

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS MEETING  
MINUTES  
TELECONFERENCE VIA THE APPLICATION ZOOM  
APRIL 13 2021 7:30 p.m.**

**CALL TO ORDER:** President Kathy Urbelis called the meeting to order at 7:30 p.m.  
**ROLL CALL:** Secretary Jeff Eorio called the roll as follows:

**Directors present:** Urbelis, Becker, Eorio, Isom, Cox  
**Directors absent:** None

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

**PUBLIC COMMENTS:** None

**BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:**

Kathy Torru, General Manager, presented the March 31<sup>st</sup> DCSD Financial Report. A copy of the Financial Report is attached as Exhibit A and is available for download on the District's website, [www.diablocsd.org](http://www.diablocsd.org), under the Meetings & Financials Tab.

A draft FY 2021-22 Budget will be presented for discussion at the May 11<sup>th</sup> Board meeting.

**ROADS:**

Director Cox announced that two road slurry seal bid proposals had been received and are currently being reviewed. The road slurry seal project will be presented to the Board at the May 11<sup>th</sup> DCSD Regular Meeting for discussion and approval.

**SECURITY:**

Deputy Buergi reported no security issues in March.

Deputy Buergi reported that he had received resident complaints of minors driving golf carts and construction vehicles driving at high speeds within Diablo. *Golf cart drivers must have a valid driver's license to drive a golf cart on Diablo's streets.*

The District's new sheriff vehicle, a Chevrolet Tahoe, should be in service by the end of April.

**CONSENT CALENDAR:**

On motion of Director Eorio, second by Director Becker, the consent calendar as written was approved: adoption of Ordinance Code 2021-01-Bidding and Procurement Procedures (Exhibit B) and approval of the March 11<sup>th</sup> 2021 minutes:

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

**REPORTS:**

**CONTRA COSTA COUNTY:** None

**DIABLO PROPERTY OWNERS REPORT:** None

**DIABLO COUNTRY CLUB:** None

**CALL OF NEXT MEETING/ADJOURNMENT:**

The President called the next meeting for May 11<sup>th</sup> 2021. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 7:43 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

EXHIBIT A  
Diablo Community Services District  
Financial Report  
March 31, 2021

	July	August	September	October	November	December	January	February	March	Actual YTD	Budget YTD	Act vs Bud Variance
<b>Beginning Cash</b>	988,097	942,365	869,726	831,318	210,837	126,517	524,264	485,127	451,198	988,097	988,097	
<b>Revenue</b>												
Tax Revenue	-	-	-	12,134	-	433,052	-	-	-	445,186	435,841	9,345
Other Revenue	8	23	7	29	-	2	4	59	51	183	3,000	(2,817)
<b>Total Income</b>	<b>8</b>	<b>23</b>	<b>7</b>	<b>12,163</b>	<b>-</b>	<b>433,054</b>	<b>4</b>	<b>59</b>	<b>51</b>	<b>445,369</b>	<b>438,841</b>	<b>6,528</b>
<b>Expenses</b>												
Sheriff monthly services	28,720	25,638	23,963	23,649	26,289	26,473	25,342	26,384	25,978	232,436	249,880	(17,444)
Road/bridge/culvert/trail maint.	-	-	-	-	-	-	1,632	1,632	-	3,264	13,000	(9,736)
Road/bridge/culvert/trail projects		20,075	1,654	649,442	1,162	2,020			31,096	705,449	785,000	(79,551)
Professional services	10,445	6,564	6,800	7,370	3,711	4,171	4,954	16,729	4,448	65,192	82,550	(17,358)
Insurance	41,087	(107)	-	-	-	-	7,981	-	-	48,961	20,000	28,961
Administrative	391	587	21	21	21	1,936	556	-	300	3,833	4,940	(1,107)
<b>Total Expenses</b>	<b>80,643</b>	<b>52,757</b>	<b>32,438</b>	<b>680,482</b>	<b>31,183</b>	<b>34,600</b>	<b>40,465</b>	<b>44,745</b>	<b>61,822</b>	<b>1,059,135</b>	<b>1,155,370</b>	<b>(96,235)</b>
Incr/(decr) in cash*	(80,635)	(52,734)	(32,431)	(668,319)	(31,183)	398,454	(40,461)	(44,686)	(61,771)	(613,766)	(716,529)	102,763
Incr/(decr) in payable	34,903	(19,905)	(5,977)	47,838	(53,137)	(707)	1,324	10,757	(1,821)	13,275		
<b>Ending Cash</b>	<b>942,365</b>	<b>869,726</b>	<b>831,318</b>	<b>210,837</b>	<b>126,517</b>	<b>524,264</b>	<b>485,127</b>	<b>451,198</b>	<b>387,606</b>	<b>387,606</b>	<b>271,568</b>	
<b>Other Financial Data</b>												
Accounts payable	63,078	43,172	37,195	85,033	31,893	31,186	32,510	43,267	31,448			
Depreciation expense	755	755	755	714	714	714	714	714	714	6,549	6,547	
Sheriff cruiser aset, net***	10,787	10,032	9,277	8,563	7,850	7,136	6,422	5,709	4,995			
Reserves (bridge/culvert)**	546,748	551,748	556,748	561,748	566,748	604,105	609,105	614,105	559,272			

\* excludes depreciation

\*\* reserves are unfunded

\*\*\* In March 2021 the Board voted to join the Sheriff ISF Leasing program and dispose of the District's vehicle in April 2021

**ORDINANCE NO. 2021-01**

**ORDINANCE OF THE DIABLO COMMUNITY SERVICES DISTRICT ADOPTING  
BIDDING AND PROCUREMENT PROCEDURES**

**WHEREAS**, the Diablo Community Services District (the District) previously adopted Resolution No. 2021-01, electing to become subject to the Uniform Public Construction Cost Accounting Act (Pub. Contract Code section 22000 et seq., hereinafter “the Act”); and

**WHEREAS**, the Act establishes uniform cost accounting standards and procedures for implementation by local agencies in the performance of or contracting for construction of public projects; and

**WHEREAS**, pursuant to sections 22032(b) and 22034 of the Public Contract Code, the Act requires agencies that elect to be subject to its provisions to adopt certain bidding procedures that govern the selection of contractors to perform public projects; and

**WHEREAS**, Resolution 2021-01 requires the District to take all actions necessary to enact bidding procedures in accordance with the Act; and

**WHEREAS**, the District now desires to adopt the bidding procedures required by the Resolution 2021-01 and the Act; and

**WHEREAS**, the District also desires to adopt procedures governing the procurement of supplies, equipment, and services to complement the bidding procedures and to provide the District with a comprehensive procurement scheme; and

**WHEREAS**, adoption of these bidding and procurement procedures is not a “project” pursuant to California Environmental Quality Act Guidelines section 15378.8(b)(5).

**NOW, THEREFORE THE DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:**

The above recitals are true and correct and are incorporated herein.

**SECTION 2:**

Ordinance No. 2021-01 attached hereto as Exhibit A is hereby added to the District’s Ordinance Code as Title 7.

**SECTION 3:**

This Ordinance No. 2021-01 shall take effect and be in force 30 days from the date of its passage, and before the expiration of 15 days after its passage, it or a summary of it shall be published in a newspaper of general circulation in Contra Costa County.

Passed, approved, and adopted by the Board of Directors of the Diablo Community Services District on this 13<sup>th</sup> day of April by the following vote:

AYES: Urbelis, Becker, Eorio, Isom, Cox

NOES: None

ABSTAIN: None

ATTEST:

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Kathy Urbelis

Board President

## ORDINANCE 2021-01 EXHIBIT A

### TITLE 7

#### **7.1 Bidding Procedures for Public Construction Projects**

**A. Purpose.** The purpose of this section is to adjust the monetary limits for construction projects which can be carried out with administrative decisions, informal bids, and formal bids. It is the intent of the District that this Title 7 shall govern the selection of contractors by the District through the bidding procedures specified in Public Contract Code section 22000 et seq. – the Uniform Public Construction Cost Accounting Act (the “Act”).

**B. Definitions.** The definitions in Public Contract Code section 22000 et seq. and any statutory successors govern this section.

“Public Project” means any of the following: construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any District-owned, leased, or operated facility; and painting or repainting of any publicly owned, leased, or operated facility. A “public project” does not include maintenance work.

“Maintenance Work” means routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes; minor repainting; resurfacing of streets and highways at less than one inch; and landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

#### **C. Contract Letting Procedures.**

**1. List of Qualified Contractors.** The District shall maintain a list of qualified contractors identified according to categories of work in accordance with Public Contract Code section 22034.

**2. No bidding required.** Public Projects less than or equal to \$60,000 may be performed by the District, by negotiated contract, or by purchase order.

**3. Informal bids.** Public Projects \$200,000 or less shall be let by the informal bid procedures in Public Contract Code 23034.

**a. Notice.** At least 10 days before informal bids are due, a notice inviting informal bids shall be sent by mail, fax, or email to all contractors on the District’s list prepared in accordance with C.1 above for the category of work being bid, or all construction trade journals pursuant to Public Contract Code 22036, or both.

**b. Authority to award.** The General Manager may award all informal bids unless all bids received are in excess of \$200,000 in which case the District may, by adoption of a resolution by a four-fifths vote, award the contract at the amount set forth in Public Contract Code section 22034(d) if the District determines its cost estimate was reasonable.

**4. Formal bids.** Public Projects in excess of \$200,000 shall be let by the formal bid procedures in Public Contract Code 22037.

**a. Notice.** A notice inviting formal bids shall state the time and place for receiving and opening of sealed bids and distinctly describe the Public Project. The notice shall be published at least 14 days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the public agency. The notice inviting formal bids shall also be emailed or faxed and mailed to all construction trade journals specified in Public Contract Code section 22036 at least 15 days before the date of opening the bids. In addition to notice required by this section, the District may give such other notice as it deems proper.

**5. Award of informal and formal bids.** If a contract is awarded, it shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the District may accept the one it chooses. The District has the discretion to reject bids pursuant to Public Contract Code section 22038. If no bids are received through the formal or informal procedures, the Public Project may be performed by the District by force account or negotiated contract without further complying with the Act or this Title.

**6. Emergencies.** In the case of emergency when repairs or replacements are necessary, the District may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor, contractor, or by a combination of the two. If the District chooses not to give notice for bids in an emergency, the District must follow all procedures in Public Contract Code 22050 and by four-fifths vote must make findings based on substantial evidence that the emergency will not permit a delay resulting from a competitive solicitation of bids and that the action is necessary to respond to the emergency.

**7. Amounts subject to change.** The monetary amounts listed in sections C.2, C.3, and C. 4 above may change as the Act is amended from time to time. The District shall at all times abide by the amounts listed in Public Contract Code sections 22032(a), (b), and (c), respectively.

## **7.2 Procurement Procedures**

**A. Purpose.** In order to establish efficient procedures for the purchase of supplies, equipment, and services; secure supplies, equipment, and services at the lowest possible

cost commensurate with quality, and exercise positive financial control over purchases, the District adopts these procurement procedures.

**B. Definitions.**

“Design Professional Services” mean architectural, landscape architectural, environmental, engineering, land surveying, or construction project management services which are subject to the procurement requirements of Article XXII of the California Constitution, and Government Code § 4529.10, et seq.

“Purchasing Agent” means the General Manager or his/her designee who is responsible for procuring supplies, equipment, and services pursuant to these procedures.

“RFP” means a Request for Proposals transmitted to qualified vendors.

“RFQ” means a Request for Qualifications transmitted to potentially qualified vendors to evaluate qualifications for providing required services.

**C. Purchasing Agent Authority.** The Purchasing Agent has the authority to procure or contract for supplies, equipment, and services in accordance with these procedures; negotiate and recommend execution of contracts; supervise and inspect all supplies and equipment purchased; maintain a list of qualified vendors or bidders; and recommend amendments to these procedures.

**D. Supplies and Equipment.** Supplies and equipment will be procured as follows:

**1. Minor Purchases.** The Purchasing Agent may make individual purchases of supplies and equipment not exceeding \$5,000 with the approval of the Board president.

**2. Informal Quotes.** The Purchasing Agent may make individual purchases of supplies and equipment exceeding \$5,000 but less than \$10,000 after soliciting price quotes from at least three qualified vendors and with the approval of the Board president.

**3. Competitive Proposals.** For individual purchases of \$10,000 or more, the Purchasing Agent must solicit quotes from at least five qualified vendors and obtain approval of the Board prior to purchase, except to the extent that the Board has already delegated or authorized the Purchasing Agent to make the purchase.

**E. General Services.** Procurement of services other than design professional services, including consulting and engineering services, will be procured as follows:

**1. Minor Services.** For service contracts that will not exceed \$5,000, the Purchasing Agent may make an award to a qualified vendor for a reasonable price or rate with the approval of the Board president.

**2. Informal Quotes.** For service contracts exceeding \$5,000 but less than \$10,000, the Purchasing Agent may make an award to a qualified vendor that offers the best overall value to the District after soliciting quotes or informal proposals from at least three qualified vendors with the approval of the Board president.

**3. Competitive Proposals.** For services contracts of \$10,000 or more, the Purchasing Agent must use a fair and competitive proposal process to award, which may involve an RFP or solicitation of proposals from an adequate number of qualified vendors. The Purchasing Agent must obtain approval of the Board prior to award, except to the extent that the Board has already delegated or authorized the Purchasing Agent to make the award.

**F. Design Professional Services.** Procurement of design professional services is subject to compliance with Article XXII of the California Constitution; Government Code section 4529.10, et seq.; and the following requirements:

**1. Fair Competitive Process.** An RFQ, RFP, or combined RFQ/RFP procedure should be used to procure design professional services to ensure a fair, competitive selection process based on the demonstrated competence and professional qualifications necessary for the services. The RFP, RFQ, or RFP/RFQ must require compliance with all laws regarding political contributions, conflict of interest, or unlawful activities.

**2. Prevailing Wages.** If the services include pre-construction services such as inspection or land surveying work (see Labor Code § 1720(a)(1)), and the project cost exceeds \$1000, the procurement must comply with prevailing wage requirements.

**3. Award.** If the design professional services contract exceeds \$10,000, the Purchasing Agent must obtain approval of the Board prior to award, except to the extent that the Board has already delegated or authorized the Purchasing Agent to make the award.

**G. Emergency Procurements.** In the event of an emergency or threatened emergency, services or good may be procured without following the applicable procurement procedures, but only to the extent necessary to avoid delay in preventing or mitigating injury or damage. For purposes of these procurement procedures, an emergency includes any sudden, unexpected occurrence that poses a clear and imminent danger and requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, as declared by the Board or its General Manager.