

CROCKETT COMMUNITY SERVICES DISTRICT

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MINUTES OF REGULAR MEETING, MARCH 27, 2019

1. CALL TO ORDER: The meeting was called to order at 7:00 PM by President Peterson. Present were Board Members Barassi, Kirker, Mackenzie and Sutton, along with General Manager McDonald, Recreation Department Manager Wilson and Assistant Sanitary Dept. Manager Barnhill. Also present was Sanitary Commissioner Wais. Assistant District Secretary Witschi was absent.
2. AGENDA ORDER: There were no requests to hear agenda items out of order.
3. PUBLIC COMMENTS: Ms. Wais feels that the notes in last month's minutes on page 3 under the discussion on action plans regarding comments not taking action on climate change could put the District at risk. Mr. Barassi stands by his comments. He said he cares about climate change but believes planning to change our facilities in the short timeframe would be an unwise use of resources. Mr. McDonald said Contra Costa County is holding a community meeting to discuss updating their General Plan and Zoning at the Crockett Community Center, Thursday, March 28 at 6:30 pm. Ms. Wais mentioned that the meeting is being held to help create the future of our community. A full announcement along with an online survey link is available on the bulletin board outside the multipurpose room.
4. REPORTS FROM COMMISSIONERS: None
5. PUBLIC HEARING ADOPTION OF SSMP: Mr. Peterson opened the public hearing for consideration of an adoption of a Sewer System Management Plan (SSMP). Mr. McDonald said the plan submitted is currently in use. He said it is a living document that is updated as needed and has served the District well. He said a requirement of the State Water Resources Control Board (SWRCB) Order No. 2006-0003-DWQ and 2013-058-EXEC is that the SSMP must be adopted by the governing board every five years. Mr. Peterson closed the public hearing after hearing no additional comments. A motion adopting Resolution No. 18/19-09 as an updated Sewer System Management Plan carried unanimously (jm/es).
6. REPORT OF DISTRICT COUNSEL: None
- 7.a. RECREATION DEPT. REPORT: The Board had received the Minutes of February 4. Mr. Wilson updated the Board on the pool break-in from last month. He said the Crockett Swim Team (CST) got involved and was able to identify the person who broke into the pool grounds and the swim team shed. That person dropped the majority of the items off near the wading pool area by placing them over the fence. Mr. Wilson said that the CST had no authority to decide not to press charges and the District is still moving forward with the Sheriff's Department to press charges. Mr. Wilson said the circulation pump went out at the pool causing the pool to be closed down for two weeks. The John Swett High School (JSHS) Swim Team will get a portion of their pool rental refunded. The CST is now using the pool. Mr. Wilson said he replaced the LED bulbs and dimmer switches in the auditorium and, wow, what a difference the light makes with the new bulbs. He is very satisfied with the brightness and dimming capability and because of it no longer feels that the LED upgrade conversion project is

needed. He said the Recreation Department is applying for a Crockett Community Foundation (CCF) grant to resurface the tennis courts. He attended the JSHS job fair to recruit for summer employment and found that it is not salary which is too low but instead the type of work that we are offering which is resulting in less interest. He cited an example where Six Flags amusement park has lower pay but students were lined up to work there. He handed out 25 applications and none have been returned so far. Mr. Wilson said he believes the lifeguard certification and swim test requirements along with working outside is the challenge the department will face when recruiting. He said a swim test will be held April 13 for those interested in applying for the lifeguard jobs to make sure they can pass the physical tests before the District pays for their lifeguard certification class. Hopefully we can get enough lifeguards to keep the pool open. Mr. Barassi asked if the person who broke into the pool was a juvenile. Mr. Wilson said no it was a middle-age man that does not live in town.

7.b. MAINTENANCE DEPARTMENT: Mr. Peterson said there is the possibility that the District will be able to move forward with the foundation strengthening project at Memorial Hall. He said Holmes Structures (previously Holmes Cully) reported that micropiles will not be needed if the work is to be done on the outside of the building and that concrete piers tied to the existing foundation could work. The cost would be substantially lower than the more specialized use of micropiles. Mr. Wilson said it was a contractor who moved to town recently and offered to help at the Memorial Hall who suggested we didn't need micropiles but instead could use reinforced piers on the outside. Mr. Peterson is in the process of revising the Phase 1 Scope of Work and will have the Memorial Hall Committee consider this proposal next week. Ms. Wais mentioned that Scott Lawton painted the base of the foundation gray so that the exposed area matches that of the existing building. Mr. Peterson said the Memorial Hall Committee has been having trouble obtaining a quorum and want to reduce the committee to five people, through attrition, removing those that have been unable to attend recently. As chairperson with authority to appoint and remove members on committees Mr. Peterson stated the Memorial Hall Committee will consist of Ron Wilson as chair, himself Kent Peterson, Bud Burlison, Scott Lawton, and Chuck Dell so that a quorum is now three which will allow us to hold meetings to move business along. Mr. Wilson said regular meetings have been reduced to every other month but additional working meetings can be called as needed. Mr. Kirker said he was not informed that he was being taken off the committee and asked if there would be an alternative solution for him to still be involved. Mr. McDonald said that appointing Mr. Kirker as an alternate to the Memorial Hall Committee would work. It would allow him to remain being involved and if one member is not available he would be able to take their seat which would be beneficial in helping obtain a quorum. Mr. Barassi said we should discuss why we are having the committee meet as we approach the construction aspect of the rehabilitation. He said he believes this should be handled at a staff level. He asked why the committee is still needed if the design decisions have been made. Mr. Peterson said that the group is trying as hard as possible to stop financial resources going to staff payroll and instead have as much of that available for use for actual construction costs. He said that volunteers willing to serve on the ad hoc committee have served an important role but, as they are only advisory, all final actions are considered by the Board and that would include any decision regarding consuming staff resources. Mr. Kirker offered that if there is a lack of a quorum to please reach out by text or call and see if he would be available. He said he can easily come down to the meeting in many instances. Mr. Peterson said the he is researching purchasing additional streetlamp poles to have in stock. It took a while to order the replacement poles and now that we have a vendor who has poles that are such a good match to what we have in town he feels it is important to take this opportunity and purchase a couple poles as back up. He said he will submit his proposal to the CCF to see whether they would consider this. Mr. McDonald said LDI Trucking has paid for the replacement streetlamp on north-west corner of Pomona and Port Street in full as of March 5.

7.c. PORT COSTA SANITARY DEPT.: The Board had received the Minutes of February 13. Mr. Barnhill gave a summary of the manager's report for February 2019. No Sanitary Sewer Overflows (SSO's) were reported in February. He said H&R Plumbing refurbished the manhole outside treatment plant yesterday and finished up today. He will perform a final inspection on it tomorrow or soon after. Mr. Peterson suggested when preparing write-ups to be clear and specific, such as including manhole numbers, so that we have better understanding of what is being discussed.

7.d. CROCKETT SANITARY DEPT.: The Board had received the Minutes of February 20. Mr. McDonald present at the Crockett Sanitary Department Manager's report. He said in addition to the written report presented the manhole rehabilitation project on Loring was completed yesterday as well. C&H reported in their February 2019 electronic Self-Monitoring Report (eSMR) for the Joint Treatment Plant that there was a cyanide permit limit exceedance at location EFF-002, an effluent monitoring location, resulting in two violations for exceeding daily and monthly cyanide limits. C&H investigated where it might have occurred within the refinery and there was only one location, the carbon furnace, which would have only caused cyanide to occur if incomplete combustion occurred in the carbon furnace. C&H verified that the carbon furnace was out of service for more than a week prior to and during the sampling time period and therefore there was no combustion going on. The District reviewed our potential list of cyanide sources and none were identified. There are no businesses in town that would generate cyanide. Rainfall totals were reviewed between February 1 and February 6, the period prior to exceedance, and just under 1-1/4 inches of rainfall was recorded. Mr. Mackenzie asked if we ever had any sewer pipes coming from Selby. He knows the slag that has been covered for years is quite contaminated. Mr. Peterson said that when Wickland Oil proposed development to the west of town concern was raised by citizens and the project was nixed. He said sewer piping for Tormey, which is near Selby, went to the Rodeo Sanitary District and not Crockett. Mr. McDonald said our sewer pipes end just past the Vista Del Rio / Grandview Avenue intersection. He said the low lying Marina line and equalization force main are both new plastic pipe which keeps groundwater from infiltrating the sewer system. Mr. Barassi asked if these limit violations would result in fines. Mr. McDonald said that fines are probable due to statutory mandated minimum penalties for discharge limit violations in our NPDES permit. However, since C&H Sugar is responsible for treatment plant operations the District's position is that those fines, absent clear knowledge that the cyanide contamination came from the town, would be levied against and paid by C&H Sugar. Mr. McDonald said C&H Sugar may try to allocate a portion of the fine to the District but we will cross that bridge if it happens. A member of the Board wondered if the equipment was undergoing a wash down while it was shut down for maintenance and whether that could have resulted in flushing remnants from the carbon furnace into the sewer system, it is just something to keep in mind. Mr. Peterson asked about the delay of the Motor Control Center (MCC) project at the Crockett Pump Station. Mr. McDonald explained that West County Wastewater District (WCWD) staff will be heavily involved in the implementation, bypass, and training and that there was concern that rushing out to bid this summer would be more risky to the District than delaying the project or spreading it out over two years. Mr. McDonald said he hopes to meet with WCWD General Manager on April 5 to ask if WCWD would be interested in bundling our MCC project with that of their pump station projects scheduled to occur this summer and next. Mr. Peterson said when MCC specification bid documents are developed it is important to include clear language to address any extended delay or time deadlines. He said it is critical to describe costs and cost recovery for both delay on the District's part in the awarding contractors part. Mr. McDonald agrees and it is for that reason, especially for large jobs such as this project, the District relies on engineering support from our consulting engineer working with the contract engineer to develop the specifications and final bid documents.

7.e. STAFF REPORT ON GOVERNMENTAL MATTERS: Mr. McDonald said a letter supporting House of Representative bill HR 1764, which would extend the current NPDES permit limit of 5 years to a fixed period of up to 10 years, was sent to Congressman Mike Thompson's office. He said any extension of the NPDES permit renewal will have direct and substantial benefit to the Port Costa community. For example, it cost approximately \$35,000 to renew Port Costa's NPDES permit and if we only have to perform this task once every 10 years instead of 5 it would save each ratepayer approximately \$250 over the term of the permit. Mr. McDonald said that he has also sent a letter of opposition for California Senate Bill SB 332 which would mandate that all wastewater agencies that discharge treated effluent to oceans, bays and estuaries reduce their discharges by 50% by 2030, and by 95% by 2040. It is still very early in the legislative cycle, currently being considered Senate committees, but it would be of serious concern if it advances without addressing the impact on small communities like Port Costa and Crockett. He mentioned that the California Association of Sanitation Agencies (CASA) as well as the California Special Districts Association (CSDA) provides notices that are important to special districts such as ours and work as advocates for and against measures results regarding their constituents. Mr. McDonald said that the California State Water Resources Control Board (SWRCB) is conducting outreach workshops to gather stakeholder input on the proposed re-issuance of the existing statewide Sanitary Sewer Systems (SSS) General Order. Both Crockett and Port Costa collection systems are regulated by this order. It is one of the reasons SSMPs were developed as this order deals with sewer overflows and the effects they have on communities and waterways of the State. Topics of discussion will include proposed regulation of larger private collection systems, proposed system specific requirements to address climate change and system resiliency, clarification of the SWRCB enforcement process, and proposed regulatory incentives for good compliance records. Mr. McDonald said change to the SSS order and associated SSMPs will be forthcoming. Some of it would be good like a de minimis rule that would exempt reporting for smaller Sanitary Sewer Overflow (SSO) spills, maybe less than 100 gallons, if they do not reach the waters of the State. He said staff is not planning to attend the workshops but will continue to stay on top of proposed changes to the SSS order. An annual Sewer Summit, usually held in Oakland or Hayward, has been updating agencies that attend on the reissuance of the SSS order; staff is planning to attend when it is announced. Mr. McDonald shared the CSDA Take Action Brief with the Board and mentioned the state has proposed many legislative bills on Accessory Dwelling Units. Staff will continue to watch for changes as this will affect connection fees and capacity charges for infill development in Crockett and Port Costa. Mr. McDonald reported that Contra Costa Local Agency Formation Commission (LAFCO) released its 2nd round of its Municipal Service Review (MSR) for public comment. The Crockett Community Services District is included in this MSR under Chapter 21. The Board supported adding the MSR review on next month's meeting agenda to facilitate our own public discussion on the report. Mr. MacKenzie said he has heard of recent legislation submitted by Garamendi that would exempt government agencies from having to pay sales tax on items purchased that are more than \$5,000. Mr. McDonald said he was not aware of it but that he will look into it because currently the district is paying sales tax on all purchases.

7.f. STAFF ANNOUNCEMENTS: Mr. McDonald presented an update on the petitions against Special Districts under the California Voting Rights Act (CVRA) related to holding At-large vs. District wide elections. He said the attorney filing petitions is doing it to reform districts to make sure candidates would be geographically distributed in compliance with the CVRA. The attorney said as an ethical matter he will not be filing petitions against small jurisdictions where there is not a meaningful opportunity to create a district that would benefit minorities. Mr. McDonald said this CVRA issue was discussed at the Contra Costa CSDA chapter meeting in October and an article on the potential change was included in our Crockett Engaged newsletter released in November. He said unless there is an objection he would support a follow-up article being written in a future Crockett Engaged newsletter sharing the information recently learned. Mr. McDonald invited any director who would be

interested in attending CSDA's Special District Legislative Days toward the end of May in Sacramento to contact him for more details. Mr. McDonald reported that the recent rains have kept staff busy responding to storm water issues. One of those issues involves the storm water drain on the east side of 303 Virginia Street running underneath what is known as the Vista Del Rio steps that begins at the small parking lot on Pomona west of the bridge. This path and steps was originally installed by C&H Sugar and served the community as a way to walk down to Pomona Avenue from the top of the hill. The County has informed the homeowner of 303 Virginia that C&H Sugar built the storm drains and steps and while C&H Sugar granted the walkways and utilities to the County years ago the County never accepted them. In effect County Public Works has taken the position that it is C&H Sugar's and the community's problem to address. The homeowner has asked for assistance dealing with the County. Mr. McDonald said that our District has no authority over storm drains but felt it was important to share this information with the Board as it does impact our community especially in the way the County has taken the position to not accepting responsibility for something they previously had on their maps and had it one point performed service on. This storm drain failure, in particular, is more problematic as it has exposed a PG&E gas line running down the hill in the same utility easement. Mr. McDonald said the exposed gas line was reported to PG&E by Crockett Sanitary Department staff but we have not received any follow up call from PG&E. Mr. Barassi suggested we, the community and property owner, should push back on Public Works decision. He said if there are facts and evidence to show they accepted it by actions they took, such as cleaning and maintenance on that line in the past, it would constitute acceptance even without the formal dedication being made. Mr. McDonald will inform the property owner and let them know where they might be able to look for evidence and facts so that he can press his case to the County. Mr. Wilson left the meeting at 8:10 pm.

8. CONSENT CALENDAR: Mr. Peterson asked that item 8.d. Status Reports be removed from the consent calendar for discussion. The following items were approved unanimously (jm/es):

- a. Approve Minutes of February 27, 2019.
- b. Approve payment of District bills (warrants Rec.7907-7943; PCSan, 1085-1089; CVSan 5821-5837; Maintenance 416).
- c. Receive Minutes of Commissions and Committees.
- e. Receive letter to Union Pacific Railroad on protection of crossing.

9.a. ITEM REMOVED FROM CONSENT CALENDAR – STATUS REPORTS: Mr. Peterson has some questions on the status reports. He asked about the Communication Assistant position mentioned under Personnel Status item P-7. Mr. McDonald said he may still require the position but is looking into other options before bringing on a new part-time employee. Mr. Peterson asked why the Non-Employee Conduct policy, item P-6, is needed. Mr. McDonald explained the District has policies in place to protect employees against other employees, and policies that prohibit certain behaviors from the public such as harassment, but does not provide much guidance on how to escalate complaints by employees or the public against commissioners or committee members for whom the General Manager does not have authority over. He said the District is put at risk by not having clear rules and guidelines for non-employee conduct for its commissions and committees. He said these guidelines could also be included in by-laws of the commissions and committees but these are backlogged as well. Mr. Peterson said with the MCC project at the Crockett Pump Station moving to next year the requirement to remove the bricks by April 2019 can be pushed back. Mr. McDonald said he will change this to October 2019 as he'd still like the yard clear before next wet-weather period and in case components for the MCC project need to be stored on site. A motion to approve Item 8.d Status Reports, as amended, carried unanimously (es/lb).

9.b. APPOINT RECREATION COMMISSIONER: Resolution No. 18/19-10 appointing Anne Scheer to serve as Commissioner on the Crockett Recreation Commission carried unanimously (lb/jm).

9.c. ALTERNATIVE BIDDING: Mr. McDonald reported that the resolution being presented would elect the District to become subject to the uniform construction cost accounting procedures, promulgated by the State Controller pursuant to the Public Contract Code section 22019, adhering to the California Uniform Public Construction Cost Accounting Act (CUPCCAA). The Board discussed the benefits of having higher bidding thresholds which include reducing the burden and cost of going out to a formal public bid for construction projects over \$25,000, which is what is currently required. Mr. McDonald said the limits of CUPCCAA would allow project of \$60,000 or less to be let by force account, projects of \$200,000 or less may be let by informal bidding procedures, and projects in excess of \$200,000 would continue to be let by formal bidding. Mr. Kirker said it is important that the Board be aware of what's going on as with the higher limit of \$60,000 being proposed it could open up the risk for abuse on issuing contracts, smaller amounts that float under the radar, and that would not be in the public's best interest in controlling costs. McDonald's said procedures will be in place to prevent abuse and agrees with Mr. Kirker that having the Board and/or Commissions review contracts and have the ability to ask questions would help avoid abuse of the public funds or trust. Mr. Mackenzie asked if the District has any projects over \$1 million because, if so, we may be required to enter into a Project Stabilization Agreement (PSA) or Project Labor Agreement (PLA). Mr. McDonald said he is not familiar with this requirement and doubts very highly that we would have any projects upcoming over \$1 million but that for any large project staff would rely on outside engineering assistance and guidance in developing the formal bid documents and meeting all federal and state requirements for construction. Mr. Barassi said he thinks the idea of following CUPCCAA is a good idea, having less formal administrative requirements would open it up to some contractors who otherwise would not take the job due to the accounting and reporting burdens. A motion to adopt Resolution No. 18/19-11 electing the District to become subject to alternative bidding and Uniform Public Construction Cost Accounting Procedures carried unanimously (lb/jm). Mr. McDonald will notify the State Controller and schedule a public hearing to consider an informal bidding ordinance.

9.d. VACATION LEAVE BENEFITS: Mr. McDonald expressed to the Board his appreciation of employees Witschi and Morales who have both served the District in excess of 10 years. He supports and is asking the Board to consider extending their vacation leave benefit. A motion to approve Resolution No. 18/19-12 modifying the vacation leave policy for non-exempt regular employees to accrue three weeks (15 days) of vacation leave annually starting on the tenth (10) year of service, including retroactive service to January 1, 2019 for employees who have already surpassed 10 years of service carried unanimously (lb/mk).

9.e. EMPLOYMENT AGREEMENT MODIFICATION BARNHILL: Mr. McDonald presented an Employment Agreement Modification for Port Costa Sanitary Department Manager Barnhill which includes an extension of terms, addition of items to termination and severance pay, and modification of salary. Mr. Peterson called for comments from the Personnel Committee. Mr. Barassi said that he supports the agreement and that there has been concerned raised at the Personnel Committee about losing key personnel due to the District's lower pay scale and the lack of adjustments for keeping up with minimum-wage. Ms. Sutton said she was unable to make the last meeting but said she agrees with the reality of rising costs and the need to keep up with them for our employees. Mr. Barassi mentioned cost-of-living adjustments or something like that has to be taken into consideration. A motion to accept the Employment Agreement Modification as presented carried unanimously (lb/es).

9.f. LEGAL SERVICES ENGAGEMENT WITH MEYERS NAVE: Mr. McDonald said that our recent legal Associate Thomas Smith has left employment with Meyers Nave and a new legal associate has been proposed to serve as District Counsel and as the principal point of contact for our District. Mr. Kirker asked if the rate structure remained the same. Mr. McDonald said the rate sheet as of February 2019 remains the same as when Associate Thomas Smith was our counsel, \$295 per hour for Associate and principal rate of \$350 per hour. He said it is important to note to the new Board members that when Kent Alm retired from Meyers Nave in December 2018 the old rate schedule was still in place and it was substantially lower. A motion to accept and authorize signing the legal services engagement letter with Meyers Nave accepting Associate Rachel Hundley to serve as District Counsel carried unanimously (es/jm).

9.g. DOG PARK COMMITTEE GRANT APPLICATION: Mr. McDonald provided information to the Board that the Crockett Dog Park Committee (CDPC) is in the process of submitting a grant application to the Crockett Community Foundation (CCF) for the construction of a dog park under the Carquinez Bridge. As it has been a few years since the District agreed to act as government sponsor for the CDPC and he felt it was important to bring the question back to the Board to confirm their support for a dog park before the grant application is submitted to the CCF. Ms. Wais asked if the District has developed a policy on fiscal responsibility. Mr. McDonald said not related to sponsorships. Mr. Kirker was concerned with liability and questioned if adding a dog park opens the District for increased liability risk. Mr. Kirker and Ms. Sutton said they would have liked more information in the packet to make an informed decision on whether they would want to support the dog park proposal. Mr. McDonald said the District has been involved with the CDPC for a few years and had previously received plans, drawings, and supported the dog park design prior to Mr. Kirker and Ms. Sutton joining the Board. The District supported acting as a government sponsor by formal resolution a few years back. Mr. MacKenzie said that issue before the board is a re-confirmation of previously indicated support and that the Board still has final say on whether the project can move forward which is dependent on an acceptable Memorandum of Understanding (MOU). Mr. McDonald explained that he brought the question back before the Board to confirm support because the original resolution from 2017 described the Lion's Club being more actively involved. While the Lions Club still wants to be involved, funding and installing benches etc., they are not interested in being the leading non-profit group driving this project. It will be the group of volunteer citizens who formed the CDPC and who are driving the development and construction aspect of park which will take the lead. He said questions still remain on ongoing maintenance funding, insurance costs, and lease payments to Caltrans but these details are going to be flushed out during the MOU process after Caltrans provides a final lease to the District. The lease would be between the District and Caltrans. Ms. Sutton asked if the CDPC has agreed to follow a fiscal sponsorship policy. Mr. McDonald said there is currently no fiscal sponsorship policy in place at the District and that previous requests by other entities, groups, or individuals that have come before the Board or one of our Commissions have been considered on a case-by-case basis without such a policy. Ms. Sutton said she is not opposed to confirming support but would need a policy in place and maybe have that considered by a subcommittee before presenting to the board. Mr. McDonald said the District's Budget & Finance Committee would be a logical committee to review fiscal sponsorship requests. A motion to support the Crockett Dog Park Committee's (CDPC) Crockett Community Foundation (CCF) grant application listing the District as Fiscal Sponsor contingent upon an executed lease between the District and Caltrans, a Memorandum of Understanding between the CDPC and District, and an executed policy statement on fiscal sponsorship being signed by the CDPC carried unanimously (jm/es).

10. FINANCIAL REPORT: The monthly statements of District finances and reports on investments were received and examined by the Board.

11.a. PERSONNEL COMMITTEE REPORT: The Board received the Personnel Minutes of March 12, 2019. There was a general discussion on recruiting lifeguards and how critical it is to have the positions fully staffed to operate the pool for the entire summer.

11.b. BUDGET & FINANCE COMMITTEE REPORT: The Board received the Budget & Finance Minutes of March 21, 2019. Nothing further to report.

11.c. AD HOC COMMITTEE REPORTS: Mr. Peterson said they have not met. Nothing to report.

11.d. INTER-AGENCY MEETINGS: None

12. FUTURE AGENDA ITEMS:

- Memorial Hall recommendation on alternative Phase 1 seismic retrofit option (April/May).
- Review and adopt ADA compliance plan.
- Adopt purchasing procedures and spending limits.
- Adopt policy for use of private devices and e-accounts.
- Develop policy on proposals for new programs without established funding.

13. BOARD COMMENTS: The Board was reminded of the 11th Annual Phillips 66 Walk of Honor for our Veterans event scheduled for Saturday May 18, 2019.

14. ADJOURNMENT: The meeting was adjourned at 9:12 PM until April 24, 2019.

Respectfully submitted,

Dale McDonald
April 4, 2019