

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS MEETING  
MINUTES  
DIABLO COUNTRY CLUB  
TUESDAY, NOVEMBER 12, 2019 7:30 p.m.**

**CALL TO ORDER:**                      **President:**                      **Ray Brant at 7:45 pm**

**ROLL CALL:**                              **Secretary:**                      **Jeff Eorio**  
**Directors Present:**              **Brant, Urbelis, Becker, Eorio**  
**Directors Absent:**                **Isom**

1.     **PUBLIC COMMENTS.** *Comments from the audience on any subject including items on this agenda are limited to 3 minutes per person. 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 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. The reason is that this is a public Board subject to the Brown Act.*

Sue Raphel, Diablo resident, spoke about the Halloween event and the District decision to ban golf carts from the event this year. She stated that there were no issues over the past 35 years and why was the ban necessary? She recommended that a committee be formed to make formal recommendations to the Board. She did appreciate the new hours, from 6-8 pm, that the 9:00 pm closure was too late and the 8:00 pm cut off was an improvement.

Lt. Sliger of the Sheriff's office responded to Ms. Raphel's comment and explained that since the Sheriff had knowledge of people driving golf carts with alcohol, the Department could not look the other way. The Sheriff would not put their personnel in that situation. Deputy Buergi agreed with the golf cart ban because the Sheriff cannot ignore violations of the law.

President Brant stated that the DPOA could hire private security, pay for that service, and close Alameda Diablo for a block party instead of relying on DCSD to provide coverage by the Sheriffs Department.

District Counsel Crowl also clarified that the Board did not "vote" to ban golf carts, but instead deferred that public safety decision to the Sheriff.

Dave Watson, Diablo resident, stated that the District needed to weigh the liability issues with alcohol.

Director Becker stated that the Halloween could be construed as a private block party with private security and that might satisfy those who wanted to continue with the golf carts on Halloween.

Joe Raphel, Diablo resident, stated that there needed to be better notification to residents about decisions such as this in the future.

2.     **ACTION ITEM.**     Approve minutes of October 8, 2019 Regular Meeting                      Approved 4-0  
   Approve minutes of October 8, 2019 Special Meeting                      Approved 4-0

3. **REPORTS.**

**CONTRA COSTA COUNTY:** Alicia Nuchols Not present

**DIABLO COUNTRY CLUB:** Hank Salvo Reported that the golf practice range is now open for member use and the golf course is on schedule to open in early 2020. The building construction should start in the spring of 2020.

**DIABLO PROPERTY OWNERS:** Dana Pingatore Reported that the Halloween event was very successful and that the DPOA is coordinating the Holiday Open House with the DCSD on December 5, 2019 beginning at 6:30 pm and both will be recognizing retiring UPS Driver Donna Fernandez for her 21 years of service to our community.

**ROADS:** Director Becker

- a) Informational item: Vegetation, sight distance and other landscaping issues on Mt. Diablo Scenic Blvd. Director Becker stated that the Board had received correspondence from a member of the public regarding safety and vegetation issues on Mt. Diablo Scenic Boulevard. For the benefit of the public, and for members of the Board who are still relatively new, Director Becker gave a brief overview of the District's authority with regard to Mt. Diablo Scenic and the District's current efforts to work with residents of that street as well as County and even State representatives despite the District's limited authority. He explained that Mt. Diablo Scenic was not originally part of Diablo or the District's boundaries and that most of Mt. Diablo Scenic was annexed into Diablo and the District in 2011. At that time, those residents wanted to have a Diablo address and obtain the associated property value benefits. The District was clear during the annexation process that Mt. Diablo Scenic does not meet County road standards and is burdened by a State easement, so the District could not undertake maintenance of this road. Moreover, a portion of Mt. Diablo Scenic actually remains outside the District boundaries and is therefore outside the District's authority entirely. Regardless, the District has historically worked with Scenic residents within its jurisdiction when vegetation and landscape issues arise -- that is, non-road maintenance issues. Mt. Diablo Scenic properties have historically received the same vegetation letters as other properties within the District whose landscaping is encroaching into the road. Director Becker reiterated that some of these properties lie outside District boundaries and the District has no power or authority to enforce any of its ordinance code provisions against them. For the properties within the District, the District has notified homeowners who may have vegetation or landscaping that could be problematic, and for the most part the residents have complied with those requests. But road maintenance for Scenic is the responsibility of the State Parks Dept., and the District cannot interfere with the State or its easement over the road or its maintenance of the road. Director Becker referred to Director Urbelis' comments at the September meeting, where she explained that she had approached the Parks Dept. and discussed the history of Scenic and past/future maintenance issues. She is working on getting a group of resident, county, state, and Athenian School representatives together to work toward good solutions for Scenic. Director Becker stressed that he wanted to provide a bit of background for the public and Board members who may not be aware of Scenic's history and the District's limited authority with regard to road maintenance in that area.

**SECURITY:**

Deputy Sheriff Dan Buergi

- a) Presentation of Security Report for October 2019      Reported again about the Halloween event. From his perspective, it went very well and it seemed that there was more foot traffic and there were no issues stemming from the event.

**FINANCIAL:**

Director Isom

President Brant reported on behalf of Director Isom and explained that pursuant to the proposed Resolution 19-3, the District will provide financial reports on a quarterly basis. He also stated that the District's new accountant is doing a great job in putting together the District financials and resolving issues between accounting software. Director Urbelis discussed how she has worked with our new accountant and the transition to QuickBooks and how the accountant is working on the annual audit material which should be completed for the January meeting.

- a) **ACTION ITEM:** Consider and adopt Resolution 19-3 establishing a District policy to publicly report District finances quarterly. Moved by Eorio, 2<sup>nd</sup> by Urbelis to adopt Resolution 19-3. Approved 4-0.
- b) Review financial reports from July, August, September, October 2019.  
Directors Urbelis and Brant explained that the new accountant was still getting up to speed and completing the audit, so the regular monthly reports were not yet available. Per the District's newly adopted policy, the Board will receive the reports quarterly.

4. **A) ACTION ITEM.** Review and authorize Board President to execute amended agreement for general counsel services with Jarvis Fay & Gibson, LLP allowing interim general counsel services to be provided by Alexandra Barnhill during General Counsel Christie Crowl's maternity leave.

District Counsel Crowl explained that she would be going out on maternity leave in early 2020 and that Alexandra Barnhill from her office will be filling in for her during her leave, likely through the summer of 2020. Motion to approve amended agreement: Urbelis, 2<sup>nd</sup>, Brant. Approved 4-0.

**B) ACTION ITEM:** Review and authorize Board President to execute agreement with Bright View Tree Care and Landscape Services as the District's emergency tree removal and storm watch patrol.

President Brant explained the need for the new service provider as our old provider, MCE, was going through some reorganization and cannot provide the necessary services at this time. Bright View can and will provide the necessary services to the District at a competitive rate. Director Eorio asked about BrightView providing the District with its insurance and liability coverage policies, which President Brant stated would be provided. Motion to approve: Becker, 2<sup>nd</sup>, Urbelis. Approved 4-0.

5. **COMMENTS BY DIRECTORS.** President Brant reported that the video of all culverts was completed and that Engeo Consulting Co. would provide recommendations to the District on how to repair the culverts in need of work. He also reported again about the DCSD/DPOA Holiday Open House on December 5, inviting all of Diablo to attend.
6. **ADJOURNMENT.** Adjourned at 8:10 pm to the next DCSD Regular Board meeting scheduled for January 14, 2020 at 7:30 pm in the Diablo Room of the Diablo Country Club.

Diablo Community Services District by

Jeff Eorio, Secretary