

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING AGENDA¹
TELECONFERENCE VIA THE APPLICATION ZOOM
TUESDAY, APRIL 13, 2021 7:30 P.M.**

MEETING PROCEDURE

Under the Governor's Executive Order N-29-20 issued March 19, 2020, the Diablo Community Services District is using teleconferencing for meetings. 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 using the Zoom platform:

ZOOM WEBSITE: <https://zoom.us/j/4680449859>

MEETING ID: **468 044 9859**

FOR AUDIO PARTICIPATION ONLY: Call (346) 248-7799 or (669) 900-9128 and enter Meeting ID# 468 044 9859 followed by the pound (#) key.

To submit public comments before the meeting, email generalmanager@diablocsd.org before 12 pm on the day of 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.*

1. BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE: Director Urbelis

- a) Review of District Financial Report.
- b) Remind residents to cut back vegetation encroaching onto the roads. A vegetation removal reminder notice will be emailed to residents in April.

ROADS: Director Cox & General Manager

- a) Update on potential seal coat project for summer 2021.

¹ Agenda attachments are available on the DCSD's website (www.diablocsd.org) home page under Agenda.

SECURITY: Deputy Sheriff Dan Buergi

- a) Present prior month's security report.
- b) Introduce Valley Station Chief, lieutenant Scott Wooden.

2. CONSENT CALENDAR:

- a) Waive second reading and adopt Ordinance 2021-01–Bidding and procurement procedures. See attached draft Ordinance 2021-01.
- b) Approve the minutes of the March 9, 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 May 11, 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. 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>.

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
Beginning Cash	988,097	942,365	869,726	831,318	210,837	126,517	524,264	485,127	451,198	988,097	988,097	
Revenue												
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)
Total Income	8	23	7	12,163	-	433,054	4	59	51	445,369	438,841	6,528
Expenses												
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	31,096	34,360	13,000	21,360
Road/bridge/culvert/trail projects		20,075	1,654	649,442	1,162	2,020				674,353	785,000	(110,647)
Professional services	10,445	6,564	6,800	7,370	3,711	4,171	4,954	16,729	5,220	65,964	82,550	(16,586)
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)
Total Expenses	80,643	52,757	32,438	680,482	31,183	34,600	40,465	44,745	62,594	1,059,907	1,155,370	(95,463)
Incr/(decr) in cash*	(80,635)	(52,734)	(32,431)	(668,319)	(31,183)	398,454	(40,461)	(44,686)	(62,543)	(614,538)	(716,529)	101,991
Incr/(decr) in payable	34,903	(19,905)	(5,977)	47,838	(53,137)	(707)	1,324	10,757	(1,049)	14,047		
Ending Cash	942,365	869,726	831,318	210,837	126,517	524,264	485,127	451,198	387,606	387,606	271,568	
Other Financial Data												
Accounts payable	63,078	43,172	37,195	85,033	31,893	31,186	32,510	43,267	32,220			
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 _____ day of _____ by the following vote:

AYES:

NOES:

ABSTAIN:

ATTEST:

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.

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
MARCH 9, 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: Nicola Place informed the District that a group of Mt Diablo Scenic Blvd. residents have been working on a road maintenance and safety strategy for Mt Diablo Scenic Blvd with the Mt Diablo State Park and other impacted parties over the last couple years. Covid-19 has delayed the work on a road maintenance agreement so the focus currently is safety. Nicola, working with other residents and interested parties, sent a letter to the local newspaper highlighting the safety issues with upper Mt Diablo Scenic Blvd and the need for road striping and law enforcement presence to make the road safer. A letter was also sent to the CHP requesting patrol of Mt Diablo Scenic Blvd. Nicola requested that the District support the efforts to make Mt Diablo Scenic Blvd a safer road.

BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE:

Director Urbelis presented Ordinance 2021-01. Ordinance 2021-01 establishes an informal bidding procedure which is required upon adoption of the UPCCA. The Board passed Resolution 2021-01, adoption of the UPCCA, at its February 8, 2021 Board meeting. Procurement procedures were also added to the Ordinance to formalize the District's purchasing policy.

On motion of Director Eorio, second by Director Urbelis, Ordinance Code 2021-01 was formally introduced and the first reading waived:

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

ROADS:

Director Cox announced that the installation of the 2 trash racks at the head walls of the two culverts located on Calle Arroyo has begun. The work will be complete by the end of the week.

Director Cox announced that two bids to perform road slurry seal work had been received and are currently being reviewed. The slurry seal project will be presented to the Board at the April 13th DCSD Regular Meeting for discussion and approval.

SECURITY:

Deputy Buergi reported no security issues in February.

Lieutenant Brian Sliger announced that he had been reassigned to chief of the Court Security Unit and would be leaving his position as Valley Station chief this week. Lieutenant Scott Wooden will take over as chief of the Valley Station. The Directors thanked the lieutenant for his service to the Diablo community and congratulated him on his new role in the Sheriff's department.

At the February DCSD meeting the Deputy announced that the District's sheriff's vehicle was in poor shape and needed replacement. Director Urbelis presented a financial analysis of the sheriff's vehicle replacement options and financing options available to the District. A copy of the financial analysis is attached as Exhibit A.

On motion of Director Eorio, second by Director Urbelis, the District voted to replace the sheriff's vehicle and to join the Contra Costa County Sheriff's Department ISF leasing program, with the understanding that the District can withdraw from the ISF program at any time, without penalty, and purchase its own vehicle. The General Manager was directed to communicate the Board's intention to the sheriff's department and execute the transaction.

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

CONSENT CALENDAR:

On motion of Director Eorio, second by Director Becker, the minutes of the February 9, 2021, Regular Meeting were approved:

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

REPORTS:

CONTRA COSTA COUNTY: Alicia Nuchols, District Representative for CCC Supervisor Diane Burgis, provided the Board with the COVID-19 vaccine update for the County. Within Diablo, 490 residents have been vaccinated.

DIABLO PROPERTY OWNERS REPORT: Dana Pingatore, DPOA President, reported that the Spring 2021 *Devil's Advocate* publication will be emailed to residents next week. The DPOA has been busy welcoming all of our new residents and has been planning a COVID-19 socially distanced St Patrick's Day celebration. The DPOA will be highlighting residents who have lived in Diablo for more than 50 years and sharing their stories in the *Devil's Advocate* and in the post office over the next year, with a different resident highlighted each month.

DIABLO COUNTRY CLUB: Hank Salvo, Diablo Country Club liaison, commended Dana Pingatore and the DPOA for their beautiful entrances. Hank reported that the golf cart path on the 17th and 18th holes is being used by cyclists and walkers which creates a very unsafe situation when mixed with flying golf balls. The Club has embarked on an education campaign to alert residents to the dangers of walking on the cart path and request that pedestrians and cyclists use Calle Arroyo. The cart path is on the Club's property and use for non-golf purposes is trespassing.

The Club anticipates breaking ground on the new Wellness Center this summer.

CALL OF NEXT MEETING/ADJOURNMENT:

The President called the next meeting for April 13th 2021. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 8:20 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

DCSD
Exhibit A - Sheriff's Vehicle Replacement Analysis
March 2021

	2016 Ford Interceptor (Aug 2016)	2021 Chevrolet Tahoe LT	2021 Ford Interceptor Hybrid	County ISF Lease Program*
Vehicle Specs				
Length	197	211	199	
Width	79	76	79	
MPG	16/21	15/20	21	
Horsepower	300-400	277-355		
Purchase Specs				
MSRP		\$ 55,593	\$ 51,111	
Sheriff Package		\$ 10,000	\$ 10,000	
Vehicle Purchase Cost	\$ 42,816	\$ 65,593	\$ 61,111	
Annual Servicing & Insur cost (avg)	\$ 3,638	\$ 3,638	\$ 3,638	
Leasing Specs				
Vehicle Monthly Lease Cost \$905.42				\$ 10,865
Vehicle Mileage Cost \$.61				\$ 7,320
Annual Vehicle Cost, excl gas**	\$ 3,638	\$ 3,638	\$ 3,638	\$ 18,185
Purchase cost over 4 years (excl gas)	\$ 57,368	\$ 80,145	\$ 75,663	
Purchase cost over 6 years (excl gas)	\$ 64,644	\$ 87,421	\$ 82,939	
Lease cost scenarios over 4 years				
No Increase				\$ 72,740
3% increase annually				\$ 76,079
4% increase annually				\$ 77,222
5% increase annually				\$ 78,380
Lease cost scenarios over 6 years				
No Increase				\$ 109,110
3% increase annually				\$ 117,628
4% increase annually				\$ 120,621
5% increase annually				\$ 123,693

* The lease cost is the same regardless of the vehicle selected.

**The analysis above does not include \$5,000 in estimated gasoline charges annually.

Year	Miles Driven by year	Vehicle Maint	Insurance	Fuel Cost
2021				
2020	10,938	\$ 3,603	\$ 1,400	\$ 4,655
2019	11,819	\$ 2,869	\$ 1,276	\$ 5,435
2018	12,800	\$ 4,350	\$ 1,136	\$ 5,434
2017	19,447	\$ 3,730	\$ 800	\$ 5,414
Total		\$14,552	\$ 4,612	\$ 20,938

ISF Historical Costs				
	Lease	Mileage	Lease Incr	Mileage Incr
2021				
2020	\$ 905.42	\$ 0.61	14.0%	5.2%
2019	\$ 794.25	\$ 0.58	0.0%	-7.9%
2018	\$ 794.50	\$ 0.63	3.2%	34.0%
2017	\$ 770.17	\$ 0.47		

ISF Important Notes

The vehicle is replaced at no cost to the DCSD at 90k miles.
The monthly lease and mileage charge can be changed at any time at the Sheriff's discretion.

DCSD Vehicle needs:

Transport bicycles and scooters
Transport cones and detour signs
Traverse golf course
Traverse mud and water
Traverse arrow roads
Off road capabilities