

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING AGENDA<sup>1</sup>  
TELECONFERENCE VIA THE APPLICATION ZOOM  
TUESDAY, SEPTEMBER 14, 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](mailto: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) Introduce and waive the first reading of the updated *DCSD Ordinance Code*. See Attachments 1 and 2 to this agenda for the staff report and draft 2021 Ordinance Code. Public comments may be presented on this item at this meeting or submitted via email to the DCSD before 6:00 PM on the date of the meeting at [generalmanager@diablocsd.org](mailto:generalmanager@diablocsd.org).
  
- b) Beginning October 1st and in compliance with Executive Order N-08-21 and the Brown Act, DCSD will continue using the Zoom platform but will provide an in-person meeting option in the Diablo Room of the Diablo

---

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

Country Club (masks and social distancing are required).

**ROADS:** Director Cox & General Manager

**SECURITY:** Deputy Sheriff Dan Buergi  
a) Present prior month's security report.

2. **CONSENT CALENDAR:**

a) Approve the minutes of the August 10, 2021 Regular Meeting.

3. **REPORTS:**

**CONTRA COSTA COUNTY:** Alicia Nuchols

**DIABLO PROPERTY OWNERS ASSOC:** Dana Pingatore

**DIABLO COUNTRY CLUB:** Hank Salvo

4. **DIRECTOR COMMENTS**

5. **FUTURE AGENDA ITEM ANNOUNCEMENT**

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

The next DCSD Regular Board meeting is scheduled for October 12, 2021 at 7:30 p.m.

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>.

# ATTACHMENT 1

## STAFF REPORT

**DATE:** September 14, 2021  
**TO:** DCSD Board Members  
**FROM:** Kathy Torru, General Manager  
**RE:** First reading of Ordinance Code update

---

### I. Introduction

The District has the authority to adopt and enforce rules and regulations for the administration, operation, use and maintenance of the facilities and services it provides (see Gov. Code §61060 as well as the District's formation documents recorded May 15, 1969, which are referred to herein as the "Formation Documents.") The District adopted its existing ordinance code in 1993 (the "1993 Ordinance Code").

Since that time, there have been changes to state law and the District's fees (including but not limited to enactment of Proposition 218, amendments to the California Vehicle Code, and the District's adoption of Measure B). The District desires to amend the 1993 Ordinance Code in order to (1) address changes in the law, (2) clarify certain provisions that may cause or have caused confusion, and (3) ensure that the ordinance code conforms to the intent of the Formation Documents. As explained further herein and in response to comments in section IV below, the 1993 Ordinance Code is well overdue for updating and re-organization, which is why the draft 2021 Ordinance Code proposes to repeal and replace the 1993 Ordinance Code.

### II. Background

#### **Updated Ordinance Code introduced; town hall meeting**

In May of 2018, the Board considered a first reading of a draft update to the 1993 Ordinance Code. The Board received comments regarding the need for more public input and community outreach regarding updates to the 1993 Ordinance Code.

In July 2018, the Board held a "town hall"-style special meeting following mailed notice to all District residents in order to receive public comment on the draft update. Over 100 people attended the town hall meeting.

#### **Tiernan, et al. vs. DSCD**

While the District was in the process of updating the 1993 Ordinance Code, it was the defendant in litigation that had been initiated in late 2017 (*Tiernan, et al v. DCSD*, Contra Costa Superior Court Case No. C17-02529). That litigation involved allegations regarding the 1993 Ordinance Code and the District's enforcement thereof. Following the July 2018 town hall meeting, the District postponed updating the 1993 Ordinance Code pending resolution of the litigation.

In April 2019, another party intervened in the *Tiernan* litigation and also named the District as a defendant. In June 2019, the District settled the lawsuit with the original *Tiernan* plaintiffs. In March 2020, the COVID-19 pandemic caused global, state, and local shutdowns of various public and private services, including the courts. In November 2020, the court granted the District's motion for summary judgment and dismissed the District from the case with the intervening plaintiffs. The District is no longer involved in the *Tiernan* case or any other litigation.

#### **Partial update – public bidding procedures**

In March 2021, the District updated part of the 1993 Ordinance Code by adding public bidding procedures necessary to continue its purpose and operations as required by the Uniform Public Construction Cost Accounting Act (included as Chapter 7 in the proposed 2021 Ordinance Code). The District now desires to move forward with updating the rest of the 1993 Ordinance Code, which includes updates related to the rulings in the *Tiernan* litigation.

### **August 2021 meeting**

In advance of its August meeting, the Board only received a few written comments on the draft 2021 Ordinance Code. Nonetheless, the Board voted to continue the first reading of the 2021 Ordinance Code to this meeting. The remainder of the *Tiernan* litigation was set for hearing at the beginning of September, and despite the fact that the District is no longer involved in the litigation and that the outcome of the litigation would have no impact on the draft 2021 Ordinance Code, the Board decided to continue the item to this meeting. The Board also urged members of the public who have continually stated that there has been insufficient time to review the draft 2021 Ordinance Code to do so and to submit comments in advance of this meeting.

### **III. Overview of amendments to 1993 Ordinance Code**

The ordinance code before you for first reading (the “2021 Ordinance Code”) is proposed to repeal and replace the 1993 Ordinance Code. As described in Section I above, given the length of time that has passed since adoption of the 1993 Ordinance Code, many of its provisions are obsolete. Other provisions were clarified or re-drafted to conform to the intent of the Formation Documents. The following is a general and non-exhaustive overview of the changes made to the 1993 Ordinance Code:

- Clarified definitions, including the list of Diablo-Maintained Streets
- Amended chapter(s) related to fees to reflect Measure B and current law
- Updated Vehicle Code references
- Updated/removed provisions to reflect current law and the District’s authority pursuant to the Formation Documents
- Updated/removed provisions to reflect the results of the *Tiernan* litigation, including removal of section 5-2-202 which erroneously suggested that the District has the authority to preclude the public from use of the roads within its jurisdiction.
- Clarified procedures relating to: removal of encroachments, repair of damage, installation of signs and cameras, requests to reclassify non-maintained streets, public hearings, and appeals of DCSD decisions
- Inclusion of the recently adopted bidding and procurement procedures
- Re-numbered and re-organized chapters/provisions for ease of use and reference.

### **IV. Public Comments Received**

The 6 public comments received as of September 8, 2021 are included in **Attachment A** to this report. The General Manager, in consultation with General Counsel, has provided an overview of the general comments made and responses to those comments in this section IV. Please note that the below comments are summarized for brevity and clarity, but the full text of all comments are included in Attachment A.

#### **District staff comments:**

1. *General Manager Kathy Torru:*
  - The definition of DCSD Maintained Bridges in section 112 should refer to the “Dick Breitwieser Bridge” rather than the Alameda Diablo Bridge.
    - ***District Response:*** Correction made – staff recommends including the correct bridge name in the first reading.
2. *General Counsel Christie Crawl:*
  - Since the District has a longstanding regular meeting date/time, it should simply be included in section 800 instead of requiring the adoption of a separate resolution.

- **District Response:** Correction made – staff recommends that section 800 should state as follows: “800 Regular meetings. DCSD shall hold regular meetings on the second Tuesday of each month at 7:30 PM at the Diablo Country Club in accordance with all applicable laws. DCSD may use teleconference or other electronic means in the manner, time, and place set forth in the agenda notice for the meeting in accordance with all applicable laws.

**Community comments:**

1. *Tim and Cathy Gonzalez:*

- **T&C G. Comment 1:** The definition of Kay’s Trail in section 112 contains the wrong address.
  - **District Response 1:** Correction made – staff recommends including the correct address in the first reading.
- **T&C G. Comment 2:** Section 112 defines vehicles to include bicycles but paragraph 416 obligates bicycle riders (vehicle operators) to stop at posted stop signs. Please indicate how DCSD plans to enforce this requirement.
  - **District Response 2:** The sheriff issues tickets when a violation is observed, whether for a bicycle or a motor vehicle.
- **T&C G. Comment 3:** Section 404 prohibits construction of access for motor vehicles other than the 3 existing passages listed in section 402 but is silent on access for non-motorized vehicles. The new ordinance should address if Kay’s Trail can be converted from its designation as an equestrian trail. This trail was identified as an equestrian trail in the March 2018 special tax assessment and the new ordinance code should honor that representation made to voters.
  - **District Response 3:** Correction made – staff recommends modifying the definition of Kay’s Trail to be consistent with the dedication. Kay’s Trail was dedicated to the District by Milton and Pattie Perlow in May 1982 as a hiking and equestrian trail. The District has installed signs at entrances to Kay’s Trail stating that it is a hiking and equestrian trail only and that bicycles are prohibited. In response to this comment, staff is recommending that the definition of Kay’s Trail in the draft 2021 Ordinance Code be modified to state that it is for equestrian and hiking use only consistent with the dedication. Staff is also aware that some members of the community have confused Kay’s Trail with the “cut-through” path between Alameda Diablo and Mt. Diablo Scenic, so we would like to take this opportunity to publicly distinguish Kay’s Trail and indicate that they are not the same. To that end, staff recommends the proposed changed wording to the definition of DCSD-Maintained Trail(s): “*Kay’s Trail is a hiking and equestrian trail located immediately south of 2358 Alameda Diablo. Pursuant to the dedication to the District, no bicycles or motorized vehicles are permitted on Kay’s Trail.*”

2. *Maryann Cella:*

- **MC Comment 1:** The District’s effort to update the 1993 Ordinance Code in 2018 resulted in community outcry and tabling of the update after two meetings attended by hundreds of residents made it clear that the community required a mark-up of the 1993 Ordinance Code to show exactly what changes are proposed and why changes are needed. There has never been a clear explanation of the proposed changes and this process has not been transparent. There has been minimum public notice and no mark-up of the 1993 Ordinance Code.
  - **District Response 1:** In July 2018, a letter was mailed to every resident of the District which explained why the District proposed to repeal and replace the 1993 Ordinance Code and included a document summarizing the proposed changes to the 1993 Ordinance Code. The mailed packet from 2018 is included as **Attachment B** to this staff report. As stated for the record at the previous meetings during which changes to the 1993 Ordinance Code have been considered, and as indicated in this

staff report, there are portions of the 1993 Ordinance Code that are: (1) outdated (e.g., all provisions relating to fees and assessments – the District adopted Measure B in 2017), (2) legally invalid (e.g., incorrect/outdated state law references, provisions exceeding the District’s authority, etc.), and (3) unclear and potentially unenforceable (e.g., encroachment provisions). The 1993 Ordinance Code also does not include certain minimum standards, such as hearing and appeal procedures, and is not clearly organized for ease of use or reference. For these reasons, which have been stated publicly at the July 2018 town hall and all other meetings related to the Ordinance Code update, the District is proposing to repeal and replace the 1993 Ordinance Code.

- **MC Comment 2:** The Board should vote to table the proposed update to the 1993 Ordinance Code until each resident has been mailed a clear explanation of each proposed specific change and the District returns to in-person meetings to hear comments and answer questions. In a community of only 350 homes, residents should be afforded ample opportunity to participate in important District actions like this.
  - **Response 2:** As explained in Response 1 above and Attachment B, the District provided the entire community with mailed copies of the proposed updates and has held multiple public meetings, including a special town hall meeting, to discuss the draft update. The District is not, nor has it ever been, legally required to notify all residents before amending its Ordinance Code, but has done so with regard to this update. Nor is it required to provide a “redline” depicting all changes to the 1993 Ordinance Code, which would be nearly impossible given that the proposed update is completely new and re-ordered. Further, most of the comments received at the town hall (and prior to this meeting) relate to the District’s approach to repealing and replacing the 1993 Ordinance Code rather than piecemeal amendments (see Response 1 above), and a general concern that the District was expressly allowing the public to use roads in Diablo. The District is a limited purpose special district with authority to maintain roads and provide security services – it does not have general zoning and/or other police powers like a city. Accordingly, the District’s Ordinance Code governs administration of that limited authority and does not – and cannot – expand any powers of the District. The *Tiernan* litigation confirmed that the District does not have the authority to exclude the public from use of roads within its boundaries. Finally, all meetings conducted via zoom are in compliance with applicable state laws and executive orders governing public meetings during the COVID-19 pandemic. The public has had, and continues to have, ample opportunity to comment on the draft update. Given the rise of the Delta variant, the District does not know when it will return to in-person meetings again and must continue to conduct its business.
- **MC Comment 3:** The 1993 Ordinance Code prohibits creation and maintenance of vehicular connectors into District-Maintained Roads. The draft 2021 Ordinance Code exempts bicycles from the definition of “vehicles” contrary to the California Vehicle Code’s definition of vehicles. This change exposes our community to safety and liability issues.
  - **District Response 3:** The 1993 Ordinance Code only prohibits construction of a “street, road or passageway to connect with any street, road or passageway in [the District] whereby said construction would create entrances or exits into said District other than” the entrances/exits located at “Alameda Diablo, Calle Arroyo, and Avenida Nueva.” (See sections 5-4-202 and 5-2-204.) The draft 2021 Ordinance Code clarifies that it prohibits construction of streets or passageways that create motor vehicle entrances/exits into Diablo other than Alameda Diablo/Diablo Road, Calle Arroyo/Diablo Road, and Avenida Nueva/Diablo Road. The draft 2021 Ordinance does include “bicycle” within its definition of “vehicle,” but not within the definition of “motor vehicle.”
- **MC Comment 4:** All references to private roads have been removed from the draft 2021 Ordinance Code except for the provision regarding posting of private road signs at the

entrances. Since Diablo's roads are private and owned by property owners, there is no reason for the Board to undercut those facts by removing the references to private roads.

- **District Response 4:** In the draft 2021 Ordinance Code, section 406 states that the roads within the District are private, and section 400 states that the roads within the District are owned by adjacent property owners. Further, the definition of DCSD-Maintained Streets in section 112 refers to the District's Formation Documents (Exhibit A to the draft 2021 Ordinance Code), which also state that the roads are private in nature. For reference, the 1993 Ordinance Code includes 11 references to "private roads," 9 of which are in the chapter discussing the addition of a road to the District's system. In any event, neither the District nor its Ordinance Code can change the nature of private property ownership, so removal of references to roads being "private" or additional references to roads being "private" would have no impact on the fact that the roads are generally owned to the centerline by adjacent property owners. To provide internal consistency between draft sections 400 and 406, staff recommends adding the word "privately" before the word "owned" in draft section 400. While the meaning of section 400 will remain the same, the first sentence would now read as follows: "*With few exceptions, the streets within Diablo are privately owned by the adjacent property owners to the middle of the street.*"
- **MC Comment 5:** The 1993 Ordinance Code contains a section on protections for Calle Los Callados and there is no justification for the proposed 2021 Ordinance Code to remove them.
  - **District Response 5:** In the draft 2021 Ordinance Code, section 404 states that no motor vehicle passage is permitted between Mt. Diablo Scenic and Calle Los Callados. Section 112's definition of DCSD-Maintained Streets in the draft 2021 Ordinance Code states that Calle Los Callados ends 20 feet from the west side of Mt. Diablo Scenic. The pedestrian gate is located on private property and the District does not have any legal authority to tell residents that fencing, let alone certain types of fencing, must be constructed or remain on their private property.

### 3. *Dee Geisler:*

- **DG Comment 1:** The proposed changes make it possible for there to be sweeping effects to Diablo residents, especially pedestrians, so the 1993 Ordinance Code should be left alone.
  - **District Response 1:** The draft 2021 Ordinance Code only governs administration of the District's limited powers to maintain the roads and provide security.
- **DG Comment 2:** The commenter expressed concerns about pedestrian safety, particularly with regard to vehicles and bicycles passing pedestrians, given her experiences. The commenter urged Board members to take time to be pedestrians to determine how to make informed decisions.
  - **District Response 2:** Comment noted. In accordance with its purpose and authority, the District provides security to the community and relies on the sheriff to enforce laws relating to dangerous or reckless operation of bicycles and other vehicles.
- **DG Comment 3:** Bicycle groups seem emboldened when they ride together in large numbers.
  - **District Response 3:** See District Response 2 above.
- **DG Comment 4:** Since some [members of the Board or the District] want to open up the community to all types of vehicles, you must also be in favor of having a large group of strangers use our streets which is what will happen if the 1993 Ordinance Code is repealed and replaced.
  - **District Response 4:** See District Response 2 to MC Comment 2 above. The District is not authorized to preclude the public from using roads within its boundaries. If the 1993 Ordinance Code was repealed today but not replaced with any new code at all, the same would be true.

4. *Ray Brant:*

- **RB Comment 1:** In 2018 the District held special open meetings to get input from residents about the update to the ordinance code and residents previously made it clear that proposed changes to the ordinance code should be sent via regular mail with a redline of the 1993 Ordinance Code identifying the changes to it, proposed changes under each provision to be changed, and the reason/justification for each change.
  - **District Response 1:** See District Responses 1 and 2 to MC Comments 1 and 2 above.
- **RB Comment 2:** The District is not respecting the wishes of our residents and is trying to make changes to the 1993 Ordinance Code while the Board is conducting Zoom meetings due to COVID-19. The update should take place after the Board can hold public meetings.
  - **District Response 2:** See District Response 2 to MC Comment 2 above. All Board meetings held via Zoom during the pandemic are public meetings. Additionally, the community has now had more than 35 days to review and comment on the draft 2021 Ordinance Code from the date that the August agenda item was posted, and has had almost 3 years to provide comments or otherwise engage in the update process with staff or any member of the Board. Staff does not advise that the Board wait until the pandemic allows safe in-person meetings to continue its duty to the community to conduct its business.

5. *David Mackesey:*

- **DG Comment 1:** This commenter sent support for the comments made by Maryann Cella above.
  - **District Response 1:** See District Responses provided in IV.2 above.

6. *Mugs Freeman:*

- **MF Comment 1:** This commenter sent support for the comments made by Maryann Cella above.
  - **District Response 1:** See District Responses provided in IV.2 above.

## V. **CEQA Compliance**

The 2021 Ordinance Code provides rules and regulations pertaining to District administration, security, and maintenance of existing District roads. Adoption of the 2021 Ordinance Code is a legislative action that is not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378. Even if adoption of the 2012 Ordinance Code was considered a project, it is exempt from CEQA pursuant to sections 15061(b)(3) and 15301 of the CEQA Guidelines.

## VI. **Recommendation: waive first reading of and introduce 2021 Ordinance Code**

We recommend that the Board move to waive the first reading of and introduce the proposed 2021 Ordinance Code with the corrections/changes recommended in section IV above.

**STAFF REPORT  
ATTACHMENT A**

**From:** Tim Gonzalez tkgonzo@gmail.com  
**Subject:** DCSD Ordinance Update  
**Date:** August 8, 2021 at 6:15 PM  
**To:** DCSD General Manager generalmanager@diablocsd.org



Cathy and I are long term residents of Diablo. I have reviewed the proposed agenda for the DCSD meeting this Tuesday, including the attachments. We have not been in residence the last 4 weeks, so it's possible this information was mailed to our PO Box. If this information, and the related proposal to adopt a completely new ordinance, was not mailed to all property owners in Diablo, you should not move ahead with the adoption of the new ordinance. There was a significant effort in July 2018 to notify all owners and hold community wide meetings about changes to the ordinance. I understand litigation stalled efforts to complete this dialogue with owners. Now that litigation is settled, it seems you should restart the community wide communication about what changes are being proposed—it's been 3 years since the last community forum.

I did review the proposed ordinance and had the following comments:

1. Paragraph 112 defines DCSD maintained trails as "Kay's Trail, which is located immediately south of 2084 Alameda Diablo". That address is not correct.
2. Paragraph 112 also defines vehicles to include all bicycles. Paragraph 416 obligates all bicycle riders (vehicle operators) to stop at all posted stop signs in the community as listed in paragraph 418. Please indicate how the DCSD plans to enforce this requirement.
3. Paragraph 404 prohibits the construction of any access for motor vehicles other than the 3 existing passages listed in paragraph 402. The ordinance is silent on access for non-motorized vehicles. Specifically, the new ordinance should address if Kay's Trail can be converted from its designation as an equestrian trail—which was clearly set forth in the March 2018 special tax assessment voted on by owners. In other words owners were informed the trail would be used as an equestrian trail, and we would pay taxes to DCSD to maintain this equestrian trail. Why doesn't the new ordinance continue to identify the trail as an equestrian trail, and honor the representation made in the 2018 tax vote.

Regards,

Tim Gonzalez  
tkgonzo@gmail.com  
925.683.8065

**From:** Maryann Cella maryann.cella@gmail.com  
**Subject:** Fwd: Repeal and Replace Redux  
**Date:** August 9, 2021 at 8:16 AM  
**To:** kathytorru@sbcglobal.net



My email to your csd address was blocked, so I am resending it to your address as above.

Maryann

----- Forwarded message -----

**From:** Maryann Cella <[maryann.cella@gmail.com](mailto:maryann.cella@gmail.com)>  
**Date:** Mon, Aug 9, 2021, 2:33 AM  
**Subject:** Repeal and Replace Redux  
**To:** Kathy Urbelis <[kurbelis@diablocsd.org](mailto:kurbelis@diablocsd.org)>, <[lbecker@diablocsd.org](mailto:lbecker@diablocsd.org)>, <[mcox@diablocsd.org](mailto:mcox@diablocsd.org)>, Jeff EORIO <[jeorio@diablocsd.org](mailto:jeorio@diablocsd.org)>, Christine Crowl <[ccrowl@jarvisfay.com](mailto:ccrowl@jarvisfay.com)>, Kathy Torru <[ktorru@diablocsd.org](mailto:ktorru@diablocsd.org)>

Dear Diablo Service District Board Members:

We were dismayed and disappointed to read the DCSD agenda for Tuesday, August 10 indicating a renewed effort to rush a drastic Repeal and Replace Ordinance Code through with the legal minimum public notice at a time when in-person DCSD meetings are not being held and many (including our family) are out-of-town on vacation.

A similar effort in 2018 resulted in a community outcry and ultimately a tabling of the proposed Repeal and Replace Ordinance Code. At that time, our community made it crystal clear at 2 public in-person meetings attended by hundreds of residents that any such drastic proposal must at a minimum include a mark-up of the existing Ordinance Code to show exactly what changes are being proposed and exactly WHY such changes are needed.

To date there has never been a clear explanation of the changes proposed in 2018, yet three years later, history is repeating itself as another anything-but-transparent process is undertaken to rush a drastic Repeal and Replace Code through with minimum public notice, no mark-up of the existing Code, and no clear explanation of WHY changes are proposed.

The Board should vote to table the proposed Code until each resident has been mailed a clear explanation of each proposed specific change to the existing Code, and there will be in-person DCSD meetings to hear comments and answer questions. In a community of only 350 homes, there is every reason to afford residents ample opportunity to participate in important DCSD actions like this.

Without the mark-up and explanation that should have been provided it is difficult to do a thorough evaluation of the proposed Code, but several proposed changes to the existing Code stand out as patently wrong and should be rejected:

1. The current Code prohibits the creation and maintenance of vehicular connectors into DCSD-maintained roads. The proposed Code, contrary to the CA Vehicle Code's definition of vehicles, inexplicably excepts bicycles from the definition of vehicles. That change exposes our community to a pandora's box of safety and liability issues.
2. All references to private roads have been removed except the one regarding the posting of the private roads signs at the 3 entrances. In that Diablo's are private and owned by the homeowners, there is no reason for the Board to undercut those facts by changing the Code to remove almost all references to private.
3. The current Code contains a section on protections for Calle Los Callados. There is no justification for the proposal to remove those protections.

Thank you for your consideration.

Sincerely,

Maryann and Brian Cella  
Residents since 1991

Sent by cell phone

August 8, 2021

Dear Members of the DCSD Board:

I have recently learned that the Board is considering subtle changes in the Ordinance filed in 2018 regarding the use of the entrances to Diablo. These changes make it possible for there to be sweeping effects for Diablo residents, especially anyone who walks its streets. This letter is sent to you to ask you to leave the Ordinance as it is and work instead for friendlier streets for pedestrians.

How many of you walk either Calle Arroyo or Alameda Diablo on a regular basis? I have never seen several of you taking walks on either of those streets which makes me wonder how well you understand the gravity of this situation. I walk Calle Arroyo several times a week and am very aware of how pedestrians are regarded by all types of vehicles.

The worst experience I had was when walking west on Calle Arroyo facing traffic near the curve by the 16th hole. A large number of bicycles coming from Diablo Road came three abreast and suddenly appeared coming straight at me. There is about a 16 inch drop-off at that point, so I couldn't step off to get away from them. I knew nothing else to do but give them my "teacher stare" and hope they would go around. (Now I motion with my thumb for them to move aside.) They seemed to reluctantly cut away from me and go closely by me in passing. Being hit by a bicycle going 9 or 10 mph would not end well for a pedestrian on foot at 3 mph.

Most days are like this morning. The first bicyclist came speeding directly toward me and cut to the side about 4 yards ahead of me. Not comfortable but it is common. The second bicyclists were young boys who headed straight at me and seemed to be making no move to go around me. I motioned with my thumb to go around me which they did. The others began yielding 8 yards away, said, "Good morning" as I did and passed. That should be happening with every cyclist, but it is not. Next time might be different.

If you don't know what walking on these streets is like, you need to do it with those of us who do walk to make better informed decisions about what is best for Diablo.

Another fact is that bicycle groups often seem emboldened in numbers which may work well on Diablo Road but can be terrifying if not managed well on our Diablo streets. Even Dave Hammond recognizes that streets in Diablo are narrower than normal city streets. Why he doesn't apply that knowledge to understanding what is best for everyone on our streets baffles me. Again, try for yourself taking a walk and having 25 bicyclists coming toward you three abreast at 9-15 mph. Some are even timing themselves. Is that really appropriate for our streets in Diablo?

Residents in Diablo work hard to maintain good relations with each other and to improve our quality of life. We are here every day and want daily homecomings and recreation in Diablo to be pleasant. Since some of you wish to open up our community to all types of vehicles, you must also be in favor of having a large group of strangers use our streets who have no interest in whether Diablo thrives or is affected by your "open door policy." Is that truly what you want in repealing and replacing the current Ordinance?

Sincerely,

Dee Geisler  
Resident since 1992

**From:** Ray Brant r\_abrant@sbcglobal.net  
**Subject:** Ordinance Code Changes  
**Date:** August 9, 2021 at 3:55 PM  
**To:** DCSD General Manager generalmanager@diablocsd.org

---



DCSD Board Members, General Manager and Legal Advisor,

I am very unhappy that the lesson we learned in 2018 is so easily forgotten. As a reminder we had special OPEN meetings to get input from our residents.

Our residents at that time made it very clear that proposed Ordinance changes were to be sent via regular mail to Diablo residents as follows:

1. The original ordinance with red lines through the proposed changed items.
2. Under the Ordinance to be changed the proposed new Ordinance.
3. Under the proposed new Ordinance the justification/reason for each change.

You not respecting the wish of our residents, you are trying to make changes while the BOARD is in COVID Zoom meeting mode.

I request that the Ordinance re write take place after you can have public meetings.

Ray Brant

**From:** Kathy Urbelis [kurbelis@diablocd.org](mailto:kurbelis@diablocd.org)  
**Subject:** Fw: August 10th meeting and agenda  
**Date:** August 9, 2021 at 2:00 PM  
**To:** DCSD General Manager [generalmanager@diablocd.org](mailto:generalmanager@diablocd.org)



---

**From:** David M <[dmackesey@gmail.com](mailto:dmackesey@gmail.com)>  
**Sent:** Monday, August 9, 2021 8:38 AM  
**To:** Anthony Geisler <[awgeisler@hotmail.com](mailto:awgeisler@hotmail.com)>; Kathy Urbelis <[kurbelis@diablocd.org](mailto:kurbelis@diablocd.org)>; Leonard Becker <[lbecker@diablocd.org](mailto:lbecker@diablocd.org)>; Jeff Eorio <[jeorio@diablocd.org](mailto:jeorio@diablocd.org)>; Greg Isom <[gisom@diablocd.org](mailto:gisom@diablocd.org)>; Matthew Cox <[mcox@diablocd.org](mailto:mcox@diablocd.org)>  
**Cc:** Maryann Cella <[maryann.cella@gmail.com](mailto:maryann.cella@gmail.com)>  
**Subject:** August 10th meeting and agenda

Dear Service District Representatives,

We respectfully request that the material proposed changes to the Ordinance Code on the August 10th agenda be given the privilege of proper governance process including community involvement.

We urge you to table this Tuesday action, and fulfill your fiduciary responsibility to the community,

David and Lynda Mackesey  
Resident since 2006  
925 640 2789

Dear Diablo Service District Board Members:

We were dismayed and disappointed to read the DCSD agenda for Tuesday, August 10 indicating a renewed effort to rush a drastic Repeal and Replace Ordinance Code through with the legal minimum public notice at a time when in-person DCSD meetings are not being held and many (including our family) are out-of-town on vacation.

A similar effort in 2018 resulted in a community outcry and ultimately a tabling of the proposed Repeal and Replace Ordinance Code. At that time, our community made it crystal clear at 2 public in-person meetings attended by hundreds of residents that any such drastic proposal must at a minimum include a mark-up of the existing Ordinance Code to show exactly what changes are being proposed and exactly WHY such changes are needed.

To date there has never been a clear explanation of the changes proposed in 2018, yet three years later, history is repeating itself as another anything-but-transparent process is undertaken to rush a drastic Repeal and Replace Code through with minimum public notice, no mark-up of the existing Code, and no clear explanation of WHY changes are proposed.

The Board should vote to table the proposed Code until each resident has been mailed a clear explanation of each proposed specific change to the existing Code, and there will be in-person DCSD meetings to hear comments and answer questions. In a community of only 350 homes, there is every reason to afford residents ample opportunity to participate in important DCSD actions like this.

Without the mark-up and explanation that should have been provided it is difficult to do a thorough evaluation of the proposed Code, but several proposed changes to the existing Code stand out as patently wrong and should be rejected:

1. The current Code prohibits the creation and maintenance of vehicular connectors into DCSD-maintained roads. The proposed Code, contrary to the CA Vehicle Code's definition of vehicles, inexplicably excepts bicycles from the definition of vehicles. That change exposes our community to a Pandora's box of safety and liability issues.

2. All references to private roads have been removed except the one regarding the posting of the private roads signs at the 3 entrances. In that Diablo's are private and owned by the homeowners, there is no reason for the Board to undercut those facts by changing the Code to remove almost all references to private.

3. The current Code contains a section on protections for Calle Los Callados. There is no justification for the proposal to remove those protections.

Thank you for your consideration.

Sincerely,

Maryann and Brian Cella  
Residents since 1991

Sent by cell phone

**From:** Kathy Urbelis kurbelis@diablocsd.org  
**Subject:** Fw: PLEASE DO NOT Begin Process of Repealing and Replacing Diablo's Ordinaces at a ZOOM meeting!  
**Date:** August 9, 2021 at 2:01 PM  
**To:** DCSD General Manager generalmanager@diablocsd.org

KU

Here is Marsh/Mugs.

---

**From:** marshmugs@aol.com <marshmugs@aol.com>  
**Sent:** Monday, August 9, 2021 11:11 AM  
**To:** Kathy Urbelis <kurbelis@diablocsd.org>; Leonard Becker <lbecker@diablocsd.org>; Matthew Cox <mcox@diablocsd.org>; Jeff Eorio <jeorio@diablocsd.org>; Greg Isom <gisom@diablocsd.org>  
**Cc:** ccrowl@jarvisfay.com <ccrowl@jarvisfay.com>; ktorru@diablocsd.org <ktorru@diablocsd.org>; maryann.cella@gmail.com <maryann.cella@gmail.com>; awgeisler@sbcglobal.net <awgeisler@sbcglobal.net>  
**Subject:** PLEASE DO NOT Begin Process of Repealing and Replacing Diablo's Ordinaces at a ZOOM meeting!

**Dear Kathy, Leonard, Jeff, Greg and Matthew,**

**Marsh and I strongly support Maryann Cella's letter (reprinted below) which urges you not to begin the process of repealing and replacing Diablo's Ordinance Code at a ZOOM meeting! This is such a hugely important and controversial matter that it should only be presented at a well publicized, open and in-public meeting.**

**Very sincerely and respectfully,**

**Marsh and Margaret "Mugs" Freeman, Former DCSD Board Member and Road Commissioner**

----- Forwarded message -----

**From:** Maryann Cella <maryann.cella@gmail.com>  
**Date:** Mon, Aug 9, 2021, 2:33 AM  
**Subject:** Repeal and Replace Redux  
**To:** Kathy Urbelis <kurbelis@diablocsd.org>, <lbecker@diablocsd.org>, <mcox@diablocsd.org>, Jeff EORIO <jeorio@diablocsd.org>, Christine Crowl <ccrowl@jarvisfay.com>, Kathy Torru <ktorru@diablocsd.org>

Dear Diablo Service District Board Members:

We were dismayed and disappointed to read the DCSD agenda for Tuesday, August 10 indicating a renewed effort to rush a drastic Repeal and Replace Ordinance Code through with the legal minimum public notice at a time when in-person DCSD meetings are not being held and many (including our family) are out-of-town on vacation.

A similar effort in 2018 resulted in a community outcry and ultimately a tabling of the proposed Repeal and Replace Ordinance Code. At that time, our community made it crystal clear at 2 public in-person meetings attended by hundreds of residents that any such drastic proposal must at a minimum include a mark-up of the existing Ordinance Code to show exactly what changes are being proposed and exactly WHY such changes are needed.

To date there has never been a clear explanation of the changes proposed in 2018, yet three years later, history is repeating itself as another anything-but-transparent process is undertaken to rush a drastic Repeal and Replace Code through with minimum public notice, no mark-up of the existing Code, and no clear explanation of WHY changes are proposed.

The Board should vote to table the proposed Code until each resident has been mailed a clear explanation of each proposed specific change to the existing Code, and there will be in-person DCSD meetings to hear comments and answer questions. In a community of only 350 homes, there is every reason to afford residents ample opportunity to participate in important DCSD actions like this.

Without the mark-up and explanation that should have been provided it is difficult to do a thorough evaluation of the proposed Code, but several proposed changes to the existing Code stand out as patently wrong and should be rejected:

1. The current Code prohibits the creation and maintenance of vehicular connectors into DCSD-maintained roads. The proposed Code, contrary to the CA Vehicle Code's definition of vehicles, inexplicably excepts bicycles from the definition of vehicles. That change exposes our community to a pandora's box of safety and liability issues.
2. All references to private roads have been removed except the one regarding the posting of the private roads signs at the 3 entrances. In that Diablo's roads are private and owned by the homeowners, there is no reason for the Board to undercut those facts by changing the Code to remove almost all references to private.
3. The current Code contains a section on protections for Calle Los Callados. There is no justification for the proposal to remove those protections.

Thank you for your consideration.

Sincerely,

Maryann and Brian Cella  
Residents since 1991

Sent by cell phone

**STAFF REPORT  
ATTACHMENT B**

Date: July 10, 2018

To: Diablo Residents

From: Dick Breitwieser, DCSD General Manager

Subject: **DCSD Town Hall Meeting, Tuesday, July 24, 7:30-9 PM, Diablo Country Club**

The Diablo Community Services District (DCSD) Board of Directors is proposing a new Ordinance Code for Diablo to replace the existing 1993 Ordinance Code. This Town Hall meeting will explain the proposed changes to the Ordinance Code, answer your questions and solicit suggestions.

### **How should I prepare for the Meeting?**

Attached are two documents which identify the proposed changes to the 1993 Ordinance Code. The first is a **Summary of Proposed Changes**, which provides you with an overview of the areas that are being changed and why. For those who prefer to review the line-by-line differences, a second document, **Detailed Differences Proposed per Ordinance**, is included. You can download copies of the 1993 Ordinance Code and the proposed 2018 Ordinance Code from our website: [www.diablocsd.org](http://www.diablocsd.org).

### **What is the Meeting Agenda?**

- I. DCSD formation and the role of the Ordinance Code
- II. Procedures for adopting the Ordinance Code
- III. Overview of the proposed 2018 Ordinance Code
- IV. Questions/Comments
- V. Discussion of next steps

### **Background**

#### **What is the Ordinance Code?**

The Ordinance Code is a set of rules and regulations, adopted by the DCSD, that determine how the services granted by the 1969 Formation Document will be carried out and enforced. State law grants Special Districts, such as ours, the power to adopt ordinances consistent with, and in order to carry out, the services that it is established to provide. For DCSD, these functions are limited to security and maintenance of roads, bridges, and culverts.

#### **Why is a new Ordinance Code being proposed?**

The existing Ordinance Code was adopted 25 years ago in 1993. Since that time, there have been changes in state law and in the fee structures for Special Districts, both of which impact the 1993 Code.

In addition, the Ordinance Code was reviewed to clarify provisions that may have been confusing or became obsolete; to reflect changes in culture and technology that impact implementation and enforcement; and to simplify the structure for ease of use and reference.

#### **What if I can't attend the Meeting?**

If you are unable to attend the Town Hall meeting you can email your questions/suggestions to the DCSD General Manager, Dick Breitwieser, at [dbreitwieser@diablocsd.org](mailto:dbreitwieser@diablocsd.org). Dick will confirm receipt of your email and ensure that the Board is aware of your input.

Agendas for upcoming meetings that include discussion of the proposed Ordinance Code will be posted on our website.



## DCSD ORDINANCE CODE

### 1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

#### SUMMARY of PROPOSED CHANGES

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Change</u>
Chapter 1	Chapter 1	Updated – definitions from multiple chapters were consolidated into the 2018 chapter for ease of use. References to current Government Code sections were updated.
Chapter 2	Chapter 2	Updated – streamlined and consolidated provisions.
Chapter 3	Chapter 3	Updated – revised to reflect Measure B changes in fees approved by voters in March of this year.
Chapter 4	N/A	Deleted – originally a placeholder.
Chapter 5	Chapter 4	Updated – to eliminate redundancies and inconsistencies with the 1969 Formation Document. Updated sections on encroachments in 1993, Chapter 6, and moved them to Chapter 4 in 2018 Code. Added rules regarding street signs and cameras.
N/A	Chapter 5	Added – to address culverts and creeks.
Chapter 6	Chapter 6	Updated – 1993 sections on encroachments were updated and moved to Chapter 4 in 2018 Code.
N/A	Chapter 7	Added – sets meetings, provides for public hearings and a formal appeals process for residents.



## DCSD ORDINANCE CODE

### 1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

#### DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
<b>Chapter 1-General Provisions</b>		
1-2-202	Title 102	N/A <sup>1</sup>
1-2-204	References 104	N/A
1-2-206	Amendments 106	Addition: Amendments must be made pursuant to the proposed 2018 Code and applicable state law.
1-4-202	Authority for adoption 110	<u>Update:</u> Corrected reference to current Government Code statutes.
1-4-204	Area of application 112	<u>Update:</u> Clarified reference to DCSD boundary.
Chapter 1-6	Effect Deleted	<u>Deletion:</u> Section(s) no longer necessary as the code is not being adopted for the first time.
<b>Chapter 2-Administrative</b>		
2-2-202	Application of Ca 202	<u>Update:</u> Streamlined to simply require compliance with the California Administrative Code to avoid frequent updates to Ordinance Code.
2-2-204	Notices Deleted	<u>Deletion:</u> Update to section 202 made this section unnecessary/redundant.
<b>Chapter 3-Revenue &amp; Finance</b>		
3-2; 3-4; 3-6	DCSD Security Fee, DCSD Road Maintenance Fee; and New Road Impact Fee Deleted	<u>Deletion:</u> New voter-approved fee ordinance ("Measure B": Ordinance 2017-02) supersedes these chapters. Proposition 218 required updates to DCSD's fee ordinance,

<sup>1</sup> When "N/A" is used in this column, there has been no substantive change to the referenced 1993 Code Section.

## DCSD ORDINANCE CODE

### 1993 Ordinance Code compared to 2018 Proposed Ordinance Code

#### DETAILED DIFFERENCES PROPOSED PER ORDINANCE

##### 1993 Code Section

##### 2018 Code Section

##### Reason for Update/Addition/Deletion

and Measure B was passed in 2017. The old chapters also referred to DCSD collection of fees, whereas the County now collects the Measure B tax. *Staff recommends that the August update<sup>2</sup> to the proposed 2018 Code include a “findings” section and the attachment of Measure B as an exhibit.*

##### **Chapter 4- Reserved (no text)**

Deleted

N/A (no text in this chapter)

##### **Chapter 5-Traffic & Safety**

##### 5-2-202 Members & guests

114 (Diablo  
Maintained  
Streets)

Update: 1993 language was inconsistent with Formation Resolution, which states that the “roads within Diablo are private, but subject to a right-of-way reserved to the public.” *Staff recommends that the August update include the Formation Resolution language in the definition of “Diablo-Maintained Streets,” and in a “findings” section added at the beginning of this chapter, and that the Formation Resolution is attached to the ordinance as an exhibit.*

---

<sup>2</sup> Staff has received feedback from residents and desires to make changes to the version of the Ordinance Code proposed in May. For this reason, any reference in this chart to an “August update” to the proposed Ordinance Code refers to a revised draft Ordinance Code to be set for a new first reading in August. Any such reference has also been italicized.

## DCSD ORDINANCE CODE

### 1993 Ordinance Code compared to 2018 Proposed Ordinance Code

#### DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>		<u>2018 Code Section</u>		<u>Reason for Update/Addition/Deletion</u>
5-2-204	Signs	Deleted		<u>Deletion</u> : 1993 section was deleted because signs already exist and state law allows for prosecution if they are removed/vandalized. <i>Staff recommends that the August update reinsert the requirements of the 1993 section to the end of section 402.</i>
5-4-202	Entrances and exits	402	Diablo Entrances and Exits	<u>Addition</u> : Added specific road intersections where entrances exist. <i>Staff recommends that the August update clarifies that the entrances/exits are the only "motor vehicle" entrances/exits, and adds a definition for motor vehicle that excludes self-propelled vehicles.</i>
5-4-204	Connectors prohibited	404	Connectors Prohibited	N/A (wording/typo corrected). <i>Staff recommends that the August update clarifies that connectors cannot be constructed that create "motor vehicle" entrances/exits and adds a definition for motor vehicle that excludes self-propelled vehicles.</i>
5-2-206	Boundaries	Deleted		<u>Deletion</u> : This section was redundant as section 402 defines the entrances. <i>Staff recommends that the August update include wording in section 114 to read "Calle Los Callados from Alameda Diablo to a point 20 feet from the west side of Mt Diablo Scenic Blvd."</i>

## DCSD ORDINANCE CODE

### 1993 Ordinance Code compared to 2018 Proposed Ordinance Code

#### DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>		<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
5-2-208	Barricade	Deleted	<u>Deletion:</u> This section was deleted as the barricade is already installed. <i>Staff recommends that the August update re-insert the 1993 Code language pertaining to the barricade.</i>
5-2-210	Destruction of barricade	Deleted	<u>Deletion:</u> This section is unnecessary as state law already prohibits such vandalism and destruction with potentially greater consequences for the perpetrator depending on the nature and type of damage. <u>Deletion:</u> Redundant due to section 402 (Entrances and Exits) and 404 (Connectors Prohibited). <i>Staff recommends that the August update re-insert the 1993 Code language to the end of section 404.</i>
5-2-212	Movement of traffic	Deleted	<u>Deletion:</u> This section is unnecessary as state law already prohibits destruction of the barricade. <i>Staff recommends that the August update re-insert the 1993 Code language to the extent it is legally advisable and/or not preempted by state law.</i>
5-2-214	Violations; punishments	Deleted	<u>Deletion:</u> This section is unnecessary as DCSD can already pursue any remedy allowed by law. <i>Staff recommends that the August update re-insert the 1993 Code</i>
5-2-216	Remedies	Deleted	

## DCSD ORDINANCE CODE

### 1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

#### DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
5-6-	Deleted	<i>language to the extent it is legally advisable and/or not preempted by state law.</i> <u>Deletion:</u> DCSD does not have authority to regulate these activities. County building/construction codes and regulations apply to Diablo.
5-8-202a	114	N/A
5-8-202b	114	<u>Update:</u> Definition of “street” is now included in the definition of Diablo-Maintained Street, as those are the streets that DCSD has the authority to maintain/secure pursuant to the Formation Resolution. <u>Update:</u> Combined 1993 Code definitions so that a “vehicle” includes both motorized and self-propelled vehicles. <i>Staff recommends that the August update adds a definition for motor vehicle that excludes self-propelled vehicles.</i>
5-8-202c	114	<u>Deletion:</u> Already required by state law. <u>Update:</u> The historic posted 20 mph is still included, but no 15 mph signs were ever posted. The “unless otherwise required by law” text was added to ensure that the sheriff can enforce all applicable law.
5-8-204	Deleted	
5-8-206	406	

## DCSD ORDINANCE CODE

### 1993 Ordinance Code compared to 2018 Proposed Ordinance Code

#### DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>		<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
5-8-208	Negligent operation	Deleted	<u>Deletion:</u> These two sections are unnecessary and redundant as state law already applies. <i>Staff recommends that these sections be re-inserted into the August update in order to ensure that the sheriff can enforce them on streets within Diablo that are not maintained by DCSD (e.g. Via Diablo.)</i>
5-8-210	Reqmt of driver's license	Deleted	
5-8-212	Stop signs	410	<u>Update:</u> Since stop sign compliance is required by state law, the intent of this provision was moved to section 410 so that DCSD could list all DCSD stop signs. <i>Staff recommends including language similar to the 1993 Code in this section to define stop signs and ensure that the sheriff can enforce this section on streets within Diablo that are not maintained by DCSD (e.g. Via Diablo.)</i>
5-8-214	Vehicles to be registered	Deleted	<u>Deleted:</u> This section is unnecessary as state law requires vehicle registration. DCSD also does not have the authority to require vehicles to be registered.
5-8-216	Golf carts	114	<u>Update:</u> The definition of golf cart was moved to section 114 and the language allowing combined use of DCSD-Maintained Streets by golf carts and vehicles. <i>Staff recommends that the August update include</i>
		412	

## DCSD ORDINANCE CODE

### 1993 Ordinance Code compared to 2018 Proposed Ordinance Code

#### DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
5-8-218	Driver's license requirement, minors	Deleted
5-8-220	Parking	414 Parking <i>the driver's license requirement for golf cart drivers.</i>
5-8-222	Penalties	Deleted
5-8-224	Bridge speed and load	Deleted <i>Deletion: This section is unnecessary as state law already applies. Again, Staff recommends that the August update include the driver's license requirement in the Combined Use section described above.</i>
5-8-226	Mt Diablo Scenic Blvd	Deleted <i>Update: This section was modified to reflect what is enforceable by the sheriff's department. DCSD does not have the authority to regulate parking except to the extent that it creates a safety issue.</i>
		<i>Deletion: State law penalties already apply.</i>
		<i>Deletion/Addition: Loads are stated on bridge based on engineering reports, which may be updated from time to time and therefore it is unnecessary to put requirements in the proposed 2018 Code, and may cause discrepancies if proposed 2018 Code and limits are not updated together. See discussion of 5-8-206 for speed limits. All DCSD-Maintained Bridges are now identified in Section 114 "DCSD Maintained Bridges."</i>
		<i>Deletion: Mt. Diablo Scenic Blvd. is not a DCSD Maintained Street.</i>

## DCSD ORDINANCE CODE

### 1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

#### DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
N/A	N/A	N/A
N/A	Added 408	Street signs and cameras
<p><b>Chapter 6 Building Regulations and Public Works (Added in 2002)</b></p>		
6-2-202	602	Application
6-2-204	604	Criteria for approval
6-2-206	606	Proof of Compliance
6-2-208	606	Proof of Compliance
6-2-210	Deleted	Option; proof of compliance
6-2-212	602	Application
6-2-201	Deleted	Name of road
6-6-202	416a	Findings and purpose

Addition: This section was added to ensure that DCSD erects and maintains all street signs and cameras located on/within DCSD-Maintained Streets. *Staff recommends that the August update clarify that DCSD will only regulate signs/cameras on or within the DCSD-Maintained Streets that are not in compliance with the proposed 2018 Code or other state law.*

Addition: Added public hearing requirement and allowed appeal of DCSD decision.

Update: Allow Board to consider the 5 criteria instead of requiring strict compliance with all 5 in order to approve.

Update: Consistent with change to 604, N/A (now combined with 1993 Code section 6-2-206)

Deletion: Requirement now, not an option.

N/A

Deletion: Encroachment provisions now incorporated into chapter 4.

Update/Addition: Most findings incorporated into 416; changes made to

## DCSD ORDINANCE CODE

### 1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

#### DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>		<u>2018 Code Section</u>		<u>Reason for Update/Addition/Deletion</u>
6-6-203a	Definition, road	Deleted		incorporate new defined terms and recognize the necessity of owner removal of encroachments that cause inconvenience and safety issues. <u>Deletion:</u> This section conflicted with 5-8-202b. Section 114 now defines "DCSD-Maintained Streets."
6-6-203b	Definition, right of way	Deleted		<u>Deletion:</u> This term is not used in the proposed 2018 Code.
6-6-203c	Definition, encroach	114	Encroachment	<u>Update/Addition:</u> Expanded the definition to include any obstruction preventing access to a DCSD-Maintained Street.
6-6-401	Prohibitions	416b	Encroachment on DCSD-Maintained Streets	N/A (included in 416b)
6-6-402	Additional prohibitions	Deleted		<u>Deletion:</u> This section was redundant (i.e. it didn't actually contain any additional prohibition). <u>Update/Addition:</u> Expanded to first require Owner to remove Encroachment upon notification and under certain time periods, then allows DCSD to remove and recover costs from Owner.
6-6-601	Persons authorized to remove encroachment	416b	Encroachment on DCSD-Maintained Streets	<u>Deletion:</u> This section was redundant as the Board has the inherent authority to delegate Encroachment removal.
6-6-602	Additional designated persons	Deleted		

## DCSD ORDINANCE CODE

### 1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code

#### DETAILED DIFFERENCES PROPOSED PER ORDINANCE

<u>1993 Code Section</u>	<u>2018 Code Section</u>	<u>Reason for Update/Addition/Deletion</u>
N/A	N/A	
6-6-801	416c	<p><u>Addition:</u> Encroachments are still required to be removed/repaired under 416b. This section expanded the proposed 2018 Code to require removal/repair of damage.</p> <p><u>Deletion:</u> This section is no longer necessary as the proposed 2018 Code provides a specific method for removal/repair of Encroachments and damage.</p>
6-6-802	418	<p><u>Update/Addition:</u> These two sections were combined to set forth the available remedies for DCSD upon removal/repair of Encroachments and damage.</p>
6-6-803	Deleted	<p><u>Deletion:</u> Now obsolete.</p>
6.6.1001	Deleted	<p><u>Deletion:</u> Now obsolete.</p>
<b>Culverts and Creeks</b>		
N/A	Chapter 5	<p><u>Addition:</u> DCSD-Maintained Culverts are defined, modification of those culverts without DCSD approval is prohibited, and DCSD is not responsible for creek maintenance. <i>Staff recommends that the August update include DCSD approval for adding culverts under DCSD-Maintained Streets.</i></p>

**DCSD ORDINANCE CODE**

**1993 Ordinance Code *compared to* 2018 Proposed Ordinance Code**

**DETAILED DIFFERENCES PROPOSED PER ORDINANCE**

**1993 Code Section**

**2018 Code Section**

**Reason for Update/Addition/Deletion**

**Meetings, public hearings, appeals**

N/A

Chapter 7

Addition: Regular meetings, public hearings, and the appeal process are described.



**ATTACHMENT 2**

**ORDINANCE CODE**

**OF THE**

**DIABLO COMMUNITY SERVICES DISTRICT**

**AMENDED AND RESTATED SEPTEMBER, 2021**

## TABLE OF CONTENTS

### CHAPTER

#### 1. GENERAL PROVISIONS

100	Title
102	References
104	Amendments
106	Partial Invalidity
108	Authority for Adoption
110	Jurisdiction
112	Definitions

#### 2. ADMINISTRATION

200	Application of California Administrative Code Section 18730 Statements
202	Filing Officer

#### 3. REVENUE AND FINANCE

300	Findings
302	Liability for Tax
304	Amount of tax
306	Additional tax
308	Collection

#### 4. RULES REGARDING DCSD-MAINTAINED STREETS

400	Findings
402	Diablo Entrances and Exits
404	Connectors Prohibited
406	Signs
408	Violations
410	Requirements of Driver's License
412	Speed Limits
414	Negligent Operations
416	Stop Signs
418	Stop Sign Intersections
420	DCSD-Maintained Streets, Combined Use
422	Parking
424	Encroachments on and Damage to DCSD-Maintained Streets
426	Recovery of Cost to remove or Repair
428	Street Signs and Security Cameras

#### 5. CULVERTS AND CREEKS

500	Findings
502	Modification and Addition of Culverts Prohibited
504	Creeks Not Maintained

6. REQUEST TO RECLASSIFY A NON-MAINTAINED STREET

600	Application
602	Criteria for Approval
604	Easement
606	Proof of Compliance

7. BIDDING, PROCEDURES FOR PUBLIC PROJECTS

700	Purpose
702	Definitions
704	Contract Letting Procedures
706	Procurement Procedures

8. MEETINGS, PUBLIC HEARINGS, APPEALS

800	Regular Meetings
802	Public Hearings
804	Appeals

## CHAPTER 1

### GENERAL PROVISIONS

**100 Title.** This Ordinance Code shall be known as the Ordinance Code (hereinafter referred to as “Code”) of the Diablo Community Services District and may be cited in any prosecution for its violation.

**102 References.** Every reference to this Code or any portion thereof applies to this Code as now or as hereinafter amended.

**104 Amendments.** Any ordinance amending this Code shall be designated as an amendment and shall be adopted pursuant to the procedures required by this Code, and applicable state and federal law.

**106 Partial Invalidity.** If any provision, or any portion of a provision, of this Code or the application thereof is held invalid, such invalidity shall not affect any other portion or provision of this Code.

**108 Authority for Adoption.** This Code and each ordinance and provision thereunder is adopted pursuant to California Government Code Section 61060 et seq.

**110 Jurisdiction.** Except as otherwise provided, this Code applies only within the jurisdictional boundaries of the Diablo Community Services District as established by the Board of Supervisors of Contra Costa County and as amended from time to time.

**112 Definitions.** As used in this Code, the following definitions apply:

**Board or Board of Directors** means the Board of Directors of the Diablo Community Services District.

**Diablo** means all land within the boundaries of the Diablo Community Services District.

**Diablo Community Services District or DCSD** means the California special district formed by Contra Costa County Resolution 68-826.

**DCSD-Maintained Bridges** refers to the following:

- **Dick Breitwieser Bridge**, (also referred to as Bridge No. 1) located at the western terminus of Alameda Diablo near its intersection with Diablo Road.
- **Don Hoffman Memorial Bridge**, (also referred to as Bridge No. 2) located on Alameda Diablo between its intersections with Caballo Ranchero and Avenida Nueva.
- **Jim Stone Memorial Bridge**, (also referred to as Bridge No. 3) located on Caballo Ranchero between its intersections with Alameda Diablo and Casa Nuestra.

**DCSD-Maintained Culverts** means all culverts lying entirely under a DCSD-Maintained Street and any portion of a culvert lying under the paved portion of a DCSD-Maintained Street.

**DCSD-Maintained Streets** means those streets located within Diablo that are maintained and secured by DCSD pursuant to the DCSD 1969 Formation Resolution (**Exhibit A**). The DCSD-Maintained Streets are limited to the following:

- Alameda Diablo from Diablo Road to Diablo Lakes Lane
- Avenida Nueva from Alameda Diablo to Diablo Road
- Bella Vista
- Caballo Ranchero from the intersection of Caballo Ranchero and Alameda Diablo to the northernmost property line of 2297 Caballo Ranchero
- Caballo Ranchero Court from Caballo Ranchero
- Calle Arroyo from Club House Road to Diablo Road, excluding any portion of the road located over the bridge past 1817 Calle Arroyo, and excluding any portion of the road located on the driveway past 1609 Calle Arroyo
- Calle Del Casarillo from Mt. Diablo Scenic Blvd.
- Calle Los Callados from Alameda Diablo to a point 20 feet from the west side of Mt. Diablo Scenic Blvd.
- Campo Pelota from Club House Road
- Canada Via from Calle Arroyo
- Casa Nuestra from El Nido to Caballo Ranchero
- Club House Road from Alameda Diablo
- El Centro from Avenida Nueva
- El Nido Court from El Nido
- El Nido from Alameda Diablo
- La Cadena from Avenida Nueva to Alameda Diablo
- Palma Vista from Calle Los Callados
- Verde Del Ciervo from El Nido
- All DCSD-Maintained Trail(s)

**DCSD-Maintained Trail(s)** means the following trails that are maintained by DCSD:

- Kay's Trail is a hiking and equestrian trail located immediately south of 2358 Alameda Diablo. Pursuant to the dedication to the District, no bicycles or motorized vehicles are permitted on Kay's Trail.

**Encroachment** means an obstruction that prevents full or partial access to a DCSD-Maintained Street. Encroachments include, but are not limited to, any structures such as signs, fences, guardrails, or walls; or any vegetation, such as trees, shrubs, or other growing materials; or landscape materials such as rocks, irrigation materials, or bark.

**Formation Resolution** means Contra Costa County Resolution 68-826 and any and all amendments thereto, which established the DCSD.

**Golf Cart** means any motor vehicle weighing less than 1,300 pounds and having not less than three wheels in contact with the ground which is or may be used to carry golf equipment and is designed to hold no more than four persons. Golf cart drivers must hold valid drivers' licenses.

**Motor Vehicle** means any motor vehicle, including but not limited to cars, motorcycles, mopeds, motorized scooters, motorized skateboards, golf carts and all-terrain vehicles.

**Property Owner or Owner** means an owner of land within Diablo.

**Sheriff** means the Sheriff deputy employed by the Contra Costa County Office of the Sheriff-Coroner and/or any sworn officer of the State of California.

**Tax or Special Tax** mean the amount shown for "DIABLO SERV DIST" in the Special Taxes & Assessments section of the property tax bills of property owners.

**Vehicle** means any motor vehicle or operator-propelled vehicle, including but not limited to cars, motorcycles, mopeds, motorized and non-motorized scooters, golf carts, all-terrain vehicles, segways, skateboards, motorized and non-motorized bicycles, and unicycles.

## CHAPTER 2

### ADMINISTRATION

**200 Application of California Administrative Code Section 18730 Statements.** California Administrative Code Section 18730 is incorporated into this Code by reference, and the provisions therein are adopted as the Conflict of Interest Code for the Diablo Community Services District. Notwithstanding the incorporation of this Section 18730, annual statements covering the period of the preceding year, shall be filed during the month of April and no later than April 30 of each year by all members of the Board of Directors, the General Manager and General Counsel.

**202 Filing Officer.** The Filing Officer for the DCSD is the Secretary.

## CHAPTER 3

### REVENUE AND FINANCE

**300 Findings.** The DCSD Board was given the authority under the DCSD 1969 Formation Document to provide security and police protection, and road, bridge, culvert and trail maintenance within the Diablo Community Services District. To provide those services, the Board has found it necessary to charge the property owners within Diablo a special tax assessment (passed by voters in March 2018) in addition to the ad valorem tax assessment collected by Contra Costa County. This tax assessment provides the DCSD with the funds needed to finance security and road, bridge, culvert, and trail maintenance services.

**302 Liability for Tax.** The tax liability provided herein shall be borne by the property owners.

**304 Amount of Tax.** DCSD shall charge an amount pursuant to Resolution 2017-02. A summary of Resolution 2017-02 is attached as **Exhibit B**.

**306 Additional Tax.** In order to address unanticipated or emergency situations, including but not limited to failure of DCSD-Maintained Culverts and weather damage to DCSD-Maintained Streets or DCSD-Maintained Bridges, the Board of Directors may determine that it is necessary to charge property owners additional taxes. In such cases, the Board of Directors may impose additional taxes in accordance with all applicable laws.

**308 Collection.** The Contra Costa County Tax Collector shall collect taxes on behalf of DCSD.

DCSD shall pay Contra Costa County the costs for collecting these taxes, as requested.

## CHAPTER 4

### RULES REGARDING DCSD-MAINTAINED STREETS

**400 Findings.** With few exceptions, the streets within Diablo are privately owned by the adjacent property owners to the middle of the street. The DCSD has the power to open, close, widen, extend, straighten, surface and resurface, in whole or in part, any street or road which meets the criteria listed in the DCSD 1969 Formation Resolution, but which has not been accepted into the county road system in such District, and the implementation of safety measures deemed necessary to safeguard life and property.

**402 Diablo Entrances and Exits.** Alameda Diablo at the intersection with Diablo Road, Calle Arroyo at the intersection with Diablo Road, and Avenida Nueva at the intersection with Diablo Road shall be the only motor vehicle entrances and exits to and from Diablo.

**404 Connectors Prohibited.** No street or passageway of any kind shall be constructed to connect with any street or passageway in Diablo whereby said construction would create a motor vehicle entrance or exit into Diablo other than as identified in Section 402 without District approval. No motor vehicle passage is permitted between Mt. Diablo Scenic Blvd. and Alameda Diablo or Mt. Diablo Scenic Blvd. and Calle Los Callados.

**406 Signs.** There shall be posted at each Diablo motor vehicle entrance a sign reading as follows: "Private Roads, patrolled by Contra Costa Sheriff, right to pass by permission of Diablo Community Services District; Section 1008, civil code."

**408 Violations.** Violation of sections 402-406 is a misdemeanor and the DCSD shall have further remedies to restrain the violation of these Code sections. Those remedies shall include, without limitation, temporary restraining order, preliminary injunction and permanent injunction and any other civil or criminal remedy allowed by law.

**410 Requirement of Driver's License.** No person shall drive a motor vehicle upon any street within Diablo unless such person holds a valid driver's license of proper class for the vehicle. Golf cart drivers must hold valid drivers' licenses.

**412 Speed Limits.** Except as otherwise required by law, the speed limit on any DCSD-Maintained Street is twenty (20) miles per hour.

**414 Negligent Operation.** No person shall drive any vehicle upon any street within Diablo without due caution and circumspection or at a speed or in a manner so as to endanger any person or property.

**416 Stop Signs.** The driver of any vehicle approaching a stop sign shall stop at the limit line, if marked, otherwise at the entrance of the intersecting roadway.

**418 Stop Sign Intersections.** DCSD is responsible for erection and maintenance of the stop signs and reserves the right to add to or change existing stop sign locations. Stop signs are located at the following intersections:

- Alameda Diablo where it intersects with Diablo Road
- Alameda Diablo where it intersects with La Cadena
- Alameda Diablo where it intersects with Club House Road
- Alameda Diablo where it intersects with El Nido
- Alameda Diablo where it intersects with Avenida Nueva
- Alameda Diablo where it intersects with Caballo Ranchero
- Avenida Nueva where it intersects with Diablo Road
- Avenida Nueva where it intersects with La Cadena
- Avenida Nueva where it intersects with Calle Los Callados
- Avenida Nueva where it intersects with Alameda Diablo
- Caballo Ranchero where it intersects with Alameda Diablo
- Caballo Ranchero Court where it intersects with Caballo Ranchero.
- Calle Arroyo where it intersects with Diablo Road
- Calle Arroyo where it intersects with Diablo Country Club South Driveway
- Calle Arroyo where it intersects with Club House Road
- Calle Los Callados where it intersects with Avenida Nueva
- Calle Los Callados where it intersects with Alameda Diablo
- Canada Via where it intersects with Calle Arroyo
- Casa Nuestra where it intersects with El Nido
- Casa Nuestra where it intersects with Caballo Ranchero
- Club House Road where it intersects with Alameda Diablo
- Club House Road where it intersects with the entry to the Diablo Country Club
- El Centro where it intersects with Avenida Nueva
- El Nido where it intersects with Alameda Diablo
- El Nido where it intersects with the entry to the United States Post Office
- La Cadena where it intersects with Alameda Diablo
- La Cadena where it intersects with Avenida Nueva
- Club Upper Parking Lot where it intersects with El Nido

**420 DCSD-Maintained Streets, Combined Use.** The Board of Directors finds that all DCSD-Maintained Streets are adjacent to or provide access to a golf course or a place where golf carts are parked or stored, and designates all DCSD-Maintained Streets for the combined use of golf carts and other vehicles.

**422 Parking.** A vehicle shall not be parked on a DCSD-Maintained Street if the position of the vehicle will impede the safe passage of any other vehicle, including emergency vehicles. As used herein, an emergency vehicle includes, but is not limited to, any vehicle customarily used by the Fire Department, any ambulance, and any vehicle used by the Sheriff or law enforcement.

**424 Encroachments on and Damage to DCSD-Maintained Streets.**

- a. **Findings and Purpose.** The Board of Directors finds:
1. That DCSD-Maintained Streets are narrow, there are no sidewalks adjacent to DCSD-Maintained Streets, and that DCSD-Maintained Streets are used by pedestrians, including children, and persons on bicycles and other mechanical and personal modes of transportation and play.
  2. DCSD-Maintained Streets are the only access for emergency vehicles to service property and persons within Diablo.

3. Any encroachment on or damage to a DCSD-Maintained Street could result in dangerous conditions or severe inconvenience to Diablo residents, including but not limited to increased response times for emergency vehicles.
  4. It is the responsibility of a property owner to immediately remove or repair any encroachment on or damage to a DCSD-Maintained Street located on a property owner's property.
  5. DCSD does not have a Public Works Department and therefore it is necessary and convenient for DCSD to contract with independent contractors to remove or repair encroachments and damage, the cost of which shall be borne by the property owner.
- b. **Encroachments on DCSD-Maintained Streets.** No property owner shall permit any encroachment from his or her property to lie on a DCSD-Maintained Street. If a property owner's property contains an encroachment or a property owner is responsible for placement, accidental or otherwise, of an encroachment onto a DCSD-Maintained Street, the property owner shall remove the encroachment upon notification by any member of the Board of Directors, the General Manager, or the Sheriff. If an encroachment is deemed by the Board of Directors, the General Manager, or the Sheriff to impact public safety, it must be removed within four (4) hours or within a period of time deemed acceptable by the Sheriff. All other encroachments must be removed within a reasonable time not to exceed fifteen (15) days, unless otherwise authorized by the Board of Directors. See definition of Encroachment, section 112.
- c. **Damage to DCSD-Maintained Streets.** No property owner shall cause damage to a DCSD-Maintained Street. Damage includes, but is not limited to, damage caused by drainage from the property owner's property; damage caused by vegetation; damaged caused by vehicles; damage caused by utility work; or damage caused by construction and construction vehicles. If damage is deemed by the Board of Directors, the General Manager, or the Sheriff to impact public safety, it must be removed or repaired within four (4) hours or within a period of time deemed acceptable by the Sheriff. All other damage must be removed or repaired within a reasonable time not to exceed fifteen (15) days, unless otherwise authorized by the Board of Directors. Damage repairs by property owner(s) must be approved and accepted by the Board of Directors.
- d. **Work on and/or in DCSD-Maintained Streets.** No DCSD-Maintained Street surface can be altered by a property owner, agency or third party without the prior express consent (i.e. permit) from the DCSD. After completion of the work, the street must be returned to its original condition and be certified by a DCSD contract engineer at the property owner's expense.

**426 Recovery of Cost to Remove or Repair.** If a property owner fails to remove an encroachment or repair damage as required by this Chapter 4, DCSD may contact its contract engineer to arrange for the removal of the encroachment and/or repair of the damage. If DCSD's contract engineer arranges to remove the encroachment or repairs the damage, the property owner will reimburse DCSD for all costs and expenses associated with removal and/or repair, and shall indemnify and hold harmless DCSD, the Board of Directors, the General Manager, and the Sheriff for any liability incurred by said person(s) in causing the encroachment to be removed and/or the damage repaired. If a property owner has reason to believe that he or she is not responsible for the encroachment or damage, the property owner may appeal DCSD's decision to require reimbursement pursuant to section 804 of this Code. Notwithstanding the requirements of

section 804, at this hearing:

- a. The General Manager and/or DCSD staff will present facts and evidence. Following this presentation, the property owner shall be entitled to show cause why he or she is not responsible for the costs of removal or repair of the encroachment. Acts of God, storm, and flooding are not defense for a property owner's failure to remove an encroachment or repair damage to a DCSD-Maintained Street, nor are they defenses for a property owner's failure to pay for the cost of removal of the encroachment or repair of the damage.
- b. The Board of Directors by a majority vote shall determine whether a property owner is responsible for the costs of the removal of the encroachment and/or repair of the damage. If the Board determines that a property owner is responsible for the costs, the property owner must pay those costs within thirty (30) days of the Board of Director's decision at the public hearing. If the property owner fails to pay within the time prescribed by this Chapter 4, then DCSD may add the amount due plus a reasonable processing fee to the property owner's tax as shown on the property owner's property tax bill ("DIABLO SERV DIST").
- c. Notwithstanding subsection b. above, DCSD's remedies shall include all remedies permitted by law. Imposition of one or more remedies in this section 426 shall not preclude the imposition of another available remedy.

#### **428 Street Signs and Security Cameras**

- a. Subject to California State law, DCSD is responsible for erection, installation, and maintenance of any and all permanent signs that regulate traffic and security cameras that are located in or upon DCSD-Maintained Streets. Property owners who desire an exception to this Ordinance must obtain written approval from the DCSD. Any signs or security cameras erected or installed in violation of this section may be removed by DCSD. If DCSD determines that a property owner has violated this section 428, DCSD will notify the property owner of DCSD's costs to remove the sign or camera, and the property owner will have thirty (30) days to remit payment of said costs.
- b. If a property owner desires an exception to the requirements of this section 428, the property owner may make a written application to DCSD identifying the specifications of the sign and/or camera to be installed, and the location(s) of said installation(s). DCSD will hold a public hearing and act on any such application at the next regular meeting that is at least fourteen (14) days from the day the application was received unless this time requirement is waived by the property owner.
- c. Any decision by DCSD made pursuant to this section 428 may be appealed pursuant to section 804 of this Code.

### **CHAPTER 5**

#### **CULVERTS AND CREEKS**

**500 Findings.** The DCSD shall maintain those culverts lying entirely under a DCSD-Maintained Street and any portion of a culvert lying under the paved portion of a DCSD-Maintained Street. The maintenance of all other culverts, including portions of culverts, and all creeks in Diablo are the responsibility of the property owner.

**502 Modification and Addition of Culverts Prohibited.** No property owner shall modify any DCSD-Maintained Culvert or portion of a culvert or add a culvert which extends under a DCSD-Maintained Street or connects to a DCSD-Maintained Culvert without the expressed written approval of DCSD. Applications submitted to DCSD to modify any DCSD-Maintained Culvert, add a culvert under a DCSD-Maintained Street, or culvert connecting thereto must contain plans signed by an engineer licensed in the State of California. DCSD may charge a reasonable fee for processing the application, including but not limited to attorneys' and engineers' fees associated with review of the application and plans. DCSD shall hold a public hearing on the application and may approve, conditionally approve, or deny the application. Any DCSD approval shall be made in the form of a resolution describing the extent and conditions of the permitted modification. DCSD's decision made pursuant to this section may be appealed pursuant to section 804.

**504 Creeks Not Maintained.** DCSD is not responsible for the maintenance of any creek whether or not the creek connects to a culvert except as explicitly laid out in Resolution No. 2021-02 (**Exhibit C**).

## CHAPTER 6

### REQUEST TO RECLASSIFY A NON-MAINTAINED STREET

**600 Application.** An applicant who desires that DCSD assume the maintenance responsibilities of a street in Diablo must file an application in writing with the Board requesting that DCSD accept the maintenance responsibilities of said street. DCSD may charge a reasonable fee for processing the application, including but not limited to attorneys' fees associated with review of the application. DCSD shall approve, conditionally approve, or deny an application submitted pursuant to this section following a public hearing held within sixty (60) days of receipt of the application. If an application is approved pursuant to this Chapter 6, DCSD shall have the exclusive right to name the street, subject to any and all applicable local and state law requirements. Any decision made by DCSD pursuant to this Chapter 6 may be appealed in accordance with the requirements of section 804.

**602 Criteria for Approval.** The DCSD Board of Directors will consider the following when determining whether to approve an application for maintenance responsibilities:

- a. Whether the portion of the street to be maintained is located entirely within the boundaries of the Diablo Community Services District.
- b. Whether the street meets the minimum construction and performance standard for "Two-Lane Rural Road Guidelines," as established by ordinances of Contra Costa County and **Exhibit D** to this Code.
- c. Whether the street connects directly to another DCSD-Maintained Street on each end, or if the street connects directly to another DCSD-Maintained Street on one end only, whether the non-connecting end terminates in a cul-de-sac with a diameter of at least sixty (60) feet at all points.
- d. Whether a portion of the street serves at least five (5) developed residences on five (5) separately assessed parcels.

**604 Easement.** For a street to be maintained by the DCSD, all of the property owners on that street must dedicate an easement for use and maintenance of the street to the Diablo Community Services District.

**606 Proof of Compliance.** The applicant must provide, at applicant's expense, a certificate signed under penalty of perjury by an engineer licensed in the State of California stating that the engineer has personally inspected the street and the extent to which the street meets each criterion described in Section 602.

## CHAPTER 7

### BIDDING PROCEDURES FOR PUBLIC PROJECTS

**700 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 DCSD that this Chapter 7 shall govern the selection of contractors by the DCSD through the bidding procedures specified in Public Contract Code section 22000 et seq. – the Uniform Public Construction Cost Accounting Act (the "Act").

**702 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.

#### **704 Contract Letting Procedures.**

- a. **List of Qualified Contractors.** The DCSD shall maintain a list of qualified contractors identified according to categories of work in accordance with Public Contract Code section 22034.
- b. **No Bidding Required.** Public Projects less than or equal to \$60,000 may be performed by the DCSD by negotiated contract, or by purchase order.
- c. **Informal Bids.** Public Projects \$200,000 or less shall be let by the informal bid procedures in Public Contract Code 23034.

**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 DCSD's list prepared in accordance with 704a above for the category of work being bid, or all construction trade journals pursuant to Public Contract Code 22036, or both.

**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 DCSD 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 DCSD determines its cost estimate was reasonable.

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

**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 fourteen (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 fifteen (15) days before the date of opening the bids. In addition to notice required by this section, the DCSD may give such other notice as it deems proper.

- e. **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 DCSD may accept the one it chooses. The DCSD 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 DCSD by force account or negotiated contract without further complying with the Act or this Chapter.
- f. **Emergencies.** In the case of emergency when repairs or replacements are necessary, the DCSD 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 DCSD chooses not to give notice for bids in an emergency, the DCSD 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.
- g. **Amounts Subject to Change.** The monetary amounts listed in sections 704a, 704b & 704c above may change as the Act is amended from time to time. The DCSD shall at all times abide by the amounts listed in Public Contract Code sections 22032(a), (b), and (c), respectively.

## 706 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 DCSD 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 Proposal transmitted to qualified vendors.

**RFQ** means a Request for Qualification 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:

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

**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 and vice president.

**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:

**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 and vice president.

**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 DCSD after soliciting quotes or informal proposals from at least three qualified vendors with the approval of the Board president and vice president.

**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:

**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.

**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.

**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.

## CHAPTER 8

### MEETINGS, PUBLIC HEARINGS, APPEALS

**800 Regular meetings.** DCSD shall hold regular meetings on the second Tuesday of each month at 7:30 PM at the Diablo Country Club in accordance with all applicable laws. DCSD may use teleconference or other electronic means in the manner, time, and place set forth in the agenda notice for the meeting in accordance with all applicable laws.

**802 Public Hearings.**

- a. The Board of Directors shall hold public hearings as required by this Code or as otherwise required by law.
- b. Comments made by members of the public (excluding the applicant and/or appellant) are limited to 3 minutes.

**804 Appeals.**

- a. Decisions of the Board of Directors made pursuant to sections 426, 428, 502, and 600 may be appealed pursuant to this section 804.

- b. Any appeal must be submitted in writing to the Board of Directors within ten (10) days of the decision being appealed.
- c. Properly submitted appeals shall be heard at a public hearing within sixty (60) days of the Board's receipt of the appeal, unless this requirement is waived by the appellant.
- d. Contents of appeal
  - 1. Name, address, telephone, and email of appellant
  - 2. Reason and grounds for appeal and supporting documentation, including but not limited to references to this Code and/or other applicable rules, regulations, and laws.
- e. The Board of Directors' decision on an appeal is final.

**LAFCO No.**

**Formation of Diablo  
Community Services District/  
Dissolution of Diablo Public  
Utility District**

**Approved by LAFCO**

**Recorded 5/15/1969**

FRANK M. JORDAN  
SECRETARY OF STATE



Office of the  
Secretary of State

SACRAMENTO

File No. 3003-03

### CERTIFICATE OF FILING

I, FRANK M. JORDAN, Secretary of State of the State of California, hereby certify:

That on the 15th day of May, 1969,  
in accordance with Section 56452 of the Government Code, there was filed in  
this office a Certificate of Completion on behalf of

**DIABLO PUBLIC UTILITY DISTRICT  
DIABLO COMMUNITY SERVICES DISTRICT, DIABLO AREA.**

That said Certificate of Completion was executed by W. T. Paasch, Clerk of  
the governing board of the District.

That said Certificate of Completion referred to **Dissolution of Diablo Public  
Utility District and Concurrent Formation of Diablo Community Services Dis-  
trict, Diablo Area.**

effective 9/30/69

IN WITNESS WHEREOF, I hereunto  
set my hand and affix the Great  
Seal of the State of California this  
15th day of May, 1969.

CONTRA COSTA COUNTY  
RECEIVED

MAY 21 1969

LOCAL AGENCY  
FORMATION COMMISSION

*Frank M. Jordan*  
Secretary of State

Deputy Secretary of State

IN THE BOARD OF SUPERVISORS  
OF  
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

In the Matter of the Diablo	)	
Public Utility District	)	RESOLUTION NO. 68/826
Reorganization by Dissolution	)	
of Diablo Public Utility	)	(Gov. Code Secs. 56437,
District and Concurrent	)	56439, 56440)
Formation of Diablo Community	)	
Services District, Diablo Area	)	

RESOLUTION ORDERING DIABLO PUBLIC UTILITY DISTRICT REORGANIZATION TO DISSOLVE THE DIABLO PUBLIC UTILITY DISTRICT AND CONCURRENTLY FORM THE DIABLO COMMUNITY SERVICES DISTRICT SUBJECT TO THE CONFIRMATION OF THE VOTERS AND SETTING DATE FOR THE ELECTION ON THE QUESTION OF SAID REORGANIZATION

The Board of Supervisors of Contra Costa County RESOLVES THAT:

On October 8, 1968, this Board adopted Resolution No. 68/699 initiating proceedings for the reorganization by dissolution of Diablo Public Utility District and concurrent formation of the Diablo Community Services District. This reorganization had been proposed by a petition whose chief petitioners are Lloyd Ives and Robert P. Tiernan. A mandatory petition of application for the proposed reorganization was filed with the Executive Officer of the Local Agency Formation Commission on June 19, 1968. The reasons for the proposed reorganization as set forth in the petition include the following: (1) to provide the involved territory with lighting services; (2) to provide the involved territory with police protection or a security systems-guard force to protect and safeguard life and property; (3) to maintain certain roads within the involved territory which are subject to right-of-way by the public but have not been accepted into the county road system and to implement needed safety measures on said roads; and (4) to construct and improve bridges, culverts, curbs, gutters and works incidental to the other purposes specified in the petition.

On September 4, 1968, the Local Agency Formation Commission approved the application subject to the following terms and conditions:

- (a) The Diablo Community Services District shall be the successor of the dissolved Diablo Public Utility District.
- (b) Boundaries of territory proposed to be formed as the Diablo Community Services District are amended and are to be as described in attached Exhibit "B".

CERTIFIED COPY

I certify that this is a full, true & correct copy of the original document which is on file in my office, and that it was passed & adopted by the Board of Supervisors of Contra Costa County, California, on the date shown. ATTEST: W. T. BAASCH, county clerk & ex-officio clerk of said Board of Supervisors, by deputy clerk.

*Barbara J. Roberts* on Nov. 19, 1968

(c) The legislative body of the new Diablo Community Services District shall consist of five elected directors, to be first elected at the same election to be held on the question of reorganization within the boundaries as described in attached Exhibit "B".

(d) The effective date of the reorganization shall be September 30, 1969.

The Local Agency Formation Commission assigned the proposal designation as "Diablo Public Utility District Reorganization". The powers to be exercised by the Diablo Community Services District, when formed, are designated in the Petition for Reorganization, a copy of which is attached hereto and by reference incorporated herein as Exhibit "A". The exterior boundaries of the community services district to be formed are as described in Exhibit "B" attached hereto and by reference incorporated herein. The subject districts are located entirely within Contra Costa County.

The Board's Resolution No. 68/699 fixed 10 a.m. on Tuesday, November 19, 1968, in the Chambers of the Board of Supervisors, Administration Building, Martinez, California, as the time and place for a public hearing on the proposed reorganization. Notice of said hearing was duly given by (1) publication in the "Valley Pioneer", (2) posting on the Board's Bulletin Board, and (3) mailing notice to each affected district, each person who had filed a request for special notice with the County Clerk, and the chief petitioners, if any. This Board, at the time and place set for said hearing, had the determination of the Local Agency Formation Commission read aloud and then called for evidence or protests as provided for by Government Code section 56434, and no protests were made either orally or in writing by any person or taxpayer.

This Board hereby finds that the proposed reorganization is in the best interests of the people in the area of the said reorganization. This Board hereby orders the reorganization to dissolve the Diablo Public Utility District and concurrently form the Diablo Community Services District, subject to the confirmation of the voters. The Board also orders that the election on the question of the aforesaid reorganization be held on April 15, 1969, within the boundaries as described in attached Exhibit "B". Said election shall be held and conducted and the votes canvassed in accordance with the provisions of Government Code sections 56440 and 56443.

PASSED AND ADOPTED on November 19, 1968, by this Board.

MDF:pk

JUN 19 1968

In the Matter of the  
Reorganization of  
Diablo Community Service  
District and Diablo Public  
Utility District

LOCAL AGENCY  
FORMATION COMMISSION

PETITION FOR REORGANIZATION

- a) This proposal is made pursuant to the District Reorganization Act of 1965.
- b) Proposed changes of organization:
- 1) Creation of a new community service district to be known as Diablo Community Service District.
  - 2) Dissolution of Diablo Public Utility District.
- c) In addition to the existing boundaries of the Diablo Public Utility District, the proposed district will include the Mt. Diablo Estate Park Subdivision Unit No. 3.
- d) The principal act under which the proposed community service district is proposed to be formed is the Community Services District Law (Calif. Govt. Code section 61000 et fol.) The description of the boundaries of the proposed district is attached hereto as Exhibit "A". A map showing said boundaries is attached as Exhibit "B". Both said exhibits are incorporated herein as if set forth in detail.
- e) Petitioners submit conditions as follows: That the successor community service district shall succeed to all of the rights, duties and obligations of the extinguished Diablo Public Utility District with respect to the enforcement, performance and payment of the outstanding bond and contracts, and that furthermore the successor district shall succeed to all of the present, existing, contingent or future assets of said Diablo Public Utility District.
- f) Reasons for proposal:
- 1) The area included within the boundaries of the proposed district is located in the unincorporated portion of the county and is some distance from

any other center of population. The affected area includes the Diablo Country Club and quality single family dwellings. The area is subject to extensive acts of vandalism, and frequent burglaries. Experience has shown that the limited protection offered by the Sheriff's Department is insufficient to control the vandalism and burglaries.

2) With few exceptions, the roads within the proposed district are private in nature, but subject to a right of way reserved to the public. The roads are narrow and visibility is limited. The posted speed limit is 25 miles per hour, but experience has indicated that the posted speed limit (25mph) is rarely observed. Again, because of the limited patrols by Sheriff's personnel, there is no way to control the situation.

Since the area is primarily residential and recreational, the risk of personal injury and property damage due to vehicular traffic is inordinately high.

The petitioners herein are convinced that both of the above situations can be significantly decreased if adequate control measures were adopted. The proposed district would employ a private patrol, equipped with a suitable vehicle, to make random patrols of the area.

The only method to procure sufficient consistent income to support this proposal is through and by means of a tax assessment.

3) The Diablo Public Utility District was formed to provide and maintain suitable sanitation service to the area and to maintain said private roads. The said district

incurred a bonded indebtedness to put the said sanitation facilities in a condition in which Central Sanitation District would annex the area, and this is now an accomplished fact.

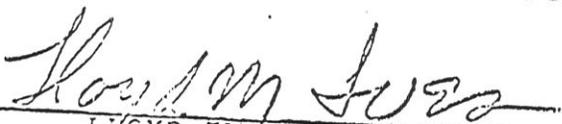
Consequently, the main function of said Diablo Public Utility District is to maintain said roads within their boundaries.

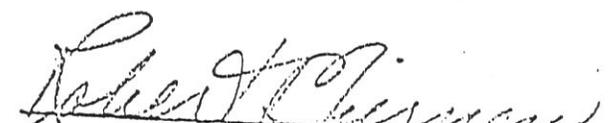
The maintenance of said roads would be assumed by the proposed district as well as providing the required security as described herein.

Section 61600 of the Government Code lists the powers which can be granted to a community service district. If this proposed district is formed, the following powers would be requested:

- 1) Street lighting;
- 2) Equipment, maintenance and administration of police protection or security systems-guard force to protect and safeguard life and property.
- 3) The opening, closing, widening, extending, straightening, surfacing and resurfacing, in whole or in part, of any street or road which is subject to a right-of-way by the public, but which has not been accepted into the county road system in such district, and the implementation of these safety measures deemed necessary to safeguard life and property.
- 4) The construction and improvement of bridges, culverts, curbs, gutters and works incidental to the purposes specified in the preceding paragraphs.
- g) The Board of Directors shall be composed of five (5) members.
- h) The chief petitioners are Lloyd Ives and Robert P. Tiernan.

WHEREFORE petitioners pray that proceedings be taken for reorganization as proposed herein.

  
LLOYD IVES

  
ROBERT P. TIERNAN

## EXHIBIT "B"

## DIABLO PUBLIC UTILITY DISTRICT REORGANIZATION

1  
2  
3 All that real property situated in the County of Contra Costa, State  
4 of California, more particularly described as follows:

5 Beginning in the center line of the County Road known as Diablo Road  
6 at the southerly extension of the eastern line of Parcel One in the deed  
7 from Elynore B. Mills to Alexander C. Farrell, et ux, recorded August  
8 17, 1960, in Volume 3684 of Official Records, page 20; thence Easterly  
9 along the center line of said Diablo Road to its intersection with the  
10 center line of a road known as Calle Crespi, as shown on the map of  
11 Mount Diablo Estate Park Subdivision, First Unit filed May 6, 1916 in  
12 Map Book 15, page 301; thence Northerly along the center line of Calle  
13 Crespi to its intersection with the center line of a road known as  
14 Calle Los Calladas; thence Northerly along the center line of Calle Los  
15 Calladas and the center line of Mount Diablo Scenic Boulevard to its  
16 intersection with the northwestern boundary of the 4.50 acre tract of  
17 land deeded to E. S. and A. H. Onken of record in Recorders File No.  
18 39462-46; thence Southwesterly along the northwestern line of said 4.50  
19 acre tract to the center of a road known as Alameda Diablo; thence  
20 Southerly along the center line of Alameda Diablo to the northern line  
21 of the 0.56 acre tract deeded to R. H. and L. H. Gibson, of record in  
22 Volume 1195 of Official Records at page 249; thence North 73° 05' 30"  
23 West, 323.89 feet; South 20° 39' West, 811.40 feet; South 30° 31' West,  
24 175.0 feet to the northern line of a road known as Vista Grande; thence  
25 Northwesterly along the northern line of Vista Grande to the most  
26 eastern corner of Lot 24, Mount Diablo Estate Park Subdivision, Third  
27 Unit, filed December 12, 1952, in Volume 49 of Maps, at page 7; thence  
28 Northerly and Northwesterly along the eastern and northeastern boundary  
29 of said Third Unit, to the northeastern corner of Lot 13 of said Mount  
30 Diablo Estate Park Subdivision, Third Unit, being a point on the eastern  
31 line of the parcel of land described in the deed to Stephen K. Jones,  
32 et ux, recorded July 1, 1965 in Volume 4901 of Official Records, page  
60; thence North 12° 34' 45" East, 375.46 feet to the northeastern

1 corner of said Jones parcel, being a point on the southeastern boundary  
2 of a parcel of land described as Parcel Two in the deed to Eugene J.  
3 Lehner, et al, recorded September 12, 1966 in Volume 5201 of Official  
4 Records, page 211; thence Southwesterly along the southeastern boundary  
5 of said Lehner Parcel Two, to the most southern corner thereof, being the  
6 most northern corner of Lot 12 of said Third Unit (49 M 7); thence South  
7  $53^{\circ} 33' 12''$  West, 87.21 feet to the most western corner of said Lot 12;  
8 thence North  $25^{\circ} 06' 54''$  West, 34.85 feet to an angle corner in the  
9 southeastern boundary of the 17.38 acre parcel of land described as Parcel  
10 Three, in the deed to Southern Public Utility District, recorded December  
11 20, 1950, Recorders File No. 65547; thence South  $45^{\circ} 53' 45''$  West, 373.06  
12 feet to the most southern corner of said 17.38 acre parcel, being the most  
13 eastern corner of Lot 204, Cameo Acres Unit No. 3, filed April 19, 1950  
14 in Map Book 40, page 4; thence Southwesterly along the southeastern boundary  
15 of Cameo Acres No. 3 to the most southern corner of Lot 103, being the  
16 most eastern corner of Lot 54, Cameo Acres Unit No. 2, filed February 23,  
17 1950 in Map Book 39, page 24; thence Southwesterly along the southeastern  
18 boundary of Cameo Acres No. 2, to the most southern corner of Lot 46,  
19 being the most eastern corner of Lot 33, Cameo Acres Unit No. 1, filed  
20 November 15, 1949 in Map Book 38, page 28; thence Southwesterly along the  
21 southeastern line of Cameo Acres No. 1 to the northwestern corner of Tract  
22 2246, filed May 15, 1956 in Map Book 63, page 49; thence Easterly and  
23 Southerly along the northern and eastern boundary of said Tract 2246 to  
24 the northwestern corner of Tract 2538, filed May 29, 1957 in Map Book 67,  
25 page 52; thence Easterly along the northern boundary of Tract 2538 to the  
26 most northern corner of Lot 6, being the most western corner of the parcel  
27 of land described as Parcel One in the deed from William C. Helfrich, et  
28 al, to Robert Mainhardt, et ux, recorded January 27, 1960 in Volume 3544  
29 of Official Records, page 371; thence Easterly along the northern line of  
30 said Parcel One to the northeastern corner thereof; being the northwestern  
31 corner of the parcel of land described as Parcel Two in said Mainhardt  
32

1 deed (3544 OR 371); thence Easterly and Southerly along the northern and  
2 eastern lines of said Parcel Two to the southeastern corner thereof, being  
3 the northeastern corner of the 1.01 acre parcel of land described in the  
4 deed from William C. Helfrich, et ux, to Robert Mainhardt, et ux, recorded  
5 June 9, 1958 in Volume 3174 of Official Records, page 441; thence Southerly  
6 along the eastern line of said 1.01 acre Mainhardt parcel to the southeastern  
7 corner thereof, being the northeastern corner of Lot 5, Tract 2538; thence  
8 Southerly along the eastern line of Tract 2538 to the northwestern corner  
9 of the parcel of land described as Parcel Three in said Farrell deed (3684  
10 OR 20); thence Easterly along the northern lines of Parcels Three, Two and  
11 One to the northeastern corner of the .868 acre parcel described as Parcel  
12 One in said Farrell deed (3684 OR 20); thence South 17° 19' 45" West along  
13 the eastern line of Parcel One of said Farrell deed and the southerly  
14 extension thereof to the point of beginning.

- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32

## Exhibit B

### RESOLUTION NO. 2017-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DIABLO COMMUNITY SERVICES DISTRICT PROPOSING TO ADOPT A SPECIAL TAX, CALLING FOR A SPECIAL MAILED BALLOT ELECTION TO BE HELD ON MARCH 6, 2018, ORDERING THAT A QUESTION RELATING TO THE LEVY OF A SPECIAL TAX BE SUBMITTED TO THE QUALIFIED VOTERS AT THE SPECIAL ELECTION, REQUESTING THAT THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY CONSENT TO THE CONSOLIDATION OF THE SPECIAL DISTRICT ELECTION WITH ANY OTHER ELECTION CONDUCTED ON SAID DATE, AND REQUESTING ELECTION SERVICES BY THE CONTRA COSTA COUNTY ELECTIONS DEPARTMENT**

**WHEREAS**, the Diablo Community Services District Board of Directors (the "Board") is authorized and charged to provide ongoing road, bridge and culvert maintenance and improvements, provide security, police protection and law enforcement services (collectively "security services") to its residents and guests, and maintain the equestrian trail between Alameda Diablo and Mt. Diablo Scenic Blvd. of Diablo Community Services District (the "District") boundaries;

**WHEREAS**, the Board has determined that it is in the best interests of the District's citizens to ensure the ongoing and long-term fiscal integrity of the District while continuing to provide the appropriate levels of road, bridge, culvert and trail maintenance and security services for the local community;

**WHEREAS**, the Board has previously adopted and currently collects a security fee and road maintenance fee pursuant to District Code chapters 3-2 and 3-4 (the "Current Fees");

**WHEREAS**, the Board has determined, in light of the increased demands on District maintenance, improvements, and security services costs, that it must request the support and approval by the voters to replace the Current Fees with a new special tax on taxable real property within the District to provide increased and reliable revenues that can be used to fund the services provided by the District;

**WHEREAS**, pursuant to the provisions of Government Code sections 50075-50077.5, 53720-53730, 61121(a), Elections Code section 12001, and other applicable law, the Board is authorized to adopt this resolution which shall, subject to the approval of the voters, impose a special tax, which shall be applied against all taxable real property within the District;

**WHEREAS**, the Board has also determined that it is in the best interest of the community to seek voter approval, which will require approval by two-thirds voters voting thereon, for the proposed special tax in order to be able to provide the appropriate service levels;

**WHEREAS**, if approved by the voters, the proposed special tax will be used solely for the purpose of the services provided within the District, with all funds staying in the local community comprised of the District's boundaries; and

**WHEREAS**, if the proposed special tax is approved by the voters, it shall replace in its entirety the Current Fees.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DIABLO COMMUNITY SERVICES DISTRICT AS FOLLOWS:**

Section 1. It is the determination of the District that the question of the special tax shall be put to the voters in the District at a special all-mailed ballot election to be held on the 6th day of March, 2018. The special tax shall not become effective unless approved by two-thirds of the registered voters of the District voting thereon. The Board hereby submits the proposed special tax to the voters and orders the following question to be presented to the voters at the election:

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

Yes \_\_\_\_\_ No \_\_\_\_\_

Section 2. Consolidation of Election. An all-mailed ballot election is hereby called for the purpose of submitting to the qualified voters within the District, the question of the adoption of a special tax for the services provided by the District. This election shall be consolidated with any other applicable election conducted on the same day. The election shall be held and conducted as provided by law applicable to an all-mailed ballot election on a special tax measure.

Section 3. Use of Funding. If approved by the voters, the special tax will be used solely for the purpose of supporting and providing road, bridge and culvert maintenance and improvements, equestrian trail maintenance and security services within the District.

Section 4. Election Services and Canvassing. The District hereby requests the County Elections Department, at District expense, to provide all necessary election services and to canvass and report the results of the election.

Section 5. Election Costs. Pursuant to Elections Code Section 10002, the District shall reimburse Contra Costa County in full for the services performed upon presentation of a bill to the District.

Section 6. Special Tax Imposed. The Board proposes to adopt an annual special tax on each taxable parcel within the District as follows (which is more fully described in the proposed ordinance attached as Exhibit "A" to this Resolution):

Property Type	2018-19 Special Tax
Improved Parcels	\$662.26/parcel
Unimproved Parcels	\$128.06/parcel
Country Club Parcels	\$23,444.68

Section 7. Inflation Adjustment. The special tax rates would be subject to an annual inflation adjustment as provided in the proposed ordinance (Ex. A).

Section 8. Increase of Appropriations Limit. Pursuant to Article XIII B of the California Constitution, the appropriations limit of the District shall be increased in the amount equal to the proceeds of the special tax (if approved by the voters). The increase in the District's spending limit shall be deemed effective beginning in the 2018-19 fiscal year.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Diablo Community Services District, County of Contra Costa, held on the 14th day of November, 2017 by the following vote:

AYES: Brant, Torru, Urbelis, Langon  
 NOES:  
 ABSENT:  
 ABSTAIN:

## EXHIBIT "A"

### AN ORDINANCE OF THE DIABLO COMMUNITY SERVICES DISTRICT ADOPTING A SPECIAL TAX FOR ROAD AND EQUESTRIAN TRAIL MAINTENANCE AND IMPROVEMENTS AND SECURITY/POLICE PROTECTION SERVICES

The people of the Diablo Community Services District do ordain as follows:

#### Section 1. Findings

The District hereby finds and declares that the District's ability to provide services depends upon the availability of funds to support those services. The special tax adopted by this ordinance, if approved by a two-thirds vote of the voters, will provide for a dedicated and secure funding source to provide necessary services to the District. This special tax is intended to also create reserve funds thereby permitting periodic capital improvements and replacement of the assets used to provide the special tax-funded services.

#### Section 2. Authorized Special Tax Purposes

Special tax revenues collected under this ordinance shall be deposited in a special fund and shall be used by the District only for the provision of the following services: acquire, construct, improve, and maintain streets, roads, rights-of-way (including the equestrian trail between Alameda Diablo and Mt. Diablo Scenic Blvd.), bridges, culverts, drains, curbs, gutters, sidewalks, and incidental works; police protection, law enforcement, and security services; and, creation of reserve funds for the repair, replacement and improvement of the capital assets used in connection with these services.

#### Section 3. Definitions

"Acre" means the land area of an Assessor's Parcel as shown on County records, such as an Assessor's Parcel Map and secured roll data, or, if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, condominium plan, record of survey, or other recorded document creating or describing the parcel. If the preceding maps for a land area are not available, the Acreage of such land area may be determined utilizing available spatial data and GIS (Geographic Information System) data.

"CPI" means the annual percentage change in the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco-Oakland-San Jose Area, as measured as of December each succeeding year. In the event this index ceases to be published, the CPI shall be another index that is reasonably comparable to the Consumer Price Index for the San Francisco-Oakland San Jose Area.

"Board" means District Board of Directors.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Country Club Parcels" mean the taxable land within the District that includes the site of the following Contra Costa County Assessor Parcel Numbers: 195-160-002-0, 195-170-002-8, 195-170-004-4, 195-170-002-8, 195-210-038-4, 195-210-041-8, 195-220-001-0, 195-220-006-9, 195-230-006-7, 195-230-012-5, and 195-380-005-7. If these parcels change in future years, the assigned Diablo Country Club property special tax shall be levied on the successor parcels and the successor parcels shall be the 'Country Club Parcels'.

"Improved Parcel" shall mean each parcel within the District (other than the Country Club Parcels) that contains a significant improved structure (e.g., with water, power, sewer, utilities, bathrooms, etc.) typically with a landscaped area less than or equal to one (1) acre.

"Unimproved Parcel" means taxable vacant land within the District (other than the Country Club Parcels) that does not contain a significant improved structure with an effective area less than or equal to one (1) acre. For example, taxable vacant, unimproved land of 8.4 acres would constitute 9 Unimproved Parcels.

**Section 4. Special Tax Rate**

There is hereby imposed a special tax upon the owners of the Country Club Parcels and every Improved Parcel and Unimproved Parcel to be levied and collected (if approved by the voters) commencing July 1, 2018, based upon the following property type classifications and special tax rates:

Property Type	2018-19 Special Tax <sup>(1)</sup>
Improved Parcels	\$662.26/parcel
Unimproved Parcels	\$128.06/parcel
Country Club Parcels	\$23,444.68 (for all parcels)

(1) Subject to automatic annual adjustments described in Section 5 below.

This special tax is adopted pursuant to Government Code sections 50075-50077.5, 53720-53730, and 61121(a), and other applicable law. For the Fiscal Year beginning July 1, 2018, and annually thereafter, the Board may elect to impose a lesser special tax than the authorized maximum special tax rate applicable for the Fiscal Year. If necessary to meet expenses, the Board may adjust the actual special tax rate during a Fiscal Year so long as the actual special tax rate does not exceed the maximum allowable special tax rate for that Fiscal Year. If the Board elects to impose a lesser special tax in a Fiscal Year, then in any later Fiscal Year the Board may elect to impose up to the full authorized maximum special tax rate.

The special tax is due from each owner of record of a parcel within the District as reflected upon the rolls of the County Assessor at the same time as the ad valorem property tax is due and is to be collected in the same manner.

**Section 5. Automatic Adjustment**

Commencing July 1, 2019 and every July 1 thereafter, the special tax rates specified in Section 4 shall be automatically adjusted by the CPI or three percent (3%), whichever is greater. Regardless of whether the special tax rate has been reduced to an amount below the maximum special tax rate pursuant to Section 4, the special tax rate applicable for the following year shall be the maximum special tax rate that would have otherwise been levied.

**Section 6. Collection**

For Fiscal Year 2018-19 and thereafter, the special tax shall be collected by the Contra Costa County Tax Collector in the same manner as, together with, and subject to the same penalties and interest as the regular County ad valorem property tax bill. The District may, at the sole discretion of the Board, directly bill and collect the special tax at a different time or in a different manner as necessary or appropriate to meet its financial obligations. Any unpaid taxes shall be subject to the same penalties for non-payment as are other District taxes, fees and/or charges. Any special tax required to be paid by a District property owner under this ordinance shall be deemed a debt owed by the property owner to the District. Any property owner owing money to the District under this ordinance shall be liable in an action brought in the name of the District for the collection of such amount, together with any penalties and interest.

**Section 7. Appeals**

Any landowner or resident who contends that the classification of its property is in error or that the calculation of the special tax is in error may file a notice with the Secretary to the Board appealing the special tax. The District General Manager will then review the appeal and alleged error, and, if appropriate, meet with the appellant. If the General Manager determines that an error was made, then, as appropriate, the special tax levy shall be corrected. If the landowner or resident disagrees with the General Manager's determination, the landowner or resident may file an appeal with the Board. The findings and determination of the Board, made after affording the landowner or resident opportunity to be heard by the Board, shall be final and conclusive.

Section 8. Interpretation and Amendment

Interpretations may be made by the Board by resolution for purpose of clarifying any vagueness or ambiguity as it relates to the special tax or this ordinance. The Board may amend this ordinance at any time; provided, however, that any ordinance amendment that increases the special tax rate above the rate approved by the voters at the March 6, 2018 election shall become effective only if approved by two-thirds vote of the District voters voting on the issue.

Section 9. Severability

If any provision of this special tax measure or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision of application, and to this end the provisions of this special tax measure are declared to be severable.

Section 10. Separate Accounting and Expenditure

The special tax revenues shall be deposited into a separate account held by the District, in accordance with Government Code Section 50075.1, and shall be expended according to a budget developed annually by the District staff and approved and adopted by the Board.

Section 11. Annual Reporting

The District's chief fiscal officer will cause to be prepared and filed an annual report with the Board no later than January 1, 2019, and at least once a year thereafter. The report shall include the amount of special tax revenues collected and expended, and which shall otherwise comply with the accountability measures established in Government Code Sections 50075.1 - 50075.3 and 12463.2.

Section 12. Effective Date and Term

This special tax shall be deemed established and shall be in effect as of the day following the election date of March 6, 2018, upon certification of the election results evidencing approval by at least two-thirds of the participating registered voters, and declared by the Board. If approved by the voters, the special tax shall be levied against all taxable real property within the District beginning with the 2018-2019 fiscal year and shall continue until repealed by the Board or by two-thirds vote of the voters.

Section 13. Validation

Pursuant to the provisions of Government Code Section 50077.5, any judicial action or proceeding to attack, review, set aside, void or annul this ordinance or the approval of the special tax or increase in the spending limitation pertaining to the special property tax shall be commenced, if at all, within 60 days of the date of the effective date of the ordinance.

Section 14. Fee Repeal

District Code chapters 3-2 and 3-4 (concerning the security fee and road maintenance fee) are repealed concurrent with the approval of the special tax.

I certify that this ordinance was adopted by a two-thirds vote of the people of the Diablo Community Services District on March 6, 2018.

\_\_\_\_\_  
General Manager

Attest:

\_\_\_\_\_  
Secretary

Exhibit C

**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 9th day of February, 2021.

AYES: Urbelis, Becker, Eorio, Cox

NOES:

ABSENT: Isom

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



**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS MEETING  
MINUTES  
TELECONFERENCE VIA THE APPLICATION ZOOM  
AUGUST 10, 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

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

**PUBLIC COMMENTS:**

Nicola Place updated the Board on her efforts, along with other Mt Diablo Scenic neighbors, to engage the Mt Diablo State Park officials to make Mt. Diablo Scenic a safer road for Diablo residents who live on it and for visitors heading to the Park. Nicola thanked the DCSD Board for writing a letter to the Director of the CA State Park in support of their efforts.

**BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:**

Director Leonard Becker requested that the Board consider a motion to continue the discussion of the 2021 DCSD Ordinance Code, which is a replacement of the 1993 Ordinance Code, to the September 14<sup>th</sup> Regular Board Meeting to allow for more community input and conclusion of the Cervantes litigation.

On motion by Director Becker, second by Director Urbelis, the Board continued the discussion of the 2021 DCSD Ordinance Code to the September 14, 2021 Regular Board Meeting.

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

Director Urbelis presented to the Directors a draft letter to the Director of the Calif State Parks in support of Diablo residents request for enhanced safety measures on Mt Diablo Scenic.

On motion of Director Eorio, second by Director Isom, the Board approved the draft letter to the Director of the California State parks without any revisions.

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

General Manager Torru presented the District's FY2021 Financial Report. A copy of the Financial Report is attached as Exhibit A and is available for download on the District's website, [www.diablocsd.org](http://www.diablocsd.org), under the Meetings & Financials Tab.

**ROADS:**

Director Cox reported that the slurry seal project, which involved the resurfacing of Alameda Diablo, Avenida Nueva, Caballo Ranchero Ct., Caballo Ranchero Dr., Calle Arroyo, Calle Los Callados, Casa Nuestra, Club House Rd., El Nido and La Cadena was completed last week. The project was a success overall with just a few minor hiccups that are being addressed this week.

**SECURITY:**

Deputy Buergi reported there were no incidents in July.

Director Becker shared the story of a Caballo Ranchero resident and his grandson who jumped into action when a neighbor’s tree caught fire as the result of a malfunctioning utility pole. The grandson extinguished the fire before the fire department arrived which saved the neighbors’ home. Director Becker asked that the grandson be recognized for his heroic efforts and service to the community. Alicia Nuchols, District Representative for CCC Supervisor Diane Burgis, said the County would provide a certificate honoring the young man.

**CONSENT CALENDAR:**

On motion of Director Eorio, second by Director Becker, the minutes of the June 8, 2021 meeting, were approved.

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

**REPORTS:**

**CONTRA COSTA COUNTY:** Alicia Nuchols, District Representative for CCC Supervisor Diane Burgis, provided the Board with a COVID update; Covid cases and hospitalizations are up in the County with 185 hospital beds currently filled. 80% of the hospitalized COVID patients are unvaccinated. Diablo’s vaccination rate is 90%.

In person meetings will resume October 1, 2021 as the Governor’s Executive Order N-29-20 allowing for teleconferenced meetings expires September 30, 2021.

**DIABLO PROPERTY OWNERS REPORT:** Dana Pingatore, DPOA President, reported that DPOA membership is at a record high with 75% participation this year. New residents are being welcomed on a regular basis and overall the feedback from the community has been very positive.

The DPOA is celebrating back to school with treats in the post office and signs at the entrances. An end of summer outdoor social celebration will be held in September and another Diablo History walk is in the planning stages. The DPOA continues to recognize the long term residents with Penny Adams featured this month in the post office.

The DPOA is working with the surrounding neighborhoods and the County Office of Emergency Services to develop a fire safety and evacuation plan for the Diablo Rd corridor. The first meeting is being held tomorrow night at the Diablo Country Club.

**DIABLO COUNTRY CLUB:** Hank Salvo, Diablo Country Club liaison, reported that the Club is working with an architect to create a scaled back House Project focusing on improvements in the fitness center, childcare, the Red Horse Tavern and the kitchen.

The Club continues to work with the County Central Sanitation District on the water project.

**CALL OF NEXT MEETING/ADJOURNMENT:**

The President called the next meeting for September 14, 2021. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 8:30 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

**Exhibit A**  
 Diablo Community Services District  
 Financial Report  
 June 30, 2021

	July	August	September	October	November	December	January	February	March	April	May	June	Actual YTD	Budget YTD	Act vs Bud Variance
<b>Beginning Cash</b>	988,097	942,365	869,726	831,318	210,837	126,517	524,264	485,127	451,198	387,606	671,287	666,032	988,097	988,097	
<b>Revenue</b>															
Tax Revenue	-	-	-	12,134	-	433,052	-	-	-	312,429	-	49,635	807,250	792,438	14,812
Other Revenue	8	23	7	29	-	2	4	59	51	25	5	5	218	4,000	(3,782)
<b>Total Income</b>	<b>8</b>	<b>23</b>	<b>7</b>	<b>12,163</b>	<b>-</b>	<b>433,054</b>	<b>4</b>	<b>59</b>	<b>51</b>	<b>312,454</b>	<b>5</b>	<b>49,640</b>	<b>807,468</b>	<b>796,438</b>	<b>11,029</b>
<b>Expenses</b>															
Sheriff monthly services	28,720	25,638	23,963	23,649	26,289	26,473	25,342	26,384	25,978	24,086	24,145	25,961	306,628	342,040	(35,412)
Road/bridge/culvert/trail maint.	-	-	-	-	-	-	1,632	1,632	-	236	1,211	-	4,711	48,000	(43,289)
Road/bridge/culvert/trail projects		20,075	1,654	649,442	1,162	2,020			31,096				705,449	785,000	(79,551)
Professional services	10,445	6,564	6,800	7,370	3,711	4,171	4,954	16,729	4,448	3,959	3,940	4,021	77,112	105,950	(28,838)
Insurance	41,087	(107)	-	-	-	-	7,981	-	-	-	-	-	48,961	20,000	28,961
Administrative	391	587	21	21	21	1,936	556	-	300	91	66	134	4,124	6,890	(2,766)
<b>Total Expenses</b>	<b>80,643</b>	<b>52,757</b>	<b>32,438</b>	<b>680,482</b>	<b>31,183</b>	<b>34,600</b>	<b>40,465</b>	<b>44,745</b>	<b>61,822</b>	<b>28,372</b>	<b>29,362</b>	<b>30,116</b>	<b>1,146,984</b>	<b>1,307,880</b>	<b>(160,895)</b>
Incr/(decr) in cash*	(80,635)	(52,734)	(32,431)	(668,319)	(31,183)	398,454	(40,461)	(44,686)	(61,771)	284,082	(29,357)	19,524	(339,517)	(511,441)	171,925
Incr/(decr) in payable/prepaid	34,903	(19,905)	(5,977)	47,838	(53,137)	(707)	1,324	10,757	(1,821)	(401)	24,102	(39,034)	(2,058)		
<b>Ending Cash</b>	<b>942,365</b>	<b>869,726</b>	<b>831,318</b>	<b>210,837</b>	<b>126,517</b>	<b>524,264</b>	<b>485,127</b>	<b>451,198</b>	<b>387,606</b>	<b>671,287</b>	<b>666,032</b>	<b>646,522</b>	<b>646,522</b>	<b>476,656</b>	
<b>Other Financial Data</b>															
Prepaid/Deposit	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	-	-	-	41,015			
Sheriff cruiser asset, net***	10,787	10,032	9,277	8,563	7,850	7,136	6,422	5,709	4,995	-	-	-			
Depreciation/asset loss expense***	755	755	755	714	714	714	714	714	714	4,995	-	(150)	11,394	8,688	
Reserves (bridge/culvert)**	546,748	551,748	556,748	561,748	566,748	604,105	609,105	614,105	559,272	564,272	569,272	574,272			
Accounts payable	63,078	43,172	37,195	85,033	31,893	31,186	32,510	43,267	31,448	31,050	53,606	56,982			

\* 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