

**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:

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Kathy Urbelis, President of the Board

Attest:

*Katharine Torru*

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Kathy Torru, General Manager