

RESOLUTION NO. 19-01

RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT FINDING THAT CONTINUED PROVISION OF DISTRICT SERVICES TO CALLE ARROYO SERVES A PRIMARILY PUBLIC PURPOSE

WHEREAS, in December 2017, Plaintiffs Robert Tiernan and other residents of Calle Arroyo (“Plaintiffs”) initiated litigation against the Diablo Community Services District (“District”) and others (*Tiernan et al. v. Diablo Community Services District et al.*, Contra Costa Superior Court, Case No. C17-02529), seeking, among other things, a judgment quieting title to the Plaintiffs’ properties “such that as of the date each Plaintiff and Defendant who lives on Calle Arroyo purchased their property, the portion of Calle Arroyo road (sic) on their respective properties was private property, and remains private property, and that no non-homeowner Defendants, including the general public, have any rights, liens and/or interests whatsoever in said properties or in Calle Arroyo road (sic)” and

WHEREAS, the District was not a party with respect to Plaintiffs’ quiet title cause of action; and

WHEREAS, on November 19, 2018, the Honorable Charles Treat granted Plaintiffs’ Motion for Summary Adjudication as to their quiet title cause of action, thereby ruling, as a matter of law, that Calle Arroyo is a private street that is not subject to a public easement or right-of-way; and

WHEREAS, pursuant to California Community Services District Law, Government Code section 61000 *et seq.*, the District’s formation documents grant the District the authority to provide certain services and describe the District’s functions and purposes; and

WHEREAS, the District’s main functions are to maintain roads and provide security within its boundaries; and

WHEREAS, Article XVI, Section 6, of the California Constitution provides that neither the state legislature nor any public agency can gift “any public money or thing of value to any individual, municipal, or other corporation” unless the expenditure serves a primarily public purpose (the “Gift Clause”) (see, *e.g.*, *Wine v. Boyar* (1963) 220 Cal.App.2d 375; *Redevelopment Agency of San Pablo v. Shepard* (1977) 75 Cal.App.3d 453); and

WHEREAS, certain members of the Diablo community and others have questioned whether, in light of the Court’s ruling and in conformance with the Gift Clause, the District can continue to use District funds to provide services on Calle Arroyo; and

WHEREAS, the Board of Directors has determined, based on, among other things, the District’s purpose and authorized powers as set forth in its formation documents and the California Community Services District Law, the historic use of Calle Arroyo, and the location of Calle Arroyo in relation to other roadways and various facilities within Diablo and the greater Diablo area that the use of District funds to continue to provide its services to Calle Arroyo benefits the public and would serve a primarily public purpose.

NOW, THEREFORE, BE IT RESOLVED:

1. The foregoing recitals and staff report accompanying this Resolution are true and

correct and made a part of this Resolution.

2. Based on the substantial evidence before it, including but not limited to the facts and evidence contained in the staff report accompanying this Resolution, the Board of Directors hereby finds that the use of District funds to provide its services to Calle Arroyo road in Diablo, California, serves a primarily public purpose and does not violate the Gift Clause of the California Constitution.

3. Specifically, the use of District funds to provide its services to Calle Arroyo, including but not limited to maintaining and repairing the roadway, lighting, culverts, and other facilities along Calle Arroyo and providing security services along Calle Arroyo as a significant roadway within Diablo, remains safe for members of the public, persons providing public safety and public utility services, Diablo residents and their guests, and others, including but not limited to:

- a. Residents of Canada Via who must travel on Calle Arroyo to access their homes
- b. Members of the public who travel on Calle Arroyo to access the Diablo Post Office;
- c. Members of the public who are forced to use Calle Arroyo if traffic is diverted from Diablo Road through the Diablo community due to road closures or hazardous conditions (e.g. in 2017, the Town of Danville diverted traffic from Diablo Road through the Diablo community for over 36 hours due to a fallen tree on Diablo Road);
- d. First responders, such as police and firefighters, who must use Diablo's roads to access Diablo to provide security and safety services in the community as well as potentially to the Mt. Diablo area and nearby open space areas in the event of residential or wildfires;
- e. Members of the public who use Calle Arroyo to access the Diablo Country Club, including members of the Country Club, members of the general public that visit the Country Club for events, and employees or contractors of the Country Club; and
- f. Members of the public who may need to use Calle Arroyo to evacuate Diablo and/or the highly congested Diablo Road-Blackhawk Road corridor in the event of an emergency or due to road closures or hazardous conditions.

4. Additionally, the use of District funds to provide security to all of Diablo serves the District's purpose of providing public safety to the entire community such that no portion is left unattended or unpatrolled.

5. Continued provision of District services to Calle Arroyo involves only the regular operation, maintenance, and repair of existing District roads and involves no expansion of use 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.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE DIABLO COMMUNITY SERVICES DISTRICT on this ____ day of _____, 2019, by the following

votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Ray Brant, President

ATTEST: _____
Jeff Eorio, Secretary

STAFF REPORT

DATE: June 11, 2019
TO: DCSD Board Members
FROM: Ray Brant, Board President
RE: Continued provision of District services to Calle Arroyo; Resolution 19-01

I. Introduction/Background

In December 2017, Plaintiffs Robert Tiernan and other residents of Calle Arroyo (“Plaintiffs”) initiated litigation against the Diablo Community Services District (“District”) and others (Tiernan et al. v. Diablo Community Services District et al., Contra Costa Superior Court, Case No. C17-02529). The Plaintiffs were seeking, among other things, a judgment quieting title to the Plaintiffs’ properties “such that as of the date each Plaintiff and Defendant who lives on Calle Arroyo purchased their property, the portion of Calle Arroyo road (sic) on their respective properties was private property, and remains private property, and that no non-homeowner Defendants, including the general public, have any rights, liens and/or interests whatsoever in said properties or in Calle Arroyo road (sic).”

On November 19, 2018, the Honorable Charles Treat granted Plaintiffs’ Motion for Summary Adjudication as to their quiet title cause of action. Judge Treat ruled that, as a matter of law, Calle Arroyo is a private street that is not subject to a public easement or right-of-way.

II. Gift Clause

Article XVI, Section 6, of the California Constitution provides that neither the state legislature nor any public agency can gift “any public money or thing of value to any individual, municipal, or other corporation” unless the expenditure serves a primarily public purpose (the “Gift Clause”). Generally, the Gift Clause prohibits the District – a public agency – from spending its public funds in a way that does not serve a primarily public purpose.

Historically, and pursuant to the authority granted by the District’s formation documents and state Community Service District Law,¹ the District has spent its public funds to secure and maintain Diablo roads.² Since the November 9, 2018 ruling, the District has received comments from the public regarding the District’s ability to continue to spend its public funds on Calle Arroyo – that is, the public has questioned whether the District can continue to provide any of its services to Calle Arroyo and Calle Arroyo residents due to the Gift Clause.

The Court of Appeal has held that whether there exists an adequate public purpose for expenditures is primarily a matter of legislative discretion which will not be disturbed by the courts if it has a reasonable basis. *Redevelopment Agency of San Pablo v. Shepard* (1977) 75 Cal.App.3d 453). So, it is within the Board’s discretion to determine whether provision of services to Calle Arroyo serves a primarily public purpose and, accordingly, to spend public funds on such services. Section III below describes how provision of services to Calle Arroyo serves a primarily public purposes.

III. Public Purposes for Calle Arroyo Expenditures

¹ Cal. Gov. Code sections 61000 et seq.

² There are certain roads (e.g., Mt. Diablo Scenic) that are not maintained by the District.

This report has been prepared to accompany proposed Resolution 19-01, which finds that the District's provision of services to Calle Arroyo serves a primarily public purpose. Specifically, the use of District funds to provide its services to Calle Arroyo will ensure that Calle Arroyo remains safe for members of the public, persons providing public safety and public utility services, Diablo residents and their guests, and others, including but not limited to the following:

1. *Residents of Canada Via*

Canada Via is an offshoot of Calle Arroyo and does not connect to another street. Residents of Canada Via must travel on Calle Arroyo to access their homes. See the attached map of Calle Arroyo depicting Canada Via attached to this report as Exhibit A.

2. *Post Office Visitors*

Diablo residents and members of the public use Calle Arroyo to access the United States Post Office in Diablo.

3. *Diverted Drivers*

Diablo residents and members of the public may be forced to use Calle Arroyo if traffic is diverted from Diablo Road through the Diablo community due to road closures or hazardous conditions. For example, in 2017, the Town of Danville diverted traffic from Diablo Road through the Diablo community for over 36 hours due to a fallen tree on Diablo Road. See the Press Release from the Town of Danville from that closure, attached to this report as Exhibit B.

4. *First Responders*

First responders, including but not limited to firefighters, ambulance drivers, and other emergency medical personnel may use Diablo's roads, including Calle Arroyo, to access residences in Diablo, Mt. Diablo, and nearby open space areas. As a main thoroughfare in Diablo, Calle Arroyo must be maintained in order to protect Diablo's residents and structures as well as the surrounding areas in the event of fire or other emergency.

5. *Country Club Visitors*

Members of the public use Calle Arroyo to access the Diablo Country Club, either as members of the Country Club or as members of the general public that visit the Country Club for events.

6. *Evacuated Drivers*

Members of the public may need to use Calle Arroyo to evacuate the highly congested Diablo Road-Blackhawk Road corridor in the event of an emergency.

Further, the use of District funds to provide security to all of Diablo serves the District's purpose of providing *public safety* to the entire community. The District contracts with the Contra Costa County Sheriff to provide security and police protection to all of Diablo. It is in the interest of the District, all Diablo residents, residents of the surrounding area, and the public at large to patrol all of Diablo. In order to provide effective security to Diablo, the sheriff must be able to patrol the entire community.

Finally, the above demonstrates that provision of District services to Calle Arroyo serves a primarily public purpose. While there may be an incidental benefit to property owners on Calle Arroyo, the District provides services to Calle Arroyo to serve the primarily public purposes described in this report and Resolution 19-01.

IV. CEQA Compliance

Resolution 19-01 involves only the regular and continued operation, maintenance, and repair of existing District roads and involves no expansion of use and therefore its adoption 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.

Google Maps Canada Via





510 La Gonda Way
Danville, CA 94526
Phone (925) 314-3388
Fax (925) 838-0548
<http://www.danville.ca.gov/>

Press Release

Contact: Jed Johnson
Phone: (925) 314-3450

FOR IMMEDIATE RELEASE
10:00 a.m. February 8, 2017

Diablo Rd Closed Due to Downed Tree Falling tree damaged power lines and pole

Motorists who use Diablo Road on their daily commute will need to seek alternate routes today, after an overnight incident has resulted in the closure of the roadway from Calle Arroyo to Avenida Nueva.

Sometime around 1:00 a.m. a large eucalyptus tree along Diablo Road fell into the roadway, causing damage to power lines and a power pole. PG&E crews have been on scene since early this morning and are expected to remain there throughout the day.

Due to the damage, several power poles along that stretch of road will need to be replaced, causing the road to remain closed at least until early evening. No set time has been given for the road to reopen.

Signs in the Diablo neighborhood have been posted stating that the area is Local Traffic Only. Through traffic is being turned back. Motorists are encouraged to use alternate routes until the road has reopened.

For maintenance information, contact Maintenance Services Director Jed Johnson at (925) 314-3450 or for emergency services information contact the Danville Police Duty Sergeant at (925) 314-3720.

Diablo Community Services District
Cash/AP/AR Transaction Details
May 31, 2019

Cash Disbursements

Payee	Date	Check #	Amount	Notes
David W. Enke, L.S.	3/30/19	2366	3,780.00	Survey services
CCC - Sheriff servic	5/20/19	2373	52,441.46	Mar and Apr Invoice
Burke, Williams & Sorensen	5/20/19	2374	13,953.35	March Invoice
Danville Self Storage	5/20/19	2375	1,368.00	May 2019-Jun 2020
Jarvis, Fay & Gibson LLP	5/20/19	2376	7,860.00	April Invoice
Kathy Torru	5/20/19	2377	2,008.00	April Invoice
DPOA	5/20/19	2378	300.00	April-June Island Maint
Report Total			81,710.81	

Accounts Payable Aging

Vendor	Description	Amount
Burke, Williams & Sorenson	April Svc	8,328.41
CCC - Sheriff servic	2019-11	30,000.00
DPOA	June Island	(100.00)
Report Total		38,228.41

Cash Receipts

Check Issuer	Date	Description	Amount
Contra Costa County Assessor	5/30/19	Traffic Fines	241.56
Report Total			241.56

Diablo Community Services District
Balance Sheet
May 31, 2019

	July	August	September	October	November	December	January	February	March	April	May
ASSETS											
Current Assets											
Checking Acct	19,053	50,626	21,694	11,626	37,633	363,053	337,443	245,565	199,730	186,948	109,259
Money Market	200,794	100,798	100,800	25,801	5,000	5,000	5,000	5,000	5,000	296,038	296,041
Accounts Receivable	2,200	2,200	2,200	2,200	2,200	-	-	-	-	-	-
Prepaid Expenses	11,358	11,303	11,248	11,193	11,138	11,083	11,028	10,973	10,919	-	-
Total Current Assets	233,405	164,927	135,942	50,820	55,971	379,136	353,471	261,538	215,649	493,850	416,109
Property and Equipment											
Computer Equip	5,917	5,917	5,917	5,917	5,917	5,917	5,917	4,737	4,737	4,737	4,737
Automobile	42,817	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	2,500
Accumulated Depreciation	(22,319)	(23,075)	(23,830)	(24,585)	(25,340)	(26,096)	(26,851)	(26,427)	(27,182)	(27,937)	(28,693)
Total Property and Equipment	28,915	28,159	27,404	26,649	25,894	25,138	24,383	23,627	22,872	22,117	21,361
Other Assets											
Cruiser Replacement Fund	36,833	37,833	38,833	39,833	40,833	41,833	42,833	43,833	44,833	45,833	46,833
Bridge Repair Reserve	305,000	310,000	315,000	320,000	325,000	330,000	335,000	340,000	345,000	350,000	355,000
Culvert Repair Reserve	-	-	-	-	-	30,500	30,500	30,500	30,500	30,500	30,500
Total Other Assets	341,833	347,833	353,833	359,833	365,833	402,333	408,333	414,333	420,333	426,333	432,333
Total Assets	604,153	540,919	517,179	437,302	447,698	806,607	786,187	699,498	658,854	942,300	869,803
LIABILITIES AND CAPITAL											
Current Liabilities											
Accounts Payable	32,100	64,200	75,076	48,991	87,224	70,335	86,086	43,715	30,000	71,763	38,228
Total Current Liabilities	32,100	64,200	75,076	48,991	87,224	70,335	86,086	43,715	30,000	71,763	38,228
Long-Term Liabilities											
Other Liabilities	341,833	347,833	353,833	359,833	365,833	402,333	408,333	414,333	420,333	426,333	432,333
Total Long-Term Liabilities	341,833	347,833	353,833	359,833	365,833	402,333	408,333	414,333	420,333	426,333	432,333
Total Liabilities	373,933	412,033	428,909	408,824	453,057	472,668	494,419	458,048	450,333	498,096	470,561
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	1,239,979
Retained Earnings	(973,620)	(973,620)	(973,620)	(973,620)	(973,620)	(973,620)	(973,620)	(973,620)	(973,620)	(973,620)	(973,620)
Net Income	(36,140)	(137,474)	(178,089)	(237,882)	(271,718)	67,579	25,409	(24,908)	(57,839)	177,843	132,881
Total Capital	230,219	128,885	88,270	28,477	(5,359)	333,938	291,768	241,451	208,520	444,202	399,240
Total Liabilities & Capital	604,152	540,918	517,179	437,301	447,698	806,606	786,187	699,499	658,853	942,298	869,801

Diablo Community Services District
Profit and Loss Statement
11 months ended May 31, 2019

	July	August	September	October	November	December	January	February	March	April	May	Year to Date	Budget YTD	Prior YTD
Income														
Ad Valorem Taxes	0	0	0	0	11,747	246,568	0	0	0	176,673	0	434,988	427,999	413,687
Road & Security Fees	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Meas B Special Tax	0	0	0	0	0	155,050	0	0	0	114,364	0	269,414	268,508	232,237
Traffic Fines	29	0	16	151	625	155	187	181	929	485	242	3,001	1,100	0
Interest Income	6	4	2	1	0	0	0	0	0	1	2	17	55	1,624
Total Income	35	4	18	152	12,372	401,773	187	181	929	291,523	244	707,420	697,662	647,597
Expenses														
Sheriff Security	32,000	32,000	20,500	23,292	24,829	26,468	27,518	22,318	14,026	27,710	24,731	275,392	363,762	345,315
Other	0	0	0	1,191	0	0	0	0	0	0	0	1,191	0	0
Road Maintenance	0	5,000	0	0	0	0	0	0	3,780	165	0	8,945	115,000	9,004
Bridge Maintenance	0	0	0	0	0	0	0	0	0	0	0	0	0	1,980
Storm Patrol & Emerg Resp	0	0	0	0	0	0	0	0	0	0	0	0	0	1,766
Gardener	100	100	100	100	100	100	100	100	100	100	100	1,100	1,100	1,100
Trail and Island Maintenance	0	0	0	0	0	0	0	0	0	0	0	0	0	0
General Manager	2,500	2,500	2,500	2,500	2,500	2,500	2,500	1,350	2,475	2,025	2,008	22,858	27,500	22,250
Legal	0	60,863	16,299	15,610	17,770	20,177	11,186	20,845	12,669	21,513	16,188	213,121	63,200	112,884
Audit	0	0	0	6,600	0	3,300	0	0	0	0	0	9,900	9,500	9,250
Other Professional	55	55	469	2,001	55	55	251	55	55	55	55	3,160	3,900	11,787
County/State Notices and Fees	0	50	0	0	0	0	39	703	0	40	0	832	0	162
Records Storage	0	0	0	0	0	0	0	0	0	0	0	1,368	0	0
Insurance-Cmml and D&O	0	0	0	7,154	0	9,084	0	0	0	0	0	16,238	20,900	20,391
Administrative	765	14	12	306	109	0	0	175	0	247	0	1,628	1,100	1,240
Depreciation Expense	755	755	755	755	755	755	755	755	755	755	755	8,308	8,305	8,308
Miscellaneous	0	0	0	435	91	36	2,508	0	0	0	0	3,070	2,950	3,851
Total Expenses	36,175	101,337	40,635	59,944	46,209	62,475	42,357	50,498	33,860	55,841	45,205	574,539	627,217	549,488
Net Income	-36,140	-101,333	-40,617	-59,792	-33,837	339,298	-42,170	-50,317	-32,931	235,682	-44,961	132,881	70,445	98,109

Diablo Community Services District
2019-20 Draft Budget

July 1st thru June 30th	2020 Budget					Actual/Est	Actual	Actual	Actual	Actual
	Q1	Q2	Q3	Q4	YTD	2018-2019	2017-2018	2016-2017	2015-2016	2014-2015
Income Statement										
Revenue										
Ad Valorem Tax	0	262,046	0	214,401	476,447	459,641	444,570	424,275	394,697	364,370
Special Tax	0	160,721	0	131,499	292,220	283,709	244,460	239,579	232,159	225,733
Traffic Fines	300	300	300	300	1,200	2,758	1,729	4,479	3,355	3,319
Other Income	0	0	0	0	0	-	-	9,579		
Interest Income	0	0	0	0	0	13	55	69	83	142
Total Revenue	300	423,067	300	346,201	769,868	746,121	690,814	677,981	630,294	593,564
Expenses-Recurring										
Security										
Security / Sheriff	89,641	89,641	89,641	89,641	358,565	310,661	373,557	360,852	352,930	328,556
Auto Repairs					0	-	-	-	3,418	3,598
Other (office computer/cell)	0	0	0	0	0	1,191	-	569	200	400
Total Security	89,641	89,641	89,641	89,641	358,565	311,852	373,557	361,421	356,548	332,554
Road Maintenance										
Road Maintenance	0	10,000	5,000	350,000	365,000	8,945	9,004	407,392	292,579	612,188
Bridge Maintenance	0	0	0	0	0	-	2,180	-	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	7,428	1,766	3,370	2,320	-
Culvert Failure					0	-	-	185,076		
Gardener	300	300	300	300	1,200	1,200	1,200	1,500	1,440	1,520
Trail and Island maint	0	2,500	0	2,500	5,000	2,500	1,264	2,000	9,884	10,500
Total Road Maintenance	300	13,800	9,300	352,800	376,200	20,073	15,414	599,338	323,288	685,487
Professional										
General Manager	7,500	7,500	7,500	7,500	30,000	25,850	24,750	21,000	21,000	21,000
Legal	34,500	4,500	4,500	4,500	48,000	264,432	227,670	25,200	22,200	22,200
Audit	0	10,200	0	0	10,200	9,900	9,250	9,000	5,000	8,658
Other Professional	165	2,517	171	1,671	4,523	4,616	8,842	7,003	9,147	3,875
County/State Notices and Fees	36	0	60	50	146	832	162			
Insurance	0	16,400	0	0	16,400	16,238	20,591	19,571	21,086	16,566
Total Professional	42,201	41,117	12,231	13,721	109,269	321,868	291,265	81,774	78,433	72,299
Administrative										
Administrative	135	600	50	385	1,170	1,628	2,161	520	305	866
Depreciation	2,266	2,266	2,266	2,266	9,063	9,060	9,063	7,394	1,953	1,582
Miscellaneous	0	2,500	0	0	2,500	3,170	3,851	3,625	2,539	2,357
Total Administrative	2,401	5,366	2,316	2,651	12,733	13,858	15,075	11,539	4,797	4,805
Total Recurring Expenses	134,543	149,924	113,488	458,813	856,767	667,651	695,311	1,054,072	763,066	1,095,145
Net Income	(134,243)	273,143	(113,188)	(112,612)	(86,899)	78,470	(4,497)	(376,091)	(132,772)	(501,581)
Capital Reserves										
New Sheriff Cruiser reserve	3,000	3,000	3,000	3,000	12,000					
Culvert Reserve	0	20,000	0	10,500	30,500					
Reserve for Bridge Replacement	15,000	15,000	15,000	15,000	60,000					
Total Capital Reserves	18,000	38,000	18,000	28,500	102,500					
Ending Cash Position	211,491	486,900	375,978	265,632	265,632					

Diablo Community Services District
7 Year Budget
FY 2020-2026

		Actual/Est	Budget							
		2019	2020	2021	2022	2023	2024	2025	2026	
Beginning Cash (Less AP)		225,277	344,668	268,032	386,569	374,061	365,055	532,446	699,676	
Cash Source										
	AD Valorem Tax	3%	459,641	476,447	490,741	505,463	520,627	536,246	552,333	568,903
	Special Tax	3%	283,709	292,220	300,987	310,017	319,317	328,897	338,764	348,926
	Traffic Fines		2,758	1,200	1,200	1,200	1,200	1,200	1,200	1,200
	Interest		13	-	-	-	-	-	-	-
Total Revenue			<u>746,121</u>	<u>769,868</u>	<u>792,928</u>	<u>816,680</u>	<u>841,144</u>	<u>866,342</u>	<u>892,297</u>	<u>919,030</u>
Cash Use										
	Sheriff Security	5%	310,661	358,565	376,493	395,318	415,084	435,838	457,630	480,511
	Other		1,191	-	-	-	-	-	-	-
	Road Maintenance		8,945	365,000	150,000	265,000	325,000	150,000	150,000	150,000
	Bridge Maintenance		-	-	45,000	-	-	-	-	-
	Bridge Engineering/Consulting		-	-	-	-	-	-	-	-
	Storm Patrol & Emerg Response		7,428	5,000	6,000	6,000	7,000	7,000	8,000	8,000
	Trail and Island maint		2,500	5,000	6,000	6,000	7,000	7,000	8,000	8,000
	General Manager *		25,850	30,000	32,000	32,000	32,000	34,000	34,000	34,000
	Legal *		264,432	48,000	20,000	20,000	22,000	22,000	22,000	22,000
	Audit 3%		9,900	10,200	10,506	10,821	11,146	11,480	11,825	12,179
	Other Professional *		4,616	4,523	5,000	6,000	6,000	7,000	7,000	7,000
	County/State Notices and Fees *		832	146	1,000	150	1,000	175	1,100	200
	Insurance 3%		16,238	16,400	16,892	17,399	17,921	18,458	19,012	19,582
	Administrative *		1,628	1,170	1,500	1,500	1,500	1,500	1,500	1,500
	Miscellaneous *		3,170	2,500	4,000	4,000	4,500	4,500	5,000	5,000
Total Costs			<u>657,391</u>	<u>846,504</u>	<u>674,391</u>	<u>764,188</u>	<u>850,150</u>	<u>698,951</u>	<u>725,066</u>	<u>747,973</u>
Change in Position			<u>88,730</u>	<u>(76,636)</u>	<u>118,537</u>	<u>52,492</u>	<u>(9,006)</u>	<u>167,391</u>	<u>167,230</u>	<u>171,057</u>
New Vehicle			-	-	-	65,000	-	-	-	-
Prepaid Expenses/AP			30,661	-	-	-	-	-	-	-
Ending Cash Position			<u>344,668</u>	<u>268,032</u>	<u>386,569</u>	<u>374,061</u>	<u>365,055</u>	<u>532,446</u>	<u>699,676</u>	<u>870,733</u>

RESOLUTION NO. 19-02

RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT CONFIRMING RESULTS OF MEASURE B SPECIAL TAX ELECTION AND DIRECTING COUNTY AUDITOR TO LEVY VOTER-APPROVED TAX

WHEREAS, at an election held on March 6, 2018, the Diablo Community Services District ("District") was successful in obtaining more than two-thirds voter approval to levy a qualified special tax known as Measure B (the "Tax"), as evidenced by the letter from the Contra Costa County Clerk dated March 14, 2018 containing the Certificate of Election Results, which is attached hereto as Exhibit A; and

WHEREAS, the Tax set the initial rates for Improved Parcels, Unimproved Parcels, and the Diablo Country Club at \$662.26, \$128.06, and \$23,444.68, respectively; and

WHEREAS, the Tax allows for an annual inflation adjustment, and the District has calculated the rates for Fiscal Year 2019-2020 to be \$682.13, \$131.90, and \$24,148.02 for Improved Parcels, Unimproved Parcels, and the Diablo Country Club, respectively; and

WHEREAS, the District desires at this time to request that the Contra Costa County Auditor enter the Tax on the tax roll for collection and distribution by the Contra Costa County Tax Collector for Fiscal Year 2019-20;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. **Recitals.** The foregoing recitals are true and correct.

Section 2. **Direction to County Auditor to Levy and Collect Tax for Fiscal Year 2019-20.** It is hereby certified that the proceedings in connection with the March 6, 2018 Tax election have been accomplished in accordance with law. As such, the Contra Costa County Auditor is directed to include the Tax on the tax rolls for Fiscal Year 2019-20 as follows: **\$682.13** for Improved Parcels, **\$131.90** for Unimproved Parcels, and **\$24,148.02** for the Diablo Country Club.

Section 3. **Not Special Benefit Assessment; No New Taxing Area.** The Tax is a special tax approved by more than two-thirds of the voters of the District voting on the measure, as authorized by California Constitution Article XIII A and 50075. The procedures applicable to special benefit assessments, fees and charges set forth in California Constitution Article XIII D do not apply to the Tax. In addition, the Tax shall be levied within the boundaries of the existing District. No new taxing area will be formed for purposes of the levy of the Tax.

Section 4. **Actions to Facilitate Levy of Tax.** The President of the Board of Directors is hereby authorized to take, for each fiscal year following 2019-2020, any such further actions as may be required to facilitate the successful levy and collection of the Tax in the District including, but not limited to, each year providing the County Auditor with a list of parcels upon which the Tax shall be levied, and to respond to any further requests of the County Auditor with respect to such Tax.

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 June 11, 2019.

Adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ray Brant, President of the Board

Attest:

Jeff Eorio, Secretary of the Board

EXHIBIT A

COUNTY LETTER AND CERTIFICATE CONFIRMING ELECTION RESULTS

**CERTIFICATE OF COUNTY CLERK AS TO THE RESULTS OF THE CANVASS
OF THE DIABLO COMMUNITY SERVICES DISTRICT
MEASURE B**

MARCH 6, 2018 SPECIAL MAIL BALLOT ELECTION

State of California)
) ss
County of Contra Costa)

I, JOSEPH E. CANCIAMILLA, County Clerk of Contra Costa County, State of California, do hereby certify that I did canvass the returns of the votes cast at the March 6, 2018, **DIABLO COMMUNITY SERVICES DISTRICT, MEASURE B**, Special Mail Ballot Election. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said County, and the whole number of votes cast for and against the measure in said County and in each respective precinct therein, and that the totals of the respective columns and the totals as shown for and against the measure are full, true and correct.

WITNESS my hand and official seal this 14th day of March, 2018.

JOSEPH E. CANCIAMILLA, County Clerk

By: Rosa Mena
Rosa Mena, Elections Processing Supervisor



Administration
925.335.7899
925.335.7893 fax

Elections Division
925.335.7800
925.335.7836 fax

**Contra Costa County
Clerk-Recorder-Elections Department**

555 Escobar Street
Martinez, CA 94553



March 14, 2018

Richard Breitwieser, General Manager
Diablo Community Services District
P.O. Box 711
Diablo, CA 94528

Dear Richard Breitwieser:

Enclosed are the following documents pertaining to the March 6, 2018 Special All Mail Ballot Election in the Diablo Community Services District Measure B:

Certificate of Results
Statement of Votes
Copy-Sample Ballot and Voter Information Pamphlet
Copy-Proof of Publication

The Statement of the Vote containing precinct-by-precinct results is also available on our website:
www.cocovote.us.

If you have any questions, please contact me at (925) 335-7800.

Respectfully,
JOSEPH E. CANCIAMILLA, County Clerk

A handwritten signature in black ink that reads "Rosa Mena".

Rosa Mena
Elections Processing Supervisor

Enclosures

B-DIABLO COMMUNITY SERVICES DISTRICT SPECIAL TAX MEASURE - 2/3

Precinct	Times Cast	Registered Voters
Electionwide		
Contra Costa County		
DIAB101	283	734
Contra Costa County - Total	283	734
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
Electionwide - Total	283	734

Precinct	Yes		No		Total Votes
Electionwide					
Contra Costa County					
DIAB101	191	67.73%	91	32.27%	282
Contra Costa County - Total	191	67.73%	91	32.27%	282
Cumulative					
Cumulative	0		0		0
Cumulative - Total	0		0		0
Electionwide - Total	191	67.73%	91	32.27%	282

2003647

CCC ELECTIONS DEPT.
ATTN:ALICIA LITTLE CONTRA COSTA COUNTY
555 ESCOBAR ST
MARTINEZ, CA 94553

PROOF OF PUBLICATION
FILE NO. Diablo Comm Serv Dist

In the matter of

San Ramon Valley Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the San Ramon Valley Times (formerly Valley Pioneer), a newspaper published in the English language in the Town of Danville, County of Contra Costa, State of California.


I declare that the San Ramon Valley Times (formerly Valley Pioneer) is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated April 28, 1947, Case Number 39468. Said decree states that the San Ramon Valley Times is adjudged to be a newspaper of general circulation for the Town of Danville, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

12/09/2017

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 11th day of December, 2017.



Signature

NOTICE OF A MEASURE TO ADOPT A SPECIAL TAX AND NOTICE OF DATE FIXED FOR SUBMITTING ARGUMENTS

NOTICE IS HEREBY GIVEN to the qualified electors of the Diablo Community Services District located in the County of Contra Costa, State of California, that in accordance with applicable law, a Special Mail Ballot Election will be held on Tuesday, the 6th day of March, 2018 in the Diablo Community Services District for the purpose of submitting to the electors, the following measure, to be displayed on each individual ballot to wit:

DIABLO COMMUNITY SERVICES DISTRICT MEASURE TO ADOPT A SPECIAL TAX

To provide for road, bridge, culvert and trail maintenance and improvements, and security/police protection services for the community, shall the Diablo Community Services District adopt an ordinance to levy an annual special tax upon taxable properties within the District at a rate of \$662.26 per improved parcel, \$128.06 per unimproved parcel, and \$23,444.68 for Diablo Country Club parcels, including an annual inflation adjustment, providing \$285,000/year initially, and replace the existing fees?

**YES
NO**

If 2/3 of the voters voting on this measure vote "Yes" the measure will pass.

Primary arguments for or against this measure may be submitted to the Contra Costa County Elections Division, 555 Escobar St., Martinez, CA 94553, not later than 5:00 p.m., Monday, December 18, 2017, which has been determined by the Elections Official to be a reasonable date based upon the time necessary to prepare and print arguments. No argument shall exceed 300 words in length.

A verification statement signed by the authors must accompany all arguments; a sample of this form is available by calling the Elections Office.

Pursuant to Section 9501 of the Elections Code, one argument for and one argument against this measure will be selected for printing and distribution to the voters with the sample ballot.

The Elections Official will also provide opportunity for rebuttal arguments in accordance with Section 9167 of the Elections Code. Rebuttal arguments shall not exceed 250 words and must be filed no later than 5:00 p.m., Friday, December 22, 2017.

For more information on filing arguments, call the Election Division at (925) 335-7800.

DATED: December 5, 2017

JOSEPH CANCIAMILLA, COUNTY CLERK

By:
Rosa Mena, Elections Supervisor

NOTA:
Si desea obtener la versión en Español de este aviso legal, puede solicitar una copia de la misma llamando al Departamento de Elecciones, (925) 335-7800.

SRVT# 6075481 Dec. 9, 2017

**Contra Costa County
Special Mail Ballot Election
March 6, 2018
Official Results - Final**

Precincts Reported: 84 of 84 (100.00%)

Registered Voters: 12,055 of 65,085 (18.52%)

Ballots Cast: 12,055

**A-EAST CONTRA COSTA FIRE PROTECTION DISTRICT MEASURE TO
REDUCE NUMBER DIRECTORS - MAJORITY**

Precincts Reported: 83 of 83 (100.00%)

	Total	
Times Cast	11,772 / 64,351	18.29%
Candidate	Total	
Yes	10,605	90.46%
No	1,119	9.54%
	Total	

B-DIABLO COMMUNITY SERVICES DISTRICT SPECIAL TAX MEASURE - 2/3

Precincts Reported: 1 of 1 (100.00%)

	Total	
Times Cast	283 / 734	38.56%
Candidate	Total	
Yes	191	67.73%
No	91	32.27%
	Total	