

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING AGENDA<sup>1</sup>  
TELECONFERENCE VIA THE APPLICATION ZOOM  
TUESDAY, FEBRUARY 9, 2021 7:30 P.M.**

**CORONAVIRUS DISEASE (COVID-19) ADVISORY AND MEETING PROCEDURE**

On March 19, 2020 the Governor issued Executive Order N-33-20, ordering all residents in the State of California to shelter at their place of residence, with the exception of those who may leave to provide or receive critical services, as defined in Order N-33-20.

Under the Governor's Executive Order N-29-20, Diablo Community Services District may utilize teleconferencing for their meetings, as a precaution to protect the health and safety of staff, officials, and the general public. Board members will be participating via teleconference. As such, there will be no physical location for members of the public to participate in this meeting.

All members of the public seeking to observe and/or address the Board may participate in the meeting in the manner described below.

This meeting can be viewed on the web-video communication platform Zoom.

**ZOOM WEBSITE:**     <https://zoom.us/j/4680449859>  
**MEETING ID:**        **468 044 9859**

Listen to the meeting live by calling Zoom.

**CALL IN (AUDIO) PHONE NUMBER:** Call **(346) 248-7799** or **(669) 900-9128** and enter the Meeting ID# 468 044 9859 followed by the pound (#) key.

To submit public comments before the meeting, please email your comments to [generalmanager@diablocsd.org](mailto:generalmanager@diablocsd.org). In the body of the email, include the agenda item number and title as well as your comments. All comments must be received before 12:00 PM the day of the meeting to be included. If you would like your emailed comment to be read aloud at the meeting (not to exceed 3 minutes at staff's cadence) prominently write "Read Aloud at Meeting" at the top of the email. During the meeting, the Board President or designee will announce the opportunity to make public comments and the procedure for doing so. Emailed comments received after the close of the public comment period will be added to the record after the meeting.

**CALL TO ORDER:**            **President:   Kathy Urbelis**  
**ROLL CALL:**                **Secretary:   Jeff Eorio**  
**Urbelis, Becker, Eorio, Isom, Cox**

**PUBLIC COMMENTS:** *Public comments will be taken on any subject including items on this agenda and are limited to 3 minutes per person when speaking in English, and 6 minutes per person when using a translator. Comments by the audience are not intended to result in a dialogue between members of the audience or between the audience and the Board. Please note that under Brown Act regulations, no member of the Board may engage in any discussion, other than a brief comment or request for clarification, of any item raised by any member of the audience unless that item is included as an agenda item.*

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<sup>1</sup> Agenda attachments are available on the DCSD's website ([www.diablocsd.org](http://www.diablocsd.org)) home page under Agenda.

1. **BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:** Director Urbelis

- a) Accept the 2020 Audit Report.

**ROADS:** Director Cox & General Manager

- a) Review and adopt *Resolution 2021-01*: adoption of the Uniform Public Construction Cost Accounting Act Procedure (UPCCA). A staff report is attached.
- b) Review and adopt *Resolution 2021-02*: election to maintain and repair culverts that lie beneath District maintained roads. A staff report is attached.
- c) Review the 2021-22 road maintenance plan and authorize the General Manager to spend up to \$20k to obtain bid proposals for the grind and pave of Upper Alameda Diablo.

**SECURITY:** Deputy Sheriff Dan Buergi & Lieutenant Brian Sliger

- a) Present prior month's security report.

2. **CONSENT CALENDAR:**

- a) Approve the minutes of the January 12, 2021 Regular Meeting.

3. **REPORTS:**

**CONTRA COSTA COUNTY:**

Alicia Nuchols

**DIABLO PROPERTY OWNERS ASSOC:**

Dana Pingatore

**DIABLO COUNTRY CLUB:**

Hank Salvo

4. **CALL OF NEXT MEETING & ADJOURNMENT:**

The next DCSD Regular Board meeting is scheduled for March 9, 2021 at 7:30 p.m. via Zoom.

Diablo Community Services District by

Kathy Torru, General Manager  
generalmanager@diablocsd.org

DCSD Board Meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting; or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet, or other writings that may be distributed at the meeting should contact the General Manager at least one working day before the meeting at (925) 683-4956 or [generalmanager@diablocsd.org](mailto:generalmanager@diablocsd.org). Notification in advance of the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Public records that relate to any item on the open session agenda are available for public inspection by contacting the General Manager and on the District's website <http://diablocsd.org>.



Annual Financial Report  
June 30, 2020

# Diablo Community Services District

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CPAs & BUSINESS ADVISORS

## Independent Auditor's Report

Board of Directors  
Diablo Community Services District  
Diablo, California

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and the general fund of the Diablo Community Services District (District) as of and for the year ended June 30, 2020, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

## Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the general fund of the District as of June 30, 2020, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## Other Matters

### Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated February 9, 2021, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the District's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.



Menlo Park, California  
February 9, 2021

The following discussion and analysis of the Diablo Community Services District's (District) financial performance provides an overview of the District's financial activities for the fiscal year ended June 30, 2020. Please read it in conjunction with the District financial statements.

## **HIGHLIGHTS**

### **Financial Highlights**

The District has established its finances so that its costs are fairly equal from year to year.

- **Roads:** The District follows a multi-year plan in which each road in the District's maintenance program is subject to a thorough review every five to ten years. Inherent in this plan is that the road maintenance costs do not typically vary much period to period.
- **Security:** The costs to the District for the Deputy Sheriff assigned to Diablo are the same as those costs to Contra Costa County with a small up charge for overhead, supervision, training, and assignments during vacation and sickness. As with the roads maintenance costs, the costs of security does not typically vary much from year to year.

## **USING THIS ANNUAL REPORT**

This annual report consists of two parts: Management's Discussion and Analysis and Financial Statements. The Financial Statements also include notes that explain in more detail some of the information contained in the statements.

### **Required Financial Statements**

The Basic Financial Statements are comprised of District-wide financial statements and Fund financial statements. These two sets of financial statements provide the reader two different viewpoints of the District's financial activities and financial position.

District-wide financial statements report financial information about the District using the accrual basis of accounting method similar, to those used by private sector companies. The Statement of Net Position includes all District assets and liabilities and provides information about the nature and amounts of investments and resources (assets) and obligations (liabilities). It also provides the basis for computing rate of return, evaluating the capital structure of the District, and assessing the liquidity and financial flexibility of the District. The Statement of Activities provides information about the District's revenues and expenses, also on the accrual basis, with the emphasis on measuring net revenues and/or expenses for each of the District's activities. The Statement of Activities explains in detail the change in Net Position for the fiscal year.

Fund financial statements include statements for governmental activities. The Governmental Activities are prepared using the current financial resources measurement focus and modified accrual basis of accounting. Capital assets and other long-lived assets, along with long-term liabilities if any, are not presented in the governmental fund financial statements balance sheet. Unlike the government-wide financial statements, governmental fund financial statements focuses on near-term inflows and outflows of spendable resources, and on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating the District's near-term financing requirements.

All of the current year's revenues and expenditures are accounted for in the Statement of Revenues, Expenditures and Changes in Fund Balances. This statement measures the success of District operations over the past year and can be used to determine whether the District has successfully recovered all its costs through its property taxes, other charges and fees, and traffic fines.

Reconciliations of the Fund Financial Statements to the Government-Wide Financial Statements are provided to explain the differences between these two sets of financial statements.

## FINANCIAL ANALYSIS OF THE DISTRICT

One of the most important questions asked about the District finances is whether or not the District's overall financial position has improved or deteriorated. The Statement of Net Position and Statement of Activities report information about the District activities in a way that will help answer this question. These two statements report the net position of the District and changes in them. You can think of District's net position – the difference between assets and liabilities - as one way to measure financial health or financial position. Over time, increases or decreases in District's net position are one indicator of whether its financial health is improving or deteriorating. Other factors to consider include changes in economic conditions, population growth, and new or changed legislation.

### Changes in Net Position

District total net position increased \$597 thousand in FY 2020 as a result of an insurance reimbursement of \$329 thousand and a reduction of general government expense of \$154 thousand. The District collected \$329 thousand from its Directors & Officers (D&O) Insurance carrier in April 2020 for third party legal fees incurred in the Tiernan and Cervantes litigation cases between Jan 2018 and Jan 2020 . Furthermore, the D&O carrier agreed to pay all third party litigation fees directly to the attorneys from Feb 2020 forward. The \$329 thousand was recorded as other income and the direct payment of legal fees to the attorneys had the effect of lowering general government expenses in the current year. The following includes figures from the statements of net position.

### Statement of Net Position

	2020	2019
Deposits and investments	\$ 947,010	\$ 394,465
Receivables	-	48,062
Prepaid expenses	51,087	10,753
Capital assets	11,544	20,607
Total assets	<u>1,009,641</u>	<u>473,887</u>
Accounts payable and accrued liabilities	28,176	89,048
Total liabilities	<u>28,176</u>	<u>89,048</u>
Net investment in capital assets	11,544	20,607
Unrestricted	969,921	364,232
Total net position	<u>\$ 981,465</u>	<u>\$ 384,839</u>



In part, changes in District net position can be determined by reviewing the following Statements of Activities.

**Statement of Activities**

	2020	2019
Revenues		
Program Revenues		
Charge for services	\$ 4,167	\$ 3,001
General Revenues		
Ad valorem taxes	489,276	468,755
Measure B special tax	292,217	283,709
Interest income	47	19
Insurance reimbursement	329,337	-
Total revenues	1,115,044	755,484
Expenses		
General government	155,372	309,488
Public safety	295,085	309,943
Public works	67,961	17,573
Total expenses	518,418	637,004
Changes in Net Position	\$ 596,626	\$ 118,480

**Budgetary Highlights**

Because of the consistency in the District's revenues and expenditures, the District is able to establish a budget and mostly operate within that budget. From time to time, there are items that must be addressed that do not appear in the budget such as additional road maintenance costs resulting from storms, flooding and fallen trees, and additional security costs when the board determines that temporary additional patrol is required because of a temporary spike in vandalism or burglaries or traffic violations. In 2020 there was a budget vs actual difference of \$693 thousand which was primarily due to the refund of \$329 thousand in third party legal fees by the District's D&O insurance carrier and the delay of the 2020 roads grind and pave project of \$300 thousand until August 2021. Public Safety expense was \$73 thousand lower than budgeted due to COVID-19, which limited the District's ability to schedule additional sheriff patrol hours for traffic control, and General Council legal fees were \$36 thousand higher than budgeted as a result of ongoing litigation. A schedule showing the District's original and final budget amounts compared with the amounts actually paid and received is provided in our annual report on page 24.

**CAPITAL ASSETS**

**Capital Assets**

At the end of fiscal year 2020, the District had approximately \$12 thousand (net of accumulated depreciation) in capital assets. The following table summarizes District capital assets at historical costs for fiscal year ended June 30, 2020.

	2020	2019
Vehicle	\$ 42,817	\$ 42,817
Equipment and computers	7,238	7,238
Accumulated depreciation	(38,511)	(29,448)
Total capital assets	\$ 11,544	\$ 20,607

Additional information on capital assets can be found in footnote 3 to the financial statements.

**SIGNIFICANT ACCOMPLISHMENTS OF FISCAL YEAR 2019-2020 ARE NOTED BELOW:**

The primary functions of the District are to maintain the roads, bridges and culverts (that lie under the District’s maintained roads) in Diablo and provide security patrols within its boundaries. Both of these purposes were fulfilled. The District also has recreation powers and the power to install and maintain street lighting. However, this last power has never been exercised. The reasons for not exercising this power include resident reluctance to street lighting, cost, and lack of need. The recreation power was added in the 70s to provide maintenance of a pedestrian/equestrian (Kay’s Trail) between Alameda Diablo and Mt. Diablo Scenic. The (Kay’s Trail) is maintained on an “as needed” basis.

**ECONOMIC FACTORS AND NEXT YEAR’S BUDGETS AND RATES**

In considering the District’s budget for 2020-2021 year, the Board and management used the following criteria:

The District’s primary revenue sources are ad valorem property taxes and Measure B Special taxes (general revenues). The property tax revenue is received from Contra Costa County (the County) based on the County’s revenue allocation formula. The District does not have any role in determining the allocation; however, the amount received does not change significantly from year to year. The District budgets its property tax revenue using the prior year’s allocation.

The District held a special all mailed ballot election in March 2018. The ballot asked voters to approve a proposed Measure B special tax to replace the current security and road maintenance fees and to provide for road, bridge, culvert and trail maintenance and improvements, and security/police protection for the Diablo community. The annual special tax amount is \$662.26 per improved parcels, \$128.06 per unimproved parcels and \$23,444.68 for the Diablo Country Club parcels, including an annual inflation adjustment. The ballot measure was approved by the voters and was effective FY 2019. In 2020 revenue from the Measure B Special Tax was \$292 thousand.

**REQUESTS FOR INFORMATION**

This financial report is designed to provide our customers and creditors with a general overview of District finances and demonstrate District accountability for the money it receives. If you have any questions about this report, or need additional financial information, contact the District at P.O. Box 321, Diablo, California, 94528.

Diablo Community Services District  
 Statement of Net Position  
 June 30, 2020

	Governmental Activities
<b>Assets</b>	
Cash and cash equivalents	\$ 947,010
Prepaid items	51,087
Capital assets, net of accumulated depreciation	11,544
Total assets	\$ 1,009,641
<b>Liabilities</b>	
Accrued liabilities	\$ 28,176
Total liabilities	28,176
<b>Net Position</b>	
Investment in capital assets	11,544
Unrestricted	969,921
Total net position	\$ 981,465

Diablo Community Services District  
Statement of Activities  
Year Ended June 30, 2020

Functions/Programs	Expenses	Program Revenues Charges for Services	Net (Expenses) Revenues and Changes in Net Position Governmental Activities
Governmental Activities			
General government	\$ 155,372	\$ -	\$ (155,372)
Public safety	295,085	4,167	(290,918)
Public works	67,961	-	(67,961)
Total governmental activities	<u>\$ 518,418</u>	<u>\$ 4,167</u>	<u>(514,251)</u>
General revenues and subventions			
Property taxes, levied for general purposes			781,493
Interest and investment earnings			47
Insurance reimbursement			329,337
Total, general revenues			<u>1,110,877</u>
Change in Net Position			596,626
Net Position - Beginning			<u>384,839</u>
Net Position - Ending			<u>\$ 981,465</u>

**Diablo Community Services District**  
 Balance Sheet – Governmental Fund  
 June 30, 2020

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	General Fund
<b>Assets</b>	
Cash and cash equivalents	\$ 947,010
Prepaid items	51,087
Total assets	\$ 998,097
<b>Liabilities and Fund Balances</b>	
<b>Liabilities</b>	
Accrued liabilities	\$ 28,176
Total liabilities	28,176
<b>Fund Balances</b>	
Nonspendable	51,087
Unassigned	918,834
Total fund balances	969,921
Total liabilities and fund balances	\$ 998,097

Diablo Community Services District  
 Reconciliation of the Governmental Fund Balance Sheet to the Statement of Net Position  
 June 30, 2020

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Total Fund Balance - Governmental Fund	\$	969,921
<p>Amounts Reported for Governmental Activities in the Statement of Net Position are Different Because</p> <p>Capital assets used in governmental activities are not financial resources and, therefore, are not reported as assets in governmental funds.</p>		
Cost of capital assets	\$	50,055
Accumulated depreciation		<u>(38,511)</u>
Total capital assets - net		<u>11,544</u>
Total net position - governmental activities	\$	<u><u>981,465</u></u>

Diablo Community Services District  
Statement of Revenues, Expenditures and Changes in Fund Balance – Governmental Fund  
Year Ended June 30, 2020

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	General Fund
Revenues	
Property taxes	\$ 489,276
Measure B special tax	292,217
Traffic fines	4,167
Interest income	47
Insurance Reimbursement	329,337
Total revenues	1,115,044
Expenditures	
Current	
General government	155,372
Public safety	286,022
Public works	67,961
Total expenditures	509,355
Net Change in Fund Balance	605,689
Fund Balance - Beginning	364,232
Fund Balance - Ending	\$ 969,921



Diablo Community Services District

Reconciliation of the Governmental Fund Statement of Revenues, Expenditures and Changes in Fund Balance to  
the Statement of Activities  
Year Ended June 30, 2020

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Total Net Change in Fund Balances - Governmental Fund		\$ 605,689
<p>Amounts Reported for Governmental Activities in the Statement of Activities are Different Because</p> <p>Capital outlays to purchase or build capital assets are reported in governmental funds as expenditures, however, for governmental activities, those costs are shown in the statement of net position and allocated over their estimated useful lives as annual depreciation expenses in the statement of activities</p>		
Depreciation expense	\$ (9,063)	
Total capital assets - net	<u>          (9,063)</u>	<u>          (9,063)</u>
Change in Net Position of Governmental Activities		<u><u>          596,626</u></u>

**Note 1 - Summary of Significant Accounting Policies****General**

The Diablo Community Services District (the District) is a California special district formed in September 1969 by the Contra Costa Board of Supervisors under provisions of Part 2.7, Section 13801-1399 of the Health and Safety Code. funded. The Diablo Public Utility District (DPUD) was formed on March 23, 1951, under Section 14010 of the Health and Safety Code to construct roads and bridges within Diablo. In 1969, the DPUD was terminated and replaced with the Diablo Community Services District. The District reorganization was initiated by Diablo residents so that security services could be provided to the community by the District. The creation of the new District caused no changes in the governing body and the assets and liabilities of the DPUD were transferred to the reorganized District. The District is funded by ad valorem and Measure B special taxes.

The function of the District is to provide security and the maintenance of roads, bridges and specific culverts within the unincorporated community of Diablo, which is located at the foot of Mount Diablo, northeast of the Town of Danville. The District also has the power to install and maintain street lighting, and recreation powers. Recreation powers were added in the 1970s to allow the District to own and maintain the pedestrian/equestrian (Kay's Trail) between Alameda Diablo and Mt. Diablo Scenic. Kay's Trail is maintained on an "as needed" basis.

The Board of Directors is an elected governmental body and consists of five members including a president, a vice president and three members. If a member resigns before the end of his/her term the Board of Directors shall either appoint an interim director or hold an election to fill the vacancy to serve out the remaining term. If a vacancy is not filled within 60 days the Board of Supervisors may appoint a person to fill the vacancy or order the District to call an election to fill the vacancy.

**Reporting Entity**

Although the nucleus of financial reporting entity usually is a primary government, an organization other than a primary government, such as a stand-alone government, may serve as the nucleus for its financial reporting entity when the stand-alone government provides separately issued financial statements. A stand-alone government is a legally separate governmental organization that does not meet the definition of a component unit. Diablo Community Services District meets the criteria as a stand-alone government, and accordingly, is accounted for and reported on as though it were a primary government.

**Measurement Focus and Basis of Accounting**

The accounting and financial reporting treatment is determined by the applicable measurement focus and basis of accounting. Measurement focus indicates the types of resources being measured such as current financial resources or economic resources. The basis of accounting indicates the timing of transactions or events for recognition in the financial statements.

The Government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. The District receives no grants and does not anticipate applying for any.

The Fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this modified accrual basis of accounting, revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within sixty days at the end of the current fiscal period to pay current liabilities. Revenue resulting from exchange transactions, in which each party gives and receives essentially equal value, is recorded when the exchange takes place. The following revenue resources are considered to be both measurable and available at fiscal year-end: interest, taxes, and other local sources. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

Property taxes and interest associated with the current fiscal period are all considered to be susceptible to accrual and have been recognized as revenues of the current fiscal period. All other revenue items are considered measurable and available only when the District receives cash.

#### **Basis of Presentation - Government-Wide Financial Statements**

The statement of net position and the statement of activities report information on all of the activities of the District. The District reports governmental activities, which normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

#### **Basis of Presentation - Fund Financial Statements**

The accounting system of the District is organized and operated on the basis of separate funds, each of which is considered to be a separate accounting entity. Each fund is accounted for by providing a separate set of self-balancing accounts that constitute its assets, liabilities, fund equity, revenues, and expenditures. An emphasis is placed on major funds within the governmental category. The following is the District's major and the only governmental fund:

General Fund - The General Fund is used to account for all financial resources of the District. The General Fund balance is available to the District for any purpose provided it is expended or transferred according to the general laws of California and the regulations of the District.

**Capital Assets and Depreciation**

Capital assets generally result from expenditures in the governmental funds. These assets are reported in the governmental activities column of the government-wide statement of net position but are not reported on the balance sheet of the fund financial statements.

The District capitalizes assets that have a cost in excess of \$2,500 and a useful life in excess of one year. Assets are valued at cost when determinable or estimated cost. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized.

The District does not possess any infrastructure. The roads and bridges are privately owned and the District has the authority to maintain them. All capital assets purchased are stated at cost. Depreciation of capital assets is computed using the straight-line method. The estimated useful life of the vehicle is 5 years and equipment and computers are in 3 - 5 years.

**Accrued Liabilities**

All payables and accrued liabilities if applicable are reported in the government-wide financial statements. In general, governmental fund payables and accrued liabilities that, once incurred, are paid in a timely manner and in full from current financial resources are reported as liabilities of the fund.

**Net Position**

Net position represents the difference between assets and liabilities. Net position net of investment in capital assets, consists of capital assets, net of accumulated depreciation. Net position is reported as restricted when there are limitations imposed on their use either through the enabling legislation adopted by the District or through external restrictions imposed by creditors, grantors, or laws or regulations of other governments. The District applies restricted resources first when an expense is incurred for purposes for which both restricted and unrestricted net positions are available.

**Fund Balance**

Fund balance is classified into five different components. The components are non-spendable, restricted, committed, assigned and unassigned.

- Non-spendable - amounts that cannot be spent either because they are in non-spendable form or because they are legally or contractually required to be maintained intact.
- Restricted - amounts that can be spent only for specific purposes because of constitutional provisions or enabling legislation or because of constraints that are externally imposed by creditors, grantors, contributors, or the laws or regulations of other governments. The District currently does not have any restricted funds.

- Committed – amounts that can be used only for specific purposes determined by a formal action of the Governing Board through a resolution. The Governing Board is the highest level of decision-making authority for the District. The constraint remains binding unless removed in the same formal manner by the Governing Board. Board’s action to commit fund balance must occur within the fiscal reporting period while the amount committed may be determined subsequently. The District currently does not have any committed funds.
- Assigned - amounts that do not meet the criteria to be classified as restricted or committed but that are intended to be used for specific purposes. The responsibility for assigning amounts for specific purposes has been delegated to the accounting director by the Governing Board. The District currently does not have any assigned funds.
- Unassigned - all other spendable amounts.

### **Spending Order Policy**

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the District considers restricted funds to have been spent first. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the District considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds, as needed, unless the highest level of decision-making authority has provided otherwise in its commitment or assignment actions.

### **Budgetary**

Budgets are annually adopted by the board on a basis consistent with generally accepted accounting principles. The legal level of budgetary control (i.e., the level at which expenditures may not legally exceed appropriations) is on the fund level.

### **Property Tax**

Secured property taxes attach as an enforceable lien on property as of March 1. Taxes are payable in two installments on December 10 and April 10, respectively.

The County of Contra Costa bills and collects the taxes on behalf of the District and distributed property tax revenues to the District four times a year. District property tax revenues are recognized when levied to the extent that they result in current receivables.

### **Estimates**

The preparation of the financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results may differ from those estimates.

**New Accounting Pronouncements**

The District is currently analyzing its accounting practices to determine the potential impact of the following pronouncements, with implementation dates as amended by Statement no. 95:

**GASB Statement No. 87** – In June 2017, GASB issued Statement No. 87, *Leases*. The objective of this Statement is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This Statement increases the usefulness of governments’ financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments’ leasing activities. The Statement is effective for the reporting periods beginning after December 15, 2020, or FY 2021/2022. The District is evaluating the impact of this Statement on the financial statements.

**Note 2 - Cash and Cash Equivalents**

**Summary of Deposits**

Deposits as of June 30, 2020 consist of the following:

Deposits with financial institutions	<u>\$ 947,010</u>
--------------------------------------	-------------------

### General Authorizations

The table below identifies the investment types that are authorized for the District by the California Government Code. Limitations as they relate to interest rate risk, credit risk, and concentration of credit risk are indicated in the schedules below.

Authorized Investment Type	Maximum Remaining Maturity	Maximum Percentage of Portfolio	Maximum Investment In One Issuer
Local Agency Bonds, Notes, Warrants	5 years	None	None
Registered State Bonds, Notes, Warrants	5 years	None	None
U.S. Treasury Obligations	5 years	None	None
U.S. Agency Securities	5 years	None	None
Banker's Acceptance	180 days	40%	30%
Commercial Paper	270 days	25%	10%
Negotiable Certificates of Deposit	5 years	30%	None
Repurchase Agreements	1 year	None	None
Reverse Repurchase Agreements	92 days	20% of base	None
Medium-Term Notes	5 years	30%	None
Mutual Funds	n/a	20%	10%
Money Market Mutual Funds	n/a	20%	10%
Mortgage Pass-Through Securities	5 years	20%	None
County Pooled Investment Funds	n/a	None	None
Local Agency Investment Fund (LAIF)	n/a	None	None
Joint Powers Authority Pools	n/a	None	None

### Custodial Credit Risk - Deposits

This is the risk that in the event of a bank failure, the District's deposits may not be returned to it. The District's policy, as well as the California Government Code, requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies. California law also allows financial institutions to secure public deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits and letters of credit issued by the Federal Home Loan Bank of San Francisco having a value of 105% of the secured deposits. As of June 30, 2020, District's total bank balance was \$971,420 and was either insured by the Federal Deposit Insurance Corporation (FDIC), or collateralized, but not in the name of the District.

**Note 3 - Capital Assets**

Changes in capital assets for the year ended June 30, 2020 was as follows:

	<u>Balance June 30, 2019</u>	<u>Additions</u>	<u>Dispositions</u>	<u>Balance June 30, 2020</u>
Capital assets being depreciated				
Vehicle	\$ 42,817	\$ -	\$ -	\$ 42,817
Equipment and computers	<u>7,238</u>	<u>-</u>	<u>-</u>	<u>7,238</u>
Total capital assets being depreciated	<u>50,055</u>	<u>-</u>	<u>-</u>	<u>50,055</u>
Less accumulated depreciation				
Vehicle	22,835	8,563	-	31,398
Equipment and computers	<u>6,613</u>	<u>500</u>	<u>-</u>	<u>7,113</u>
Total accumulated depreciation	<u>29,448</u>	<u>9,063</u>	<u>-</u>	<u>38,511</u>
Total capital assets	<u>\$ 20,607</u>	<u>\$ 9,063</u>	<u>\$ -</u>	<u>\$ 11,544</u>

**Note 4 - Accounts Payable and Accrued Liabilities**

Accounts payable and accrued liabilities as of June 30, 2020 consist of the following:

Vendors payable	\$ 4,278
Sheriff services and other accrued expenses	<u>23,898</u>
Total accrued liabilities	<u>\$ 28,176</u>

**Note 5 - Fund Balances**

Fund balances are composed of the following elements:

Nonspendable	\$ 51,087
Unassigned	<u>918,834</u>
Total	<u>\$ 969,921</u>



**Note 6 - Commitments and Contingent Liabilities****Litigation**

The District may from time to time be involved in litigation arising from the normal course of business. In December 2017, a lawsuit was filed against the District and other defendants (Tiernan, et al v. DCSD, Contra Costa County Superior Court Case No.17-02529) by 7 residents of Calle Arroyo ("Plaintiffs"). The Plaintiffs asserted that Calle Arroyo is a strictly private street, not subject to a public right-of-way, and that the District is obligated to prevent the public from using Calle Arroyo. In October 2018, the Contra Costa Superior Court ruled that the District does not have the authority to prevent anyone from using Calle Arroyo road. The Plaintiffs also filed an amended complaint in November 2018 against the District asserting that the "cut-through" between Alameda Diablo and Mt. Diablo Scenic Boulevard is an illegal entrance to Diablo and violates the District's Ordinance Code such that the District must take affirmative steps to close it. An additional homeowner plaintiff joined the same case in April 2019 by filing a cross complaint (Cervantes v. DCSD, Contra Costa County Superior Court Case No. 17-02529). That cross-complaint asserted that the District did not have the authority to close the cut-through. The District and original Plaintiffs settled all remaining causes of action in June 2019, and all of the original Plaintiffs' causes of action were dismissed by July 2019. The only remaining causes of action against the District are asserted by the cross-complaint and amendments thereto (i.e. Cervantes v. DCSD). The District's insurer has agreed to provide the District with a defense for these remaining causes of action. In November 2020 the judge dismissed the remaining case against the District.

**Note 7 - Risk Management**

The District is exposed to various risk of loss related to torts; theft of, damage to, and destructions of assets; errors and omissions; injuries to third parties and natural disasters. The District pays annual premiums to purchase commercial insurance to protect against these risks. The District received one claim for wrongful death in December 2019 (Claim of Estate of Maayan Jones) and rejected this claim in January 2020. The District's insurer has agreed to provide the District with a defense in the event that the District is sued on this claim. The statute of limitations to file a wrongful death lawsuit expired in November 2020. No lawsuit was filed. Otherwise, there were no significant changes in coverages or claims that exceeded the coverages over the past three years.



Required Supplementary Information  
June 30, 2020

## Diablo Community Services District

Diablo Community Services District  
 Budgetary Comparison Schedule – General Fund  
 Year Ended June 30, 2020

	Budgeted Amounts (GAAP Basis)		Actual (GAAP Basis)	Variances - Positive (Negative)
	Original	Final		Final to Actual
<b>Revenues</b>				
Property taxes and non-tax user charges	\$ 476,447	\$ 476,447	\$ 489,276	\$ 12,829
Measure B Special Tax	292,220	292,220	292,217	(3)
Traffic fines	1,200	1,200	4,167	2,967
Other Income	-	-	329,337	329,337
Interest income	-	-	47	47
Total revenues	<u>769,867</u>	<u>769,867</u>	<u>1,115,044</u>	<u>345,177</u>
<b>Expenditures</b>				
General government	122,002	122,002	155,372	(33,370)
Public safety	358,565	358,565	286,022	72,543
Public works	376,200	376,200	67,961	308,239
Total expenditures	<u>856,767</u>	<u>856,767</u>	<u>509,355</u>	<u>347,412</u>
Net Change in Fund Balances	(86,900)	(86,900)	605,689	692,589
Fund Balance - Beginning	<u>364,232</u>	<u>364,232</u>	<u>364,232</u>	<u>-</u>
Fund Balance - Ending	<u>\$ 277,332</u>	<u>\$ 277,332</u>	<u>\$ 969,921</u>	<u>\$ 692,589</u>

**Note to Budgetary Comparison Schedule – General Fund**

The District adopts a budget annually for the general fund. From the effective date of the budget, which is adopted by the board of directors and controlled by the district the legal level of budgetary control is at the fund level. Annual budgets are adopted on a basis consistent with generally accepted accounting principles.



**Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards***

Board of Directors  
Diablo Community Services District  
Diablo, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and the general fund of Diablo Community Services District (District) as of and for the year ended June 30, 2020 and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated February 9, 2021.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the District's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

## **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## **Purpose of This Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the District's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in cursive script that reads "Eide Bailly LLP".

Menlo Park, California  
February 9, 2021

**RESOLUTION NO. 2021-01**

**RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT ADOPTING THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PROCEDURES**

**WHEREAS**, prior to the passage of Assembly Bill No. 1666, Chapter 1054, Statutes of 1983, which added Chapter 2, commencing with Section 2200, to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

**WHEREAS**, Public Contract Code section 22000 et seq. the Uniform Public Construction Cost Accounting Act (the "Act"), establishes such a uniform cost accounting standard; and

**WHEREAS**, the Commission established under the Act has developed uniform public construction cost procedures for implementation by local agencies in the performance of or in the contracting for construction of public projects; and

**WHEREAS**, the Act provides benefits and conveniences to public agencies adopting its procedures such as increased limits on costs of public projects for which formal bidding procedures are required; and

**WHEREAS**, the District may have previously elected to become subject to the Act and the Commission's procedures but due to a record-keeping error the resolution so electing cannot be found; and

**WHEREAS**, the District currently recognizes that adoption of the Act will enable it to realize the Act's benefits and save administrative time and expense; and

**WHEREAS**, adoption of the Act is not a "project" pursuant to California Environmental Quality Act Guidelines section 15378.8(b)(5);

**NOW, THEREFORE BE IT RESOLVED**, pursuant to Public Contract Code section 22030, the District adopts the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended; and

**BE IT FURTHER RESOLVED**, District staff and/or legal counsel is authorized to take any and all actions necessary to (1) notify the State Controller of the District's adoption of this Resolution, and (2) enact informal bidding regulations in accordance with the Act.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NOES:

ABSTAIN:

ATTEST:

\_\_\_\_\_

Kathy Urbelis, Board President

## STAFF REPORT

**DATE:** February 9, 2021  
**TO:** DCSD Board Members  
**FROM:** Kathy Torru, General Manager  
**RE:** Proposed adoption of the Uniform Public Construction Cost Accounting Act (UPCCA)

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### I. Background

California law requires the District to advertise certain public projects for competitive bidding if the project is anticipated to cost more than \$25,000. Compliance with the state's competitive bidding procedures typically involves a lengthy process, and the District's only staff is a part-time contract General Manager whose services are needed to oversee the rest of District business.

An alternative to the normal contracting process has been established in the California Uniform Public Construction Cost Accounting Act (the "Act"), as set forth in California Public Contract Code 22000 through 22050. The intent of the Act is to promote uniformity of costs accounting standards<sup>1</sup> and allow greater flexibility for public agencies in the public contract bidding process, mostly by increasing the monetary thresholds for which "informal" bidding procedures can be used instead of the more rigorous formal bidding procedures. Participation in the Act is voluntary, and once the District elects to be subject to the Act, it will remain subject to it until it affirmatively opts out.

Finally, the District may have elected to be subject to the Act previously, but those records cannot be located, so the Board is being asked to consider adopting the Act again.

### II. Overview of the Uniform Public Construction Cost Accounting Act

The Act's alternative bidding procedures can speed up the contract award process, improve the timeliness of project completion, eliminate paperwork, and simplify project administration. There are often cost savings associated with these benefits.

The alternative bidding procedures generally involve three types of public project contracts: no-bid contracts, informal bidding contracts, and formal bidding contracts. The Act specifies the following procedures for each:

- **No-bid Contracts:** Public projects of \$60,000 or less may be performed by District staff in accordance with the Uniform Construction Cost Accounting Policy and Procedures Manual,<sup>2</sup> or by negotiated contract or purchase order.
- **Informal Bidding Contracts:** Public projects exceeding \$60,000 but less than \$200,000 can be awarded via an informal bidding process to be adopted by the District. This process will include having a list of qualified contractors that is updated annually from which the District can solicit informal bids.

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<sup>1</sup> The accounting standards do not apply to third parties with whom the District contracts. Since the District does not have employees that perform work on its own projects, and actually contracts out for all of its public projects, these accounting standards are not discussed further.

<sup>2</sup> See footnote 1 above. The District has no staff that would perform its own projects.

- Formal Bidding Contracts: Public projects \$200,000 or greater must be awarded by the state's formal bidding procedures (e.g. to the lowest responsible bidder), just as the District has always done.

Because of the District's very limited purposes (road and culvert maintenance and security), the District rarely performs the type of public projects that exceed state law's regular \$25,000 threshold for community service districts. And when it does perform large projects, like the recent grind and pave project, those projects usually exceed the Act's \$200,000 threshold requiring competitive bidding anyway. However, there are some public projects that may exceed \$25,000 for which the District could take advantage of the "no-bid" or "informal bidding" procedures above. Further, the Act provides a specific exemption from all bidding requirements for certain types of maintenance work that the District frequently performs. So, the District could benefit from adopting the Act and electing to be subject to its procedures and requirements.

The Act does require the District to adopt informal bidding procedures consistent with its requirements and to revisit its contractor list annually. Should the District adopt the Act, staff will prepare the procedures for the Board's review and approval.

### **III. Recommendation**

In consultation with the District's General Counsel, the General Manager recommends that the Board adopt Resolution 2021-01 electing to subject the District to the Uniform Public Construction Cost Accounting Act (UPCCA).



**RESOLUTION NO. 2021-02**

**RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT ELECTING TO MAINTAIN AND REPAIR CULVERTS THAT LIE BENEATH DISTRICT MAINTAINED ROADS**

**WHEREAS**, The Diablo Community Services District (the District) has a responsibility to maintain certain roads and bridges within Diablo, with few exceptions (“District Roads”); and

**WHEREAS**, Within the District’s boundaries there are waterways that run under the roads in corrugated pipes (i.e. “culverts”) which lie on private property and have historically been maintained and repaired by the private property owners; and

**WHEREAS**, Certain of these culverts run under District Roads (“District Culverts,” identified on Exhibit A hereto); and

**WHEREAS**, Debris, including but not limited to leaves, branches, foliage, and trash, often passes through and/or collects in the District Culverts such that the District Roads are subject to potential damage and/or flooding; and

**WHEREAS**, California State Community Services District Law provides, at Government Code Section 61060, that the District may exercise all rights and powers necessary to carry out its purposes; and

**WHEREAS**, the District’s Formation Resolution (Resolution No. 68/699) grants the District the power to perform “improvement of...culverts...and works incidental to” its stated road maintenance purposes; and

**WHEREAS**, the District currently recognizes that maintaining the District Culverts that lie beneath the District Roads will enable the District to prevent damage to District Roads; and

**WHEREAS**, the District desires to maintain and repair District Culverts, including but not limited to cleaning and/or removing of debris at the culvert entrances and installation of debris or “trash racks”;

**NOW, THEREFORE BE IT RESOLVED**, the District hereby elects to maintain and repair those District Culverts identified on Exhibit A hereto.

**BE IT FURTHER RESOLVED**, the District is authorized to take any and all actions necessary to maintain and repair the District Culverts located under the District’s roads.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NOES:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Kathy Urbelis, Board President

## EXHIBIT A

### LIST OF CULVERTS MAINTAINED AND REPAIRED BY THE DIABLO COMMUNITY SERVICES DISTRICT (DCSD)

Below is the list of culverts maintained and repaired by the DCSD. DCSD's responsibility to maintain and repair the culverts identified below extends only to those segments of culverts that lie directly beneath the asphalt portion of the road. Maintenance and repair of all other culverts and/or culvert segments are the sole responsibility of the property owner.

Culvert #	Location
1	La Cadena at corner of Alameda Diablo
2	Avenida Nueva at corner of Calle Los Callados extending under Avenida Nueva until the corner of Alameda Diablo and Avenida Nueva.
3	Upper Alameda Diablo (between 2290 and 2298 Alameda Diablo)
4	Upper Alameda Diablo (at 2331 Alameda Diablo)
5	Upper Alameda Diablo (at 2337 Alameda Diablo)
6	Avenida Nueva at corner of El Centro
7	El Nido (between 1650 El Nido and Alameda Diablo)
8	El Nido (in front of 1750 El Nido)
9	El Nido (across from Club first hole green)
11	Club House Rd at corner of Calle Arroyo
10	El Nido (behind 101 El Nido Ct.)
12	Calle Arroyo at corner of Canada Via

## STAFF REPORT

**DATE:** February 9, 2021  
**TO:** DCSD Board Members  
**FROM:** Kathy Torru, General Manager  
**RE:** Proposed maintenance and repair of certain District culverts

---

### I. Background

The District is responsible for maintaining certain roads (the “District Roads”) and bridges within Diablo. The District’s authority for performing this maintenance is derived from both the California State Community Services District law and the District’s formation resolution.

Under some of the District Roads, there are waterways that run through corrugated pipes called culverts. Some culverts contain rainwater runoff while others actually provide passage for the creeks within the District (e.g. Dan Cook Creek). Historically, all culverts in Diablo have been maintained and repaired by private property owners. However, the District has had to step in and maintain/repair certain culverts when they have become overrun with debris such as leaves, branches, foliage, and trash, in order to prevent (or in some cases, repair) damage to District Roads caused by water overflow.

The District previously hired a third-party contractor to assist the Board in identifying the culverts that lie beneath the District Roads so that the District can undertake maintenance and repair of these culverts. That contractor used video technology and identified all of the culverts within District boundaries, and there are twelve<sup>1</sup> that run beneath District Roads (the “District Culverts”). Those twelve culverts are listed on Exhibit A attached to Resolution No. 2021-02.

The District now desires to identify those District Culverts as culverts that it will maintain and repair in order to protect, and to avoid damage to, its District Roads.

### II. Recommendation

The Board should consider adopting Resolution No. 2021-02, which commits the District to maintaining and repairing the list of District Culverts running under District Roads. Undertaking maintenance and repair responsibilities may come with some potential liability for the operation of those culverts and for any damage that the District’s maintenance and repair may cause to private property or individuals. The Board should weigh this risk against the maintenance/repair responsibility for District Roads that could be damaged by culvert failure.

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<sup>1</sup>Exhibit A lists 12 culverts that correspond to the numbering on the third-party contractor’s video survey.

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS MEETING  
MINUTES  
TELECONFERENCE VIA THE APPLICATION ZOOM  
JANUARY 12, 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 stated that in response to the Governor's Executive Order N-33-20 the District would be using teleconferencing (via Zoom) to conduct the Regular Board Meeting.

**COMMENTS FROM THE AUDIENCE:** Nicola Place and Ray Brant each wished the Board a Happy New Year and thanked the Directors for their service to the community. Ray thanked the Directors for 10 great years!

**BOARD/STAFF COMMUNICATION AND ACTIONS:**

Director Urbelis welcomed Matthew Cox as the new DCSD Director.

Secretary Jeff Eorio administered the Oath of Office to Directors Urbelis and Cox.

Director Urbelis announced the District Commissioners:

Finance – Greg Isom  
Roads – Matthew Cox  
Security – Kathy Urbelis

Director Urbelis announced that for 2021 the DCSD would hold monthly meetings the second Tuesday of the month at 7:30 pm via Zoom. There will be no July and December meetings.

Director Urbelis announced that Director Becker had been added as a signer to the District's bank accounts and that Ray Brant had been removed.

General Manager Kathy Torru presented the District's financial report for the 6 months ended December 31, 2020 and informed the Board that the June 30, 2020 financial audit field work is complete and that the audit report will be presented to the Board next month. A copy of the District's financial report is available on the DCSD website ([www.diablocsd.org](http://www.diablocsd.org)) under the Meetings and Financials tab.

**ROADS:**

General Manager Kathy Torru reported that 2 trash racks for the culvert heads located at the corner of Canada Via and Calle Arroyo and the corner of Club House Rd and Calle Arroyo are being manufactured and should be installed by the end of the month.

**SECURITY:**

Deputy Dan reported that in December there were two car break-ins in the DCC parking lot within an hour of each other and purses stolen. No suspect has been identified but the Deputy suspects the two break-ins are related.

**CONSENT CALENDAR:**

On motion of Director Eorio, second by Director Isom, the minutes of the November 10, 2020 Regular Meeting were approved:

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

**REPORTS:**

**CONTRA COSTA COUNTY:** No report.

**DIABLO PROPERTY OWNERS REPORT:** General Manager Kathy Torru reported for DPOA President Dana Pingatore that the DPOA is kicking off its annual contribution campaign and planning for more socially distanced fun and creative landscaping in 2021.

**DIABLO COUNTRY CLUB:** Club liaison Hank Salvo reported that the new General Manager Bruce Pruitt is getting settled in and that the Club has had a recent outbreak of COVID cases from members.

The Club Wellness Center is scheduled to break ground in March or April and construction is expected to take a year.

The Club President requests the District to notify the Club of future roads projects to coordinate the paving of the Club parking lots.

**CALL OF NEXT MEETING/ADJOURNMENT:**

The President called the next meeting for February 9<sup>th</sup> 2021. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 7:45 p.m.

Diablo Community Services District by  
Kathy Torru, General Manager