

DIABLO COMMUNITY SERVICE DISTRICT
PO BOX 321
DIABLO CA 94528
AGENDA
BOARD OF DIRECTORS
DIABLO COUNTRY CLUB
July 14, 2015, 7:30 p.m.

CALL TO ORDER: President: Ray Brant

ROLL CALL: Secretary: Richard J. Breitwieser:
BRANT, TORRU, HOFFMAN, MINI, CHOW

PUBLIC MEETING FOR PUBLIC COMMENTS ON BUDGET FOR FISCAL YEAR 2015 – 16

ACTION ITEM: Consider and act upon Resolution 2015 – 4 to establish a Budget for Fiscal Year 2015 – 16. A copy of the Budget is attached.

PUBLIC MEETING: For public comments on fees and charges for fiscal year 2015 – 16

ACTION ITEM: Consider and act upon Resolution 2015 – 5 to set Fees and Charges on each parcel of property as follows:

	<u>Security Fee</u>	<u>Road Maintenance Fee</u>
Improved parcel:	\$ 180.35	\$ 360.71
Unimproved parcel	\$ 35.32	\$ 69.06
Diablo Country Club	\$ 6,365.40	\$ 12,730.80

ACTION ITEM: Award contract for DCSD 2015 Road Project.

ACTION ITEM: Award of contract to MCE for crack sealing, new signs, repair equestrian trail and road striping

ACTION ITEM: Awarding contract to American Asphalt for revision to speed humps per agreement with SRVFD.

PRESENTATION BY DAVID BIRKA-WHITE re: “Further Developments on the Issue of Private Roads in Diablo (10 minutes).

PRESENTATION BY ROBERT TIERNAN re: “Further Developments on Issue of Private Roads in Diablo (10 minutes).

COMMENTS FROM THE AUDIENCE: *Comment limited to three minutes per presentation. If you agree with a prior speaker and have no additional facts to present, merely state that you agree with the statements of the prior speaker by name. Comments by the audience are not intended to result in a dialogue between members of the audience or between the audience and the Board.*

CLOSE COMMENTS FROM THE PUBLIC PORTION OF MEETING

ACTION ITEM: Should DCSD obtain a third Legal Opinion regarding the status of Diablo Roads?

ACTION ITEM: Resolution 2015 - 1 passed on March 10, 2015 provided generally The Diablo Community Service District Board of Directors will not take any action to restrict access to Diablo without first notifying the residence and providing a town hall forum for residents to comment on the action being considered, except for special events and emergencies which would only require notification of residents. The Board will discuss and may act to have a supplemental resolution (Resolution 2015 – 6) to provide that no action requested by a Diablo resident with the intent to restrict access will be considered and a Town Hall meeting will not be called by the Board of Directors unless a petition, signed by the number of adult residents equal to 15% of the improved parcels on the most recent tax rolls of Diablo requesting restricted access to Diablo roads is presented to this Board. Thus if there were 400 improved parcels on the tax rolls, it would require a petition signed by 60 persons (15% of 400 = 60).

ACTION ITEM: Discuss and take action on recommendation to calm traffic on Diablo Roads.

ACTION ITEM: Discuss and take action on plan for fabrication and installation of rash rack on creek at intersection of Calle Arroyo and Canada Via.

ACTION ITEM: Discuss and take action on RESOLUTION 2015 – 7 to establish an Inspection Fee to be charged to contractors working on a facility maintained by the Diablo Community Service District.

CONSENT CALENDAR. The following items will be considered under a single motion unless a director calls up a specific item for individual consideration.

1. Approval of Minutes Regular meeting held June 10, 2015

REPORTS.

DPOA	DANA PINGATORE
DIABLO COUNTRY CLUB	HANK SALVO
CONTRA COSTA COUNTY	ALICIA NUCHOLS
SECURITY (for month June, 2015)	DEPUTY SHERIFF DAN BUERGI
ROADS, BRIDGES & CULVERTS	DIRECTORS HOFFMAN/MINI.

Report on meeting with SAN RAMON VALLEY FIRE PROTECTION DISTRICT

FINANCIAL for month of June 2015: **DIRECTOR TORRU**

COMMENTS BY DIRECTORS/ PRESIDENT:

ADJOURNMENT/ NEXT MEETING – August 11, 2015

Diablo Community Service District
By

Richard J. Breitwieser, Secretary

**BEFORE THE BOARD OF DIRECTORS OF THE
DIABLO COMMUNITY SERVICES DISTRICT**

RESOLUTION 2015 – 4

**A RESOLUTION ADOPTING A
BUDGET FOR 2014 – 2015**

California Government Code § 61110

WHEREAS California Government Code Section 61110 provides among other things that a community service district must publish a notice stating all of the following:

- (1) Either that it has adopted a preliminary budget or that the General Manager has prepared a proposed final budget which is available for inspection at a time and place within the district specified in the notice;
- (2.) The date, time, and place the Board of Directors will meet to adopt the final budget and that any person may appear and be heard regarding any item in the budget or regarding the addition of other items:

WHEREAS the General Manager has published the notice required by California Government Code Section 61110;

WHEREAS the Board of Directors of this district held a public meeting on July 14, 2015 at 7:30 PM in the Diablo Room the Diablo Country Club which was the time and place specified in said notice for the purpose of hearing any person who may appear regarding any item in the budget or regarding the addition of other items;

WHEREAS the Board of Directors of the Diablo Community Service District has discussed and considered items to be added to or deleted from said proposed budget;

WHEREAS Government Code section 61110 requires a copy of the final budget be forwarded to the auditor of each country in which the district is located:

NOW THEREFORE BE IT RESOLVED that this board adopts the final budget in form and content as appears as an attachment to this resolution;

BE IT FURTHER RESOLVED that a copy of the final budget be forwarded to the auditor of Contra Costa County.

Yes:

Noes:

Abstentions:

Absent

CERTIFICATION

I, the undersigned, certify that I am the Secretary of the Diablo Community Service District and that this Resolution 2015 – 5 is a true and accurate copy of Resolution 2015 – 5 passed by the Board of Directors of the Diablo Community Service District on July 14, 2015 at Diablo California.

Date: _____

Richard J. Breitwieser
Secretary of the
Diablo Community Service Secretary

**BEFORE THE BOARD OF DIRECTORS OF THE
DIABLO COMMUNITY SERVICES DISTRICT**

RESOLUTION 2015 – 5

**A RESOLUTION SETTING
CHARGES AND DELINQUENCIES
FOR EACH AFFECTED PARCEL OF
REAL ESTATE IN THE DIABLO
COMMUNITY SERVICE DISTRICT
FOR 2015 – 2016**

California Government Code § 61115

WHEREAS California Government Code ' 61115, among other things provides that a Community Service District may by resolution establish rates or other charges for services and facilities that the district provides, that the general manager shall prepare and file with the board of directors a report that describes each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year, that the general manager shall give notice of the filing of the report and of the time and place for a public hearing by publishing the notice pursuant to Section 6066 in a newspaper of general circulation, and by mailing the notice to the owner of each affected parcel.

WHEREAS a public hearing was noticed as required by California Government Code Section 61115 and held at 7:30 p.m. on July 14, 2015 in the Diablo Room of the Diablo Country Club;

WHEREAS no one appeared who spoke to a resolution to establish rates or other charges for services and facilities that the district provides,

WHEREAS all requirements of California Government Code '61115 have been met.

NOW THEREFORE BE IT RESOLVED that all requirement of California Government Code '61115 have been met.

BE IT FURTHER RESOLVED that the schedule of fees to be charged to each parcel of land in the Diablo Community Service District for the fiscal year 2015 – 2016 shall be:

	<u>Purpose</u>	<u>Improved Lot</u>	<u>Unimproved Lot</u>	<u>Diablo Country Club</u>
	Security	\$360.71	\$ 69.06	\$12,730.80
4	<u>Road Maintenance</u>	<u>180.35</u>	<u>35.32</u>	<u>6,365.00</u>
	Total	\$525.31	\$101.35	\$18,540.00

BE IT FURTHER RESOLVED that the General Manager shall prepare a complete report, consistent with the above charges, showing each parcel of land in the district and the amount of the Security Fee and the amount of the Road Maintenance Fee to be charged to each

parcel, that said report shall be designated as the *Final Report of Charges and Delinquencies for the Diablo Community Service District for the Year 2014-2015*” and that the General Manager file the *Final Report of Charges and Delinquencies for the Diablo Community Service District for the year 2015- 2016* with the Auditor of Contra Costa County on or before August 10, 2014

BE IT RESOLVED FURTHER that the Diablo Community Service District shall reimburse the County of Contra Costa for the reasonable expenses incurred pursuant to the collection of the charges and delinquencies above set forth for and on behalf of the Diablo Community Service District.

Yes:

Noes:

Abstentions:

Absent

CERTIFICATION

I, the undersigned, certify that I am the Secretary of the Diablo Community Service District and that this Resolution 2015 – 5 is a true and accurate copy of Resolution 2015 – 5 passed by the Board of Directors of the Diablo Community Service District on July 14, 2015 at Diablo California.

Date: _____

Richard J. Breitwieser
Secretary of the
Diablo Community Service Secretary

**BEFORE THE BOARD OF DIRECTORS OF THE
DIABLO COMMUNITY SERVICES DISTRICT**

RESOLUTION 2015 – 6

**A RESOLUTION REQUIRING
A PETITION, SIGNED BY THE
NUMBER OF ADULT RESIDENTS
EQUAL TO 15% OF THE
IMPROVED PARCELS ON THE
MOST RECENT TAX ROLLS OF
THE DIABLO COMMUNIT SERVICE
DISTRICT BEFORE CALLING A
TOWN HALL MEETING TO
RESTRICT ACCESS TO DIABLO
ROADS**

WHEREAS Resolution 2015 - 1 passed on March 10, 2015 provided

The Diablo Community Service District Board of Directors will not take any action to restrict access to Diablo without first notifying the residence and providing a town hall forum for residents to comment on the action being considered, except for special events and emergencies which would only require notification of residents.

And ;

WHEREAS any call of a Town Hall type of meeting by DCSD should be submitted by a Petition signed by a significant number of adult Diablo residents;

NOW THEREFORE BE IT RESOLVED THAT no action requested by a Diablo resident with the intent to restrict access to Diablo Roads will be considered by the Board of Directors of the Diablo Community Service District and a Town Hall meeting will not be called unless a petition, signed by the number of adult residents equal to 15% of the improved parcels on the most recent tax rolls of the Diablo Community Service District requesting restricted access to Diablo roads is presented to this Board. Thus if there were 400 improved parcels on the tax rolls, it would require a petition signed by 60 adult residents of Diablo (15% of 400 = 60).

Yes:

Noes:

Abstentions:

Absent:

CERIFICATION

I, the undersigned, certify that I am the Secretary of the Diablo Community Service District and that this Resolution 2015 – 6 is a true and accurate copy of Resolution 2015 – 6 passed by the Board of Directors of the Diablo Community Service District on July 14, 2015 at Diablo California.

Date: _____

Richard J. Breitwieser
Secretary of the Diablo Community Service District

**BEFORE THE BOARD OF DIRECTORS OF THE
DIABLO COMMUNITY SERVICES DISTRICT**

RESOLUTION 2015 – 7

**A RESOLUTION SETTING
THE INSPECTION FEES FOR
INSPECTORS EMPLOYED BY
THE DIABLO COMMUNITY
SERVICE DISTRICT TO INSPECT
WORK PERFORMED ON A
WORK PROJECT IN DIABLO**

WHEREAS from time to time contractors desire to perform work in Diablo that includes the invasion of a Diablo Road, and

WHEREAS it is necessary for the Diablo Community Service district to insure that the work performed is of workmanlike quality;

NOW THEREFORE BE IT RESOLVED that any person or entity, that performs work on a road or facility or property maintained by the DIABLO COMMUNITY SERVICE DISTRICT shall pay an inspection fee to the DIABLO COMMUNITY SERVICE DISTRICT equal to the prevailing hourly rate for a licensed civil engineer in Contra Costa County plus 15% overhead for the number of hours determined by the Roads Commissioner necessary to perform the inspection of the work to be performed. The payment shall be paid no less than 10 work days before the commencement of the work. If the work takes longer than originally established, the Roads Commissioner shall estimate the additional time for the work to be performed and the contractor shall immediately pay said sum to the DIABLO COMMUNITY SERVICE DISTRICT.

CERTIFICATION

I, the undersigned, certify that I am the Secretary of the Diablo Community Service District and that this Resolution 2015 – 7 is a true and accurate copy of Resolution 2015 – 7 passed by the Board of Directors of the Diablo Community Service District on July 14, 2015 at Diablo California.

Date: _____

Richard J. Breitwieser
Secretary of the Diablo Community Service District