest any of the violations alleged in Exhibit A, the Discharger should identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the date specified in the first paragraph of this letter. Regional Water Board staff will evaluate any contested violation and take one of two actions:

1. Determine that the alleged violation warrants dismissal, dismiss the alleged violation within the California Integrated Water Quality System (CIWQS) database, notify the Discharger of the dismissal, and take no further action against the Discharger for the alleged violation; or
2. Determine that the alleged violation is meritorious and notify the Discharger of that determination. The Discharger will then have 30 days from the date of the determination to accept the mandatory minimum penalty as settlement for that violation. If the Discharger chooses not to accept the settlement or does not reply to the determination, it should expect to be contacted regarding formal enforcement for the contested violation. With respect to formal enforcement, information Water Board staff receive during any formal investigation and assessment of the violation, as well as staff costs associated with pursuing enforcement and other considerations, may increase the liability beyond that set forth in this conditional offer.

CONDITIONS FOR REGIONAL WATER BOARD ACCEPTANCE OF RESOLUTION

Federal regulations require the Regional Water Board to publish and allow the public at least 30 days to comment on any settlement of an enforcement action addressing an NPDES permit violation (40 C.F.R. § 123.27(d)(2)(iii)). Upon receipt of the Discharger's Acceptance and Waiver, Regional Water Board staff will publish a notice of the proposed settlement. If staff receives no comment within the 30-day period and no new material facts are available to the Regional Water Board, the settlement will be presented to the Executive Officer who will determine whether to execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty pursuant to Water Code section 13385.

If, however, significant comments are received in opposition to the proposed settlement, this offer may be withdrawn. In that circumstance, the Water Boards will also treat the Acceptance and Waiver as withdrawn. Water Board staff will advise the Discharger of any withdrawal and may

Conditional Settlement Offer
Crockett Community Services District

issue an administrative civil liability complaint and schedule a hearing before the Regional Water Board or State Water Board. For such a hearing, the Discharger will be free to argue against the alleged violations. Water Board staff will treat the Discharger's Acceptance and Waiver as if it were a settlement communication and will not use it as evidence in the hearing. Water Board staff will provide the Discharger with additional information on hearing procedures if a hearing is to occur.

If the Executive Officer executes the Acceptance and Waiver, payment of the settlement amount shall be due within 30 calendar days from the date of the Executive Officer's signature. In accordance with Water Code section 13385(n)(1), funds collected pursuant to Water Code section 13385 shall be deposited into the State Water Pollution Cleanup and Abatement Account. Failure to pay the penalty within the required time may subject the Discharger to additional liability.

OPPORTUNITY FOR SUPPLEMENTAL ENVIRONMENTAL PROJECT

In lieu of paying all of the mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account, the Discharger may elect to apply a portion of the penalty to fund a supplemental environmental project (SEP).^{2,3} One SEP option is available: the SEP Fund to supplement the Regional Monitoring Program (RMP). This SEP Fund will supplement RMP studies that would not otherwise be conducted through the RMP's annually approved cost allocations. The RMP collects data and communicates information about water quality in the San Francisco Estuary in support of management decisions to restore and protect beneficial uses of the region's waters. Information about the RMP is available at sfei.org/rmp. The non-profit San Francisco Estuary Institute manages and administers RMP funds. No funds will go to the Water Boards.

The Discharger also may choose to pay the total mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account. These options are represented in the enclosed Acceptance and Waiver.

² Water Code section 13385(l)(1) authorizes the Regional Water Board, with the Discharger's concurrence, to direct a portion of the penalty to be expended on a SEP in accordance with the State Water Board's Enforcement Policy (https://www.waterboards.ca.gov/water_issues/programs/enforcement/water_quality_enforcement.shtml). If the penalty is less than or equal to \$15,000, 100 percent of the penalty may be expended on a SEP. If the penalty exceeds \$15,000, then up to \$15,000 plus 50 percent of the penalty that exceeds \$15,000 may be expended on a SEP.

³ See State Water Board Policy on Supplemental Environmental Projects (2017), page 10, and Resolution 2018-0034.

Conditional Settlement Offer
Crockett Community Services District

REGIONAL WATER BOARD CONTACT

Please reply to the attention of Debbie Phan, either by email or U.S. mail. If you want to discuss or have questions regarding this matter, please contact Debbie Phan at (510) 622-2116 or R2NPDES.MMPS@Waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Mumley', with a long horizontal stroke extending to the right.

Thomas Mumley
Assistant Executive Officer

**Enclosures: Exhibit A-Notice of Violation
Acceptance and Waiver**

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING
ORDER NO. R2-20_____**

**Crockett Community Services District
Port Costa Wastewater Treatment Plant
End of Canyon Lake Drive, Port Costa, Contra Costa County
NPDES Permit CA0037885, Regulatory Measure 433545**

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board), Crockett Community Services District (Discharger) hereby accepts the conditional offer to settle alleged violations through payment of a mandatory minimum penalty and waives the right to a hearing before the Regional Water Board to dispute the alleged violations. The violations are attached to this Acceptance and Waiver as Exhibit A and incorporated by reference.

The Discharger agrees that Exhibit A shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to pay the penalty authorized by Water Code section 13385, which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in Exhibit A. The Discharger understands that this Acceptance and Waiver waives its right under Water Code section 13323 to contest the allegations in Exhibit A and the amount of civil liability assessed for the violations.

The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation not specifically identified in Exhibit A.

This Acceptance and Waiver may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document. This Acceptance and Waiver may be executed by wet or electronic signature, and may be transmitted by hand, mail service, facsimile, or email. Any such signature shall be deemed to be an original signature and shall be binding to the same extent as if it were an original signature.

Upon execution, the Discharger shall return the Acceptance and Waiver to the following:

California Regional Water Quality Control Board, San Francisco Bay Region
NPDES Wastewater Enforcement Section
Attention: Debbie Phan
1515 Clay Street, Suite 1400
Oakland, California 94612

or

R2NPDES.MMPS@Waterboards.ca.gov

The Discharger understands that federal regulations set forth in Code of Federal Regulations, title 40, section 123.27(d)(2)(iii), require the Regional Water Board to publish notice of, and provide at least 30 days for, public comment on any proposed resolution of an enforcement action. Accordingly, prior to execution by the Regional Water Board's Executive Officer, this Acceptance and Waiver will be published for public comment as required by law.

The Discharger understands that the Executive Officer may execute the Acceptance and Waiver if no comments are received within the public notice period and the Executive Officer agrees that the assessment of the mandatory minimum penalty appropriately resolves the alleged violations. The Regional Water Board's resolution of the violations will preclude State Water Resources Control Board (State Water Board) action for the same violations.

The Discharger understands that the offer may be withdrawn if significant comments are received in opposition to the conditional offer. In that circumstance, Regional Water Board staff will advise the Discharger of the withdrawal and may issue an administrative civil liability complaint and schedule the matter for a hearing before the Regional Water Board or State Water Board.

The Discharger understands that funds collected for violations pursuant to Water Code section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account.

The Discharger understands that, in lieu of full payment of the assessed mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account, it may elect to pay a portion toward a supplemental environment project (SEP). The SEP option is the SEP Fund, which supplements Regional Monitoring Program (RMP) studies that would not otherwise be conducted through the RMP's annually approved RMP cost allocations.

The Discharger understands that once the Regional Water Board's Executive Officer executes this Acceptance and Waiver, payment no later than 30 days after the date of the Executive Officer's signature is a condition of this Acceptance and Waiver. The Discharger shall pay the assessed civil liability to the State Water Pollution Cleanup and Abatement Account and/or San Francisco Estuary Institute (for the SEP Fund) as selected above. The State Water Board will send an invoice for any payment due to the State Water Pollution Cleanup and Abatement Account. The Regional Water Board will send an invoice for any payment due to the SEP Fund.

The Discharger agrees to pay the amounts indicated below to the State Water Pollution Cleanup and Abatement Account and, if chosen, the SEP Fund. The Discharger understands that the Regional Water Board will consider the Discharger to have fulfilled any SEP obligation if and when the San Francisco Estuary Institute receives the Discharger's contribution to the SEP Fund. (Place a "✓" or "✗" in one box below and fill in the blanks as appropriate. Electing to pay a portion of the assessed liability to the SEP Fund will not change the total amount to be paid.)

Acceptance of Conditional Resolution and Waiver of Right to Hearing
Crockett Community Services District
Regulatory Measure: 433545

Payment Options:

- Option 1: Pay a portion of the assessed liability to the RMP SEP Fund:
\$ _____ Amount to be paid to the SEP Fund (cannot exceed \$15,000)
\$ _____ Amount to be paid to the State Water Pollution Cleanup and Abatement
Account (\$15,000 minus amount inserted above)
\$ 15,000 Total assessed mandatory minimum penalty (sum of amounts above).

Or

- Option 2: Pay the total assessed mandatory minimum liability (\$15,000) to the State
Water Pollution Cleanup and Abatement Account.

**I hereby affirm that I am duly authorized to act on behalf of, and to bind, the Discharger in
the making and giving of this Acceptance and Waiver.**

Crockett Community Services District

By: _____ Title _____
Printed or typed name

Signature Date

Note: Please return the signed Acceptance and Waiver with Exhibit A, together

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13323 AND
GOVERNMENT CODE SECTION 11415.60

By: _____ Date _____
Michael Montgomery
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region

EXHIBIT A-Notice of Violation

Discharger: Crockett Community Services District
 Port Costa Wastewater Treatment Plant, End of Canyon Lake Drive, Port Costa, Contra Costa County
 NPDES Permit CA0037885

The following table lists the alleged violations for which the Discharger is subject to civil liabilities pursuant to Water Code section 13385. The table lists the mandatory minimum penalty (MMP) that applies.

Table 1. List of Alleged Violations

CIWQS Violation ID No.	Violation Date	Parameter (unit)	Group	Effluent Limitation	Reported Value	Percent Exceedance ^[1]	Violation Type	MMP
1018773	12/31/2016	Total Ammonia, Average Monthly (mg/L N)	1	13	15.2	17	C1	\$0
1022939	2/13/2017	Total Residual Chlorine, Instantaneous Maximum (mg/L)	2	0.0	4.4	>20 ^[2]	C2, S	\$3,000
1022940	2/20/2017	Total Residual Chlorine, Instantaneous Maximum (mg/L)	2	0.0	3.6	>20 ^[2]	C3, S	\$3,000
1041093	2/28/2018	Total Ammonia, Average Monthly (mg/L N)	1	13	14.2	9	C1	\$0
1042850	3/31/2018	Total Ammonia, Average Monthly (mg/L N)	1	13	22	69	C2, S	\$3,000
1056449	1/5/2019	Biochemical Oxygen Demand, 5-day @ 20°C (BOD ₅), Average Weekly (mg/L)	1	45	150	233	C1, S	\$3,000
1056450	1/31/2019	BOD ₅ , Average Monthly (mg/L)	1	30	34	13	C2	\$0

CIWQS Violation ID No.	Violation Date	Parameter (unit)	Group	Effluent Limitation	Reported Value	Percent Exceedance ^[1]	Violation Type	MMP
1064565	8/30/2019	pH, Instantaneous Minimum (s.u.)	N/A ^[3]	6.0	5.8	N/A	C1	\$0
1064566	8/31/2019	pH, Instantaneous Minimum (s.u.)	N/A ^[3]	6.0	5.5	N/A	C2	\$0
1065884	9/1/2019	pH, Instantaneous Minimum (s.u.)	N/A ^[3]	6.0	5.9	N/A	C3	\$0
1065885	9/3/2019	pH, Instantaneous Minimum (s.u.)	N/A ^[3]	6.0	5.9	N/A	>C3	\$3,000

Total Penalty: \$15,000

Legend:

CIWQS = California Integrated Water Quality System database that the Water Boards use to track violations and enforcement.

Violation ID = Identification number assigned to each permit violation within CIWQS.

C = Count – Number of violations within past 180 days, including this violation. A penalty applies under Water Code section 13385(i) when the count is greater than three (> C3).

S = Serious. A penalty applies under Water Code section 13385(h) whenever an effluent limitation is exceeded by 40 percent or more for a Group 1 pollutant or 20 percent or more for a Group 2 pollutant.

Footnotes:

^[1] Percent that a discharger's reported value exceeds the effluent limitation for a Group 1 or Group 2 pollutant.

^[2] Chlorine is a Group 2 pollutant and the percent above the limit of 0.0 mg/L is more than 20 but not quantifiable.

^[3] pH is not categorized as a Group 1 or Group 2 pollutant.

CIWQS Place ID: 248886
WDID: 2 071034001

RESOLUTION

NO. 19/20-13

A RESOLUTION RE-APPOINTING COMMISSIONER

WHEREAS, the District Board has by Resolution No. 07/08-05 created the Port Costa Sanitary Commission and made appointments thereto; and

WHEREAS, the District Board has by Resolution No. 06/07-10 determined that the term of office of a commissioner shall be 24 months.

NOW, THEREFORE, BE IT RESOLVED that Joe Surges is re-appointed to the Port Costa Sanitary Commission as Commissioner.

THE FOREGOING RESOLUTION was adopted at the District's Regular Meeting held on December 18, 2019 by the following vote:

AYES:

NOES:

ABSENT:

Kent Peterson, President

ATTEST:

Dale McDonald
District Secretary

RESOLUTION

NO. 19/20-14

RESOLUTION DECLARING A SEWER EMERGENCY AND AUTHORIZING EMERGENCY REPAIR TO A PUBLIC SEWER

WHEREAS, the public sewer identified as V-00-20 to V-00-19 on Pomona Street, consisting of 12" vitrified clay pipe installed approximately 1939, has substantially deteriorated to the point where repair or replacement is necessary; and

WHEREAS, a video inspection completed December 6, 2019 identified multiple severe defects consisting of broken sections of pipe and voids with visible soil which is in imminent danger of collapsing; and

WHEREAS, a category 1 sewage spill (SSO) occurring at the nearby intersection of Pomona Street and Second Avenue would be difficult to mitigate; and

WHEREAS, the sewer segment has previously been identified as a priority replacement project scheduled for Fiscal Year 2020/2021; and

WHEREAS, the projected emergency repair cost is expected to cost between \$20K and \$90K depending on whether our District engineer determines optional slip-lining or pipe-bursting is possible; and

WHEREAS, bidding the sewer project through the informal formal bid process, as required by Public Contract Code Section 22032 for jobs over \$60,000, could delay the emergency project replacement; and

WHEREAS, staff believes the line condition, the potential for sewer overflow backup into the adjacent businesses and residences, and complications with the storm drain crossing during the later rainy season constitute an emergency condition requiring action as soon as possible; and

WHEREAS, in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. *(Public Contract Code Section 22050)*

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors finds that a sewer emergency exists at the public sewer identified as V-00-20 to V-00-19 at Pomona Street.

BE IT FURTHER RESOLVED that the Board delegates to the General Manger authority to order any action to repair or replace the public sewers without giving formal notice for bids to let contracts, per Public Contract Code Section 22050.

THE FOREGOING RESOLUTION was adopted at the District's Regular Meeting held on December 18, 2019 by the following vote:

AYES:

NOES:

ABSENT:

Kent Peterson, President

ATTEST:

Dale McDonald
District Secretary

CROCKETT COMMUNITY SERVICES DISTRICT

P.O. Box 578 - Crockett, CA 94525
Telephone (510) 787-2992
Fax (510) 787-2459
e-mail: manager@town.crockett.ca.us
website: www.town.crockett.ca.us

Project #C-1009

INFORMAL BID REQUEST

District Estimate \$20,000

The Crockett Sanitary Department has identified the need to perform two emergency spot repairs of approximately 10' linear feet total of 12" Vitrified Clay Pipe Sewer (VCP) in the public right of way on the north side of Pomona Avenue between 1st and 2nd Avenues. The depth of repair location #1 is approximately 8'. The depth of repair location #2 is approximately 11'.

Upon excavation of repair location #1 and inspection of remaining VCP sewer, contractor shall have option to provide quote to slip-line 12" VCP with 10" HDPE (SDR 17 or better) **OR** pipe-burst with 12" HDPE instead of performing open trench repair at location #2 depending on site condition and District engineer's approval. Total length of slip-line or pipe-burst would be approximately 173' from manhole to manhole.

Sewer V-00-20 to V-00-19

- Repair Location #1 - Replace 6 LF of 12" existing pipe with 12" VCP.
- Repair Location #2 - Replace 4 LF of 12" existing pipe with 12" VCP.

Contractor will work with District to perform CCTV inspection of remaining VCP pipe from repair location #1. Based on findings optional slip-line or pipe-bursting proposal will be considered.

Contractor agrees to complete all work within **forty-five (45)** calendar days of final award.

Please submit bids to perform repair #1 and repair #2 to Dale McDonald **before 1 P.M. December 17, 2019.**



Dale McDonald

P.O. Box 578 - Crockett, CA 94525
Telephone (510) 787-2992
Fax (510) 787-2459
e-mail: manager@town.crockett.ca.us
website: www.town.crockett.ca.us

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2019, by and between CROCKETT COMMUNITY SERVICES DISTRICT, P. O. BOX 578, Crockett, California, 94525, hereinafter called the "District" and _____ dba _____, a sole proprietorship/corporation, _____, California, 94____ hereinafter called the "Contractor".

WITNESSETH:

WHEREAS, the District has identified the need to *replace approximately ten (10) lineal feet of sewer piping of 12" Vitrified Clay Pipe Sewer (VCP) in the public right of way in front of 1300 and 1326 Pomona Avenue, Crockett, CA.* The District has offered personal site inspections to the Contractor and definition of the proposed work to be done.

WHEREAS, the Contractor confirms that he has made a personal site inspection to review the project, and he has offered to perform the following work:

- 1. Furnish and install approximately six (6) lineal feet of 12" diameter Vitrified Clay Pipe (VCP) pipe approximately 47' downstream from Manhole V-00-20, including excavation of pits, protection of existing utilities and structures, line installation, and surface restoration, complete in place, per linear foot at \$ _____
- 2. Furnish and install approximately four (4) lineal feet of 12" diameter Vitrified Clay Pipe (VCP) pipe approximately 45' upstream from Manhole V-00-19, including excavation of pits, protection of existing utilities and structures, line installation, and surface restoration, complete in place, per linear foot at \$ _____

TOTAL BID \$ _____

NOW THEREFORE, in consideration of the mutual covenants and agreements of the parties herein contained and to be performed, the Contractor hereby agrees to complete the work described in this agreement at the price and on the terms and conditions herein contained, and the District agrees to pay the Contractor the contract price provided herein for the fulfillment of the work described in this agreement and the performance of the covenants set forth herein.

The further terms, conditions and covenants of the contract are set forth in the following which are made a part hereof:

A. All construction work performed under the agreement shall be completed in accordance with the Standard Specifications of the Crockett Community Services District and Contra Costa County Public Works Dept. in effect as of the date of this agreement.

B. SPECIAL CONDITIONS: Banded repair couplings are required with change of material at first joint outside manhole.

Inspection by the District is required of all work and materials, including piping and fittings, couplings and rebar, prior to any materials being covered or backfilled or any concrete poured or placed. The Contractor shall give due notice to the District prior to each individual placement of concrete or fill material and shall not proceed without inspection and approval by the District. Any work that has been covered prior to observation and approval by the District shall be uncovered by the Contractor for observation without cost to the District.

C. Contractor shall be responsible for maintaining all flows within the system.

D. Encroachment permits shall be obtained from Contra Costa County Public Works Dept. for all construction in a public right-of-way, as required by the Public Works Dept. Phone (925) 674-7744.

E. The classification of the contractor's license which the Contractor shall possess at the time the contract is entered is Class A or C-34 (pipeline) or C-42 (sanitation systems). Attached hereto and incorporated herein as part of this agreement is the Contractor License Certification.

F. The Contractor agrees to comply with the General Conditions of this agreement, as set forth in Exhibit "A", attached hereto and incorporated herein as part of this agreement.

G. Time is of the essence of this agreement. Contractor agrees to complete all work within forty-five (45) calendar days from receipt of notice to proceed to final acceptance of the work by the District.

Executed this _____ day of _____, 2019, at _____, California.

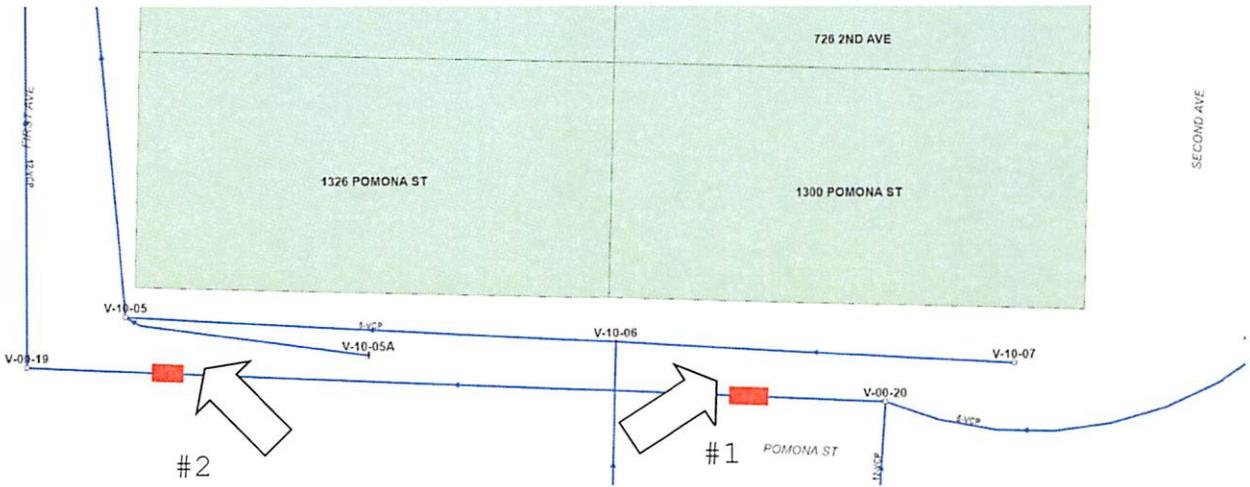
Contractor

CROCKETT SANITARY DEPARTMENT :

: _____
Dale McDonald, General Manager

CCSD: SEWER PROJECT LOCATION, Crockett

- #1 **1300 Pomona Street Crockett, CA 94525:**
Replace 6' LF of 12" sewer main with 12" VCP
- #2 **1326 Pomona Street Crockett, CA 94525:**
Replace 4' LF of 12" sewer main with 12" VCP



Repair location #1 will be used as the pull-pit location for any slip-line or pipe burst. Interior of existing manholes will be used as receiving pit.

CROCKETT COMMUNITY SERVICES DISTRICT

P.O. Box 578 - Crockett, CA 94525
850 Pomona Street

Telephone (510) 787-2992

Fax (510) 787-2459

e-mail: manager@town.crockett.ca.us

website: www.town.crockett.ca.us

TO: Personnel Committee / Board of Directors
FROM: General Manager 
SUBJECT: Revise Pay Schedule of Wages Required by January 1, 2020
DATE: December 9, 2019

Effective January 1, 2017, Senate Bill No. 3 went into effect which amended Section 245.5, 246, and 1182.12 of the Labor Code, relating to labor. The law requires increases to the minimum wage annually requiring review of our Pay Scale of Wages. The minimum wage will increase to \$13.00 on January 1, 2020. It will continue to increase \$1 annually until it reaches \$15 in 2022. Once the minimum wage reaches \$15 per hour, it may then be further increased annually by up to 3.5% to account for inflation based upon the national consumer price index.

Employees include exempt, part-time, seasonal, and temporary workers. To ease accounting and best protect the District from liability for unpaid wages and related damages and penalties, the District Board considered it prudent to adjust the Pay Schedule of Wages to meet the minimum wage based on employers with more than 26 employees.

The law also impacts employers with exempt salaried employees. State of California Department of Industrial Relations (DIR) requires that most exempt employees make at least twice the minimum wage on an annual basis. Minimum wage for exempt employee positions will therefore be \$54,080 on January 1, 2020, \$58,240 on January 1, 2021, and \$62,400 on January 1, 2022.

The District's Pay Scale of Wages remains well below other comparable agencies. The Board has taken the position to implement gradual changes to the pay scale as to lessen the cost impact to the public. The Personnel Committee has discussed setting "target" goals based on comparable agencies for hourly and exempt positions, but no formal policy has been developed. The Board last approved an increase, based on annual CPI-U increase, on June 26, 2019.

Management recommends implementing a \$1.00 per hour across the board increase for hourly employee positions. Increased payroll thru FY 19/20 is anticipated to cost \$2,903 born primarily by the REC Dept. Adjustments to the Sanitary Dept. Manager's pay scales is recommended by adjusting Probation and Level 1 steps to keep these positions exempt. Changes to the Assistant Crockett Sanitary Dept. Manager position by increasing steps to Level 5 is recommended. The lower levels of the Event Supervisor position were adjusted down to align with market rate wage for this position. These changes will meet minimum wage requirements of SB 3 and keep the department management positions exempt while balancing cost impacts.

Action Required:

Review attached summary of Pay Schedule of Wages. The Personnel Committee is asked to form recommendations to the Board. The Board should consider recommendation and act on revising the Pay Schedule of Wages by Job Classification.

Members of the Board: Luigi Barassi, Michael Kirker, John MacKenzie, Kent Peterson, Emma Sutton

10.b.

SALARY SCHEDULE OF WAGES BY JOB CLASSIFICATION
CROCKETT COMMUNITY SERVICES DISTRICT
 (REVISED 12-09-2019 - DRAFT _____ - EFFECTIVE DATE JANUARY 1, 2020)

CSD Administration

General Manager / Secretary of the District ⁽¹⁾ - Exempt Position

Probation	Level I			Level II			Level III			Level IV			Level V		
Per Hour	Step a	Step b	Step c	Step a	Step b	Step c	Step a	Step b	Step c	Step a	Step b	Step c	Step a	Step b	Step c
n/a	\$7,337	\$7,460	\$7,582	\$7,704	\$7,833	\$7,961	\$8,089	\$8,224	\$8,354	\$8,493	\$8,636	\$8,777	\$8,917	\$9,067	\$9,216
* Monthly salary Monthly Income= \$7,337 min. \$9,216 max. Annual Base Full Time Equivalent= \$88,042 minimum \$110,589 maximum															

Assistant District Secretary - Hourly Position, Non-Exempt - Average work load 15 hours per week

Probation	Level I					Level II					Level III					Level IV	
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b
\$20.31	\$21.65	\$22.31	\$22.98	\$23.64	\$24.31	\$24.98	\$25.64	\$26.32	\$26.97	\$27.64	\$28.31	\$28.97	\$29.64	\$30.30	\$30.97	\$31.64	\$32.30
* Hourly salary, paid bi-weekly Monthly Income= \$1,407 min. \$2,100 max. Annual Base Full Time Equivalent= \$45,024 minimum \$67,188 maximum																	

Sanitary Departments

CVSAN Dept. Manager ⁽¹⁾ - Exempt Position - Average work load 30 hours per week.

Probation	Level I					Level II					Level III					Level IV					Level V
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a
\$23	\$4,510	\$4,654	\$4,798	\$4,942	\$5,087	\$5,243	\$5,401	\$5,561	\$5,723	\$5,888	\$6,054	\$6,223	\$6,393	\$6,566	\$6,740	\$6,917	\$7,096	\$7,277	\$7,460	\$7,645	\$7,832
* Monthly salary Monthly Income= \$4,510 min. \$7,832 max. Annual Base Full Time Equivalent= \$54,120 minimum \$93,988 maximum																					

PCSAN Dept. Manager ⁽²⁾ - Exempt Position - Average work load 12 hours per week

Probation	Level I					Level II					Level III					Level IV					Level V
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a
\$23	\$4,510	\$4,654	\$4,798	\$4,942	\$5,087	\$5,243	\$5,401	\$5,561	\$5,723	\$5,888	\$6,054	\$6,223	\$6,393	\$6,566	\$6,740	\$6,917	\$7,096	\$7,277	\$7,460	\$7,645	\$7,832
* Monthly salary Monthly Income= \$4,510 min. \$7,832 max. Annual Base Full Time Equivalent= \$54,120 minimum \$93,988 maximum																					

Asst. CVSan Dept. Manager ⁽²⁾ - Hourly Position, Non-Exempt - Average work load 30 hours per week, up to 40 hours per week.

Probation	Level I					Level II					Level III					Level IV					Level V
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a
\$22.84	\$23.88	\$24.40	\$24.92	\$25.44	\$25.96	\$26.48	\$27.00	\$27.51	\$28.03	\$28.55	\$29.07	\$29.59	\$30.11	\$30.63	\$31.15	\$31.67	\$32.19	\$32.71	\$33.23	\$33.75	\$34.27
* Hourly salary, paid bi-weekly Monthly Income= \$3,104 min. \$5,580 max. Annual Base Full Time Equivalent= \$49,661 minimum \$57,378 maximum																					

Sanitary Administrative Assistant / Field Assistant - Hourly Position - 0 to 12 hours per week

Probation	Level I				
Per Hour	Step a	Step b	Step c	Step d	Step e
\$17.12	\$19.72	\$20.76	\$21.28	\$21.80	\$22.32
* Hourly salary, paid bi-weekly Monthly Income= \$0 min. \$967 max. Annual Base Full Time Equivalent= \$41,018 minimum \$46,426 maximum					

(1) General Manager serves as Secretary of the District, as CVSan. Dept. Mgr., and performs the duties of Asst. CVSan. Dept. Mgr. when position is vacant.

(2) PCSan Dept. Manger assists in managing the CVSAN Dept. and performs the duties of CVSan. Asst. Dept. Mgr. as required when position is vacant.

Recreation Department & Maintenance Departments

Recreation / Maintenance Dept. Manager ⁽³⁾ - Exempt Position - Average work load 19 hours per week, no more than 1000 hours per year

Probation	Level I					Level II					Level III					Level IV					Level V
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a
n/a	\$2,250	\$2,322	\$2,397	\$2,474	\$2,553	\$2,636	\$2,720	\$2,808	\$2,899	\$2,993	\$3,089	\$3,189	\$3,293	\$3,399	\$3,509	\$3,624	\$3,741	\$3,862	\$3,987	\$4,114	\$4,246
* Monthly salary					Monthly Income=					\$2,250 min. \$4,246 max.					Annual Base at 19 hours per week = \$27,002 minimum \$50,946 maximum						
															Annual Base Full Time Equivalent = \$56,845 minimum \$107,255 maximum						

(3) Recreation Department Manager serves as the Maintenance Department Manager and Aquatics Manager and performs the duties when positions are vacant.

Rec. Facilities Manager ⁽⁴⁾ - Hourly Position, Non-Exempt - Average work load 32 hours per week

* Increase \$173 per month

Probation	Level I					Level II					Level III					Level IV			
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b		
\$20.76	\$22.00	\$22.61	\$23.23	\$23.85	\$24.47	\$25.08	\$25.70	\$26.32	\$26.94	\$27.55	\$28.17	\$28.79	\$29.41	\$30.02	\$30.64	\$31.26	\$31.88		
* Hourly salary, paid bi-weekly					Monthly Income=					\$3,050 min. \$4,420 max.					Annual Base Full Time Equivalent= \$45,750 minimum \$66,300 maximum				

(4) Recreation Facilities Manager performs the duties of the Assitant District Secretary when position is vacant.

Event Supervisor - Hourly Position, Non-Exempt - Average work load 16 to 30 hours per week.

* Increase \$130 per mo. DM

* Increase \$69 per mo. KC

Probation	Level I					Level II					Level III					Level IV			
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a	Step b		
\$14.52	\$15.30	\$16.08	\$16.86	\$17.64	\$18.42	\$19.20	\$19.98	\$20.76	\$21.28	\$21.80	\$22.32	\$22.84	\$24.40	\$23.88	\$24.40	\$24.92	\$25.44		
* Hourly salary, paid bi-weekly					Monthly Income=					\$1,989 min. \$3,307 max.					Annual Base Full Time Equivalent= \$31,819 minimum \$52,905 maximum				
** Pay rate for table/chair setup/takedown at Community Center is flat \$25.50 per hour regardless of pay schedule level/step.																			

Assistant Event Supervisor - Hourly Position, Non-Exempt - 0 to 16 hours per week

Probation	Level I																		
Per Hour	Step a	Step b	Step c	Step d	Step e														
\$13.48	\$14.00	\$14.52	\$15.04	\$15.56	\$16.08														
* Hourly salary, paid bi-weekly					Monthly Income=					\$0 min. \$0 max.					Annual Base Full Time Equivalent= \$29,115 minimum \$33,440 maximum				

Aquatics Manager / Aquatics Administrative Assistant - Seasonal - 0 to 34 hours per week

Probation	Level I					Level II					Level III								
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e	Step a								
\$18.50	\$18.75	\$19.25	\$19.75	\$20.25	\$20.75	\$21.00	\$21.50	\$22.00	\$22.50	\$23.00	\$23.50								
* Hourly salary, paid bi-weekly					Monthly Income=					\$0 min. \$3,462 max.					Annual Base Full Time Equivalent= \$39,000 minimum \$48,880 maximum				

Aquatics Asst. Manager - Seasonal - 0 to 34 hours per week

Probation	Level I					Level II													
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b												
\$16.50	\$17.00	\$17.50	\$18.00	\$18.50	\$19.00	\$19.50	\$20.00												
* Hourly salary, paid bi-weekly					Monthly Income=					\$0 min. \$2,947 max.					Annual Base Full Time Equivalent= \$35,360 minimum \$41,600 maximum				

Head Lifeguard / Pool Office Manager - Seasonal - 0 to 34 hours per week

Probation	Level I					Level II				
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e
\$13.75	\$13.75	\$14.00	\$14.25	\$14.50	\$14.75	\$15.00	\$15.50	\$16.00	\$16.50	\$17.00

* Hourly salary, paid bi-weekly Monthly Income= \$0 min. \$2,505 max. Annual Base Full Time Equivalent= \$28,600 minimum \$35,360 maximum

Lifeguard ⁽⁵⁾ ⁽⁶⁾ - Seasonal - 0 to 34 hours per week

Probation	Level I					Level II				
Per Hour	Step a	Step b	Step c	Step d	Step e	Step a	Step b	Step c	Step d	Step e
\$13.25	\$13.25	\$13.40	\$13.55	\$13.70	\$13.85	\$14.00	\$14.15	\$14.30	\$14.45	\$14.60

* Hourly salary, paid bi-weekly Monthly Income= \$0 min. \$2,151 max. Annual Base Full Time Equivalent= \$27,560 minimum \$30,368 maximum

Aquatics Instructor - Seasonal - 0 to 20 hours per week

Probation	Level I				
Per Hour	Step a	Step b	Step c	Step d	Step e
\$13.00	\$13.00	\$13.15	\$13.30	\$13.45	\$13.60

* Hourly salary, paid bi-weekly Monthly Income= \$0 min. \$1,179 max. Annual Base Full Time Equivalent= \$27,040 minimum \$28,288 maximum

Aquatics Office Assistant - Seasonal - 0 to 34 hours per week

Probation	Level I				
Per Hour	Step a	Step b	Step c	Step d	Step e
\$13.00	\$13.00	\$13.15	\$13.30	\$13.45	\$13.60

* Hourly salary, paid bi-weekly Monthly Income= \$0 min. \$2,004 max. Annual Base Full Time Equivalent= \$27,040 minimum \$28,288 maximum

Maintenance Attendant ⁽⁷⁾ - Hourly - 0 to 20 hours per week

Probation	Level I				
Per Hour	Step a	Step b	Step c	Step d	Step e
\$13.00	\$13.00	\$13.15	\$13.30	\$13.45	\$13.60

* Hourly salary, paid bi-weekly Monthly Income= \$0 min. \$1,179 max. Annual Base Full Time Equivalent= \$27,040 minimum \$28,288 maximum

(5) Additional .25 on top of Level/Step for each approved advanced certification (ie. WSI etc.) for Lifeguards.

(6) Instructors moving to Lifeguard maintain their same Level/Step resulting in .25 increase for lateral move.

(7) Maintenance Attendant position can be filled by seasonal aquatics employee. Employee will retain the higher of the two rate schedules.