

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES
DIABLO ROOM, DIABLO COUNTRY CLUB
May 8, 2018 7:30 p.m.**

CALL TO ORDER: President Ray Brant called the meeting to order at 7:30 p.m.
ROLL CALL: Secretary Kathy Torru called the roll as follows:

Directors present: Brant, Torru, Urbelis, Langon
Directors absent: Watson

PUBLIC COMMENTS: Bob Tiernan Jr, Anne Coleman, Mugs Freeman and Robert Canepa expressed disapproval of the changes being proposed to the DCSD Ordinance Code. They requested that the Board suspend its first reading of the proposed Ordinance Code and expand communication of the changes to Diablo residents, including a Town Hall Meeting.

Jeff Eorio expressed support of the proposed Ordinance Code to the extent that the new wording is consistent with the DCSD 1969 Formation Document.

Vince Chow expressed concern about vehicles speeding down Alameda Diablo and the danger they pose to walkers. He also expressed concern about the proposed Club expansion and the impact that the larger facility will have on traffic and parking within Diablo.

ACTION ITEMS:

On motion by Director Urbelis, second by Director Langon, the minutes of the April 10, 2018 Regular Meeting were unanimously approved.

On motion by Director Torru, second by Director Urbelis, the minutes of the April 13, 2018 Special Meeting were unanimously approved.

On motion by Director Torru, second by Director Urbelis, the minutes of the April 27, 2018 Special Meeting were unanimously approved.

After a lengthy discussion about the amount of time needed to expand communication of the Proposed Ordinance Code to residents, a motion was made by Director Urbelis, second by Director Brant to continue the first reading of "an Ordinance of the Diablo Community Services District repealing and replacing the District's 1993 Ordinance Code" to the DCSD August 14th regular board meeting. Staff was directed to mail a notice of the proposed ordinance changes to Diablo residents and host a Town Hall meeting in July. The motion was unanimously approved.

REPORTS:

CONTRA COSTA COUNTY:

Alicia Nuchols reported:

Former Supervisor Mary Piepho authorized \$150,000 from the District 3 Livable Communities Trust Fund to spend reviewing the County's agricultural policies to see if we can do more to sustain farmland and help our farmers thrive economically.

The County's land use policies currently allow slaughterhouses and rendering facilities but don't allow bed-and-breakfasts or farm stays or certain other agritourism activities. There's a strong interest in the farming community and the City of Brentwood to see if we can allow uses that will increase agritourism. The challenge will be how to encourage agritourism without inducing intrusion of urban

services and urbanization into our farming communities and we will need to develop thoughtful and balanced strategies to achieve both goals.

May 31st, 10-12pm Supervisor Burgis office will be hosting a first public meeting for Ag Land Use Policy Review.

The E Bart extension to Antioch is finally open and there will be a ribbon cutting ceremony on May 25th at 11 am to celebrate.

DIABLO COUNTRY CLUB:

No report.

Hank Salvo reported:

DIABLO PROPERTY OWNERS REPORT:

The Historical Preservation Committee 2018 Diablo Historic Home Tour on May 19th is sold out with over 60 people attending.

Don Nejedly reported:

The DPOA is looking for volunteers to help Jeff Mini put together Flag Kits to be distributed to participating residents for the Memorial Day Holiday

ROADS:

Jim Stein, CCC Surveyor, has been very helpful in researching the history of Mt Diablo Scenic Blvd. Documents dating back to the early 1900s have been discovered. Once the work is complete Director Langon will report back to the Board.

Director Langon reported:

The source of the water under Bella Vista road is still a mystery. EBMUD visited the site and concluded the leak was not from any of their pipes. An adjacent homeowner turned off their irrigation to see if his residence was the source, but the road remained wet. Further work will need to be done to identify the source.

MCE washed all 3 bridges. The Caballo Ranchero Bridge needs to be painted, schedule TBD.

SECURITY:

April Security Report. There were two incidents reported, the loss of a passport and a mental illness commitment.

Deputy Sheriff Dan Buergi presented:

The Club had a few large events this Spring that resulted in traffic and parking issues within Diablo. The Club is working with the Sheriff and DCSD to improve parking and traffic flow for these large Club events.

FINANCIAL:

April Financial Report. The District's net income is in line with the budget and at the end of March the District had a cash balance of approx. \$280K.

Director Torru presented:

ACTION ITEM: On motion by Director Urbelis, second by Director Langon the Board unanimously approved the 2018-19 Budget.

COMMENTS BY DIRECTORS: None

CALL OF NEXT MEETING/ADJOURNMENT:

The President called the next meeting for June 12, 2018. There being no further business, the President adjourned the meeting at 9:00 pm.

Diablo Community Services District by
Kathy Torru, Secretary

Diablo Community Services District
Profit and Loss Statement
10 months ended April 30, 2018

	July	August	September	October	November	December	January	February	March	April	YTD	Budget	Prior YTD
<i>Income</i>													
Ad Valorem Taxes	\$0	\$0	\$0	\$0	\$11,082	\$222,237	\$0	\$45,892	\$0	\$134,477	\$413,688	\$404,332	\$392,936
Road & Security Fees						134,453		19,557		78,227	232,237	234,429	227,600
Traffic Fines	177			110		151	36	-	560	236	1,270	2,920	4,425
Other Income											-	0	9,579
Interest Income	5	3	3	3	2	2	6	6	6	6	42	60	58
Total Income	182	3	3	113	11,084	356,843	42	65,455	566	212,946	647,237	641,741	634,598
<i>Expenses</i>													
Sheriff Security	30,000	37,132	30,088	33,817	32,785	27,934	29,012	32,321	31,336	29,873	314,298	304,210	301,853
Auto Repairs											-	500	0
Cell Phone											-	0	219
Other											-	0	350
Road Maintenance						8,200	804				9,004	25,000	399,876
Storm Patrol & Emerg Resp									1,766		1,766	5,000	3,370
Repair of Failed Culvert											-	0	185,076
Gardener	100	100	100	100	100	100	100	100	100	100	1,000	1,000	1,300
Trail and Island Maintenance												2,500	1,000
General Manager	1,750	1,750	1,750	1,750	1,750	1,750	1,750	2,500	2,500	2,500	19,750	17,500	17,500
Legal	1,850	2,015	2,525	2,750	5,834	2,090	1,925	11,475	20,145	21,969	72,578	18,500	18,500
Audit			3,500			5,750					9,250	9,250	9,000
Other Professional	43	398	43	43	1,816	217	55	55	55	9,170	11,895	18,572	6,432
Insur Director and Officers						9,084					9,084	9,200	9,084
Insur Commercial and Auto				3,428		4,009					7,437	7,000	6,517
Insur Excess General Liability				0	4,070						4,070	4,000	3,970
Administrative	17	13	2	42	15	279	647	4	208	10	1,237	250	359
Depreciation Expense	755	755	755	755	755	755	755	755	755	755	7,550	7,550	5,883
Miscellaneous			409			462	2,980				3,851	2,950	3,507
Total Expenses	34,515	42,163	39,172	42,685	47,125	60,630	38,028	47,210	56,865	64,377	472,770	432,982	973,796
Net Income	(34,333)	(42,160)	(39,169)	(42,572)	(36,041)	296,213	(37,986)	18,245	(56,299)	148,569	174,467	208,759	(339,198)

Diablo Community Services District
Balance Sheet
April 30, 2018

	July	August	September	October	November	December	January	February	March	April
ASSETS										
Current Assets										
Wells Fargo Checking Acct	\$100,534	\$58,971	\$54,960	\$5,223	\$23,378	\$160,233	\$69,516	\$134,960	\$33,269	\$182,442
Wells Fargo Money Market 2	128,737	128,740	128,744	100,747	50,748	250,750	250,757	250,763	250,769	250,775
Accounts Receivable	2,200	2,200	2,200	2,200	2,200	2,200	2,200	2,200	2,200	2,200
Prepaid Expenses	173	130	86	1,840	1,797	1,742	11,687	11,632	11,578	11,523
Total Current Assets	231,644	190,041	185,990	110,010	78,123	414,925	334,160	399,555	297,816	446,940
Property and Equipment										
Computer Equip	5,917	5,917	5,917	5,917	5,917	5,917	5,917	5,917	5,917	5,917
Automobile	42,817	42,817	42,817	42,817	42,817	42,817	42,817	42,817	42,817	42,817
Other Fixed Assets	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
Accumulated Depreciation	(13,256)	(14,011)	(14,767)	(15,522)	(16,277)	(17,032)	(17,788)	(18,543)	(19,298)	(20,054)
Total Property and Equipment	37,978	37,223	36,467	35,712	34,957	34,202	33,446	32,691	31,936	31,180
Other Assets										
Automobile Sinking Fund	24,833	25,833	26,833	27,833	28,833	29,833	30,833	31,833	32,833	33,833
Bridge Sinking Fund	245,000	250,000	255,000	260,000	265,000	270,000	275,000	280,000	285,000	290,000
Total Other Assets	269,833	275,833	281,833	287,833	293,833	299,833	305,833	311,833	317,833	323,833
Total Assets	539,455	503,097	504,290	433,555	406,913	748,960	673,439	744,079	647,585	801,953
LIABILITIES AND CAPITAL										
Current Liabilities										
Accounts Payable	30,100	29,900	64,263	30,100	33,500	73,334	29,800	76,196	30,000	29,800
Accrued Expenses	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Total Current Liabilities	33,100	32,900	67,263	33,100	36,500	76,334	32,800	79,196	33,000	32,800
Long-Term Liabilities										
Other Liabilities	269,833	275,833	281,833	287,833	293,833	299,833	305,833	311,833	317,833	323,833
Total Long-Term Liabilities	269,833	275,833	281,833	287,833	293,833	299,833	305,833	311,833	317,833	323,833
Total Liabilities	302,933	308,733	349,096	320,933	330,333	376,167	338,633	391,029	350,833	356,633
Capital										
Opening Balance Equity	1,239,979	1,239,979	1,239,979	1,239,979	1,239,979	1,239,979	1,239,979	1,239,979	1,239,979	1,239,979
Retained Earnings	(969,123)	(969,123)	(969,123)	(969,123)	(969,123)	(969,123)	(969,123)	(969,123)	(969,123)	(969,123)
Net Income	(34,333)	(76,494)	(115,661)	(158,234)	(194,275)	101,938	63,951	82,195	25,896	174,464
Total Capital	236,523	194,362	155,195	112,622	76,581	372,794	334,807	353,051	296,752	445,320
Total Liabilities & Capital	539,456	503,095	504,291	433,555	406,914	748,961	673,440	744,080	647,585	801,953

Diablo Community Services District
Cash Flow Statement
10 month ended April 30, 2018

	July	August	September	October	November	December	January	February	March	April	YTD
<i>Cash Flows from operating activities</i>											
Net Income	(\$34,333)	(\$42,160)	(\$39,169)	(\$42,572)	(\$36,041)	\$296,213	(\$37,986)	\$18,245	(\$56,299)	\$148,569	\$174,467
Adjustments to reconcile net income to net cash provided by operating activities											
Accumulated Depreciation	755	755	755	755	755	755	755	755	755	755	7,552
Accounts Receivable				0							0
Prepaid Expenses	43	43	43	(1,754)	43	54.92	(9,945)	55	55	55	(11,306)
Accounts Payable	(6,843)	(200)	34,363	(34,163)	3,400	39,834	(43,534)	46,396	(46,196)	(200)	(7,143)
Accrued Expenses											0
Total Adjustments	(6,045)	598	35,161	(35,162)	4,198	40,644	(52,724)	47,206	(45,386)	610	(10,898)
Net Cash provided by Operations	(40,378)	(41,562)	(4,008)	(77,734)	(31,843)	336,857	(90,710)	65,451	(101,685)	149,179	163,569
<i>Cash Flows from investing activities</i>											
Used For											
Other Fixed Assets											0
Automobile Sinking Fund	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	(10,000)
Bridge Sinking Fund	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	(50,000)
Net cash used in investing	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	(60,000)
<i>Cash Flows from financing activities</i>											
Proceeds From											
Other Liabilities	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	60,000
Used For											
Net cash used in financing	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	60,000
Net increase <decrease> in cash	(40,378)	(41,562)	(4,008)	(77,734)	(31,843)	336,857	(90,710)	65,451	(101,685)	149,179	163,569
<i>Summary</i>											
Cash Balance at End of Period	229,271	187,711	183,704	105,970	74,126	410,983	320,273	385,723	284,038	433,217	433,217
Cash Balance at Beg of Period	(269,650)	(229,271)	(187,711)	(183,704)	(105,970)	(74,126)	(410,983)	(320,273)	(385,723)	(284,038)	(269,650)
Net Increase <Decrease> in Cash	(40,379)	(41,560)	(4,007)	(77,734)	(31,844)	336,857	(90,710)	65,450	(101,685)	149,179	163,567

Diablo Community Services District
2018-2019 Draft Budget

July 1st thru June 30th	2019 Budget					Est Actual	Actual	Actual	Actual
	Q1	Q2	Q3	Q4	YTD	2017-2018	2016-2017	2015-2016	2014-2015
Income Statement									
Revenue									
Ad Valorem Tax	0	247,789	0	202,737	450,526	437,404	424,275	394,697	364,370
Road & Security Fees	0	155,452	0	127,188	282,641	244,460	239,579	232,159	225,733
Traffic Fines	300	300	300	300	1,200	1,395	4,479	3,355	3,319
Other Income	0	0	0	0	0	-	9,579		
Interest Income	15	15	15	15	60	54	69	83	142
Total Revenue	315	403,557	315	330,240	734,427	683,313	677,981	630,294	593,564
Expenses-Recurring									
Security									
Security / Sheriff	98,525	98,525	98,525	98,525	394,100	376,298	360,852	352,930	328,556
Auto Repairs	0	2,500	0	0	2,500	-	-	3,418	3,598
Other (office computer/cell)	0	0	0	0	0	-	569	200	400
Total Security	98,525	101,025	98,525	98,525	396,600	376,298	361,421	356,548	332,554
Road Maintenance									
Road Maintenance	0	10,000	0	305,000	315,000	9,004	407,392	292,579	612,188
Bridge Maintenance	0	0	0	0	0	-	-	13,790	61,279
Bridge Engineering/Consulting	0	0	0	0	0	-	-	3,275	-
Storm Patrol & Emerg Response	0	1,000	4,000	0	5,000	1,766	3,370	2,320	-
Culvert Failure					0	-	185,076		
Gardener	300	300	300	300	1,200	1,200	1,500	1,440	1,520
Trail and Island maint	0	2,500	0	2,500	5,000	2,500	2,000	9,884	10,500
Total Road Maintenance	300	13,800	4,300	307,800	326,200	14,470	599,338	323,288	685,487
Professional									
General Manager	7,500	7,500	7,500	7,500	30,000	24,750	21,000	21,000	21,000
Legal	13,600	18,600	3,600	13,600	49,400	94,978	25,200	22,200	22,200
Audit	0	9,500	0	0	9,500	9,250	9,000	5,000	8,658
Other Professional	100	1,800	1,800	1,150	4,850	11,895	7,003	9,147	3,875
Total Professional	21,200	37,400	12,900	22,250	93,750	140,873	62,203	57,347	55,733
Insurance									
Insur Director and Officers	0	9,200	0	0	9,200	9,084	9,084	9,084	8,889
Insur Commercial and Auto	0	7,500	0	0	7,500	7,437	6,517	7,827	3,552
Insur Excess General Liability	0	4,200	0	0	4,200	4,070	3,970	4,175	4,125
Total Insurance	0	20,900	0	0	20,900	20,591	19,571	21,086	16,566
Administrative									
DMAC Operating Expenses	0	0	0	76	76	-		-	158
Administrative	300	300	300	300	1,200	1,373	520	305	708
Depreciation	2,266	2,266	2,266	2,266	9,063	9,060	7,394	1,953	1,582
Miscellaneous	100	0	2,850	100	3,050	3,851	3,625	2,539	2,357
Total Administrative	2,666	2,566	5,416	2,742	13,389	14,284	11,539	4,797	4,805
Total Recurring Expenses	122,691	175,691	121,141	431,317	850,839	566,516	1,054,072	763,066	1,095,145
Net Income	(122,376)	227,866	(120,826)	(101,077)	(116,412)	116,797	(376,091)	(132,772)	(501,581)
Capital Outlays									
New Sheriff Cruiser reserve	3,000	3,000	3,000	3,000	12,000				
Culvert Reserve	0	20,000	0	10,000	30,000				
Reserve for Bridge Replacement	15,000	15,000	15,000	15,000	60,000				
Total Capital Outlays	18,000	38,000	18,000	28,000	102,000				
Ending Cash Position	264,890	495,022	376,462	277,651	277,651				

Diablo Community Services District
7 Year Budget
FY 2019-2025

		Est Actual	Budget						
		2018	2019	2020	2021	2022	2023	2024	2025
Beginning Cash (Less AP)		242,650	368,507	261,153	305,544	271,318	206,805	296,040	372,266
Cash Source									
AD Valorem Tax	3%	437,404	450,526	464,042	477,963	492,302	507,071	522,283	537,952
Special Tax	3%	244,460	282,641	291,120	291,120	291,120	291,120	291,120	291,120
Traffic Fines		1,395	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Other		-							
Interest		54	55	55	55	55	55	55	55
Total Revenue		683,313	734,422	756,417	770,338	784,677	799,446	814,658	830,327
Cash Use									
Sheriff Security	5%	376,298	394,100	413,805	434,495	456,220	479,031	502,983	528,132
Auto Repairs		-	2,500	3,000	3,500	3,500	500	500	500
Other		-	-						
Road Maintenance		9,004	315,000	150,000	265,000	225,000	125,000	125,000	125,000
Bridge Maintenance		-	-	45,000	-	-	-	-	-
Bridge Engineering/Consulting		-	-	-	-	-	-	-	-
Storm Patrol & Emerg Response		1,766	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Failed Culvert		-							
Gardener		1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Trail and Island maint		2,500	5,000	5,000	5,000	5,000	5,000	5,000	5,000
General Manager *		24,750	30,000	30,000	30,000	30,000	30,000	30,000	30,000
Legal *		94,978	49,400	15,000	15,000	16,000	16,000	18,000	18,000
Audit *		9,250	9,500	9,500	9,750	10,000	10,000	10,500	10,500
Other Professional *		11,895	4,850	7,000	7,000	7,000	7,000	7,000	7,000
Insur Director and Officers	5%	9,084	9,200	9,660	10,143	10,650	11,183	11,742	12,329
Insur Commercial and Auto	5%	7,437	7,500	7,875	8,269	8,682	9,116	9,572	10,051
Insur Excess General Liability	5%	4,070	4,200	4,410	4,631	4,862	5,105	5,360	5,628
DMAC Operating Expenses *		-	76	76	76	76	76	76	76
Administrative *		1,373	1,200	1,500	1,500	1,500	1,500	1,500	1,500
Miscellaneous *		3,851	3,050	4,000	4,000	4,500	4,500	5,000	5,000
Total Costs		557,456	841,776	712,026	804,564	789,190	710,211	738,433	764,916
Change in Position		125,857	(107,354)	44,391	(34,225)	(4,513)	89,235	76,225	65,411
New Vehicle		-				60,000			
Ending Cash Position		368,507	261,153	305,544	271,318	206,805	296,040	372,266	437,677

MEMORANDUM

DATE: May 8, 2018
TO: DCSD Board Members
CC: Dick Breitweiser, General Manager
FROM: Christie Crowl, General Counsel
RE: Proposed 2018 Ordinance Code

I. Introduction/Background

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 recent passing of Measure B). The District desired 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.

II. Overview of amendments to 1993 Ordinance Code

The ordinance code before you for first reading (the “2018 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 3 (Fees) to reflect Measure B and current law
- Updated Vehicle Code reference throughout, and updated/removed provisions as necessary to reflect current law and the District’s authority pursuant to the Formation Documents
- Clarified procedures relating to removal of encroachments, repair of damage, public hearings, and appeals of DCSD decisions
- Re-numbered and re-organized chapters/provisions for ease of use and reference

III. Clerical errors/re-numbering in proposed 2018 Ordinance

Following posting of the proposed 2018 Ordinance, it was noted that section 402 was intended for removal but inadvertently left in the posted version. This section was removed because it does not contain substantive rules or information not already present in the code or the Formation Documents, and the sections in Chapter 4 were re-numbered accordingly. Similarly, references to

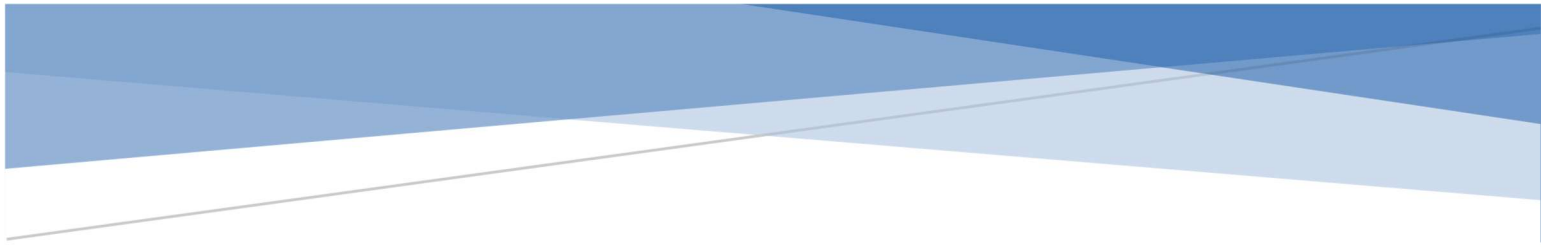
“Diablo-Maintained” streets, culverts, and bridges were intended to be changed to “DCSD-Maintained,” and this clerical error has been fixed in the version before you this evening.

IV. CEQA Compliance

The 2018 Ordinance Code provides rules and regulations pertaining to administration, operation, use, and maintenance of existing District roads, and therefore will not have a significant effect on the environment and is exempt from the California Environmental Quality Act (“CEQA”) pursuant to sections 15061(b)(3) and 15301 of the CEQA Guidelines.

V. Recommendation: waive first reading of and introduce 2018 Ordinance Code

We recommend that the Board move to waive the first reading of and introduce the proposed 2018 Ordinance Code without section 402 and with the wording changes referenced in this Memorandum.



ORDINANCE CODE

OF THE

DIABLO COMMUNITY SERVICES

DISTRICT

AMENDED AND RESTATED MAY 8, 2018

TABLE OF CONTENTS

CHAPTER

1. GENERAL PROVISIONS

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CHAPTER 1

GENERAL PROVISIONS

102 Title. This Ordinance Code shall be known as the Ordinance Code (hereinafter referred to as “Code”) of the Diablo Community Services District and may be cited in any prosecution for its violation.

104 References. Every reference to this Code or any portion thereof applies to this Code as now or as hereinafter amended.

106 Amendments. Any ordinance amending this Code shall be designated as an amendment and shall be adopted pursuant to the procedures required by this Code, and applicable state and federal law.

108 Partial Invalidity. If any provision, or any portion of a provision, of this Code or the application thereof is held invalid, such invalidity shall not affect any other portion or provision of this Code.

110 Authority for Adoption. This Code and each ordinance and provision thereunder is adopted pursuant to California Government Code Section 61060 et seq.

112 Jurisdiction. Unless otherwise provided, this Code applies only to acts or omissions within the jurisdictional boundaries of the Diablo Community Services District as established by the Board of Supervisors of Contra Costa County and as amended from time to time.

114 Definitions. As used in this Code, the following definitions apply:

Board or Board of Directors means the Board of Directors of the Diablo Community Services District.

Diablo means all land within the boundaries of the Diablo Community Services District.

Diablo Community Services District or DCSD means the California special district formed by Contra Costa County Resolution 68-826.

DCSD-Maintained Bridges refers to the following:

- **Alameda Diablo Bridge**, (also referred to as Bridge No. 1) located at the western terminus of Alameda Diablo near its intersection with Diablo Road.
- **Don Hoffman Memorial Bridge**, (also referred to as Bridge No. 2) located on Alameda Diablo between its intersections with Caballo Ranchero and Avenida Nueva.

- **Jim Stone Memorial Bridge**, (also referred to as Bridge No. 3) located on Caballo Ranchero between its intersections with Alameda Diablo and Casa Nuestra.

DCSD-Maintained Culverts means all culverts lying entirely under a DCSD-Maintained Street and any portion of a culvert lying under the paved portion of a DCSD-Maintained Street.

DCSD-Maintained Streets means those streets, as defined by California Vehicle Code Section 590, located within Diablo that are maintained and secured by DCSD pursuant to the Formation Resolution. The DCSD-Maintained Streets are subject to the California Vehicle Code and are limited to the following:

- Alameda Diablo from Diablo Road to Diablo Lakes Lane
- Avenida Nueva from Alameda Diablo to Diablo Road
- Bella Vista
- Caballo Ranchero from the intersection of Caballo Ranchero and Alameda Diablo, to the northernmost property line of #2297 Caballo Ranchero
- Caballo Ranchero Court from Caballo Rancher
- Calle Arroyo from Club House Road to Diablo Road, excluding any portion of the road located over the bridge past #1817 Calle Arroyo, and excluding any portion of the road located on the driveway past #1609 Calle Arroyo
- Calle Del Casarillo from Mt. Diablo Scenic Blvd.
- Calle Los Callados from Alameda Diablo
- Campo Pelota from Club House Road
- Canada Via from Calle Arroyo
- Casa Nuestra from El Nido to Caballo Ranchero
- Club House Road from Alameda Diablo
- El Centro from Avenida Nueva
- El Nido Court from El Nido
- El Nido from Alameda Diablo
- La Cadena from Avenida Nueva to Alameda Diablo
- Palma Vista from Calle Los Callados
- Verde Del Ciervo from El Nido
- All DCSD-Maintained Trails

DCSD-Maintained Trails means the following trails that are maintained by DCSD:

- Kay's Trail, which is located immediately south of 2084 Alameda Diablo.

Encroachment means an obstruction that prevents full or partial access to a DCSD-Maintained Street. Encroachments include, but are not limited to, any structures such as signs, fences, guardrails, or walls; or any vegetation, such as trees, shrubs, or other

growing materials; or landscape materials such as rocks, irrigation materials, or bark.

Fees mean the amount shown for “DIABLO SERV DIST” in the Special Taxes & Assessments section of the property tax bills of Property Owners.

Formation Resolution means Contra Costa County Resolution 68-826 and any and all amendments thereto, which established the DCSD.

Golf Cart means any motor vehicle weighing less than 1300 pounds and having not less than three wheels in contact with the ground which is or may be used to carry golf equipment and is designed to hold no more than four persons.

Property Owner or Owner means an owner of land within Diablo.

Sheriff means the Sheriff of Contra Costa County and/or any sworn officer of the State of California.

Vehicle means any motor vehicle or operator-propelled vehicle, including but not limited to cars, motorcycles, mopeds, motorized and non-motorized scooters, golf carts, all-terrain vehicles, Segways, bicycles, and unicycles.

CHAPTER 2

ADMINISTRATION

202 Application of California Administrative Code Section 18730 Statements. California Administrative Code Section 18730 is incorporated into this Code by reference, and the provisions therein are adopted as the Conflict of Interest Code for the Diablo Community Services District. Notwithstanding the incorporation of this Section 18730, annual statements covering the period of the preceding year, shall be filed during the month of April and no later than April 30 of each year by all members of the Board of Directors.

204 Filing Officer. The Filing Officer for the DCSD is the Secretary.

CHAPTER 3

REVENUE AND FINANCE

302 Liability for Fees. The liability for Fees provided herein shall be borne by Owners.

304 Amount of Fees. DCSD shall charge Fees pursuant to Ordinance 2017-02.

306 Additional Fees. In order to address unanticipated or emergency situations, including but not limited to failure of DCSD-Maintained Culverts and weather damage to DCSD-Maintained Streets or DCSD-Maintained Bridges, the Board of Directors may determine that it is necessary to charge Owners additional fees. In such cases, the Board of Directors may impose additional fees in accordance with all applicable laws.

308 Collection. The Contra Costa County Tax Collector shall collect fees on behalf of DCSD. DCSD shall pay Contra Costa County the costs for collecting these fees, as requested

CHAPTER 4

RULES REGARDING DCSD-MAINTAINED STREETS

402 Diablo Entrances and Exits. Alameda Diablo at the intersection with Diablo Road, Calle Arroyo at the intersection with Diablo Road, and Avenida Nueva at the intersection with Diablo Road shall be the only entrances and exits to and from Diablo.

404 Connectors Prohibited. No street or passageway of any kind shall be constructed to connect with any street or passageway in Diablo whereby said construction would create an entrance or exit into Diablo other than as identified in Section 402.

406 Speed Limits. Except as provided in Section 22350 of the California Vehicle Code or as otherwise required by law, the speed limit on any DCSD-Maintained Street is twenty miles per hour.

408 Street Signs and Security Cameras

a. Subject to the requirements of the California Vehicle Code, DCSD is responsible for erection, installation, and maintenance of any and all permanent signs and security cameras located on or within all DCSD-Maintained Streets, DCSD-Maintained Culverts, and DCSD-Maintained Bridges. Owners who desire an exception to this Ordinance must obtain approval from the DCSD. Any signs or security cameras erected or installed in violation of this section may be removed by DCSD. If DCSD determines that an Owner has violated this section 408, DCSD will notify the Owner of DCSD's costs to remove the sign or camera, and the Owner will have 30 days to remit payment of said costs.

b. If an Owner desires an exception to the requirements of this section 408, that Owner may make a written application to DCSD identifying the specifications of the sign and/or camera to be installed, and the location(s) of said installation(s). DCSD will hold a public hearing and act on any such application at the next regular meeting that is at least fourteen (14) days from the day the application was received unless this time requirement is waived by Owner.

c. Any decision by DCSD made pursuant to this section 408 may be appealed pursuant to section 706 of this Code.

410 Stop Sign Intersections. Pursuant to California Vehicle Code 21354, DCSD is responsible for erection and maintenance of the stop signs located at the following intersections:

- Alameda Diablo where it intersects with Diablo Road
- Alameda Diablo where it intersects with La Cadena
- Alameda Diablo where it intersects with Club House Road
- Alameda Diablo where it intersects with El Nido
- Alameda Diablo where it intersects with Avenida Nueva
- Alameda Diablo where it intersects with Caballo Ranchero
- Avenida Nueva where it intersects with Diablo Road
- Avenida Nueva where it intersects with El Centro
- Avenida Nueva where it intersects with La Cadena
- Avenida Nueva where it intersects with Calle Los Callados
- Avenida Nueva where it intersects with Alameda Diablo

- Caballo Ranchero where it intersects with Alameda Diablo
- Caballo Ranchero Court where it intersects with Caballo Ranchero.
- Calle Arroyo where it intersects with Diablo Road
- Calle Arroyo where it intersects with Diablo Country Club South Driveway
- Calle Arroyo where it intersects with Club House Road
- Calle Los Callados where it intersects with Avenida Nueva
- Calle Los Callados where it intersects with Alameda Diablo
- Canada Via where it intersects with Calle Arroyo
- Casa Nuestra where it intersects with El Nido
- Casa Nuestra where it intersects with Caballo Ranchero
- Club House Road where it intersects with Alameda Diablo
- Club House Road where it intersects with the entry to the Diablo Country Club
- El Nido where it intersects with Alameda Diablo
- El Nido where it intersects with the entry to the United States Post Office
- La Cadena where it intersects with Alameda Diablo
- La Cadena where it intersects with Avenida Nueva
- Club Upper Parking Lot where it intersects with El Nido

412 DCSD-Maintained Streets, Combined Use. Pursuant to California Vehicle Code Section 21115, the Board of Directors of the DCSD finds that all DCSD-Maintained Streets are adjacent to or provide access to a golf course or a place where golf carts are parked or stored, and designates all DCSD-Maintained Streets for the combined use of golf carts and other vehicles.

414 Parking. A vehicle shall not be parked on a DCSD-Maintained Street if the position of the vehicle will impede the safe passage of any other vehicle, including emergency vehicles. As used herein, an emergency vehicle includes, but is not limited to, any vehicle customarily used by the Fire Department, any ambulance, and any vehicle used by the Sheriff or law enforcement.

416 Encroachments on and Damage to DCSD-Maintained Streets.

a. Findings and Purpose. The Board of Directors of the DCSD finds:

1. That DCSD-Maintained Streets are narrow, there are no sidewalks adjacent to DCSD-Maintained Streets, and that DCSD-Maintained Streets are used by pedestrians, including children, and persons on bicycles and other mechanical and personal modes of transportation and play.
2. DCSD-Maintained Streets are the only access for emergency vehicles to service property and persons within Diablo.
3. Any Encroachment on or damage to a DCSD-Maintained Street could result in dangerous conditions or severe inconvenience to Diablo residents, including but not limited to increased response times for emergency vehicles.

4. It is the responsibility of the Owner to immediately remove or repair any encroachment or damage located on the Owner's property.
5. DCSD does not have a Public Works Department and therefore it is necessary and convenient for DCSD to contract with independent contractors to remove or repair encroachments and damage, the cost of which shall be borne by the Owner.

b. Encroachments on DCSD-Maintained Streets. No Owner shall permit any Encroachment from his or her property to lie on a DCSD-Maintained Street. If an Owner's property contains an Encroachment or an Owner is responsible for placement, accidental or otherwise, of an Encroachment onto a DCSD-Maintained Street, Owner shall remove the Encroachment upon notification by any member of the Board of Directors, the General Manager, or the Sheriff. If an Encroachment is deemed by the Board of Directors, the General Manager, or the Sheriff to impact public safety, it must be removed within four hours or within a period of time deemed acceptable by the Sheriff. All other Encroachments must be removed within a reasonable time not to exceed 15 days, unless otherwise authorized by the Board of Directors. Examples of Encroachments impacting public safety include, but are not limited to, fallen trees or branches within a DCSD-Maintained Street and culvert failure.

c. Damage to DCSD-Maintained Streets. No Owner shall cause damage to a DCSD-Maintained Street. Damage includes, but is not limited to, damage caused by drainage from an Owner's property; damaged caused by vehicles; and damage caused by construction and construction vehicles. If damage is deemed by the Board of Directors, the General Manager, or the Sheriff to impact public safety, it must be removed or repaired within four hours or within a period of time deemed acceptable by the Sheriff. All other damage must be removed or repaired within a reasonable time not to exceed 15 days, unless otherwise authorized by the Board of Directors.

418 Recovery of Cost to Remove or Repair. If an owner fails to remove an Encroachment or repair damage as required by this Chapter 4, DCSD may contact the engineering firm designated as its contract engineer to arrange for the removal of the Encroachment and/or repair of the damage. If DCSD's contract engineer removes the Encroachment or repairs the damage, Owner will reimburse DCSD for all costs and expenses associated with removal and/or repair, and shall indemnify and hold harmless DCSD, the Board of Directors, the General Manager, and the Sheriff for any liability incurred by said person(s) in causing the Encroachment to be removed and/or the damage repaired. If the Owner has reason to believe that he or she is not responsible for the Encroachment or damage, Owner may appeal DCSD's decision to require reimbursement pursuant to section 706 of this Code. Notwithstanding the requirements of section 706, at this hearing:

- a. The General Manager and/or DCSD staff will present facts and evidence. Following this presentation, the Owner shall be entitled to show cause why he or she is not responsible for the costs of removal or repair of the encroachment. Acts of God, storm, and flooding are not

defenses for Owner's failure to remove an Encroachment or repair damage to a DCSD-Maintained Street, nor are they defenses for Owner's failure to pay for the cost of removal of the Encroachment or repair of the damage.

b. The Board of Directors by a majority vote shall determine whether the Owner is responsible for the costs of the removal of the Encroachment and/or repair of the damage. If the Board determines that the Owner is responsible for the costs, the Owner must pay those costs within 30 days of the Board of Director's decision at the public hearing. If the Owner fails to pay within the times prescribed by this Chapter 4, then DCSD may add the amount due plus a reasonable processing fee to the Owner's Fees as shown on Owner's property tax bill.

c. Notwithstanding subsection b. above, DCSD's remedies shall include all remedies permitted by law. Imposition of one or more remedies in this section 418 shall not preclude the imposition of another available remedy.

CHAPTER 5

CULVERTS AND CREEKS

502 Maintenance of Culverts. DCSD shall maintain all DCSD-Maintained Culverts.

504 Modification of Culverts Prohibited. No Owner shall modify any DCSD-Maintained Culvert or portion of a culvert which connects to a DCSD-Maintained Culvert without the express approval of DCSD. Applications submitted to DCSD to modify any DCSD-Maintained Culvert or culvert connecting thereto must contain plans signed by an engineer licensed in the State of California. DCSD may charge a reasonable fee for processing the application, including but not limited to attorneys' and engineers' fees associated with review of the application and plans. DCSD shall hold a public hearing on the application and may approve, conditionally approve, or deny the application. Any DCSD approval shall be made in the form of a resolution describing the extent and conditions of the permitted modification. DCSD's decision made pursuant to this section may be appealed pursuant to section 706.

506 Creeks Not Maintained. DCSD is not responsible for the maintenance of any creek whether or not the creek connects to a culvert.

CHAPTER 6

REQUEST TO RECLASSIFY A NON-MAINTAINED STREET

602 Application. An applicant who desires that DCSD assume the maintenance

responsibilities of a street in Diablo must file an application in writing with the Board requesting that DCSD accept the maintenance responsibilities of said street. DCSD may charge a reasonable fee for processing the application, including but not limited to attorneys' fees associated with review of the application. DCSD shall approve, conditionally approve, or deny an application submitted pursuant to this section following a public hearing held within 60 days of receipt of the application. If an application is approved pursuant to this Chapter, DCSD shall have the exclusive right to name the street, subject to any and all applicable local and state law requirements. Any decision made by DCSD pursuant to this Chapter 6 may be appealed in accordance with the requirements of section 706.

604 Criteria for Approval. The Board of Directors will consider the following when determining whether to approve an application for maintenance responsibilities:

- a. Whether the portion of the street to be maintained is located entirely within the boundaries of the Diablo Community Services District.
- b. Whether the street meets the minimum construction and performance standard for "Two-Lane Rural Road Guidelines," as established by ordinances of Contra Costa County and Exhibit A to this Code.
- c. Whether the applicant has proposed any dedications or easements, and whether those dedications or easements are satisfactory.
- d. Whether the street connects directly to another DCSD-Maintained Street on each end, or if the street connects directly to another DCSD-Maintained Street on one end only, whether the non-connecting end terminates in a cul-de-sac with a diameter of at least 60 feet at all points.
- e. Whether a portion of the street serves at least 5 developed residences on 5 separately assessed parcels.

606 Proof of Compliance. The applicant must provide, at applicant's expense, a certificate signed under penalty of perjury by an engineer licensed in the State of California stating that the engineer has personally inspected the street and the extent to which the street meets each criterion described in Section 604.

CHAPTER 7

MEETINGS, PUBLIC HEARINGS, APPEALS

702 Regular meetings. DCSD shall hold regular meetings as required by law at a time and place established by resolution.

704 Public Hearings.

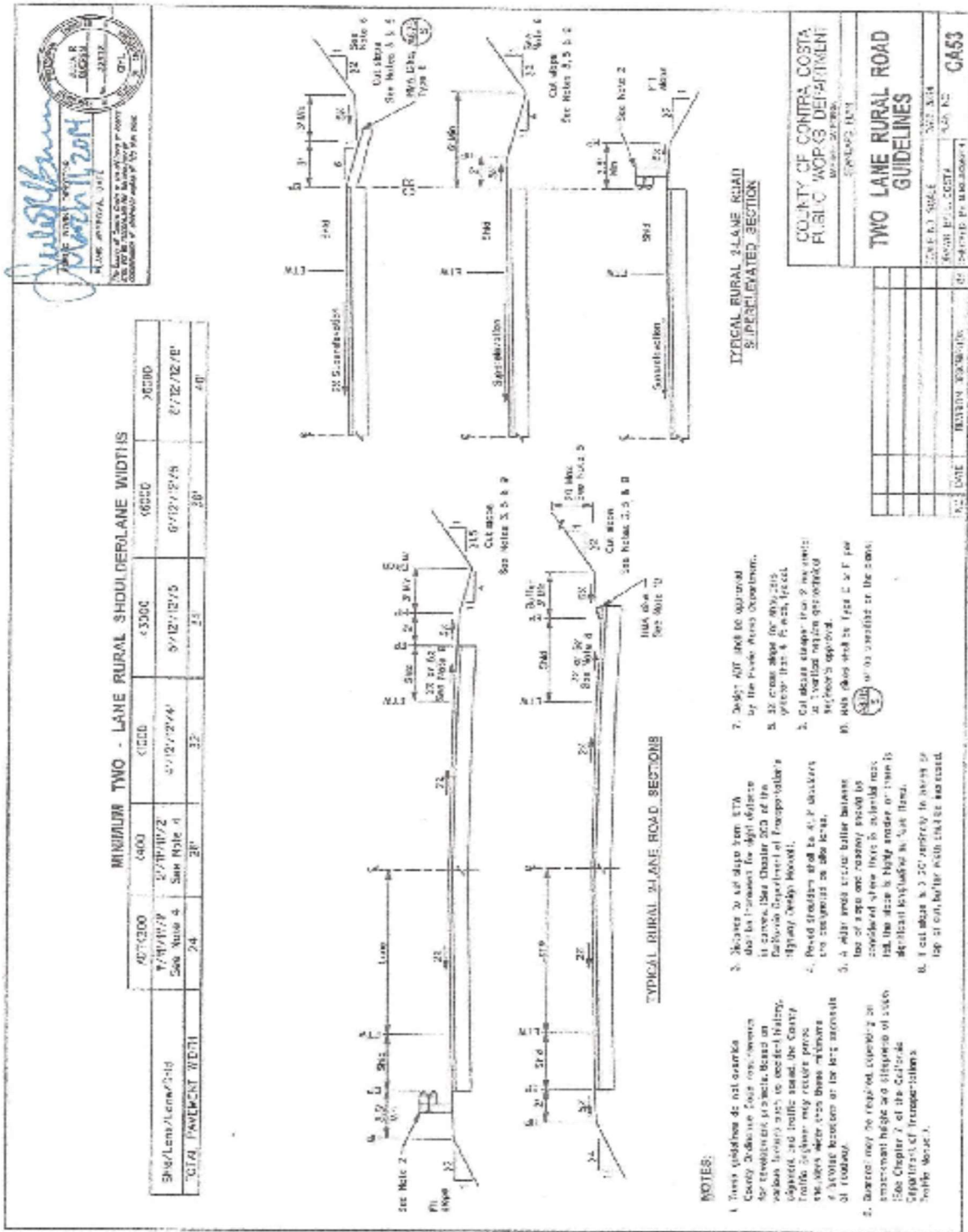
- a. The Board of Directors shall hold public hearings as required by this Code or as otherwise required by law.
- b. Comments made by members of the public (excluding the applicant and/or appellant) are limited to 3 minutes.

706 Appeals.

- a. Decisions of the Board of Directors made pursuant to sections 408, 418, 504, and 602 may be appealed pursuant to this section 706.
- b. Any appeal must be submitted in writing to the Board of Directors within 10 days of the decision being appealed.
- c. Properly submitted appeals shall be heard at a public hearing within 60 days of the Board's receipt of the appeal, unless this requirement is waived by the appellant.
- d. Contents of appeal.
 - 1. Name, address, telephone, and email of appellant
 - 2. Reason and grounds for appeal and supporting documentation, including but not limited to references to this Code and/or other applicable rules, regulations, and laws.
- e. The Board of Directors' decision on an appeal is final.

EXHIBIT A

STD. PLAN CA53



NOTES:

1. These guidelines do not override County Ordinance 1000, which sets standards for road construction. Refer to the County Ordinance 1000 for details on road construction.
2. The design of the road should be based on the design speed of the road. The design speed should be based on the design speed of the road.
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TYPICAL RURAL TWO-LANE ROAD SUPERELEVATED SECTION

COUNTY OF CONTRA COSTA
PUBLIC WORKS DEPARTMENT
STANDARD SPECIFICATIONS

TWO LANE RURAL ROAD GUIDELINES

DATE: 11/11/2011
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

PROJECT NO: CA53