

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING AGENDA¹
TELECONFERENCE VIA THE APPLICATION ZOOM
TUESDAY, FEBRUARY 08, 2022, 7:30 P.M.**

MEETING PROCEDURE

Pursuant to California Assembly Bill 361, the Diablo Community Services District is authorized to hold public meetings remotely and to make those meetings accessible to all members of the public seeking to observe and to address the Board by remote means. 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 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) General Manager to present the DCSD 2021 Audit Report and the December 31, 2021, financial report. Both reports are attached and will be available on the District's website under Meetings & Financials.

ROADS: Director Cox

- a) Provide an update on the 2022 Road Maintenance Project, upper Alameda Diablo grind and pave, scheduled for March 2022.

¹ Agenda attachments are available on the DCSD's website (www.diablocsd.org) home page under Agenda.

SECURITY: Deputy Sheriff Dan Buergi

- a) Present prior month's security report.

2. CONSENT CALENDAR:

- a) Approve the minutes of the January 11, 2022, Regular Meeting.
- b) Authorize remote teleconference meetings of the Board of Directors, originally authorized at the January 11, 2022, Meeting under Resolution 2022-01, for another 30 days to March 11, 2022.

3. REPORTS:

CONTRA COSTA COUNTY:

Jen Quallick

DIABLO PROPERTY OWNERS ASSOC:

Dana Pingatore

DIABLO COUNTRY CLUB:

Hank Salvo

4. DIRECTOR COMMENTS

5. FUTURE AGENDA ITEM ANNOUNCEMENT

6. CALL OF NEXT MEETING & ADJOURNMENT:

The next DCSD Regular Board meeting is scheduled for March 8, 2022, at 7:30 p.m.

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. 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
Financial Report
December 31, 2021

	July	August	September	October	November	December	Actual YTD	Budget YTD	Act vs Bud Variance
Beginning Cash	646,522	614,747	588,199	529,504	506,074	360,308	646,522	646,522	
Revenue									
Tax Revenue	-	-	-	10,982	-	447,994	458,976	450,148	8,828
Other Revenue	5	7,034	4	3	479	207	7,732	2,000	5,732
Total Income	<u>5</u>	<u>7,034</u>	<u>4</u>	<u>10,985</u>	<u>479</u>	<u>448,201</u>	<u>466,708</u>	<u>452,148</u>	<u>14,560</u>
Expenses									
Sheriff services*	29,377	29,070	31,667	29,626	31,848	28,039	179,627	175,944	3,683
Road/bridge/culvert/trail	-	127,008	1,260	2,880	1,728	1,728	134,604	130,500	4,104
Professional services	6,276	12,722	4,085	2,790	5,270	2,822	33,965	40,855	(6,890)
Insurance	41,015	-	-	-	-	-	41,015	41,087	(72)
Administrative	1,759	(16)	-	-	-	-	1,743	2,800	(1,057)
Total Expenses	<u>78,427</u>	<u>168,784</u>	<u>37,012</u>	<u>35,296</u>	<u>38,846</u>	<u>32,589</u>	<u>390,954</u>	<u>391,186</u>	<u>(232)</u>
Net Income	(78,422)	(161,750)	(37,008)	(24,311)	(38,367)	415,612	75,754	60,962	14,792
Incr/(decr) in payable/prepaid	46,647	135,202	(21,687)	881	(107,399)	(4,035)	49,609		
Ending Cash	<u>614,747</u>	<u>588,199</u>	<u>529,504</u>	<u>506,074</u>	<u>360,308</u>	<u>771,885</u>	<u>771,885</u>	<u>707,484</u>	
Other Financial Data									
Prepaid/Deposit	-	-	-	-	-	-			
Reserves (bridge/culvert)**	579,272	584,272	589,272	594,272	599,272	636,629			
Accounts payable	62,975	208,777	187,090	187,971	80,571	76,536			
Accrued Exp	10,600	-	-	-	-	-			

* In March 2021 the Board voted to join the Sheriff ISF leasing program and dispose of the District vehicle

** reserves are unfunded

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
JANUARY 11, 2022, 7:30 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 7:33 p.m.
ROLL CALL: Secretary Jeff Eorio called the roll as follows:

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

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

PUBLIC COMMENTS:

Contra Costa County Board Supervisor Candace Anderson introduced herself and welcomed Diablo to District 2. Supervisor Anderson is excited to represent Diablo and will be holding a Town Hall in the next couple months to give Diablo residents a chance to ask questions and get to know her. Jen Quallick will be representing Supervisor Anderson's office at DMAC meetings. President Urbelis welcomed and thanked Supervisor Anderson for dropping in.

BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE:

Prior to the DMAC meeting a DMAC-DCSD joint meeting was held to review and adopt *Resolution 2022-01*, proclaiming a state of emergency exists due to COVID-19 and authorizing remote teleconference (Zoom) meetings of the DCSD Board and DMAC Board for the period January 11, 2022, through February 09, 2022, pursuant to California Assembly Bill 361. On motion by Director Eorio, second by Director Isom, the Directors in attendance unanimously adopted *Resolution 2022-01*.

ROADS:

General Manager Torru presented the proposed upper Alameda Diablo grind and pave project (from the intersection of Caballo Ranchero Dr to Diablo Lakes) for this spring and asked the Directors to authorize Director Cox and the General Manager to work with ENGEO and General Counsel to prepare a scope of work and RFP at a cost not to exceed \$10,000.

On motion by Director Eorio, second by Director Isom, the Directors authorized the preparation of the upper Alameda Diablo grind and pave scope of work and RFP at a cost not to exceed \$10,000.

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

SECURITY:

Deputy Buergi reported there were no incidents reported in October, November, or December. The storms last fall created some flooding concerns on Calle Arroyo and Avenida Nueva, but no major water damage was reported.

CONSENT CALENDAR:

On motion of Director Eorio, second by Director Urbelis, the minutes of the September 14, 2021, meeting were approved.

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

REPORTS:

CONTRA COSTA COUNTY: Jen Quallick, District Representative for CCC Supervisor Candace Anderson, walked the Directors through the redistricting process that occurs in the State of California every 10 years.

DIABLO PROPERTY OWNERS REPORT: Dana Pingatore, DPOA President, reported that the DPOA has launched its 2022 membership campaign and that the Board will be discussing the 2022 budget and calendar at its February meeting.

DIABLO COUNTRY CLUB: No Report

CALL OF NEXT MEETING/ADJOURNMENT:

The President called the next meeting for February 8, 2022. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 8:00 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

RESOLUTION NO. 2022-01

RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS PURSUANT TO THE BROWN ACT AND AB 361

WHEREAS, on March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency due to COVID-19. Such Proclamation remains and is in effect as of the date of this Resolution, as are the facts, circumstances, and emergency under which it was issued; and

WHEREAS, the Diablo Community Services District ("District") ordinarily holds its regular meetings on the second Tuesday of each month (excluding July and December) 7:30 p.m. at the Diablo Country Club, 1700 Club House Road, Diablo, CA 94528; and

WHEREAS, the District has held its meetings via teleconference, specifically the Zoom platform, pursuant to the Governor's Executive Order N-29-20; and

WHEREAS, the Contra Costa County Health Officer ("Health Officer") has issued various health orders and updates designed to slow the spread of COVID-19 (including variants thereof) such as vaccinations, quarantines, face covering requirements, and social distancing recommendations designed to protect public health; and

WHEREAS, on September 20, 2021, the Health Officer issued recommendations for safely holding public meetings, including strongly recommending teleconferencing meetings as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19, and further recommended social distancing and face masking of all attendees; and

WHEREAS, as of September 24, 2021, 14.5% of Contra Costa County residents remain unvaccinated or partially vaccinated. The Health Officer recommend social distancing and further recommend avoiding crowded places, close contact settings, and confined places with poor airflow; and

WHEREAS, COVID-19 continues to spread, and the Delta variant and Omicron variant (highly infectious COVID-19 strains) are prevalent in the Bay Area. COVID-19 poses imminent health and safety concerns. The risk of exposure to COVID-19 depends on the likelihood of coming into close physical contact with people who may be infected and through contact with contaminated surfaces and objects. The severity of the illness varies. Per the US Centers for Disease Control and Prevention about 14% of the cases are severe (meaning, they required hospitalization), with an infection that affects both lungs and has the potential to lead to severe medical complications (such as respiratory failure, shock, or multiorgan dysfunction) that can cause death in some people. The number of cases of infections and deaths occurring locally can be determined by viewing the dashboard of the Health Officer; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which placed an end date of September 30, 2021, on the authority to hold teleconferenced meetings under Executive Order N-29-20; and

WHEREAS, due the rise in COVID-19 cases, including due to the Delta and Omicron variants, the District continues to be deeply concerned about protecting the health and safety of

attendees, particularly given that even fully vaccinated people have contracted the Delta variant, people may contract and transmit the virus before knowing they are infected and/or if they are asymptomatic; meetings of the District can last several hours, and the District's meeting facilities are shared spaces, limited in space with seats that are close together, and have restricted air flow; and

WHEREAS, the California State legislature adopted AB 361 as an urgency measure that was signed by the Governor on September 16, 2021. AB 361 amends the Brown Act to allow local governments to use teleconferencing and virtual meeting technology as long as there is a gubernatorial "proclaimed state of emergency" upon the local legislative body finding that State or local officials have imposed or recommended measures to promote social distancing or that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the Board desires to continue holding public meetings of the District using teleconferencing and virtual meeting technology in order to avoid the imminent risk to the health and safety of attendees; and

WHEREAS, the District found that conducting its meetings using virtual meeting technology allowed equivalent access to the meetings for Directors, staff, and the public based on the ease of use and flexibility of technology. This experience has been confirmed by the Little Hoover Commission, which evaluated the effectiveness of remote meetings statewide; and

WHEREAS, the Board, after giving all public notices required by State Law, held a duly noticed public meeting on January 11, 2022; and

WHEREAS, at such public meeting, the Board considered all pertinent oral and written information, exhibits, testimony, and comments received during the public review process, including, without limitation, information received at the public hearing, the oral report from District staff, the written report from staff, this Resolution, and all other information on which each of the Directors has based their decision (collectively, "Remote Meeting Information").

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Recitals. The foregoing recitals are true and correct; the recitals are hereby incorporated by reference into each of the findings as though fully set forth therein. The recitals and the information below constitute findings in this matter, and together with the Remote Meeting Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth herein.

Section 2. AB 361 Findings. The Board hereby further finds the following: A state of emergency remains active due to the coronavirus pandemic, which continues to directly impact the ability of attendees to meet safely in person. State and/or local officials have imposed and/or recommended measures to promote social distancing. They have strongly recommended public agencies hold their meetings online because doing so presents the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19. COVID-19 poses an imminent risk to the health and safety of attendees because it can be contracted and transmitted by people without symptoms and regardless of vaccination status and has the potential to lead to severe disease and death.

Section 3. Remote Meetings. Meetings of the District will continue to be conducted remotely using teleconferencing for the next 30 days in compliance with AB 361.

Section 4. CEQA. This action does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), and/or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, this action is categorically exempt pursuant to Section 15061(b)(3), “Review for Exemptions” of the CEQA Guidelines because there is no possibility that it may have a significant effect on the environment, and no further environmental review is required. No unusual circumstances exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. This determination reflects the Board’s independent judgment and analysis.

Section 5. Effective Date. This Resolution shall take effect on and after its adoption.

* * * * *

The foregoing Resolution was adopted by the Board of Directors of the Diablo Community Services District on January 11, 2022.

Adopted by the following votes:

AYES: Urbelis, Becker, Eorio, Isom

NOES:

ABSENT: Cox

ABSTAIN:

Kathy Urbelis, President of the Board

Attest:

Katharine Torru

Kathy Torru, General Manager