

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
SPECIAL MEETING
APPROVED MINUTES
DIABLO COUNTRY CLUB
TUESDAY, JANUARY 22, 2019 6:00 p.m.**

CALL TO ORDER: President Ray Brant, opened the meeting at 6:00

ROLL CALL: Secretary, Jeff Eorio

Directors: Brant, Urbelis, Becker, Eorio, Isom

PUBLIC COMMENTS:

Arlene Reed, asked if there is there a time we will find out about the outcome of the Tiernan lawsuit and is there any other litigation possibility? President Brant stated that there would be an announcement if there were a settlement. Counsel Crowl explained how we notice closed sessions and explained how notices are done and what the exceptions may be within the Brown Act and that the Board is in current litigation.

Paul Ambrose stated that in the recent election all three new candidates expressed their commitment to transparency and that the board should state any potential settlement as quickly as possible.

Nicola Place urged the Board to defend keeping open the cut through for the benefit of Mt. Diablo Scenic residents.

Rick Tyren, urged the Board to keep the pathway open.

Winston Cervantes expressed the disappointment of neighbors on Mt. Diablo Scenic and why are not settlement ideas being put forth? Transparency is important and please keeps community advised.

David Sketchly, resident for 30 years who has been paying for DCSD fees but no benefit to Mt. Diablo Scenic neighbors. Please keep pathway open and use funds to benefit all residents.

Kay Bass had a question regarding the lawsuit, what has the Board learned about what we can and cannot do as a result of the lawsuit. Director Becker stated that he is aware of the transparency issue, and the Board is aware of legal restrictions.

Ann Coleman would like a community meeting for the purpose to discuss all of these issues. Only residents, and recognizes that the DCSD cannot host such a meeting.

Dee Geisler, distributed letters to each Director.

Tony Geisler agreed for the need of transparency. Some troubling details have surfaced about a five-page letter that has been sent to the DA, Grand Jury and implies criminal intent by the DCSD. Additionally the FPPC complaint filed against Leonard Becker regarding his participation, as these were anonymous complaints, which is disturbing.

President Brant adjourned the meeting to the closed session at 6:15

1. **CLOSED SESSION:**

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1) (Tiernan et al. v. Diablo Community Services District et al., Contra Costa County Superior Court Case No. C17-02529; additional cases unknown) and CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9(d)(2) (significant exposure – 1 case).

2. **RECONVENE OPEN SESSION:**

President Brant requested District Counsel Crowl report out on the closed session, she stated that there was no reportable action to report for the item on the closed session as it is not required to report any action but the Board wants to report that it is going to continue its efforts to engage in settlement discussions and will be undertaking some due diligence of its own in order to pursue those efforts and will hold a special meeting as soon as it has the information it needs, potentially in the next few weeks.

3. **ADJOURNMENT:** The next DCSD Regular Board meeting is scheduled for February 12, 2019 at 7:30 pm in the Diablo Room of the Diablo Country Club at 8:05 pm.