

**DIABLO COMMUNITY SERVICE DISTRICT
PO BOX 321
DIABLO CA 94528
MINUTES
BOARD OF DIRECTORS
DIABLO COUNTRY CLUB
March 10, 2015 at 7:30 p.m.**

Vice President, Vince Chow called the meeting to order at 7:30 PM

Secretary Richard J. Breitwieser called the role as follows:

Directors present: Torru, Hoffman, Mini, Chow
Directors absent: Brant

COMMENTS FROM THE AUDIENCE. Vice President, Chow called for comments from the audience.

Several speakers spoke to the dangerous condition that exists on Calle Arroyo and Alameda Diablo. Robert Tiernan reviewed a hand drawn map showing the various danger points on Calle Arroyo. A copy of the hand drawn maps are attached to these minutes.

Some speakers agreed that Alameda Diablo and Calle Arroyo are not safe for cars, bicycles and pedestrians using the road at the same time. It was suggested that cyclists ride single file when vehicular traffic is present. One speaker suggested that everyone in Diablo should use Calle Arroyo as their exclusive means of ingress and egress for two weeks so that they can observe the traffic patterns on the road.

Several speakers stated that the best way to confront the problem is bicycle education, better visibility of the Deputy Sheriff, and stricter enforcement of existing traffic regulations. Speakers reported that bicycle clubs, including high school bicycle clubs, stress to their members bicycle safety and courtesy. It was also noted that vehicular traffic causes many of the problems in that drivers of cars and trucks travel at excessive speeds in Diablo and do not observe the stop signs within Diablo.

PRESENTATION BY DAVID BIRKA-WHITE. The Vice President called for David Birka-White a Diablo resident to make his presentation.

David Birka-White presented the Transcript Of Meeting held on February 10, 2015. Mr. Birka-White reported that the Petition for organization of the DCSD, the resolution forming DCSD, and the election documents implementing the formation of DCSD all stated that Diablo roads, although private in nature, are subject to a right-of-way by the public. He also stated that the formation documents of DCSD include the powers to open and close Diablo roads but do not include the power to restrict access to them. He also noted that this limitation follows the rule of city of Lafayette vs. Contra Costa County, (1979) 91 Cal. App. 3rd 749,

154 Cal. Rptr. 374 which held that the city of Lafayette could not restrict access to Happy Valley Road even though it had the power to close that road. Mr. Birka-White also noted that restricting access to Diablo roads could create insurance coverage problem.

PRESENTATION BY THOMAS WANDER. Vice President Chow asked Thomas Wander to make his presentation.

Mr. Wander introduced Nancy Wander who referred to the minutes of August 2013, January, February, April, July, and August 2014, all of which include discussions and action by this board regarding the conditions of Alameda Diablo and Calle Arroyo. Ms. Wander also referred to the January 2015 minutes, which included the legal opinion by counsel and the appointment of the committee by President Brant. Ms. Wander emphasized that the solution to the safety problem on Alameda Diablo and Calle Arroyo consisted of education, the construction of a dedicated bicycle path on Diablo Road, enforcement of existing law and increased Deputy Sheriff exposure on Diablo roads.

Mr. Wander presented the board with the Petition To Keep Diablo Open containing 307 signatures and requested a resolution no later than the April meeting stating that at this time there is not sufficient evidence to justify any restriction to the use of Diablo roads and that notice of any restriction on a non-emergency basis proposed in the future should be included on two consecutive DCSD Board agendas before the DCSD Board may take final action.

CONSENT CALENDAR. On motion of Director Hoffman, second by director Torru the following items were unanimously approved:

1. Expenditure of up to \$250 for design and purchase of educational material relating to the safety of Diablo roads;
2. Payment to MCE in the amount of \$571.27 for sign installation;
3. Payment of Sheriff's bill for the month of January services in the amount of \$28,556.95
4. Payment of \$1,128.00 to Danville for the DCSD storage unit for year 2015.

RESOLUTION 2015 – 1 On motion of Director Torru, second by Director Hoffman. Resolution 2015 – 1 was unanimously passed as follows:

The Diablo Community Service District Board of Directors will not take any action to restrict access to Diablo without first notifying the residence and providing a town hall forum for residents to comment on the action being considered, except for special events and emergencies which would only require notification of residents.

The Board tabled the action to bring speed humps into compliance with San Ramon Valley fire protection District Ordinance 29 section 105.7.17 until next meeting in order to obtain more information regarding inventory and the contours of existing speed humps.

RESOLUTION 2015 – 2 On motion of Director Torru, second by Director Hoffman, Diablo

Community Service District Resolution 2015 – 2 was unanimously passed as follows:

Diablo Community Service District shall defend, indemnify, and hold harmless its directors, and whether individually, corporate, and/or independent contractor, its officers, employees, and committee members, against any claim asserted against any or all of them for conduct or activities engaged by them in connection with their activity as a director, officer, employee, or committee member of this district to the fullest extent permitted by law.

RESOLUTION 2015 – 3 On motion of Director Torru, second by Director Mini, Resolution 2015 – 3 was unanimously passed as follows:

Resolved, that Kathy Torru, Ray Brant, Vince Chow, and Richard Breitwieser are authorized to sign checks, negotiate instruments, make deposits, and obtain and have access to records of any kind on behalf of the Diablo Community Service District.

STATE PARK REPORT. Vice President Chow reported that the Diablo State Park records show that for the calendar year 2013/14, Free bikes entering the South Gate number 46,402 and free bikes entering Northgate number 35,745, for a total of 82,147. This is one-way access and shows that approximately 56% of the free bike access to the park is through the South Gate.

DPOA REPORT. Jane Richards, representing Diablo Property Owners Association announced that there will be a DPOA St. Patrick’s Day event at the bocce ball courts from 4:00 to 6:30 PM on March 15, 2015.

DIABLO COUNTRY CLUB REPORT. Hank Salvo reported that, when fixing the maximum weight and length limitations for vehicles on Diablo roads, the Board to take into consideration that many vehicles presently using Diablo roads, such as school buses and delivery trucks, already exceed the posted limits.

CONTRA COSTA COUNTY. Alicia Nuchols reported that:

1. There are openings for residents to serve on various commissions within the County.
2. There are openings for persons qualified to serve an internship with the County District Attorney’s Office.
3. The Board of Supervisors is willing to cooperate with the creation and operation of a special task force for bicycle safety on the Diablo Road corridor between Green Valley Road and Mount Diablo Scenic Boulevard. However, the County’s participation is limited to cooperation and cannot take the lead in any such activity because of lack of jurisdiction over most of the area under consideration.

SECURITY. Deputy Sheriff Daniel Buergi reported one credit card fraud case during the last month. Traffic is about the same, except for an increase in large trucks. With regard to the trucks, the issue is not so much the weight as the length because they are unable to turn around on certain dead-end streets in Diablo.

Deputy Buergi suggested that the limit line at the intersection of Alameda Diablo and Clubhouse Road should be moved approximately 10 foot forward.

Deputy Buergi suggested that adoption of the California vehicle code for roads in Diablo would be of great assistance for the deputies in enforcing safe traffic within Diablo.

ROADS BRIDGES & CULVERTS.

1. The matter of the weight and length limits for trucks using Diablo roads was continued to next meeting.
2. On motion of Director Hoffman, second by Director Torru, it was unanimously passed that \$20,000 be appropriated for concrete repair to the entry bridge.
3. Approval of up to \$5,000 for the minor repairs at the entry bridge, including the correction of road settling on the Diablo Road side of the bridge, was deferred to a future meeting.
4. Action regarding the removal of roots and repair of ~~pinata~~ Canada Via Road was continued to a future meeting.
5. Director, Mini agree to work with Mugs Freeman and the Historical Committee for the design and installation of the Jim Stone Plaque

FINANCIAL REPORT. Director Torru presented the financial report for the month of February 2015. Director Torru also reminded board members and staff the budget requirements must be in by the April meeting at which time an initial budget will be established.

Vice President Chow thanked all persons for their participation and attendance at this meeting.

Vice President Chow called the next meeting for April 14, 2015. There being no further business, the meeting adjourned at 9:00 p.m.

Diablo Community Service District
By

Richard J. Breitwieser, Secretary

Diablo Community Service District
Profit and Loss Statement
8 months ended February 28, 2015

	July	August	September	October	November	December	January	February	YTD	Prior YTD	Budget
<i>Income</i>											
Ad Valorem Taxes	\$0	\$0	\$0	\$0	\$11,273	\$189,956	\$0	\$668	\$201,897	\$181,933	\$181,500
Road & Security Fees	0	0	0	0	0	124,153	0	0	124,153	178,706	120,124
Traffic Fines	84	239	21	39	0	1,089	449	0	1,921	5,483	3,200
Interest Income	21	21	19	20	17	9	6	5	118	179	100
Total Income	105	260	40	59	11,290	315,207	455	673	328,089	366,301	304,924
<i>Expenses</i>											
Sheriff Security	27,450	27,750	30,364	28,475	23,138	28,122	24,709	28,557	218,565	208,343	222,000
Auto Repairs	196	0	0	49	0	0	0	67	312	4,306	2,500
Cell Phone	0	0	0	0	200	0	0	0	200	100	300
Other	0	0	0	0	0	0	0	0	0	9	61,800
Road Maintenance	0	552	8,479	85,800	496,405	16,070	3,409	0	610,715	290,902	565,000
Bridge Maintenance	0	0	22,279	39,000	0	0	0	0	61,279	0	88,000
Bridge/Culvert Engineering	0	0	0	0	0	0	0	0	0	975	10,000
Storm Drain Maintenance	0	0	0	0	0	0	0	0	0	1,769	12,000
Tree, Bush and Weed Trimming	0	0	0	0	0	0	0	0	0	4,816	5,000
Gardener	0	0	0	800	0	0	0	240	1,040	900	800
Trail and Creek Maintenance	0	0	0	0	0	0	0	0	0	4,929	5,000
Entrance & Island Maint	0	0	0	0	6,000	0	0	0	6,000	0	0
General Manager	1,750	1,750	1,750	1,750	1,750	1,750	1,750	1,750	14,000	14,000	14,000
Legal Retainer	1,850	1,850	1,850	1,850	1,850	1,850	1,850	1,850	14,800	14,800	14,800
Records Storage	0	0	0	0	0	0	0	1,128	1,128	1,128	1,150
Audit	0	0	0	0	0	0	2,500	0	2,500	0	0
Legal Notices and Fees	0	0	0	0	0	1,500	0	0	1,500	42	100
Assessors Roll	0	0	54	0	0	0	0	0	54	0	375
Insur Director and Officers	0	0	0	0	0	0	8,889	0	8,889	8,421	8,500
Insur Commercial and Auto	0	0	0	3,552	0	0	0	0	3,552	3,444	3,500
Insur Excess General Liability	0	0	0	4,125	0	0	0	0	4,125	4,125	4,150
DMAC Operating Expenses	0	0	0	92	0	0	0	0	92	148	125
Administrative	5	66	-2	6	56	40	5	839	1,015	557	500
Depreciation Expense	132	132	132	132	132	132	132	132	1,056	6,733	2,753
Miscellaneous	0	0	0	0	0	1,971	288	98	2,357	5,638	3,250
Total Expenses	31,383	32,100	64,906	165,631	529,531	51,435	43,532	34,661	953,179	576,085	1,025,603
Net Income	-31,278	-31,840	-64,866	-165,572	-518,241	263,772	-43,077	-33,988	-625,090	-209,784	-720,679

Diablo Community Service District
Balance Sheet
February 28, 2015

	July	August	September	October	November	December	January	February
ASSETS								
Current Assets								
Wells Fargo Checking Acct	\$475,461	\$496,655	\$427,102	\$299,603	\$530,081	\$548,741	\$488,562	\$484,364
Wells Fargo Money Market 2	830,645	780,665	780,685	780,705	480,721	230,730	230,736	230,741
Accounts Receivable	0	0	0	1,143	1,143	1,143	1,143	0
Total Current Assets	1,306,106	1,277,320	1,207,787	1,081,451	1,011,945	780,614	720,441	715,105
Property and Equipment								
Computer Equip	5,917	5,917	5,917	5,917	5,917	5,917	5,917	5,917
Automobile	63,610	63,610	63,610	63,610	63,610	63,610	63,610	63,610
Accumulated Depreciation	-65,316	-65,448	-65,579	-65,711	-65,842	-65,974	-66,106	-66,237
Total Property and Equipment	4,211	4,079	3,948	3,816	3,685	3,553	3,421	3,290
Other Assets								
Automobile Sinking Fund	62,833	62,833	62,833	62,833	62,833	62,833	62,833	62,833
Bridge Sinking Fund	65,000	70,000	75,000	80,000	85,000	90,000	95,000	100,000
Total Other Assets	127,833	132,833	137,833	142,833	147,833	152,833	157,833	162,833
Total Assets	1,438,150	1,414,232	1,349,568	1,228,100	1,163,463	937,000	881,695	881,228
LIABILITIES AND CAPITAL								
Current Liabilities								
Accounts Payable*	59,990	62,914	58,114	97,518	550,734	50,888	33,659	62,181
Accrued Expenses	300	300	300	0	0	0	0	0
Total Current Liabilities	60,290	63,214	58,414	97,518	550,734	50,888	33,659	62,181
Long-Term Liabilities								
Other Liabilities	127,833	132,833	137,833	142,833	147,833	152,833	157,833	162,833
Total Long-Term Liabilities	127,833	132,833	137,833	142,833	147,833	152,833	157,833	162,833
Total Liabilities	188,123	196,047	196,247	240,351	698,567	203,721	191,492	225,014
Capital								
Opening Balance Equity	1,239,979	1,239,979	1,239,979	1,239,979	1,239,979	1,239,979	1,239,979	1,239,979
Retained Earnings	41,324	41,324	41,324	41,324	41,324	41,324	41,324	41,324
Net Income	-31,278	-63,117	-127,983	-293,555	-816,408	-548,025	-591,102	-625,089
Total Capital	1,250,025	1,218,186	1,153,320	987,748	464,895	733,278	690,201	656,214
Total Liabilities & Capital	1,438,148	1,414,233	1,349,567	1,228,099	1,163,462	936,999	881,693	881,228

Diablo Community Service District
Cash Flow Statement
8 months ended February 28, 2015

	July	August	September	October	November	December	January	February	Year to Date
<i>Cash Flows from operating activities</i>									
Net Income	\$ (31,278)	\$ (31,840)	\$ (64,866)	\$ (165,572)	\$ (518,241)	\$ 263,772	\$ (43,077)	\$ (33,988)	\$ (625,090)
Adjustments to reconcile net income to net cash provided by operating activities									
Accumulated Depreciation	132	132	132	132	132	132	132	132	1,053
Accounts Receivable				-1,143				1,143	-0
Accounts Payable	27,646	2,923	-4,800	39,404	448,604	-495,234	-17,229	28,521	29,836
Accrued Expenses	0	0		-300					-300
Total Adjustments	27,777	3,055	-4,669	38,093	448,736	-495,102	-17,097	29,795	30,588
Net Cash provided by Operations	-3,501	-28,785	-69,535	-127,479	-69,505	-231,330	-60,174	-4,193	-594,502
<i>Cash Flows from investing activities</i>									
Used For									
Automobile Sinking Fund									0
Bridge Sinking Fund	-5,000	-5,000	-5,000	-5,000	-5,000	-5,000	-5,000	-5,000	-60,000
Net cash used in investing	-5,000	-5,000	-5,000	-5,000	-5,000	-5,000	-5,000	-5,000	-60,000
<i>Cash Flows from financing activities</i>									
Proceeds From									
Other Liabilities	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	60,000
Used For									
Net cash used in financing	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	60,000
Net increase <decrease> in cash	-3,501	-28,785	-69,535	-127,479	-69,505	-231,330	-60,174	-4,193	-594,502
<i>Summary</i>									
Cash Balance at End of Period	1,306,106	1,277,320	1,207,787	1,080,308	1,010,802	779,471	719,298	715,105	715,105
Cash Balance at Beg of Period	-1,309,606	-1,306,106	-1,277,320	-1,207,787	-1,080,308	-1,010,802	-779,471	-719,298	-1,309,606
Net Increase <Decrease> in Cash	\$ (3,500)	\$ (28,786)	\$ (69,533)	\$ (127,479)	\$ (69,506)	\$ (231,331)	\$ (60,173)	\$ (4,193)	\$ (594,501)