

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING AGENDA
DIABLO ROOM, DIABLO COUNTRY CLUB
TUESDAY, MARCH 10, 2020 7:30 p.m.**

CALL TO ORDER:

President: Ray Brant

ROLL CALL:

Secretary: Jeff Eorio

Brant, Urbelis, Becker, Eorio, Isom

1. **PUBLIC COMMENTS:** *Public comments will be taken on any subject including items on this agenda and are limited to 3 minutes per person when speaking in English, and 6 minutes per person when using a translator. Comments by the audience are not intended to result in a dialogue between members of the audience or between the audience and the Board. Please note that under Brown Act regulations, no member of the Board may engage in any discussion, other than a brief comment or request for clarification, of any item raised by any member of the audience unless that item is included as an agenda item.*

2. **ACTION ITEM:** Approve minutes of February 11, 2020 Special Meeting
Approve minutes of February 11, 2020 Regular Meeting
Approve minutes of February 20, 2020 Special Meeting

3. **REPORTS**
 - CONTRA COSTA COUNTY:** Alicia Nuchols
 - DIABLO COUNTRY CLUB:** Hank Salvo
 - DIABLO PROPERTY OWNERS:** Dana Pingatore
 - ROADS:** Director Becker
 - SECURITY:** Deputy Sheriff Dan Buergi
 - a) Presentation of Security Report for February 2020
 - b) **ACTION ITEM:** Consider approving the sheriff's request for 20 hours of deputy overtime to address traffic concerns.
 - c) **ACTION ITEM:** Consider approving installation of a stop sign on Alameda Diablo Rd heading east, at the corner of Alameda Diablo and Club House Rd.

4. **COMMENTS BY DIRECTORS:**

5. **CLOSED SESSION:**
 - a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (d) (1) (Cervantes et al. v. Diablo Community Services District et al., Contra Costa Superior Court Case No. C17-02529)

6. **RECONVENE OPEN SESSION:** Report any action(s) taken.

7. **CALL OF NEXT MEETING/ADJOURNMENT:** The next DCSD Regular Board meeting is scheduled for April 14, 2020 at 7:30 p.m. in the Diablo Room of the Diablo Country Club.

Diablo Community Services District by

Kathy Torru, General Manager

DCSD Board Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet, or other writings that may be distributed at the meeting should contact the General Manager at least one working day before the meeting at generalmanager@diablocsd.org. Notification in advance of the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Public records that relate to any item on the open session agenda are available for public inspection by contacting the General Manager and on the District's website <http://diablocsd.org>.

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
SPECIAL MEETING MINUTES
DIABLO ROOM, DIABLO COUNTRY CLUB
TUESDAY, FEBRUARY 11, 2020 6:30 p.m.**

CALL TO ORDER:

President Ray Brant called the meeting to order at 6:30 p.m.

ROLL CALL:

Secretary Jeff Eorio called the roll as follows:

Directors present: Brant, Urbelis, Becker, Eorio,

Directors absent: Isom

1. **COMMENTS FROM THE AUDIENCE:** None
2. **CLOSED SESSION:**
 - a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1) (Cervantes et al. v. Diablo Community Services District et al., Contra Costa County Superior Court Case No. C17-02529).
3. **RECONVENE OPEN SESSION:** At 7:13 p.m. President Brant stated that there were no reportable actions.
4. **CALL OF NEXT MEETING/ADJOURNMENT:**

President Brant called the next meeting for February 11, 2020, following the conclusion of this meeting. There being no further business, the President adjourned the meeting at 7:15 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
DRAFT MINUTES
DIABLO ROOM, DIABLO COUNTRY CLUB
February 11, 2020 7:30 p.m.**

CALL TO ORDER: President Ray Brant called the meeting to order at 7:30 p.m.
ROLL CALL: Secretary Jeff Eorio called the roll as follows:

**Directors present: Brant, Urbelis, Becker, Eorio,
Directors absent: Isom**

1. COMMENTS FROM THE AUDIENCE: None

President Brant welcomed and introduced Jarvis, Fay & Gibson attorney Alexandra Barnhill who will be the District's acting General Counsel while Christie Crowl is on maternity leave.

President Brant also welcomed and introduced Kathy Torru as the District's General Manager.

2. ACTION ITEMS:

- a. General Counsel Crowl requested that the Board consider adding urgent agenda item 6, "Closed Session – Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2)." Ms. Crowl explained that the District received information in the last 72 hours, after the agenda was posted, regarding the District's current and prospective insurance that relates to the Maayan Jones Administrative Claim. Ms. Crowl further explained that this information required immediate attention and possible action by the Board.

On motion by Director Becker, second by Director Urbelis, the Board voted to add the following urgent item 6 to the agenda, finding that (1) information came to the attention of the District following the agenda being posted, and (2) the item needed immediate attention and possible action: "Closed Session - Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2)."

Ayes: Brant, Urbelis, Becker, Eorio
Noes: None
Abstentions: None
Absent: Isom

- b. On motion of Director Urbelis, second by Director Eorio, the minutes of the January 14, 2020 Regular Meeting were approved.

Ayes: Brant, Urbelis, Becker, Eorio
Noes: None
Abstentions: None
Absent: Isom

- c. On motion of Director Urbelis, second by Director Eorio, the minutes of the January 14, 2020 and January 27, 2020 Special Meetings were approved.

Ayes: Brant, Urbelis, Becker, Eorio
Noes: None
Abstentions: None
Absent: Isom

3. REPORTS:

CONTRA COSTA COUNTY: No report

DIABLO COUNTRY CLUB: No report

DIABLO PROPERTY OWNERS REPORT: DPOA President Dana Pingatore reported that the Historical Preservation Committee is about to publish a book that tells the story of the 53 historical homes in Diablo. The book is being published with donations from residents and every homeowner will receive a copy of the book free of charge.

ROADS: Director Brant reported that the contract has been signed to repair the culvert on El Nido. The work should take 3-4 days. Director Urbelis will communicate the work schedule to the affected residents. General Counsel stated that the contract had been negotiated per the Board's previous direction and that the contractor had agreed to use the District's standard contract template.

SECURITY: Deputy Sheriff Dan Buergi presented the January 2020 Security Report. He reported that there was one attempted burglary/vandalism on a home on La Cadena. A patio lawn chair was used to break the living room window. It does not appear that perpetrator entered the home.

FINANCIAL: No report

4. ACTION ITEMS:

- a. District Insurance: Director Brant explained that the District had recently contracted for general management services with Kathy Torru, and that this item would be continued to a future meeting when Ms. Torru and the Board acquired additional information for consideration.
- b. Acceptance of FY2019 Audit: The General Manager presented the 2019 audit report, noting that the District received an unqualified opinion with no misstatements, insufficient supporting evidence or internal control deficiencies noted.

On motion of Director Urbelis, second by Director Becker, the 2019 audit report was accepted:

Ayes: Brant, Urbelis, Becker, Eorio
Noes: None
Abstentions: None
Absent: Isom

5. COMMENTS BY DIRECTORS:

Director Becker thanked Kathy Torru for accepting the contract General Manager role, and explained that he had heard from a few members of the community that the General Manager position should be filled by someone not connected with the previous Board, but that none of them had actually stepped forward to apply for the position. He further stated that the Board has actively posted the position and searched for someone to fill it for quite some time. He finally expressed that the entire Board sincerely appreciates Kathy's continued interest in the District and her willingness to serve as the General Manager, and lauded her vast knowledge of the District's history and her multi-faceted skills that make her a true asset for the District.

Director Eorio seconded Director Becker's comments and requested that the District consider expanding its presence in the *Devil's Advocate* by including more in-depth discussion of Board activities and actions, including reminders of the purpose of the District and the functions it performs.

6. **CLOSED SESSION:** President Brant adjourned the meeting to closed session at 7:50 pm. Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2): Maayan Jones Administrative Claim.
7. **RECONVENE OPEN SESSION:** At 8:55 pm President Brant reported that there were no reportable actions taken in closed session.
8. **CALL OF NEXT MEETING/ADJOURNMENT:** President Brant called the next meeting for March 10, 2020. There being no further business, the President adjourned the meeting at 8:57 pm.

Diablo Community Services District by

Kathy Torru, General Manager

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
SPECIAL MEETING MINUTES
DIABLO ROOM, DIABLO COUNTRY CLUB
THURSDAY, FEBRUARY 20, 2020 9:00 a.m.**

CALL TO ORDER:

President Ray Brant called the meeting to order at 9:00 a.m.

ROLL CALL:

President Brant called the roll as follows:

Directors present: Brant, Urbelis, Becker, Isom,

Directors absent: Eorio*

1. **COMMENTS FROM THE AUDIENCE:** None
2. **CLOSED SESSION:**
 - a. CONFERENCE WITH LEGAL COUNSEL –ANTICIPATED LITIGATION pursuant to Government Code Section 54956.0 (d)(2) (Facts and circumstances resulting in significant exposure to litigation – receipt of a claim pursuant to the Government Claims Act from the Estate of Maayan Jones).
3. **RECONVENE OPEN SESSION:** At 10:28 a.m. District Counsel Crawl stated that there were no reportable actions.
4. **CALL OF NEXT MEETING/ADJOURNMENT:**

President Brant called the next meeting for March 10, 2020. There being no further business, the President adjourned the meeting at 10:30 a.m.

Diablo Community Services District by

Kathy Torru, General Manager

*Director Eorio called in for the Closed Session

STAFF REPORT

DATE: March 10, 2020
TO: DCSD Board Members
FROM: Kathy Torru, General Manager
RE: Sheriff request for 20 hours of overtime for March 2020 through September 2020

I. Background

The District has historically experienced an increase in vehicular, cyclist, and pedestrian traffic on Diablo's roads during the Spring and Summer months. As the weather improves the Club's swim team meets and practices more frequently, the Club holds outdoor events and attracts more golfers, and minor residents are out of school.

In the opinion of the Sheriff's Department, the increase in traffic on Diablo's roads during the Spring and Summer necessitates provision of additional sheriff services starting this month and lasting through September. The Sheriff's Department therefore requests 20 additional hours of deputy overtime per month in order to help reduce the risk of accidents and increase safety on the roads.

The cost of the additional 20 hours of overtime is approx. \$2,000 per month.

II. California Environmental Quality Act

The impact of approving this overtime request is a fiscal one. This approval will not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment pursuant to California Environmental Quality Act ("CEQA") Guidelines 15378.

III. Recommended Action

Approve the Sheriff Department's request for an additional 20 hours of overtime each month beginning in March 2020 and ending in September 2020 at the cost of approx. \$2,000 per month.

STAFF REPORT

DATE: March 10, 2020
TO: DCSD Board Members
FROM: Kathy Torru, General Manager
RE: Stop sign on Alameda Diablo at Club House Road

I. Background

The Intersection at Alameda Diablo and Club House Road is a heavily traveled section of road in Diablo. There are three different entrances to the intersection but only two entrances that require a full stop (i.e. traversing south on Club House Road, and west on Alameda Diablo).

Given that traversing east on Alameda Diablo at the intersection of Club House Road does not currently require a full stop, this intersection is challenging to navigate. After witnessing the navigational difficulties that drivers, pedestrians, and cyclists have at this intersection, the Sheriff's Department brought this intersection to the District's attention and also reported that a two-vehicle accident occurred at this intersection just this past month.

The Sheriff's Department has therefore requested that the District consider adding a stop sign on Alameda Diablo heading east at the corner of Alameda Diablo and Club House Road to enhance the safety of that intersection.

II. California Environmental Quality Act

This stop sign would be located on the current paved portion of the road. Installation of the sign does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment pursuant to California Environmental Quality Act ("CEQA") Guidelines 15378. Further, installation of the sign is exempt from CEQA pursuant to sections 15303 (New Construction of Small Structures), 15304 (Minor Alterations to Land) and 15311 (Accessory Structures).

II. Recommendation

Approve installation of a stop sign on Alameda Diablo at Club House Road.