

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING AGENDA<sup>1</sup>  
TELECONFERENCE VIA THE APPLICATION ZOOM  
TUESDAY, MARCH 9, 2021 7:30 P.M.**

**MEETING PROCEDURE**

*Under the Governor's Executive Order N-29-20 issued March 19, 2020, the Diablo Community Services District is using teleconferencing for meetings. All members of the public seeking to observe and/or address the Board may participate in the meeting in the manner described below. This meeting can be viewed using the Zoom platform:*

**ZOOM WEBSITE:**     **<https://zoom.us/j/4680449859>**

**MEETING ID:**       **468 044 9859**

**FOR AUDIO PARTICIPATION ONLY:** Call (346) 248-7799 or (669) 900-9128 and enter Meeting ID# 468 044 9859 followed by the pound (#) key.

*To submit public comments before the meeting, email [generalmanager@diablocsd.org](mailto:generalmanager@diablocsd.org) before 12 pm on the day of the meeting.*

**CALL TO ORDER:**       **President:     Kathy Urbelis**

**ROLL CALL:**           **Secretary:   Jeff Eorio**

**Urbelis, Becker, Eorio, Isom, Cox**

**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.*

**1.     BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:** Director Urbelis

- a) Waive first reading and introduce Ordinance 2021-01 – Adopting bidding and procurement procedures.

**ROADS:** Director Cox & General Manager

- a) Provide update of road and culvert projects.

**SECURITY:** Deputy Sheriff Dan Buergi & Lieutenant Brian Sliger

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<sup>1</sup> Agenda attachments are available on the DCSD's website ([www.diablocsd.org](http://www.diablocsd.org)) home page under Agenda.

- a) Present prior month's security report.
- b) Discuss and vote on replacement of existing sheriff's vehicle. A staff report is attached.

**2. CONSENT CALENDAR:**

- a) Approve the minutes of the February 9, 2021 Regular Meeting.

**3. REPORTS:**

**CONTRA COSTA COUNTY:**

Alicia Nuchols

**DIABLO PROPERTY OWNERS ASSOC:**

Dana Pingatore

**DIABLO COUNTRY CLUB:**

Hank Salvo

**4. CALL OF NEXT MEETING & ADJOURNMENT:**

The next DCSD Regular Board meeting is scheduled for April 13, 2021 at 7:30 p.m. via Zoom.

Diablo Community Services District by

Kathy Torru, General Manager  
generalmanager@diablocsd.org

DCSD Board Meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or 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 (925) 683-4956 or [generalmanager@diablocsd.org](mailto: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>.

**ORDINANCE NO. 2021-01**

**ORDINANCE OF THE DIABLO COMMUNITY SERVICES DISTRICT ADOPTING  
BIDDING AND PROCUREMENT PROCEDURES**

**WHEREAS**, the Diablo Community Services District (the District) previously adopted Resolution No. 2021-01, electing to become subject to the Uniform Public Construction Cost Accounting Act (Pub. Contract Code section 22000 et seq., hereinafter “the Act”); and

**WHEREAS**, the Act establishes uniform cost accounting standards and procedures for implementation by local agencies in the performance of or contracting for construction of public projects; and

**WHEREAS**, pursuant to sections 22032(b) and 22034 of the Public Contract Code, the Act requires agencies that elect to be subject to its provisions to adopt certain bidding procedures that govern the selection of contractors to perform public projects; and

**WHEREAS**, Resolution 2021-01 requires the District to take all actions necessary to enact bidding procedures in accordance with the Act; and

**WHEREAS**, the District now desires to adopt the bidding procedures required by the Resolution 2021-01 and the Act; and

**WHEREAS**, the District also desires to adopt procedures governing the procurement of supplies, equipment, and services to complement the bidding procedures and to provide the District with a comprehensive procurement scheme; and

**WHEREAS**, adoption of these bidding and procurement procedures is not a “project” pursuant to California Environmental Quality Act Guidelines section 15378.8(b)(5).

**NOW, THEREFORE THE DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1:

The above recitals are true and correct and are incorporated herein.

SECTION 2:

Ordinance No. 2021-01 attached hereto as Exhibit A is hereby added to the District’s Ordinance Code as Title 7.

SECTION 3:

This Ordinance No. 2021-01 shall take effect and be in force 30 days from the date of its passage, and before the expiration of 15 days after its passage, it or a summary of it shall be published in a newspaper of general circulation in Contra Costa County.

Passed, approved, and adopted by the Board of Directors of the Diablo Community Services District on this \_\_\_\_ day of \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSTAIN:

ATTEST:

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Kathy Urbelis

Board President

## ORDINANCE 2021-01 EXHIBIT A

### TITLE 7

#### **7.1 Bidding Procedures for Public Construction Projects**

**A. Purpose.** The purpose of this section is to adjust the monetary limits for construction projects which can be carried out with administrative decisions, informal bids, and formal bids. It is the intent of the District that this Title 7 shall govern the selection of contractors by the District through the bidding procedures specified in Public Contract Code section 22000 et seq. – the Uniform Public Construction Cost Accounting Act (the “Act”).

**B. Definitions.** The definitions in Public Contract Code section 22000 et seq. and any statutory successors govern this section.

“Public Project” means any of the following: construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any District-owned, leased, or operated facility; and painting or repainting of any publicly owned, leased, or operated facility. A “public project” does not include maintenance work.

“Maintenance Work” means routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes; minor repainting; resurfacing of streets and highways at less than one inch; and landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

#### **C. Contract Letting Procedures.**

**1. List of Qualified Contractors.** The District shall maintain a list of qualified contractors identified according to categories of work in accordance with Public Contract Code section 22034.

**2. No bidding required.** Public Projects less than or equal to \$60,000 may be performed by the District, by negotiated contract, or by purchase order.

**3. Informal bids.** Public Projects \$200,000 or less shall be let by the informal bid procedures in Public Contract Code 23034.

**a. Notice.** At least 10 days before informal bids are due, a notice inviting informal bids shall be sent by mail, fax, or email to all contractors on the District’s list prepared in accordance with C.1 above for the category of work being bid, or all construction trade journals pursuant to Public Contract Code 22036, or both.

**b. Authority to award.** The General Manager may award all informal bids unless all bids received are in excess of \$200,000 in which case the District may, by adoption of a resolution by a four-fifths vote, award the contract at the amount set forth in Public Contract Code section 22034(d) if the District determines its cost estimate was reasonable.

**4. Formal bids.** Public Projects in excess of \$200,000 shall be let by the formal bid procedures in Public Contract Code 22037.

**a. Notice.** A notice inviting formal bids shall state the time and place for receiving and opening of sealed bids and distinctly describe the Public Project. The notice shall be published at least 14 days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the public agency. The notice inviting formal bids shall also be emailed or faxed and mailed to all construction trade journals specified in Public Contract Code section 22036 at least 15 days before the date of opening the bids. In addition to notice required by this section, the District may give such other notice as it deems proper.

**5. Award of informal and formal bids.** If a contract is awarded, it shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the District may accept the one it chooses. The District has the discretion to reject bids pursuant to Public Contract Code section 22038. If no bids are received through the formal or informal procedures, the Public Project may be performed by the District by force account or negotiated contract without further complying with the Act or this Title.

**6. Emergencies.** In the case of emergency when repairs or replacements are necessary, the District may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor, contractor, or by a combination of the two. If the District chooses not to give notice for bids in an emergency, the District must follow all procedures in Public Contract Code 22050 and by four-fifths vote must make findings based on substantial evidence that the emergency will not permit a delay resulting from a competitive solicitation of bids and that the action is necessary to respond to the emergency.

**7. Amounts subject to change.** The monetary amounts listed in sections C.2, C.3, and C. 4 above may change as the Act is amended from time to time. The District shall at all times abide by the amounts listed in Public Contract Code sections 22032(a), (b), and (c), respectively.

## **7.2 Procurement Procedures**

**A. Purpose.** In order to establish efficient procedures for the purchase of supplies, equipment, and services; secure supplies, equipment, and services at the lowest possible

cost commensurate with quality, and exercise positive financial control over purchases, the District adopts these procurement procedures.

**B. Definitions.**

“Design Professional Services” mean architectural, landscape architectural, environmental, engineering, land surveying, or construction project management services which are subject to the procurement requirements of Article XXII of the California Constitution, and Government Code § 4529.10, et seq.

“Purchasing Agent” means the General Manager or his/her designee who is responsible for procuring supplies, equipment, and services pursuant to these procedures.

“RFP” means a Request for Proposals transmitted to qualified vendors.

“RFQ” means a Request for Qualifications transmitted to potentially qualified vendors to evaluate qualifications for providing required services.

**C. Purchasing Agent Authority.** The Purchasing Agent has the authority to procure or contract for supplies, equipment, and services in accordance with these procedures; negotiate and recommend execution of contracts; supervise and inspect all supplies and equipment purchased; maintain a list of qualified vendors or bidders; and recommend amendments to these procedures.

**D. Supplies and Equipment.** Supplies and equipment will be procured as follows:

**1. Minor Purchases.** The Purchasing Agent may make individual purchases of supplies and equipment not exceeding \$5,000 with the approval of the Board president.

**2. Informal Quotes.** The Purchasing Agent may make individual purchases of supplies and equipment exceeding \$5,000 but less than \$10,000 after soliciting price quotes from at least three qualified vendors and with the approval of the Board president.

**3. Competitive Proposals.** For individual purchases of \$10,000 or more, the Purchasing Agent must solicit quotes from at least five qualified vendors and obtain approval of the Board prior to purchase, except to the extent that the Board has already delegated or authorized the Purchasing Agent to make the purchase.

**E. General Services.** Procurement of services other than design professional services, including consulting and engineering services, will be procured as follows:

**1. Minor Services.** For service contracts that will not exceed \$5,000, the Purchasing Agent may make an award to a qualified vendor for a reasonable price or rate with the approval of the Board president.

**2. Informal Quotes.** For service contracts exceeding \$5,000 but less than \$10,000, the Purchasing Agent may make an award to a qualified vendor that offers the best overall value to the District after soliciting quotes or informal proposals from at least three qualified vendors with the approval of the Board president.

**3. Competitive Proposals.** For services contracts of \$10,000 or more, the Purchasing Agent must use a fair and competitive proposal process to award, which may involve an RFP or solicitation of proposals from an adequate number of qualified vendors. The Purchasing Agent must obtain approval of the Board prior to award, except to the extent that the Board has already delegated or authorized the Purchasing Agent to make the award.

**F. Design Professional Services.** Procurement of design professional services is subject to compliance with Article XXII of the California Constitution; Government Code section 4529.10, et seq.; and the following requirements:

**1. Fair Competitive Process.** An RFQ, RFP, or combined RFQ/RFP procedure should be used to procure design professional services to ensure a fair, competitive selection process based on the demonstrated competence and professional qualifications necessary for the services. The RFP, RFQ, or RFP/RFQ must require compliance with all laws regarding political contributions, conflict of interest, or unlawful activities.

**2. Prevailing Wages.** If the services include pre-construction services such as inspection or land surveying work (see Labor Code § 1720(a)(1)), and the project cost exceeds \$1000, the procurement must comply with prevailing wage requirements.

**3. Award.** If the design professional services contract exceeds \$10,000, the Purchasing Agent must obtain approval of the Board prior to award, except to the extent that the Board has already delegated or authorized the Purchasing Agent to make the award.

**G. Emergency Procurements.** In the event of an emergency or threatened emergency, services or good may be procured without following the applicable procurement procedures, but only to the extent necessary to avoid delay in preventing or mitigating injury or damage. For purposes of these procurement procedures, an emergency includes any sudden, unexpected occurrence that poses a clear and imminent danger and requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, as declared by the Board or its General Manager.



## STAFF REPORT

**DATE:** March 9, 2021  
**TO:** DCSD Board Members  
**FROM:** Kathy Torru, General Manager  
**RE:** Proposed replacement of the Diablo sheriff's vehicle

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### I. Background

The Diablo Community Services District (District) is responsible for providing security services to the residents of Diablo. The District's authority to provide security services is derived from both the California State Community Services District law and the District's formation resolution.

The District entered into a contract with the Contra Costa County Sheriff's Department in 1981 to provide security services to the residents of Diablo. That contract provides for a dedicated full-time deputy to patrol Diablo. To perform the patrol the District must provide the sheriff deputy with a police vehicle. The vehicle driven by the Diablo sheriff is a dedicated police vehicle with Diablo Patrol affixed to the back of the vehicle. The cost of the sheriff's vehicle is the responsibility of the District and the vehicle can either be purchased or leased from the Contra Costa Sheriff's Department. Historically the District has purchased the sheriff's vehicle and the vehicle typically has a life of 4-6 years.

The Ford Interceptor Utility vehicle currently driven by the Diablo deputy was purchased by the District in 2016. Unfortunately, the vehicle is having significant engine and maintenance issues and the Sheriff's Department has recommended that the District replace the vehicle.

The General Manager in cooperation with the Contra Costa County Sheriff's Department has put together a list of police vehicle equipment and financing options (in Exhibit A) for the DCSD Board to choose from.

### II. Recommendation

The Board should consider replacing the current Diablo sheriff's vehicle to avoid significant maintenance costs and lapse in patrols due to vehicle mechanical issues. The vehicle replacement options and vehicle financing options available to the District have been summarized in Exhibit A.

DCSD  
Exhibit A -Sheriff's Vehicle Replacement  
Analysis March 2021

	2016 Ford Interceptor (Aug 2016)	2021 Chevrolet Tahoe LT	2021 Ford Interceptor Hybrid	County ISF Lease Program*
<b>Vehicle Specs</b>				
Length	197	211	199	
Width	79	76	79	
MPG	16/21	15/20	21	
Horsepower	300-400	277-355		
<b>Purchase Specs</b>				
MSRP		\$ 55,593	\$ 51,111	
Sheriff Package		\$ 10,000	\$ 10,000	
Vehicle Purchase Cost	\$ 42,816	\$ 65,593	\$ 61,111	
Annual Servicing & Insur cost (avg)	\$ 3,638	\$ 3,638	\$ 3,638	
<b>Leasing Specs</b>				
Vehicle Monthly Lease Cost \$905.42				\$ 10,865
Vehicle Mileage Cost \$.61				\$ 7,320
<b>Annual Vehicle Cost, excl gas**</b>	<b>\$ 3,638</b>	<b>\$ 3,638</b>	<b>\$ 3,638</b>	<b>\$ 18,185</b>
<b>Purchase cost over 4 years (excl gas)</b>	\$ 57,368	\$ 80,145	\$ 75,663	
<b>Purchase cost over 6 years (excl gas)</b>	\$ 64,644	\$ 87,421	\$ 82,939	
<b>Lease cost scenarios over 4 years</b>				
No Increase				\$ 72,740
3% increase annually				\$ 76,079
4% increase annually				\$ 77,222
5% increase annually				\$ 78,380
<b>Lease cost scenarios over 6 years</b>				
No Increase				\$ 109,110
3% increase annually				\$ 117,628
4% increase annually				\$ 120,621
5% increase annually				\$ 123,693

\* The lease cost is the same regardless of the vehicle selected.

\*\*The analysis above does not include \$5,000 in estimated gasoline charges annually.

Year	Miles Driven by year	Vehicle Maint	Insurance	Fuel Cost
2021				
2020	10,938	\$ 3,603	\$ 1,400	\$ 4,655
2019	11,819	\$ 2,869	\$ 1,276	\$ 5,435
2018	12,800	\$ 4,350	\$ 1,136	\$ 5,434
2017	19,447	\$ 3,730	\$ 800	\$ 5,414
Total		\$14,552	\$ 4,612	\$ 20,938

<b>ISF Historical Costs</b>				
	Lease	Mileage	Lease Incr	Mileage Incr
2021				
2020	\$ 905.42	\$ 0.61	14.0%	5.2%
2019	\$ 794.25	\$ 0.58	0.0%	-7.9%
2018	\$ 794.50	\$ 0.63	3.2%	34.0%
2017	\$ 770.17	\$ 0.47		

**ISF Important Notes**

The vehicle is replaced at no cost to the DCSD at 90k miles.  
The monthly lease and mileage charge can be changed at any time at the Sheriff's discretion.

**DCSD Vehicle needs:**

Transport bicycles and scooters  
Transport cones and detour signs  
Traverse golf course  
Traverse mud and water  
Traverse arrow roads  
Off road capabilities

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS MEETING  
MINUTES  
TELECONFERENCE VIA THE APPLICATION ZOOM  
FEBRUARY 9, 2021 7:30 p.m.**

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

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

Director Urbelis welcomed Directors and the general public and explained the rules for public comment.

**PUBLIC COMMENTS:** None

**BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:**

General Manager Torru presented the 2020 Audit Report prepared by the accounting firm Eide Bailly LLP. A copy of the Audit Report is available on the District's website (diablocsd.org) under Minutes & Financials.

On motion of Director Eorio, second by Director Becker, the DCSD 2020 Audit Report was accepted:

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

**ROADS:**

Director Cox presented Resolution 2021-01: adoption of the Uniform Public Construction Cost Accounting Act Procedure (UPCCA), and the corresponding staff report.

On motion of Director Eorio, second by Director Cox, Resolution 2021-01 was adopted:

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

Director Cox presented Resolution 2021-02: election to maintain and repair culverts that lie beneath the District-maintained roads, and the corresponding staff report.

On motion of Director Eorio, second by Director Cox, Resolution 2021-02 was adopted:

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

Director Cox presented for discussion the grind and pave of upper Alameda Diablo project. The Board decided to delay a decision on the schedule of this project until an analysis of the cash reserves is performed. The Board instructed the General Manager to prepare for the March meeting a multi-year cash flow analysis, obtain patching estimates for upper Alameda Diablo, and slurry seal cost estimates with suggested timelines for the District-maintained roads previously paved.

**SECURITY:**

Deputy Buergi reported no security issues in January. He also reported that the District's sheriff vehicle is in poor shape and should be considered for replacement this year.

**CONSENT CALENDAR:**

On motion of Director Eorio, second by Director Becker, the minutes of the January 12, 2021, Regular Meeting were approved:

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

**REPORTS:**

**CONTRA COSTA COUNTY:** Alicia Nuchols, District Representative for CCC Supervisor Diane Burgis, provided the Board with the COVID-19 case load and vaccine update for the County. Within Diablo, 221 residents have been vaccinated and 31 residents have contracted COVID-19.

**DIABLO PROPERTY OWNERS REPORT:** Dana Pingatore, DPOA President, reported that the 2021 contribution campaign is underway and that 50% of residents have already contributed to the DPOA this year. The DPOA is focusing its efforts and resources this spring on providing socially distanced community events, publishing the Spring Devil's Advocate, welcoming new residents and refreshing the Diablo lending library and Diablo post office.

**DIABLO COUNTRY CLUB:** No report.

**CALL OF NEXT MEETING/ADJOURNMENT:**

The President called the next meeting for March 9<sup>th</sup> 2021. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 8:08 p.m.

Diablo Community Services District by  
Kathy Torru, General Manager