

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING AGENDA¹
TELECONFERENCE VIA THE APPLICATION ZOOM
TUESDAY, AUGUST 10, 2021 7:30 P.M.**

MEETING PROCEDURE

Under the Governor's Executive Order N-29-20 issued March 19, 2020, the Diablo Community Services District is using teleconferencing for meetings. All members of the public seeking to observe and/or address the Board may participate in the meeting in the manner described below. This meeting can be viewed using the Zoom platform:

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

MEETING ID: **468 044 9859**

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

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

CALL TO ORDER: **President: Kathy Urbelis**

ROLL CALL: **Secretary: Jeff Eorio**

Urbelis, Becker, Eorio, Isom, Cox

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

1. BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE: Director Urbelis

- a) Introduce and waive the first reading of the updated *DCSD Ordinance Code*. See Attachments A and B to this agenda for the draft Code and accompanying staff report. 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.
- b) Discuss and approve letter to Director of California State Parks in support of Diablo residents' request for enhanced safety measures on Mt Diablo Scenic Blvd. See Attachment C to this agenda.

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

- c) Presentation of FY2021 Financial Report. See Attachment D to this agenda.

ROADS: Director Cox & General Manager
a) Recap of road resurfacing project.

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

2. CONSENT CALENDAR:

- a) Approve the minutes of the June 8, 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. CALL OF NEXT MEETING & ADJOURNMENT:

The next DCSD Regular Board meeting is scheduled for September 14, 2021 at 7:30 p.m. via Zoom.

Beginning October 1st all DCSD meetings will be held in person in the Diablo Room of the Diablo Country Club.

Diablo Community Services District by

Kathy Torru, General Manager
generalmanager@diablocsd.org

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

Attachment A

STAFF REPORT

DATE: August 10, 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.

II. Background

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.

During this time, the District 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.

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.

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
- Includes the recently-adopted bidding and procurement procedures
- Re-numbered and re-organized chapters/provisions for ease of use and reference

IV. 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.

V. 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.



Attachment B

**ORDINANCE CODE
OF THE
DIABLO COMMUNITY SERVICES DISTRICT**

AMENDED AND RESTATED SEPTEMBER, 2021

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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:

- **Alameda Diablo 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, which is located immediately south of 2084 Alameda Diablo.

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 roads within Diablo are owned by the adjacent property owners to the middle of the road. 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; damage 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 as required by law at a time and place established by resolution.

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 District, 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.

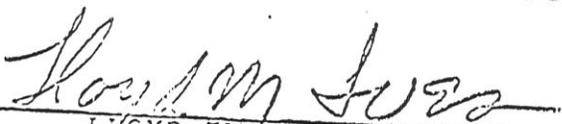
Consequently, the main function of said Diablo Public Utility District is to maintain said roads within their boundaries.

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

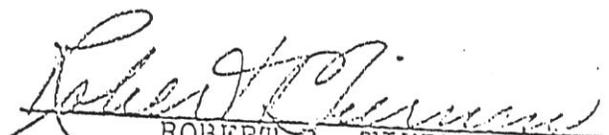

ROBERT P. TIERNAN

EXHIBIT "B"

DIABLO PUBLIC UTILITY DISTRICT REORGANIZATION

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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 $73^{\circ} 05' 30''$
23 West, 323.89 feet; South $20^{\circ} 39'$ West, 811.40 feet; South $30^{\circ} 31'$ 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 $12^{\circ} 34' 45''$ 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.

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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 ⁽¹⁾
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)

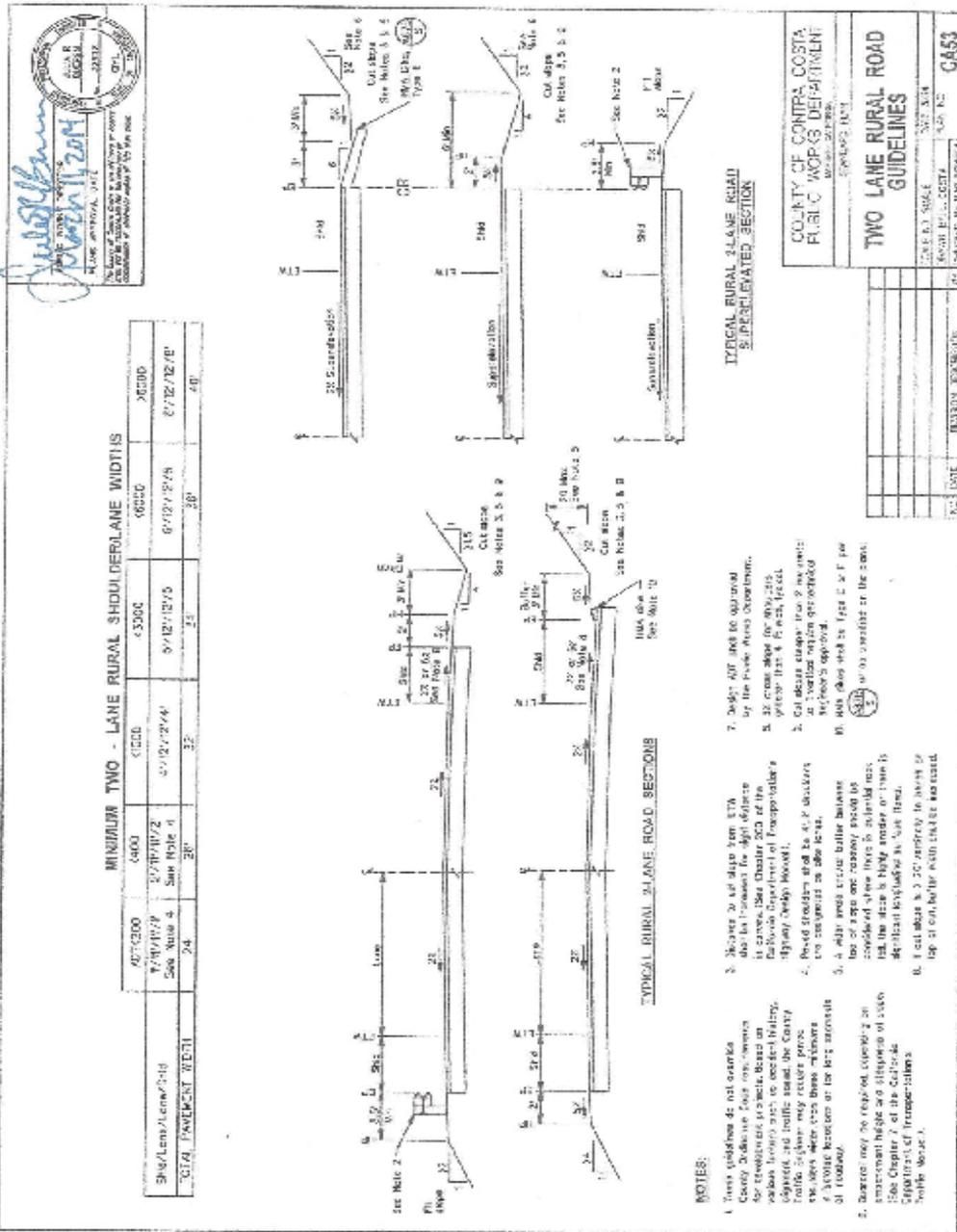
Below is the list of culverts maintained and repaired by the DCSD. DCSD's responsibility to maintain and repair the culverts identified below extends only to those segments of culverts that lie directly beneath the asphalt portion of the road. Maintenance and repair of all other culverts and/or culvert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

Exhibit D

EXHIBIT A

STD. PLAN CA53



Attachment C

DRAFT

August 10, 2021

Armando Quintero
Director, California State Parks
PO Box 942896
Sacramento, CA 94296

Subject: Mt Diablo Scenic Blvd, access to Mt. Diablo State Park from the south

Dear Mr. Quintero:

The Diablo Community Services District is a California Special District that provides road maintenance and security to the community of Diablo. Although a number of District residents live on Mt. Diablo Scenic, which is the southern access road to Mt. Diablo State Park, our District does not have responsibility for that road. The Park was granted an easement over the road in 1931 and is legally obligated to maintain it in a manner safe for use.

Our Board of Directors has received comments from both District residents and other community members regarding dangerous conditions on the ½-mile section of the road that is being referred to as "the danger zone" because it is extremely narrow and twisting, containing blind curves where the road ascends and descends.

In April, you received a letter from some of our residents living on Mt. Diablo Scenic, along with others, requesting that California State Parks take a hard look at the usage problems given there was a fatal bicycle-vehicle collision in 2019 and that usage by both cyclists and motor vehicles continues to increase. An article reiterating the dangers of the road also appeared in the *Contra Costa Times*.

Our Board supports the positions taken by our residents and the community and requests that you prioritize evaluation of the conditions of this dangerous section of road along with the vehicular and cyclist traffic to determine what improvements can and must be made to safeguard all users of Mt. Diablo Scenic. We would also welcome feedback from California State Parks as to actions that are planned.

Sincerely,

Kathy Urbelis
President, DCSD Board of Directors

Attachment D
 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
Beginning Cash	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	
Revenue															
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)
Total Income	8	23	7	12,163	-	433,054	4	59	51	312,454	5	49,640	807,468	796,438	11,029
Expenses															
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)
Total Expenses	80,643	52,757	32,438	680,482	31,183	34,600	40,465	44,745	61,822	28,372	29,362	30,116	1,146,984	1,307,880	(160,895)
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)		
Ending Cash	942,365	869,726	831,318	210,837	126,517	524,264	485,127	451,198	387,606	671,287	666,032	646,522	646,522	476,656	
Other Financial Data															
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

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
JUNE 8, 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 Scenic neighbors, to engage the CHP, local officials and 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 requested that the DCSD Board support these efforts to encourage CA State Parks and Recreation to take action.

Ray Brant expressed concern that an outside group is attempting to influence the results of the litigation between Winston Cervantes and Jeff Mini et al regarding the Alameda Diablo-Mt Diablo Scenic cut through. Ray feels that this interference could potentially result in a 25-foot-wide cut through which would encourage bicyclist use, clog our streets, and increase pedestrian/bicycle/vehicle accidents, all of which would be extremely negative for the community.

BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE:

General Manager Torru reported that one change was made to the FY2021-2022 Draft Budget reviewed by the Board at the May 11th Meeting. The change was the addition of an \$10,000 administrative expense in Q3 to hire a third-party contractor to organize and digitalize the District's records.

On motion by Director Eorio, second by Director Isom, the Board adopted Resolution No. 2021-04 (Exhibit A), approval of the fiscal year 2021-2022 Budget.

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

ROADS:

Director Cox reported that the roads seal coat project will occur on Tuesday August 3rd and Wednesday August 4th. The work will be performed by Dryco Construction Inc and impact the following roads: 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.

A public outreach campaign will take place in July to notify residents of the road work and the traffic impact.

SECURITY:

Deputy Buergi reported that there was an identity theft or a resident in May and warned residents not to click on any links they aren't familiar with.

Director Isom expressed concern about the number of cars parked on the side of upper Alameda Diablo and Diablo Lakes by non-residents accessing Mt Diablo State Park and the safety and security issues it creates.

General Counsel:

General Counsel Christie Crowl reported that the relaxed Brown Act standards authorized under the Governor's Executive Order N-29-20 issued in March 2020, which allowed for teleconferenced Board meetings, will most likely be amended once the State opens up on June 15, 2021. No guidance has been received from the Governor's office as of yet.

CONSENT CALENDAR:

May Minutes

Director Eorio requested that the May 11, 2021 DCSD Minutes be amended to reflect the reason for his No vote on the maintenance contract with Dryco Construction Inc. Director Eorio voted No because he believes that the inclusion of Calle Arroyo, a road ruled private by the courts, in the District's seal coat (road maintenance) project violates the LAFCO subject to public right of way clause and the State Constitution.

On motion of Director Eorio, second by Director Urbelis, the minutes of the May 11, 2021 meeting, as amended, were approved.

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

REPORTS:

CONTRA COSTA COUNTY: None

DIABLO PROPERTY OWNERS REPORT: None

DIABLO COUNTRY CLUB: None

CALL OF NEXT MEETING/ADJOURNMENT:

The President called the next meeting for August 10, 2021. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 8:10 p.m.

Diablo Community Services District by
Kathy Torru, General Manager

*Director Becker entered the meeting during the presentation of the Security Report.

Exhibit A

RESOLUTION NO. 2021-04

**RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT
APPROVING THE FISCAL YEAR 2021-22 BUDGET**

WHEREAS, The Diablo Community Services District (District) on May 20, 2021 caused to be published in the News Register of Contra Costa County, a newspaper of general circulation, a notice that the General Manager had prepared a proposed final budget for fiscal year 2021-2022, which was available for inspection, and that a public meeting would be held on June 8, 2021 at 7:30 p.m. via Zoom at which time any person could appear and be heard regarding any item in the budget or regarding the addition of any other items, and;

WHEREAS, this District did hold a public meeting on June 8, 2021 at 7:30 p.m. at which time any person could appear and be heard regarding any item in the fiscal year 2021-2022 budget or regarding the addition of any other items;

NOW THEREFORE BE IT RESOLVED, that the District Board of Directors adopts the instrument attached as its final budget for fiscal year 2021-2022.

BE IT FURTHER RESOLVED, that a copy of the final budget of the District be forwarded to the Auditor of Contra Costa County.

Effective Date. This Resolution shall take effect on and after its adoption.

* * * * *

The foregoing Resolution was passed, approved and adopted by the Board of Directors of the Diablo Community Services District this 8th day of June, 2021 by the following votes:

AYES: Urbelis, Eorio, Isom, Cox

NOES:

ABSENT: Becker

ABSTAIN:

Kathy Urbelis, President of the Board

Attest:

Katharine Torru

Kathy Torru, General Manager