

CROCKETT COMMUNITY SERVICES DISTRICT

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MINUTES OF REGULAR BOARD MEETING: FEBRUARY 28, 2024.

1. CALL TO ORDER - ROLL CALL: The meeting was called to order at 6:15 pm by Vice President Martinez. Present were Board Members, Barassi, Makenzie, Martinez, and Peterson. President Spinner arrived at 6:25 pm.
Staff present included: Interim General Manager (IGM)/ District Secretary (DS) Rivas, District Engineer (DE) Murdock, Administrative Services Manager (ASM) Goodman, Sanitary Department Manager (SDM) James Barnhill, and Recreation Department Manager (RDM) Wilson. CVSAN Commissioners Manzione and Wais were also present.
2. CLOSED SESSION: The Closed Session began at 6:25 pm.
 - a. CONFERENCE WITH LABOR NEGOTIATORS.
 - Public Employee Negotiations: District Secretary and Administrative Services Manager. Pursuant to Government Code Section 54957.6.
3. RECONVENE TO REGULAR SESSION: The regular session resumed at 7:15 pm.
4. REPORT ON CLOSED SESSION: President Spinner reported that the Board unanimously voted to extend the probationary period to 12 months for the positions of District Secretary and Administrative Services Manager. Benefits for the District Secretary are retro-effective to February 1st. Benefits for the Administrative Services Manager are retro-effective to March 1st. The role of Interim General Manager has been vested to the Board President.
5. CALL TO ORDER — ROLL CALL: All Board members were present.
6. CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER: Director Peterson requested that Items 10h, 10l, and 10m be moved earlier in the agenda.
 - 10h CONSIDER RESOLUTION 23/24-23: SERVE AS THE LOCAL GOVERNMENT SPONSOR FOR PORT COSTA COMMUNITY ALLIANCE FOR PUBLIC STAIR REPAIRS: Jim Campbell of the Port Costa Community Alliance (PCCA) is submitting a grant application to the Crockett Community Foundation for funds to repair the brick stairway on Prospect in Port Costa. The grant requires a fiscal/government sponsor for non-501c 3 applicants and asked CCSD to serve in that capacity. Staff was directed to create an MOU and establish an administrative fee for future requests. Approved (Mackenzie 1st, Barassi 2nd, 5/0, unanimous).
 - 10l APPROVE LANDSCAPE MAINTENANCE AGREEMENT WITH CALTRANS FOR BRIDGEHEAD: Director Peterson presented his concerns on several items in the agreement that Crockett would be financially responsible for including all existing fixtures, sidewalks, emergency repairs, pest control, graffiti removal, hiring a landscape architect, water usage, garbage, etc. He reported that Caltrans had sent CCSD a demand of \$10,000 for repairs due to a vehicle crash around 2015. The administrative cost to reactive a water meter will cost the District \$1094 annually plus any water usage. The agreement is filled with too many responsibilities that the District cannot

Members: Luigi Barassi, John Mackenzie, Diana Martinez (VP), Kent Peterson, Nick Spinner (President)

manage financially. Passing the costs and requiring a bond were briefly discussed. Nancy Rieser reported that the original Margo Johnson lease with Caltrans did not include any of these requirements. Peterson clarified that the Margo Johnson lease holds a permit to build the dog park. Mr. Peterson stated that CCSD does not have to sign the Caltrans agreement, but the Dog Park users will not have access to water.

Mr. Peterson explained that in 2012, the District had a one-year maintenance lease with Caltrans. He has continued maintenance under an expired lease. During the new bridge construction, Caltrans agreed to allow the District to maintain the entire seven acres, but a formal agreement was never presented. The agreement now being presented is excessive. No motion was made.

- 10m CONSIDER A MEMORANDUM OF UNDERSTANDING WITH THE DOG PARK COMMITTEE: The discussion of the Dog Park project focused mostly on the unexpected cost of a Waiver of Subrogation required by Caltrans and the party responsible for insurance. The District received a quote for \$5,000 which greatly exceeds the expected nominal insurance cost when the project was first presented. The \$5,000 insurance quote is based on the risk associated with dog-related bites and/or death. ASM Goodman presented the California Government Code Title 1 – General. Division 3.6 states “A public entity that owns or operates a dog park shall not be held liable for injury or death of a person or a pet resulting solely from the actions of a dog in the dark Park”. Ms. Rieser displayed a standard dog park sign that states: “Use park at your own risk, and Owners are legally responsible for the behavior of their dog(s) at all times.” Staff were directed to present the government code language to the insurance company with the expectation that the quote would be reduced significantly. As stated in the draft Dog Park MOU, all staff time will be reimbursed by the Dog Park Committee.

Mr. Glenn Hummel reported that the initial conception of the dog park project was that the committee would build the park and then turn it over to the Recreation Department as an additional park. Director Barassi suggested that rather than increasing the Recreation tax amount the Dog Park Committee consider charging a Dog Park membership fee. The item was tabled to be brought back at a future meeting.

7. PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

8. PUBLIC HEARING: None.

9. CONSENT CALENDAR: Items 9a and 9e were pulled for discussion. Items 9b,9c and 9d were approved. (Martinez 1st, Barassi 2nd, 5/0, unanimous)

9a APPROVE MINUTES OF CCSD BOARD MEETING ON JANUARY 24, 2024: Pulled for discussion.

9b RECEIVE MINUTES OF COMMISSIONS AND COMMITTEES:

9c RECEIVE PAYMENT OF DISTRICT BILLS:

9d RECEIVE THE 2023 POLLUTION PREVENTION PLAN ANNUAL REPORTS FOR CROCKETT SANITARY AND PORT COSTA SANITARY DEPARTMENTS:

9e. APPROVE RESOLUTION 23/24-16: APPOINT DALE MCDONALD AS COMMISSIONER TO THE CROCKETT SANITARY COMMISSION (CVSAN) AND APPOINT VALERIE QUADE AS COMMISSIONER TO THE RECREATION COMMISSION AND ALTERNATE TO THE CROCKETT SANITARY COMMISSION (CVSAN): Pulled for discussion.

10a ITEMS REMOVED FROM THE CONSENT CALENDAR: Items 9a and 9e were approved with edits (Peterson 1st, Barassi, 2nd, 5/0, unanimous)

- 9a. RECEIVE ANNUAL CPA REPORT: The first sentence was corrected to clarify that ASM Goodman was referring to the 2022 and 2023 financial audits.
- 9e. Approve resolution 23/24-16: A clarification change was made to denote CVSAN alternate Valerie Quade can vote when an appointed Commissioner(s) are absent.

- 10b CONSIDER RESOLUTION NO. 23/24-17: APPOINT DISTRICT SECRETARY: Item was not approved. The probationary period was extended to 12 months with benefits retroactive to February 1, 2024.
- 10c CONSIDER RESOLUTION NO. 23/24-18: APPOINT ADMINISTRATIVE SERVICES MANAGER: Item was not approved. The probationary period was extended to 12 months with benefits retroactive to March 1, 2024.
- 10d CONSIDER RESOLUTION 23/24-19: APPOINT JULIE FISK TO THE LIGHTING AND LANDSCAPE COMMISSION: Approved (Peterson 1st, Martinez 2nd, 5/0 unanimous)
- 10e CONSIDER RESOLUTION 23/24-20: APPOINT WILLIAM LEE VANCE AS AN ALTERNATE TO THE PORT COSTA COMMISSION (PCSAN): Approved with minor edits in the resolution (Martinez 1st, Mackenzie 2nd, 5/0, unanimous)
- 10f APPROVE RESOLUTION NO. 23/24-21: NOMINATE JOHN MACKENZIE FOR A SEAT ON LAFCO BOARD: No discussion. Approved (Martinez 1st, Barassi 2nd, 5/0 unanimous)
- 10g APPROVE RESOLUTION NO. 23/24-22: ADD DISTRICT ENGINEER AND ADMINISTRATIVE SERVICES MANAGER TO THE CONFLICT-OF-INTEREST CODE AND THE DISTRICT CODE: No discussion. Approved. Peterson 1st, Mackenzie 2nd, 5/0, unanimous)
- 10h CONSIDER RESOLUTION 23/24-23 SERVE AS THE LOCAL GOVERNMENT SPONSOR FOR PORT COSTA COMMUNITY ALLIANCE FOR PUBLIC STAIR REPAIRS: Moved to Consider Items Out of Order.
- 10i CONSIDER EMPLOYMENT AGREEMENT MODIFICATION FOR RECREATION DEPARTMENT MANAGER WILSON: DS Rivas reported that the Recreation Department Manager has not received a review or increase in several years. The ASM conducted a salary step study and presented it to the Personnel Committee. Mr. Wilson has been running a successful recreation department, has utilized various funding sources to improve and maintain the swimming pool and community center and he continues to be an asset to the community. Both Staff and the Personnel Committee recommended a five-step increase based on merit. Approved. (Peterson 1st, Martinez 2nd, 5/0 unanimous)
- 10j DISCUSS BUSINESS MATTERS CONCERNING LEGAL COUNSEL: DE Murdock reported that attorney Richard Pio Roda is leaving the Meyers Nave firm along with eight principals, eight partners, and 12 associates and creating a new firm – Redwood Public Law. Mr. Pio Roda is inquiring if the District wishes to retain his services through the new firm; the District will not be restricted from seeking counsel through Meyers Nave. Mr. Murdock recommended the District retain Mr. Pio Roda through the new firm for continuity, especially as the District continues its negotiations for the Joint Use Agreement with ASR (C&H). Staff were directed to return with a fee schedule for Redwood Public Law.
- 10k DISCUSS RENAMING 1 ROLPH PARK DRIVE: Vice President Martinez led a discussion on renaming 1 Rolph Park Drive to Peterson Hall as a gesture of appreciation to Director Peterson for this long-time dedication and commitment to the community and the District organization. The discussion raised the concern that naming the building could be premature as it may set the expectation that the building is ready for community use but there is still much repair work to do. All

agreed that the use be enterprise-driven and focus on income generation. President Spinner requested that a 1 Rolph Park Drive ad hoc committee be discussed at the next meeting.

10I. APPROVE LANDSCAPE MAINTENANCE AGREEMENT WITH CALTRANS FOR BRIDGEHEAD:
Moved to Consider Items Out of Order.

10m. CONSIDER A MEMORANDUM OF UNDERSTANDING WITH THE DOG PARK COMMITTEE:
Moved to Consider Items Out of Order.

11a. DISCUSS FINANCIAL MATTERS RELATED TO THE DISTRICT: ASM presented the January LAIF statement. The 2022 audit is expected to be completed by March. The 2023 audit is expected to be completed by May. Several findings for both years warrant discussion.

11b. CONSIDER REPORT ON BUDGET FOR FY 2023/24: ASM Goodman reported that a mid-year budget was not possible but expects to present an eight-month budget. Staff are working on the water consumption schedule. She will schedule budget and finance meetings with each commission in March. The current budget should be on target with the possible exception of staffing since the District hired an additional employee who was likely not considered in the 23/24 budget.

11c. DESIGNATE SIGNATORIES FOR THE COUNTY TREASURER AND AUDITORS/CONTROLLERS OFFICE: Nicholas Spinner and Diana Martinez will be added as signatories to the County Treasure and Auditor/Controller's office. Staff will update other signatories based on current conditions.

12a. MANAGERS' REPORTS RECREATION: RDM Wilson reported that a portion of the fence around the pool was damaged due to a vehicle collision. Various public safety agencies responded but Mr. Wilson has not been able to locate a report to file an insurance claim. The swim team has begun using the pool. The Special Olympics will begin using the pool on March 10th. He is accepting applications for summer work and is interviewing a pool manager candidate.

Mr. Wilson presented an update on the Prop 68 grant for the ADA improvements at the pool building. Of the eleven contractors who attended the mandatory walk-through, only one submitted a bid of \$1.4 million which was higher than the previous bid round. For comparison, the architect's estimate for the entire project was \$436,000 but the bid estimated \$354,000 solely for the unisex bathroom. Providing access to the building is estimated to cost between \$180,000 and \$225,000. The project was broken into four phases to help identify a strategy. Mr. Wilson expressed his frustration at the excessive costs and reported on other parts of the project that will need to be postponed and will require fundraising. He reported that the District has already spent a significant amount of money that the State will likely not reimburse the District if the project is abandoned. Time is of the essence to perform the first phase and requires a resolution.

Mr. Wilson reminded the Board that the Walk of Honor walk event is coming up soon. Recreation has received funds in the amount of \$21,000 which includes a \$5,000 match by the District. These funds are allocated to the restoration of the Memorial Hall building.

12b. MANAGERS' REPORTS DISTRICT SECRETARY: DS Rivas reported that she attended the Mayor's Conference in El Cerrito with President Spinner and ASM Goodman in the spirit of connecting with other public agencies. She offered Crockett's Community Center as a meeting place should any municipality have to cancel its hosting commitment. The event fee is typically \$70 per attendee.

ASM Goodman reported on Initiative #1935, a proposed legislation that could undo any rate increases or ballot measures such as Measure L should it pass. Many special districts are opposed to Initiative #1935. DS Rivas reminded the Board that they can access more information by utilizing their California Special Districts Association (CSDA) trial membership.

DS Rivas attended a webinar on How to Hire through the Alameda EDA's membership (\$90 annually). She also participated in training for Form 700 – Statement of Economic Interests. She recently met informally with the Rodeo Sanitary District general manager and discussed various topics; Rodeo now attracts more qualified candidates and reduces turnover by offering more competitive salaries; their streamlined budget process, the potential for a consortium of sanitary districts in West Contra Costa County; creative financing; the value of attending conferences and networking; and the value of ongoing staff training. CVSAN Chair Manzione reported that Rodeo Sanitary is a single-purpose Sanitary District with a collection system and treatment. Rodeo has a standard activated sludge treatment system that is about six times the size of what Crockett would build on its own. Rodeo hires its own operators over contractors.

12c. MANAGERS' REPORTS MAINTENANCE DEPARTMENT: Mr. Murdock reported that 1 Rolph Park Drive has experienced significant water damage due to the recent rain. He is making those repairs. The building does need roof repairs. A previous bid came in at \$12,000 which he considered too high for the proposed work. The doors are ready to be installed and Director Mackenzie has offered to help with the installation. The floor still needs another coating. The urinal in the men's restroom appears to have collapsed prior to the acquisition of the building and is considered a low priority.

12d. MANAGERS' REPORTS PORT COSTA SANITARY DEPARTMENT: The Annual Pollution Prevention Plans for both Crockett and Port Costa were submitted on time. The Annual CIWIC report is due April 1st. During his training, SDM Barnhill saw that the profile and question sequence followed the water audit report almost identically. The generator oil was tested in Port Costa sooner than expected (due to the electrical pole fire) and will serve as a baseline. He will be requesting authorization to perform the annual full-service maintenance earlier than expected.

Mr. Barnhill was only provided with six days to review the five-year NPDES permits for both Crockett and Port Costa. This was because Cal EPA required their report to be submitted a week earlier than normal.

Mr. Barnhill has set a goal to CCTV all sewer lines. He will hold off on a section that the Field Semester project will be required to record as a requirement for their project application. Staff will coordinate as best as possible with their contractor short of rescheduling the order. Staff require PACP-rated CCTV recording. Once completed, these files will become CCSD property. This will be an estimated \$4,000 cost savings to Port Costa.

12e. MANAGERS' REPORTS CROCKETT SANITARY DEPARTMENT: Mr. Murdock reported that 270 feet of 8" sewer line was replaced between Alhambra and Winslow.

A mandatory pre-bid walk for Alexander Park line replacement is scheduled. This is a high-priority area due to the effect of a line breakage that would significantly impact the recreational uses at the park. Mr. Murdock is pushing for a tight turnaround on the bid process to coincide with Recreation's Prop 68 project. Bids are due on March 8th; the winning bid will be announced on March 15th. He requested a special meeting between the CCSD Board and CVSAN to approve the project via resolution. The suggested date is Friday, March 15th at 4 pm. A point of clarification was made that the commissioners served as advisers for construction projects and the Board takes on the fiscal responsibilities.

The Tolling Agreement and Mutual Defense Agreement with C&H were just recently signed. The Board approved this action in January.

12f. MANAGERS' REPORTS LIGHTING & LANDSCAPE COMMISSION: The first project has been completed. Villa Landscape cleared brush on Pomona Street from just north of the church up to Alexander Street for \$4,700. Mr. Murdock pressure-washed the Plaza. DS Rivas reported that a dedicated webpage has been created.

12g. MANAGERS' REPORTS GOVERNMENTAL MATTERS: No report.

12h. ANNOUNCEMENTS AND DISCUSSION: No report.

13a. REPORT FROM PERSONNEL COMMITTEE REPORT: President Spinner reported that the discussion focused on the Recreation Department Manager's review.

13b. REPORT FROM BUDGET & FINANCE COMMITTEE: Director Barassi reported that the committee met, reviewed the schedule and expects to meet regularly during the budget process.

13c. REPORT FROM POLICE LIAISON COMMITTEE: No Report.

13d. REPORT FROM CVSAN WASTEWATER COMMITTEE: CVSAN Chair Manzione reported that no meetings have occurred over the last month. He is confident that the agreement will be completed by the expiration date in July. The consequences of failing to reach an agreement by the July deadline simply keep the current use agreement terms in place with no disruption to services. Both parties agree that they wish to continue the partnership but have not negotiated the contribution mix. The agreement has a complex formula with seven different factors with key components being power usage, chemical usage, and staff time. The formulas are workable, but the committee is analyzing what factors get plugged in. DE Murdock reported that Infomark has made repairs and may request that the District contribute a share of those improvements. The committee is requesting non-cost factors such as including greater participation in capital planning and establishing notification procedures for unexpected trigger factors. Mr. Manzione reported that the life expectancy of a treatment plant is not definite and dependent on preventive maintenance and repairs as needed. He estimates that the Rodeo plant is approximately 50 years old.

13e. REPORT FROM MEMORIAL HALL ADVISORY COMMITTEE: No progress.

13f. REPORT FROM AD HOC COMMITTEES: No report.

13g. REPORT FROM INTER-AGENCY MEETINGS: No report.

14. FUTURE AGENDA ITEMS/BOARD COMMENTS: Director Peterson announced that he will resign in April and asked the Board to appoint Dale McDonald to his seat. A discussion was had about the public process of filling a Board vacancy. Ms. Wais pointed out that the Dog Park MOU lists that CCSD will pay liability insurance, utilities, and water. Recreation manager Wilson has offered to remove waste voluntarily. She expressed concern that the MOU transfers the waste removal onto the District after Mr. Wilson no longer volunteers. Mr. Manzione reminded the public that the action on the MOU was not to proceed as written. Mr. Murdock reported that the District has a few additional trash bins for Republic Services to pick up.

- Resolution approving Martin Luther King, Cesar Chavez, and Juneteenth holidays.
- Annual Report on the use of recreation taxes (Gov't Code Sec. 50075.3)
- Dog Park MOU

12. ADJOURNMENT. The meeting was adjourned at 10:08 pm until March 27, 2024.

Respectfully submitted,
Sonai Rivas, MBA
District Secretary