

# CROCKETT COMMUNITY SERVICES DISTRICT

## Special Business Meeting AGENDA FOR TUESDAY SEPTEMBER 15, 2020

TIME: 3:00 PM

PLACE: **\*\* Meeting to be held by teleconference \*\***

### IMPORANT NOTICE REGARDING COVID -19 AND TELECONFERENCED MEETINGS:

Based on the mandates by the Governor in *Executive Order 33-20* and the County Public Health Officer to shelter in place and the guidance from the CDC, to minimize the spread of the coronavirus, please note the following changes to the District's ordinary meeting procedures:

- The District offices are not open to the public at this time. (See Resolution No. 19/20-18)
- The meeting will be conducted via tele conference using Zoom.
- All members of the public seeking to observe and/or to address the local legislative body may participate in the meeting telephonically or otherwise electronically as described below.

### HOW TO OBSERVE THE MEETING:

**Telephone:** Listen to the meeting live by calling Zoom at +1 669 900 9128. Enter the Meeting ID# 834 9283 8931 followed by the pound (#) key. More phone numbers can be found on Zoom's website at <https://zoom.us/j/aeONOA5qL> if the line is busy.

**Computer:** Watch the live streaming of the meeting from a computer by navigating to <https://us02web.zoom.us/j/83492838931> using a computer with internet access that meets Zoom's system requirements (see <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>)

**Mobile:** Login through Zoom mobile app on a smartphone and enter Meeting ID# 834 9283 8931.

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1. CALL TO ORDER – ROLL CALL
  2. CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER
  3. LABOR NEGOTIATOR: Identify Labor Negotiator(s) to negotiate on behalf of the District regarding current and/or prospective employees.
  4. CLOSED SESSION
    - a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** Port Costa Sanitary Department Manager, Pursuant to Government Code Section 54957.
    - b. **CONFERENCE WITH LABOR NEGOTIATOR(S):** Agency Designated Representative(s) to confer with Crockett Community Services District Board regarding General Manager position, Pursuant to Government Code Section 54957.6.
    - c. **CONFERENCE WITH LABOR NEGOTIATOR(S):** Agency Designated Representative(s) to confer with Crockett Community Services District Board regarding Secretary of the District position, Pursuant to Government Code Section 54957.6.

### RECONVENE IN OPEN SESSION

5. ANNOUNCE ACTIONS TAKEN IN CLOSED SESSION

6. ADMINISTRATIVE – TRANSITION OF GENERAL MANAGER

- a. Consider approval of the Minutes of September 8, 2020.
- b. Consider Resolution No. 20/21-07 establishing the Office of Board Secretary.
- c. Consider approval of Final Payment of General Manager McDonald.
- d. Receive report from Ad-Hoc Transition Committee, give direction and form recommendations.
- e. Discuss and take action on other issues related to filling the interim or permanent General Manager position.

7. ADJOURNMENT

**HOW TO SUBMIT PUBLIC COMMENTS:**

**Written/ Read Aloud:** Please email your comments to [manager@town.crockett.ca.us](mailto:manager@town.crockett.ca.us), write "Public Comment" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. If you would like your comment to be read aloud at the meeting (*not to exceed three minutes at staff's cadence*), prominently write "Read Aloud at Meeting" at the top of the email. All comments received before 3:00 PM the day of the meeting will be included as an agenda supplement on the District's website under the relevant meeting date and provided to the Directors at the meeting. Comments received after this time will be treated as telephonic/electronic comments.

**Telephonic / Electronic Comments:** During the meeting, the Board President or designee will announce the opportunity to make public comments and identify the cut off time for submission. The public can speak up at that time or use the Zoom chat feature to indicate they want to make a public comment. If needed, a short recess (generally less than 10 minutes) will take place during the time public comment is open to allow the comments to be collected. Use Zoom chat or email your comments to [manager@town.crockett.ca.us](mailto:manager@town.crockett.ca.us), write "Public Comment" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. Once the public comment period is closed, all submitted comments timely received will be read aloud. Comments received after the close of the public comment period will be added to the record after the meeting.

You will find the Minutes of this meeting posted on our website at [www.town.crockett.ca.us](http://www.town.crockett.ca.us) Visit our website for more information on meetings and activities of the Crockett Community Services District and the towns of Crockett and Port Costa.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a District meeting, or if you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the General Manager at (510) 787-2992. Notification of at least 48 hours prior to the meeting or time when services are needed will assist District staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

*In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection. The Board has designated the District's website located at <https://www.town.crockett.ca.us/meetings> as the place for making those public records available for inspection. The documents may also be obtained by calling the District Manager, at the Crockett Community Services District Office in Crockett. If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda. The office address is 850 Pomona Street, Crockett, California 94525.*

**RESOLUTION NO. 20/21-07**

**A RESOLUTION OF THE CROCKETT COMMUNITY SERVICES DISTRICT  
ESTABLISHING THE OFFICE OF BOARD SECRETARY**

WHEREAS, the Crockett Community Services District (“District”) is an independent special district formed under the Community Services District Law, Government Code Sections 61000 *et seq.*); and

WHEREAS, on August 28, 2020, the District’s General Manager submitted a letter of resignation to the Board of Directors to be effective September 27, 2020, which was accepted by the Board of Directors on September 1, 2020; and

WHEREAS, the Board of Directors desires to implement certain interim policies to aid the District in its transition in hiring another General Manager and ensure continuity of District operations; and

WHEREAS, subdivision (c) of Section 61043 of the Government Code authorizes the Board to create offices of the Board of Directors in addition to that of President and Vice President and to elect members of the Board to those offices, provided no member of the Board of Director shall hold more than one office;

WHEREAS, the Board of Directors now desires to create the office of Board Secretary and elect a member of the Board to hold such office.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the Crockett Community Services District, as follows:

1. The above referenced recitals are true and correct and incorporated herein.
2. The office of Board Secretary is hereby created as an office of the Board of Directors pursuant to Government Code Section 61043.
3. The duties and responsibilities of the Board Secretary shall be as follows:
  - a. Duties. The Board Secretary shall have the following duties:
    - i. Certify or attest to actions taken by the Board when required;
    - ii. Sign minutes of the Board meeting following their approval;
    - iii. Sign documents as directed by the Board on behalf of the District, and sign all other items which require the signature of the Board Secretary; and
    - iv. Perform any other duties assigned by the Board.

- b. **Responsibilities.** The Board Secretary shall ensure:
- i. Open session meetings of the Board of Directors are recorded;
  - ii. Minutes of each Board meeting are prepared and maintained;
  - iii. Board records and other documents and reports are maintained, as required by law and in coordination with the Secretary of the District; and
  - iv. Board officers receive the correspondence addressed to them.
4. The Board Secretary is hereby granted such authority necessary to perform the duties and responsibilities established herein.
  5. To the extent necessary for District record management, the Board Secretary shall perform his, her, or their duties in coordination with the Secretary of the District as the District's custodian of records.
  6. The office of Board Secretary shall continue until otherwise established by resolution or other action of the Board of Directors.
  7. Upon adopting of this resolution, the Board of Directors shall elect a member to service as Board Secretary until such time the Board of Directors holds its annual election of President and Vice President pursuant to Section 2.04.010 of the Crockett Community Services District Code. At such time, and every year thereafter, the Board Secretary shall be elected by the Board of Directors in accordance with the procedures established for the offices of President and Vice President by Section 2.04.010.

**PASSED AND ADOPTED** by the Board of Directors of the Crockett Community Services District on September 15, 2020, by the following roll call votes:

AYES:

NOES:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
President, Board of Directors  
Crockett Community Services District

**ATTEST:**

\_\_\_\_\_  
Secretary of the District  
Crockett Community Services District

# CROCKETT COMMUNITY SERVICES DISTRICT

P.O. Box 578 - Crockett, CA 94525


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website: [www.town.crockett.ca.us](http://www.town.crockett.ca.us)

TO: Board of Directors  
FROM: General Manager   
SUBJECT: Final Payment for General Manager McDonald  
DATE: September 9, 2020

The final paycheck will contain General Manager McDonald's regular wages from the most recent pay period, a monthly salary of \$8,089, along with other types of compensation such as accrued vacation and accrued sick leave as described under Exhibit B Retirement, Health, and Other Fringe Benefits of the Management Employment Agreement executed on May 24, 2010.

Hourly rate of basic pay is computed by dividing an employee's annual rate of basic pay by 2,087 hours. Rates must be rounded to the nearest cent, counting one-half cent and over as the next higher cent.

#### Vacation Leave

Under California law, whenever the employment relationship ends and the employee has not used all of his or her earned and accrued vacation, the employer must pay the employee at his or her final rate of pay for all of his or her earned and accrued and unused vacation days. *Labor Code Section 227.3*. Because paid vacation benefits are considered wages, such pay must be included in the employee's final paycheck.

Vacation Leave Accrued is 502 hours, at \$46.51 per hour, total \$23,348.02.

#### Sick Leave

Section III (c) of the Management Employment Agreement gives direction on accrued sick leave benefits to be paid out upon voluntary leave:

*"In the event Employee voluntarily resigns his position with District at any time during the term of this Agreement, then Employee shall give District no less than three (3) months written notice, unless the parties otherwise agree in writing. Failure of Employee to give the required three (3) months written notice of resignation will result in a pro-rata reduction in benefits normally payable to resigning District's employees, such as, but not limited to, accrued sick leave payment."*

As the District was given one (1) month written notice, the amount of accrued sick leave to be paid upon separation is one-third of the total leave accrued. Sick Leave Accrued is 240 hours, pro-rata reduction equals 80 hours, at \$46.51 per hour, total \$3,720.80.

Salary	\$8,059.00
Vacation Payout	\$23,348.02
Sick Leave Payout	<u>\$3,720.80</u>
<b>TOTAL</b>	<b>\$35,127.82</b>

Payroll allocation between departments is calculated monthly with an equal share of salary split between departments based on time spend working for respective department. Salary and vacation leave have traditionally been paid by the Crockett Sanitary Department.

California law requires that employees who quit must be paid within 72 hours after quitting. The Final Payment or Termination Paycheck will be dated for the last date of employment of September 27, 2020.