

ATTACHMENT 1

STAFF REPORT

DATE: September 14, 2021
TO: DCSD Board Members
FROM: Kathy Torru, General Manager
RE: First reading of Ordinance Code update

I. Introduction

The District has the authority to adopt and enforce rules and regulations for the administration, operation, use and maintenance of the facilities and services it provides (see Gov. Code §61060 as well as the District's formation documents recorded May 15, 1969, which are referred to herein as the "Formation Documents.") The District adopted its existing ordinance code in 1993 (the "1993 Ordinance Code").

Since that time, there have been changes to state law and the District's fees (including but not limited to enactment of Proposition 218, amendments to the California Vehicle Code, and the District's adoption of Measure B). The District desires to amend the 1993 Ordinance Code in order to (1) address changes in the law, (2) clarify certain provisions that may cause or have caused confusion, and (3) ensure that the ordinance code conforms to the intent of the Formation Documents. As explained further herein and in response to comments in section IV below, the 1993 Ordinance Code is well overdue for updating and re-organization, which is why the draft 2021 Ordinance Code proposes to repeal and replace the 1993 Ordinance Code.

II. Background

Updated Ordinance Code introduced; town hall meeting

In May of 2018, the Board considered a first reading of a draft update to the 1993 Ordinance Code. The Board received comments regarding the need for more public input and community outreach regarding updates to the 1993 Ordinance Code.

In July 2018, the Board held a "town hall"-style special meeting following mailed notice to all District residents in order to receive public comment on the draft update. Over 100 people attended the town hall meeting.

Tiernan, et al. vs. DSCD

While the District was in the process of updating the 1993 Ordinance Code, it was the defendant in litigation that had been initiated in late 2017 (*Tiernan, et al v. DCSD*, Contra Costa Superior Court Case No. C17-02529). That litigation involved allegations regarding the 1993 Ordinance Code and the District's enforcement thereof. Following the July 2018 town hall meeting, the District postponed updating the 1993 Ordinance Code pending resolution of the litigation.

In April 2019, another party intervened in the *Tiernan* litigation and also named the District as a defendant. In June 2019, the District settled the lawsuit with the original *Tiernan* plaintiffs. In March 2020, the COVID-19 pandemic caused global, state, and local shutdowns of various public and private services, including the courts. In November 2020, the court granted the District's motion for summary judgment and dismissed the District from the case with the intervening plaintiffs. The District is no longer involved in the *Tiernan* case or any other litigation.

Partial update – public bidding procedures

In March 2021, the District updated part of the 1993 Ordinance Code by adding public bidding procedures necessary to continue its purpose and operations as required by the Uniform Public Construction Cost Accounting Act (included as Chapter 7 in the proposed 2021 Ordinance Code). The District now desires to move forward with updating the rest of the 1993 Ordinance Code, which includes updates related to the rulings in the *Tiernan* litigation.

August 2021 meeting

In advance of its August meeting, the Board only received a few written comments on the draft 2021 Ordinance Code. Nonetheless, the Board voted to continue the first reading of the 2021 Ordinance Code to this meeting. The remainder of the *Tiernan* litigation was set for hearing at the beginning of September, and despite the fact that the District is no longer involved in the litigation and that the outcome of the litigation would have no impact on the draft 2021 Ordinance Code, the Board decided to continue the item to this meeting. The Board also urged members of the public who have continually stated that there has been insufficient time to review the draft 2021 Ordinance Code to do so and to submit comments in advance of this meeting.

III. Overview of amendments to 1993 Ordinance Code

The ordinance code before you for first reading (the “2021 Ordinance Code”) is proposed to repeal and replace the 1993 Ordinance Code. As described in Section I above, given the length of time that has passed since adoption of the 1993 Ordinance Code, many of its provisions are obsolete. Other provisions were clarified or re-drafted to conform to the intent of the Formation Documents. The following is a general and non-exhaustive overview of the changes made to the 1993 Ordinance Code:

- Clarified definitions, including the list of Diablo-Maintained Streets
- Amended chapter(s) related to fees to reflect Measure B and current law
- Updated Vehicle Code references
- Updated/removed provisions to reflect current law and the District’s authority pursuant to the Formation Documents
- Updated/removed provisions to reflect the results of the *Tiernan* litigation, including removal of section 5-2-202 which erroneously suggested that the District has the authority to preclude the public from use of the roads within its jurisdiction.
- Clarified procedures relating to: removal of encroachments, repair of damage, installation of signs and cameras, requests to reclassify non-maintained streets, public hearings, and appeals of DCSD decisions
- Inclusion of the recently adopted bidding and procurement procedures
- Re-numbered and re-organized chapters/provisions for ease of use and reference.

IV. Public Comments Received

The 6 public comments received as of September 8, 2021 are included in **Attachment A** to this report. The General Manager, in consultation with General Counsel, has provided an overview of the general comments made and responses to those comments in this section IV. Please note that the below comments are summarized for brevity and clarity, but the full text of all comments are included in Attachment A.

District staff comments:

1. *General Manager Kathy Torru:*
 - The definition of DCSD Maintained Bridges in section 112 should refer to the “Dick Breitwieser Bridge” rather than the Alameda Diablo Bridge.
 - ***District Response:*** Correction made – staff recommends including the correct bridge name in the first reading.
2. *General Counsel Christie Crawl:*
 - Since the District has a longstanding regular meeting date/time, it should simply be included in section 800 instead of requiring the adoption of a separate resolution.

- **District Response:** Correction made – staff recommends that section 800 should state as follows: “800 Regular meetings. DCSD shall hold regular meetings on the second Tuesday of each month at 7:30 PM at the Diablo Country Club in accordance with all applicable laws. DCSD may use teleconference or other electronic means in the manner, time, and place set forth in the agenda notice for the meeting in accordance with all applicable laws.

Community comments:

1. *Tim and Cathy Gonzalez:*

- **T&C G. Comment 1:** The definition of Kay’s Trail in section 112 contains the wrong address.
 - **District Response 1:** Correction made – staff recommends including the correct address in the first reading.
- **T&C G. Comment 2:** Section 112 defines vehicles to include bicycles but paragraph 416 obligates bicycle riders (vehicle operators) to stop at posted stop signs. Please indicate how DCSD plans to enforce this requirement.
 - **District Response 2:** The sheriff issues tickets when a violation is observed, whether for a bicycle or a motor vehicle.
- **T&C G. Comment 3:** Section 404 prohibits construction of access for motor vehicles other than the 3 existing passages listed in section 402 but is silent on access for non-motorized vehicles. The new ordinance should address if Kay’s Trail can be converted from its designation as an equestrian trail. This trail was identified as an equestrian trail in the March 2018 special tax assessment and the new ordinance code should honor that representation made to voters.
 - **District Response 3:** Correction made – staff recommends modifying the definition of Kay’s Trail to be consistent with the dedication. Kay’s Trail was dedicated to the District by Milton and Pattie Perlow in May 1982 as a hiking and equestrian trail. The District has installed signs at entrances to Kay’s Trail stating that it is a hiking and equestrian trail only and that bicycles are prohibited. In response to this comment, staff is recommending that the definition of Kay’s Trail in the draft 2021 Ordinance Code be modified to state that it is for equestrian and hiking use only consistent with the dedication. Staff is also aware that some members of the community have confused Kay’s Trail with the “cut-through” path between Alameda Diablo and Mt. Diablo Scenic, so we would like to take this opportunity to publicly distinguish Kay’s Trail and indicate that they are not the same. To that end, staff recommends the proposed changed wording to the definition of DCSD-Maintained Trail(s): “*Kay’s Trail is a hiking and equestrian trail located immediately south of 2358 Alameda Diablo. Pursuant to the dedication to the District, no bicycles or motorized vehicles are permitted on Kay’s Trail.*”

2. *Maryann Cella:*

- **MC Comment 1:** The District’s effort to update the 1993 Ordinance Code in 2018 resulted in community outcry and tabling of the update after two meetings attended by hundreds of residents made it clear that the community required a mark-up of the 1993 Ordinance Code to show exactly what changes are proposed and why changes are needed. There has never been a clear explanation of the proposed changes and this process has not been transparent. There has been minimum public notice and no mark-up of the 1993 Ordinance Code.
 - **District Response 1:** In July 2018, a letter was mailed to every resident of the District which explained why the District proposed to repeal and replace the 1993 Ordinance Code and included a document summarizing the proposed changes to the 1993 Ordinance Code. The mailed packet from 2018 is included as **Attachment B** to this staff report. As stated for the record at the previous meetings during which changes to the 1993 Ordinance Code have been considered, and as indicated in this

staff report, there are portions of the 1993 Ordinance Code that are: (1) outdated (e.g., all provisions relating to fees and assessments – the District adopted Measure B in 2017), (2) legally invalid (e.g., incorrect/outdated state law references, provisions exceeding the District’s authority, etc.), and (3) unclear and potentially unenforceable (e.g., encroachment provisions). The 1993 Ordinance Code also does not include certain minimum standards, such as hearing and appeal procedures, and is not clearly organized for ease of use or reference. For these reasons, which have been stated publicly at the July 2018 town hall and all other meetings related to the Ordinance Code update, the District is proposing to repeal and replace the 1993 Ordinance Code.

- **MC Comment 2:** The Board should vote to table the proposed update to the 1993 Ordinance Code until each resident has been mailed a clear explanation of each proposed specific change and the District returns to in-person meetings to hear comments and answer questions. In a community of only 350 homes, residents should be afforded ample opportunity to participate in important District actions like this.
 - **Response 2:** As explained in Response 1 above and Attachment B, the District provided the entire community with mailed copies of the proposed updates and has held multiple public meetings, including a special town hall meeting, to discuss the draft update. The District is not, nor has it ever been, legally required to notify all residents before amending its Ordinance Code, but has done so with regard to this update. Nor is it required to provide a “redline” depicting all changes to the 1993 Ordinance Code, which would be nearly impossible given that the proposed update is completely new and re-ordered. Further, most of the comments received at the town hall (and prior to this meeting) relate to the District’s approach to repealing and replacing the 1993 Ordinance Code rather than piecemeal amendments (see Response 1 above), and a general concern that the District was expressly allowing the public to use roads in Diablo. The District is a limited purpose special district with authority to maintain roads and provide security services – it does not have general zoning and/or other police powers like a city. Accordingly, the District’s Ordinance Code governs administration of that limited authority and does not – and cannot – expand any powers of the District. The *Tiernan* litigation confirmed that the District does not have the authority to exclude the public from use of roads within its boundaries. Finally, all meetings conducted via zoom are in compliance with applicable state laws and executive orders governing public meetings during the COVID-19 pandemic. The public has had, and continues to have, ample opportunity to comment on the draft update. Given the rise of the Delta variant, the District does not know when it will return to in-person meetings again and must continue to conduct its business.
- **MC Comment 3:** The 1993 Ordinance Code prohibits creation and maintenance of vehicular connectors into District-Maintained Roads. The draft 2021 Ordinance Code exempts bicycles from the definition of “vehicles” contrary to the California Vehicle Code’s definition of vehicles. This change exposes our community to safety and liability issues.
 - **District Response 3:** The 1993 Ordinance Code only prohibits construction of a “street, road or passageway to connect with any street, road or passageway in [the District] whereby said construction would create entrances or exits into said District other than” the entrances/exits located at “Alameda Diablo, Calle Arroyo, and Avenida Nueva.” (See sections 5-4-202 and 5-2-204.) The draft 2021 Ordinance Code clarifies that it prohibits construction of streets or passageways that create motor vehicle entrances/exits into Diablo other than Alameda Diablo/Diablo Road, Calle Arroyo/Diablo Road, and Avenida Nueva/Diablo Road. The draft 2021 Ordinance does include “bicycle” within its definition of “vehicle,” but not within the definition of “motor vehicle.”
- **MC Comment 4:** All references to private roads have been removed from the draft 2021 Ordinance Code except for the provision regarding posting of private road signs at the

entrances. Since Diablo's roads are private and owned by property owners, there is no reason for the Board to undercut those facts by removing the references to private roads.

- **District Response 4:** In the draft 2021 Ordinance Code, section 406 states that the roads within the District are private, and section 400 states that the roads within the District are owned by adjacent property owners. Further, the definition of DCSD-Maintained Streets in section 112 refers to the District's Formation Documents (Exhibit A to the draft 2021 Ordinance Code), which also state that the roads are private in nature. For reference, the 1993 Ordinance Code includes 11 references to "private roads," 9 of which are in the chapter discussing the addition of a road to the District's system. In any event, neither the District nor its Ordinance Code can change the nature of private property ownership, so removal of references to roads being "private" or additional references to roads being "private" would have no impact on the fact that the roads are generally owned to the centerline by adjacent property owners. To provide internal consistency between draft sections 400 and 406, staff recommends adding the word "privately" before the word "owned" in draft section 400. While the meaning of section 400 will remain the same, the first sentence would now read as follows: "*With few exceptions, the streets within Diablo are privately owned by the adjacent property owners to the middle of the street.*"
- **MC Comment 5:** The 1993 Ordinance Code contains a section on protections for Calle Los Callados and there is no justification for the proposed 2021 Ordinance Code to remove them.
 - **District Response 5:** In the draft 2021 Ordinance Code, section 404 states that no motor vehicle passage is permitted between Mt. Diablo Scenic and Calle Los Callados. Section 112's definition of DCSD-Maintained Streets in the draft 2021 Ordinance Code states that Calle Los Callados ends 20 feet from the west side of Mt. Diablo Scenic. The pedestrian gate is located on private property and the District does not have any legal authority to tell residents that fencing, let alone certain types of fencing, must be constructed or remain on their private property.

3. *Dee Geisler:*

- **DG Comment 1:** The proposed changes make it possible for there to be sweeping effects to Diablo residents, especially pedestrians, so the 1993 Ordinance Code should be left alone.
 - **District Response 1:** The draft 2021 Ordinance Code only governs administration of the District's limited powers to maintain the roads and provide security.
- **DG Comment 2:** The commenter expressed concerns about pedestrian safety, particularly with regard to vehicles and bicycles passing pedestrians, given her experiences. The commenter urged Board members to take time to be pedestrians to determine how to make informed decisions.
 - **District Response 2:** Comment noted. In accordance with its purpose and authority, the District provides security to the community and relies on the sheriff to enforce laws relating to dangerous or reckless operation of bicycles and other vehicles.
- **DG Comment 3:** Bicycle groups seem emboldened when they ride together in large numbers.
 - **District Response 3:** See District Response 2 above.
- **DG Comment 4:** Since some [members of the Board or the District] want to open up the community to all types of vehicles, you must also be in favor of having a large group of strangers use our streets which is what will happen if the 1993 Ordinance Code is repealed and replaced.
 - **District Response 4:** See District Response 2 to MC Comment 2 above. The District is not authorized to preclude the public from using roads within its boundaries. If the 1993 Ordinance Code was repealed today but not replaced with any new code at all, the same would be true.

4. *Ray Brant:*

- **RB Comment 1:** In 2018 the District held special open meetings to get input from residents about the update to the ordinance code and residents previously made it clear that proposed changes to the ordinance code should be sent via regular mail with a redline of the 1993 Ordinance Code identifying the changes to it, proposed changes under each provision to be changed, and the reason/justification for each change.
 - **District Response 1:** See District Responses 1 and 2 to MC Comments 1 and 2 above.
- **RB Comment 2:** The District is not respecting the wishes of our residents and is trying to make changes to the 1993 Ordinance Code while the Board is conducting Zoom meetings due to COVID-19. The update should take place after the Board can hold public meetings.
 - **District Response 2:** See District Response 2 to MC Comment 2 above. All Board meetings held via Zoom during the pandemic are public meetings. Additionally, the community has now had more than 35 days to review and comment on the draft 2021 Ordinance Code from the date that the August agenda item was posted, and has had almost 3 years to provide comments or otherwise engage in the update process with staff or any member of the Board. Staff does not advise that the Board wait until the pandemic allows safe in-person meetings to continue its duty to the community to conduct its business.

5. *David Mackesey:*

- **DG Comment 1:** This commenter sent support for the comments made by Maryann Cella above.
 - **District Response 1:** See District Responses provided in IV.2 above.

6. *Mugs Freeman:*

- **MF Comment 1:** This commenter sent support for the comments made by Maryann Cella above.
 - **District Response 1:** See District Responses provided in IV.2 above.

V. CEQA Compliance

The 2021 Ordinance Code provides rules and regulations pertaining to District administration, security, and maintenance of existing District roads. Adoption of the 2021 Ordinance Code is a legislative action that is not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378. Even if adoption of the 2012 Ordinance Code was considered a project, it is exempt from CEQA pursuant to sections 15061(b)(3) and 15301 of the CEQA Guidelines.

VI. Recommendation: waive first reading of and introduce 2021 Ordinance Code

We recommend that the Board move to waive the first reading of and introduce the proposed 2021 Ordinance Code with the corrections/changes recommended in section IV above.

**STAFF REPORT
ATTACHMENT A**

From: Tim Gonzalez tkgonzo@gmail.com
Subject: DCSD Ordinance Update
Date: August 8, 2021 at 6:15 PM
To: DCSD General Manager generalmanager@diablocsd.org

TG

Cathy and I are long term residents of Diablo. I have reviewed the proposed agenda for the DCSD meeting this Tuesday, including the attachments. We have not been in residence the last 4 weeks, so it's possible this information was mailed to our PO Box. If this information, and the related proposal to adopt a completely new ordinance, was not mailed to all property owners in Diablo, you should not move ahead with the adoption of the new ordinance. There was a significant effort in July 2018 to notify all owners and hold community wide meetings about changes to the ordinance. I understand litigation stalled efforts to complete this dialogue with owners. Now that litigation is settled, it seems you should restart the community wide communication about what changes are being proposed—it's been 3 years since the last community forum.

I did review the proposed ordinance and had the following comments:

1. Paragraph 112 defines DCSD maintained trails as "Kay's Trail, which is located immediately south of 2084 Alameda Diablo". That address is not correct.
2. Paragraph 112 also defines vehicles to include all bicycles. Paragraph 416 obligates all bicycle riders (vehicle operators) to stop at all posted stop signs in the community as listed in paragraph 418. Please indicate how the DCSD plans to enforce this requirement.
3. Paragraph 404 prohibits the construction of any access for motor vehicles other than the 3 existing passages listed in paragraph 402. The ordinance is silent on access for non-motorized vehicles. Specifically, the new ordinance should address if Kay's Trail can be converted from its designation as an equestrian trail—which was clearly set forth in the March 2018 special tax assessment voted on by owners. In other words owners were informed the trail would be used as an equestrian trail, and we would pay taxes to DCSD to maintain this equestrian trail. Why doesn't the new ordinance continue to identify the trail as an equestrian trail, and honor the representation made in the 2018 tax vote.

Regards,

Tim Gonzalez
tkgonzo@gmail.com
925.683.8065

From: Maryann Cella maryann.cella@gmail.com
Subject: Fwd: Repeal and Replace Redux
Date: August 9, 2021 at 8:16 AM
To: kathytorru@sbcglobal.net



My email to your csd address was blocked, so I am resending it to your address as above.

Maryann

----- Forwarded message -----

From: Maryann Cella <maryann.cella@gmail.com>
Date: Mon, Aug 9, 2021, 2:33 AM
Subject: Repeal and Replace Redux
To: Kathy Urbelis <kurbelis@diablocsd.org>, <lbecker@diablocsd.org>, <mcox@diablocsd.org>, Jeff EORIO <jeorio@diablocsd.org>, Christine Crowl <ccrowl@jarvisfay.com>, Kathy Torru <ktorru@diablocsd.org>

Dear Diablo Service District Board Members:

We were dismayed and disappointed to read the DCSD agenda for Tuesday, August 10 indicating a renewed effort to rush a drastic Repeal and Replace Ordinance Code through with the legal minimum public notice at a time when in-person DCSD meetings are not being held and many (including our family) are out-of-town on vacation.

A similar effort in 2018 resulted in a community outcry and ultimately a tabling of the proposed Repeal and Replace Ordinance Code. At that time, our community made it crystal clear at 2 public in-person meetings attended by hundreds of residents that any such drastic proposal must at a minimum include a mark-up of the existing Ordinance Code to show exactly what changes are being proposed and exactly WHY such changes are needed.

To date there has never been a clear explanation of the changes proposed in 2018, yet three years later, history is repeating itself as another anything-but-transparent process is undertaken to rush a drastic Repeal and Replace Code through with minimum public notice, no mark-up of the existing Code, and no clear explanation of WHY changes are proposed.

The Board should vote to table the proposed Code until each resident has been mailed a clear explanation of each proposed specific change to the existing Code, and there will be in-person DCSD meetings to hear comments and answer questions. In a community of only 350 homes, there is every reason to afford residents ample opportunity to participate in important DCSD actions like this.

Without the mark-up and explanation that should have been provided it is difficult to do a thorough evaluation of the proposed Code, but several proposed changes to the existing Code stand out as patently wrong and should be rejected:

1. The current Code prohibits the creation and maintenance of vehicular connectors into DCSD-maintained roads. The proposed Code, contrary to the CA Vehicle Code's definition of vehicles, inexplicably excepts bicycles from the definition of vehicles. That change exposes our community to a pandora's box of safety and liability issues.
2. All references to private roads have been removed except the one regarding the posting of the private roads signs at the 3 entrances. In that Diablo's are private and owned by the homeowners, there is no reason for the Board to undercut those facts by changing the Code to remove almost all references to private.
3. The current Code contains a section on protections for Calle Los Callados. There is no justification for the proposal to remove those protections.

Thank you for your consideration.

Sincerely,

Maryann and Brian Cella
Residents since 1991

Sent by cell phone

August 8, 2021

Dear Members of the DCSD Board:

I have recently learned that the Board is considering subtle changes in the Ordinance filed in 2018 regarding the use of the entrances to Diablo. These changes make it possible for there to be sweeping effects for Diablo residents, especially anyone who walks its streets. This letter is sent to you to ask you to leave the Ordinance as it is and work instead for friendlier streets for pedestrians.

How many of you walk either Calle Arroyo or Alameda Diablo on a regular basis? I have never seen several of you taking walks on either of those streets which makes me wonder how well you understand the gravity of this situation. I walk Calle Arroyo several times a week and am very aware of how pedestrians are regarded by all types of vehicles.

The worst experience I had was when walking west on Calle Arroyo facing traffic near the curve by the 16th hole. A large number of bicycles coming from Diablo Road came three abreast and suddenly appeared coming straight at me. There is about a 16 inch drop-off at that point, so I couldn't step off to get away from them. I knew nothing else to do but give them my "teacher stare" and hope they would go around. (Now I motion with my thumb for them to move aside.) They seemed to reluctantly cut away from me and go closely by me in passing. Being hit by a bicycle going 9 or 10 mph would not end well for a pedestrian on foot at 3 mph.

Most days are like this morning. The first bicyclist came speeding directly toward me and cut to the side about 4 yards ahead of me. Not comfortable but it is common. The second bicyclists were young boys who headed straight at me and seemed to be making no move to go around me. I motioned with my thumb to go around me which they did. The others began yielding 8 yards away, said, "Good morning" as I did and passed. That should be happening with every cyclist, but it is not. Next time might be different.

If you don't know what walking on these streets is like, you need to do it with those of us who do walk to make better informed decisions about what is best for Diablo.

Another fact is that bicycle groups often seem emboldened in numbers which may work well on Diablo Road but can be terrifying if not managed well on our Diablo streets. Even Dave Hammond recognizes that streets in Diablo are narrower than normal city streets. Why he doesn't apply that knowledge to understanding what is best for everyone on our streets baffles me. Again, try for yourself taking a walk and having 25 bicyclists coming toward you three abreast at 9-15 mph. Some are even timing themselves. Is that really appropriate for our streets in Diablo?

Residents in Diablo work hard to maintain good relations with each other and to improve our quality of life. We are here every day and want daily homecomings and recreation in Diablo to be pleasant. Since some of you wish to open up our community to all types of vehicles, you must also be in favor of having a large group of strangers use our streets who have no interest in whether Diablo thrives or is affected by your "open door policy." Is that truly what you want in repealing and replacing the current Ordinance?

Sincerely,

Dee Geisler
Resident since 1992

From: Ray Brant r_abrant@sbcglobal.net
Subject: Ordinance Code Changes
Date: August 9, 2021 at 3:55 PM
To: DCSD General Manager generalmanager@diablocsd.org



DCSD Board Members, General Manager and Legal Advisor,

I am very unhappy that the lesson we learned in 2018 is so easily forgotten. As a reminder we had special OPEN meetings to get input from our residents.

Our residents at that time made it very clear that proposed Ordinance changes were to be sent via regular mail to Diablo residents as follows:

1. The original ordinance with red lines through the proposed changed items.
2. Under the Ordinance to be changed the proposed new Ordinance.
3. Under the proposed new Ordinance the justification/reason for each change.

You not respecting the wish of our residents, you are trying to make changes while the BOARD is in COVID Zoom meeting mode.

I request that the Ordinance re write take place after you can have public meetings.

Ray Brant

From: Kathy Urbelis kurbelis@diablocd.org
Subject: Fw: August 10th meeting and agenda
Date: August 9, 2021 at 2:00 PM
To: DCSD General Manager generalmanager@diablocd.org



From: David M <dmackesey@gmail.com>
Sent: Monday, August 9, 2021 8:38 AM
To: Anthony Geisler <awgeisler@hotmail.com>; Kathy Urbelis <kurbelis@diablocd.org>; Leonard Becker <lbecker@diablocd.org>; Jeff Eorio <jeorio@diablocd.org>; Greg Isom <gisom@diablocd.org>; Matthew Cox <mcox@diablocd.org>
Cc: Maryann Cella <maryann.cella@gmail.com>
Subject: August 10th meeting and agenda

Dear Service District Representatives,

We respectfully request that the material proposed changes to the Ordinance Code on the August 10th agenda be given the privilege of proper governance process including community involvement.

We urge you to table this Tuesday action, and fulfill your fiduciary responsibility to the community,

David and Lynda Mackesey
Resident since 2006
925 640 2789

Dear Diablo Service District Board Members:

We were dismayed and disappointed to read the DCSD agenda for Tuesday, August 10 indicating a renewed effort to rush a drastic Repeal and Replace Ordinance Code through with the legal minimum public notice at a time when in-person DCSD meetings are not being held and many (including our family) are out-of-town on vacation.

A similar effort in 2018 resulted in a community outcry and ultimately a tabling of the proposed Repeal and Replace Ordinance Code. At that time, our community made it crystal clear at 2 public in-person meetings attended by hundreds of residents that any such drastic proposal must at a minimum include a mark-up of the existing Ordinance Code to show exactly what changes are being proposed and exactly WHY such changes are needed.

To date there has never been a clear explanation of the changes proposed in 2018, yet three years later, history is repeating itself as another anything-but-transparent process is undertaken to rush a drastic Repeal and Replace Code through with minimum public notice, no mark-up of the existing Code, and no clear explanation of WHY changes are proposed.

The Board should vote to table the proposed Code until each resident has been mailed a clear explanation of each proposed specific change to the existing Code, and there will be in-person DCSD meetings to hear comments and answer questions. In a community of only 350 homes, there is every reason to afford residents ample opportunity to participate in important DCSD actions like this.

Without the mark-up and explanation that should have been provided it is difficult to do a thorough evaluation of the proposed Code, but several proposed changes to the existing Code stand out as patently wrong and should be rejected:

1. The current Code prohibits the creation and maintenance of vehicular connectors into DCSD-maintained roads. The proposed Code, contrary to the CA Vehicle Code's definition of vehicles, inexplicably excepts bicycles from the definition of vehicles. That change exposes our community to a Pandora's box of safety and liability issues.

2. All references to private roads have been removed except the one regarding the posting of the private roads signs at the 3 entrances. In that Diablo's are private and owned by the homeowners, there is no reason for the Board to undercut those facts by changing the Code to remove almost all references to private.

3. The current Code contains a section on protections for Calle Los Callados. There is no justification for the proposal to remove those protections.

Thank you for your consideration.

Sincerely,

Maryann and Brian Cella
Residents since 1991

Sent by cell phone

From: Kathy Urbelis kurbelis@diablocsd.org
Subject: Fw: PLEASE DO NOT Begin Process of Repealing and Replacing Diablo's Ordinaces at a ZOOM meeting!
Date: August 9, 2021 at 2:01 PM
To: DCSD General Manager generalmanager@diablocsd.org

KU

Here is Marsh/Mugs.

From: marshmugs@aol.com <marshmugs@aol.com>
Sent: Monday, August 9, 2021 11:11 AM
To: Kathy Urbelis <kurbelis@diablocsd.org>; Leonard Becker <lbecker@diablocsd.org>; Matthew Cox <mcox@diablocsd.org>; Jeff Eorio <jeorio@diablocsd.org>; Greg Isom <gisom@diablocsd.org>
Cc: ccrowl@jarvisfay.com <ccrowl@jarvisfay.com>; ktorru@diablocsd.org <кторru@diablocsd.org>; maryann.cella@gmail.com <maryann.cella@gmail.com>; awgeisler@sbcglobal.net <awgeisler@sbcglobal.net>
Subject: PLEASE DO NOT Begin Process of Repealing and Replacing Diablo's Ordinaces at a ZOOM meeting!

Dear Kathy, Leonard, Jeff, Greg and Matthew,

Marsh and I strongly support Maryann Cella's letter (reprinted below) which urges you not to begin the process of repealing and replacing Diablo's Ordinance Code at a ZOOM meeting! This is such a hugely important and controversial matter that it should only be presented at a well publicized, open and in-public meeting.

Very sincerely and respectfully,

Marsh and Margaret "Mugs" Freeman, Former DCSD Board Member and Road Commissioner

----- Forwarded message -----

From: Maryann Cella <maryann.cella@gmail.com>
Date: Mon, Aug 9, 2021, 2:33 AM
Subject: Repeal and Replace Redux
To: Kathy Urbelis <kurbelis@diablocsd.org>, <lbecker@diablocsd.org>, <mcox@diablocsd.org>, Jeff EORIO <jeorio@diablocsd.org>, Christine Crowl <ccrowl@jarvisfay.com>, Kathy Torru <кторru@diablocsd.org>

Dear Diablo Service District Board Members:

We were dismayed and disappointed to read the DCSD agenda for Tuesday, August 10 indicating a renewed effort to rush a drastic Repeal and Replace Ordinance Code through with the legal minimum public notice at a time when in-person DCSD meetings are not being held and many (including our family) are out-of-town on vacation.

A similar effort in 2018 resulted in a community outcry and ultimately a tabling of the proposed Repeal and Replace Ordinance Code. At that time, our community made it crystal clear at 2 public in-person meetings attended by hundreds of residents that any such drastic proposal must at a minimum include a mark-up of the existing Ordinance Code to show exactly what changes are being proposed and exactly WHY such changes are needed.

To date there has never been a clear explanation of the changes proposed in 2018, yet three years later, history is repeating itself as another anything-but-transparent process is undertaken to rush a drastic Repeal and Replace Code through with minimum public notice, no mark-up of the existing Code, and no clear explanation of WHY changes are proposed.

The Board should vote to table the proposed Code until each resident has been mailed a clear explanation of each proposed specific change to the existing Code, and there will be in-person DCSD meetings to hear comments and answer questions. In a community of only 350 homes, there is every reason to afford residents ample opportunity to participate in important DCSD actions like this.

Without the mark-up and explanation that should have been provided it is difficult to do a thorough evaluation of the proposed Code, but several proposed changes to the existing Code stand out as patently wrong and should be rejected:

1. The current Code prohibits the creation and maintenance of vehicular connectors into DCSD-maintained roads. The proposed Code, contrary to the CA Vehicle Code's definition of vehicles, inexplicably excepts bicycles from the definition of vehicles. That change exposes our community to a pandora's box of safety and liability issues.
2. All references to private roads have been removed except the one regarding the posting of the private roads signs at the 3 entrances. In that Diablo's roads are private and owned by the homeowners, there is no reason for the Board to undercut those facts by changing the Code to remove almost all references to private.
3. The current Code contains a section on protections for Calle Los Callados. There is no justification for the proposal to remove those protections.

Thank you for your consideration.

Sincerely,

Maryann and Brian Cella
Residents since 1991

Sent by cell phone

**STAFF REPORT
ATTACHMENT B**

Date: July 10, 2018

To: Diablo Residents

From: Dick Breitwieser, DCSD General Manager

Subject: **DCSD Town Hall Meeting, Tuesday, July 24, 7:30-9 PM, Diablo Country Club**

The Diablo Community Services District (DCSD) Board of Directors is proposing a new Ordinance Code for Diablo to replace the existing 1993 Ordinance Code. This Town Hall meeting will explain the proposed changes to the Ordinance Code, answer your questions and solicit suggestions.

How should I prepare for the Meeting?

Attached are two documents which identify the proposed changes to the 1993 Ordinance Code. The first is a **Summary of Proposed Changes**, which provides you with an overview of the areas that are being changed and why. For those who prefer to review the line-by-line differences, a second document, **Detailed Differences Proposed per Ordinance**, is included. You can download copies of the 1993 Ordinance Code and the proposed 2018 Ordinance Code from our website: www.diablocsd.org.

What is the Meeting Agenda?

- I. DCSD formation and the role of the Ordinance Code
- II. Procedures for adopting the Ordinance Code
- III. Overview of the proposed 2018 Ordinance Code
- IV. Questions/Comments
- V. Discussion of next steps

Background

What is the Ordinance Code?

The Ordinance Code is a set of rules and regulations, adopted by the DCSD, that determine how the services granted by the 1969 Formation Document will be carried out and enforced. State law grants Special Districts, such as ours, the power to adopt ordinances consistent with, and in order to carry out, the services that it is established to provide. For DCSD, these functions are limited to security and maintenance of roads, bridges, and culverts.

Why is a new Ordinance Code being proposed?

The existing Ordinance Code was adopted 25 years ago in 1993. Since that time, there have been changes in state law and in the fee structures for Special Districts, both of which impact the 1993 Code.

In addition, the Ordinance Code was reviewed to clarify provisions that may have been confusing or became obsolete; to reflect changes in culture and technology that impact implementation and enforcement; and to simplify the structure for ease of use and reference.

What if I can't attend the Meeting?

If you are unable to attend the Town Hall meeting you can email your questions/suggestions to the DCSD General Manager, Dick Breitwieser, at dbreitwieser@diablocsd.org. Dick will confirm receipt of your email and ensure that the Board is aware of your input.

Agendas for upcoming meetings that include discussion of the proposed Ordinance Code will be posted on our website.

DCSD ORDINANCE CODE

1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

SUMMARY of PROPOSED CHANGES

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Change</u>
Chapter 1	Chapter 1	Updated – definitions from multiple chapters were consolidated into the 2018 chapter for ease of use. References to current Government Code sections were updated.
Chapter 2	Chapter 2	Updated – streamlined and consolidated provisions.
Chapter 3	Chapter 3	Updated – revised to reflect Measure B changes in fees approved by voters in March of this year.
Chapter 4	N/A	Deleted – originally a placeholder.
Chapter 5	Chapter 4	Updated – to eliminate redundancies and inconsistencies with the 1969 Formation Document. Updated sections on encroachments in 1993, Chapter 6, and moved them to Chapter 4 in 2018 Code. Added rules regarding street signs and cameras.
N/A	Chapter 5	Added – to address culverts and creeks.
Chapter 6	Chapter 6	Updated – 1993 sections on encroachments were updated and moved to Chapter 4 in 2018 Code.
N/A	Chapter 7	Added – sets meetings, provides for public hearings and a formal appeals process for residents.

DCSD ORDINANCE CODE

1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
Chapter 1-General Provisions		
1-2-202	Title 102	N/A ¹
1-2-204	References 104	N/A
1-2-206	Amendments 106	Addition: Amendments must be made pursuant to the proposed 2018 Code and applicable state law.
1-4-202	Authority for adoption 110	<u>Update:</u> Corrected reference to current Government Code statutes.
1-4-204	Area of application 112	<u>Update:</u> Clarified reference to DCSD boundary.
Chapter 1-6	Effect Deleted	<u>Deletion:</u> Section(s) no longer necessary as the code is not being adopted for the first time.
Chapter 2-Administrative		
2-2-202	Application of Ca 202	<u>Update:</u> Streamlined to simply require compliance with the California Administrative Code to avoid frequent updates to Ordinance Code.
2-2-204	Notices Deleted	<u>Deletion:</u> Update to section 202 made this section unnecessary/redundant.
Chapter 3-Revenue & Finance		
3-2; 3-4; 3-6	DCSD Security Fee, DCSD Road Maintenance Fee; and New Road Impact Fee Deleted	<u>Deletion:</u> New voter-approved fee ordinance ("Measure B": Ordinance 2017-02) supersedes these chapters. Proposition 218 required updates to DCSD's fee ordinance,

¹ When "N/A" is used in this column, there has been no substantive change to the referenced 1993 Code Section.

DCSD ORDINANCE CODE

1993 Ordinance Code compared to 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

1993 Code Section

2018 Code Section

Reason for Update/Addition/Deletion

and Measure B was passed in 2017. The old chapters also referred to DCSD collection of fees, whereas the County now collects the Measure B tax. *Staff recommends that the August update² to the proposed 2018 Code include a “findings” section and the attachment of Measure B as an exhibit.*

Chapter 4- Reserved (no text)

Deleted

N/A (no text in this chapter)

Chapter 5-Traffic & Safety

5-2-202 Members & guests

114 (Diablo
Maintained
Streets)

Update: 1993 language was inconsistent with Formation Resolution, which states that the “roads within Diablo are private, but subject to a right-of-way reserved to the public.” *Staff recommends that the August update include the Formation Resolution language in the definition of “Diablo-Maintained Streets,” and in a “findings” section added at the beginning of this chapter, and that the Formation Resolution is attached to the ordinance as an exhibit.*

² Staff has received feedback from residents and desires to make changes to the version of the Ordinance Code proposed in May. For this reason, any reference in this chart to an “August update” to the proposed Ordinance Code refers to a revised draft Ordinance Code to be set for a new first reading in August. Any such reference has also been italicized.

DCSD ORDINANCE CODE

1993 Ordinance Code compared to 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>		<u>2018 Code Section</u>		<u>Reason for Update/Addition/Deletion</u>
5-2-204	Signs	Deleted		<u>Deletion:</u> 1993 section was deleted because signs already exist and state law allows for prosecution if they are removed/vandalized. <i>Staff recommends that the August update reinsert the requirements of the 1993 section to the end of section 402.</i>
5-4-202	Entrances and exits	402	Diablo Entrances and Exits	<u>Addition:</u> Added specific road intersections where entrances exist. <i>Staff recommends that the August update clarifies that the entrances/exits are the only "motor vehicle" entrances/exits, and adds a definition for motor vehicle that excludes self-propelled vehicles.</i>
5-4-204	Connectors prohibited	404	Connectors Prohibited	N/A (wording/typo corrected). <i>Staff recommends that the August update clarifies that connectors cannot be constructed that create "motor vehicle" entrances/exits and adds a definition for motor vehicle that excludes self-propelled vehicles.</i>
5-2-206	Boundaries	Deleted		<u>Deletion:</u> This section was redundant as section 402 defines the entrances. <i>Staff recommends that the August update include wording in section 114 to read "Calle Los Callados from Alameda Diablo to a point 20 feet from the west side of Mt Diablo Scenic Blvd."</i>

DCSD ORDINANCE CODE

1993 Ordinance Code compared to 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>		<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
5-2-208	Barricade	Deleted	<u>Deletion:</u> This section was deleted as the barricade is already installed. <i>Staff recommends that the August update re-insert the 1993 Code language pertaining to the barricade.</i>
5-2-210	Destruction of barricade	Deleted	<u>Deletion:</u> This section is unnecessary as state law already prohibits such vandalism and destruction with potentially greater consequences for the perpetrator depending on the nature and type of damage. <u>Deletion:</u> Redundant due to section 402 (Entrances and Exits) and 404 (Connectors Prohibited). <i>Staff recommends that the August update re-insert the 1993 Code language to the end of section 404.</i>
5-2-212	Movement of traffic	Deleted	<u>Deletion:</u> This section is unnecessary as state law already prohibits destruction of the barricade. <i>Staff recommends that the August update re-insert the 1993 Code language to the extent it is legally advisable and/or not preempted by state law.</i>
5-2-214	Violations; punishments	Deleted	<u>Deletion:</u> This section is unnecessary as DCSD can already pursue any remedy allowed by law. <i>Staff recommends that the August update re-insert the 1993 Code</i>
5-2-216	Remedies	Deleted	

DCSD ORDINANCE CODE

1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
5-6-	Deleted	<i>language to the extent it is legally advisable and/or not preempted by state law.</i> <u>Deletion:</u> DCSD does not have authority to regulate these activities. County building/construction codes and regulations apply to Diablo.
5-8-202a	114	N/A
5-8-202b	114	<u>Update:</u> Definition of “street” is now included in the definition of Diablo-Maintained Street, as those are the streets that DCSD has the authority to maintain/secure pursuant to the Formation Resolution. <u>Update:</u> Combined 1993 Code definitions so that a “vehicle” includes both motorized and self-propelled vehicles. <i>Staff recommends that the August update adds a definition for motor vehicle that excludes self-propelled vehicles.</i>
5-8-202c	114	<u>Deletion:</u> Already required by state law. <u>Update:</u> The historic posted 20 mph is still included, but no 15 mph signs were ever posted. The “unless otherwise required by law” text was added to ensure that the sheriff can enforce all applicable law.
5-8-204	Deleted	
5-8-206	406	

DCSD ORDINANCE CODE

1993 Ordinance Code compared to 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>		<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
5-8-208	Negligent operation	Deleted	<u>Deletion:</u> These two sections are unnecessary and redundant as state law already applies. <i>Staff recommends that these sections be re-inserted into the August update in order to ensure that the sheriff can enforce them on streets within Diablo that are not maintained by DCSD (e.g. Via Diablo.)</i>
5-8-210	Reqmt of driver's license	Deleted	
5-8-212	Stop signs	410	<u>Update:</u> Since stop sign compliance is required by state law, the intent of this provision was moved to section 410 so that DCSD could list all DCSD stop signs. <i>Staff recommends including language similar to the 1993 Code in this section to define stop signs and ensure that the sheriff can enforce this section on streets within Diablo that are not maintained by DCSD (e.g. Via Diablo.)</i>
5-8-214	Vehicles to be registered	Deleted	<u>Deleted:</u> This section is unnecessary as state law requires vehicle registration. DCSD also does not have the authority to require vehicles to be registered.
5-8-216	Golf carts	114	<u>Update:</u> The definition of golf cart was moved to section 114 and the language allowing combined use of DCSD-Maintained Streets by golf carts and vehicles. <i>Staff recommends that the August update include</i>
		412	

DCSD ORDINANCE CODE

1993 Ordinance Code compared to 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
5-8-218	Deleted	<i>the driver's license requirement for golf cart drivers.</i> <u>Deletion:</u> This section is unnecessary as state law already applies. <i>Again, Staff recommends that the August update include the driver's license requirement in the Combined Use section described above.</i>
5-8-220	414 Parking	<u>Update:</u> This section was modified to reflect what is enforceable by the sheriff's department. DCSD does not have the authority to regulate parking except to the extent that it creates a safety issue.
5-8-222	Deleted	<u>Deletion:</u> State law penalties already apply.
5-8-224	Deleted	<u>Deletion/Addition:</u> Loads are stated on bridge based on engineering reports, which may be updated from time to time and therefore it is unnecessary to put requirements in the proposed 2018 Code, and may cause discrepancies if proposed 2018 Code and limits are not updated together. See discussion of 5-8-206 for speed limits. All DCSD-Maintained Bridges are now identified in Section 114 "DCSD Maintained Bridges."
5-8-226	Deleted	<u>Deletion:</u> Mt. Diablo Scenic Blvd. is not a DCSD Maintained Street.

DCSD ORDINANCE CODE

1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
N/A	N/A	N/A
N/A	Added 408	Street signs and cameras
<p>Chapter 6 Building Regulations and Public Works (Added in 2002)</p>		
6-2-202	Application	602
6-2-204	Criteria for acceptance	604
6-2-206	Certificate of compliance	606
6-2-208	Inspection by engineer	606
6-2-210	Option; proof of compliance	Deleted
6-2-212	Name of road	602
6-2-201	Common name	Deleted
6-6-202	Findings and purpose	416a
	Findings and purpose	Findings and purpose

Addition: This section was added to ensure that DCSD erects and maintains all street signs and cameras located on/within DCSD-Maintained Streets. *Staff recommends that the August update clarify that DCSD will only regulate signs/cameras on or within the DCSD-Maintained Streets that are not in compliance with the proposed 2018 Code or other state law.*

Addition: Added public hearing requirement and allowed appeal of DCSD decision.

Update: Allow Board to consider the 5 criteria instead of requiring strict compliance with all 5 in order to approve.

Update: Consistent with change to 604, N/A (now combined with 1993 Code section 6-2-206)

Deletion: Requirement now, not an option.

N/A

Deletion: Encroachment provisions now incorporated into chapter 4.

Update/Addition: Most findings incorporated into 416; changes made to

DCSD ORDINANCE CODE

1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>		<u>2018 Code Section</u>		<u>Reason for Update/Addition/Deletion</u>
6-6-203a	Definition, road	Deleted		incorporate new defined terms and recognize the necessity of owner removal of encroachments that cause inconvenience and safety issues. <u>Deletion:</u> This section conflicted with 5-8-202b. Section 114 now defines "DCSD-Maintained Streets."
6-6-203b	Definition, right of way	Deleted		<u>Deletion:</u> This term is not used in the proposed 2018 Code.
6-6-203c	Definition, encroach	114	Encroachment	<u>Update/Addition:</u> Expanded the definition to include any obstruction preventing access to a DCSD-Maintained Street.
6-6-401	Prohibitions	416b	Encroachment on DCSD-Maintained Streets	N/A (included in 416b)
6-6-402	Additional prohibitions	Deleted		<u>Deletion:</u> This section was redundant (i.e. it didn't actually contain any additional prohibition).
6-6-601	Persons authorized to remove encroachment	416b	Encroachment on DCSD-Maintained Streets	<u>Update/Addition:</u> Expanded to first require Owner to remove Encroachment upon notification and under certain time periods, then allows DCSD to remove and recover costs from Owner.
6-6-602	Additional designated persons	Deleted		<u>Deletion:</u> This section was redundant as the Board has the inherent authority to delegate Encroachment removal.

DCSD ORDINANCE CODE

1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
N/A	N/A	
6-6-801	416c	<p><u>Addition:</u> Encroachments are still required to be removed/repaired under 416b. This section expanded the proposed 2018 Code to require removal/repair of damage.</p> <p><u>Deletion:</u> This section is no longer necessary as the proposed 2018 Code provides a specific method for removal/repair of Encroachments and damage.</p>
6-6-802	418	<p><u>Update/Addition:</u> These two sections were combined to set forth the available remedies for DCSD upon removal/repair of Encroachments and damage.</p>
6-6-803	416c	<p><u>Deletion:</u> Now obsolete.</p>
6.6.1001	Deleted	
<p>Culverts and Creeks</p>		
N/A	Chapter 5	<p><u>Addition:</u> DCSD-Maintained Culverts are defined, modification of those culverts without DCSD approval is prohibited, and DCSD is not responsible for creek maintenance. <i>Staff recommends that the August update include DCSD approval for adding culverts under DCSD-Maintained Streets.</i></p>

DCSD ORDINANCE CODE

1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

DETAILED DIFFERENCES PROPOSED PER ORDINANCE

1993 Code Section

2018 Code Section

Reason for Update/Addition/Deletion

Meetings, public hearings, appeals

N/A

Chapter 7

Addition: Regular meetings, public hearings, and the appeal process are described.