

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING AGENDA¹
TELECONFERENCE VIA THE APPLICATION ZOOM
TUESDAY, SEPTEMBER 13, 2022, 7:30 P.M.**

MEETING PROCEDURE

Pursuant to California Assembly Bill 361, the Diablo Community Services District is authorized to hold public meetings remotely and to make those meetings accessible to all members of the public seeking to observe and to address the Board by remote means. 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**

Directors: **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) President Urbelis to present a records retention policy for discussion. Staff report and policy are attached as Exhibit A
- b) GM to present the 2021-22 fiscal year-end Financial Report. Attached as Exhibit B

ROADS: Director Cox

SECURITY: Deputy Sheriff Buergi

- a) Present security report for June (post-meeting) to date.

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

2. **CONSENT CALENDAR:**

- a) Approve the minutes of the June 14, 2022, Regular Meeting.
- b) Authorize remote teleconference meetings of the Board of Directors, originally authorized at the January 11, 2022, Meeting under Resolution 2022-01, to October 12, 2022.

3. **REPORTS:**

CONTRA COSTA COUNTY:	Cameron Collins
DIABLO PROPERTY OWNERS ASSOC:	Dana Pingatore
DIABLO COUNTRY CLUB:	Hank Salvo

4. **DIRECTOR COMMENTS:**

5. **FUTURE AGENDA ITEM ANNOUNCEMENT:**

President Urbelis to present a records retention policy for adoption at the October 11 meeting.

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

The next DCSD Regular Board meeting is scheduled for October 11, 2022, at 7:30 p.m. via Zoom.

Diablo Community Services District by
Kathy Torru, General Manager
generalmanager@diablocsd.org

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

EXHIBIT A
STAFF REPORT

DATE: September 13, 2022
TO: DCSD Board Members
FROM: Kathy Torru, General Manager
RE: Records retention policy

Background

The Diablo Community Services District (District) generates and receives records in paper and digital format in its normal course of business. To provide for the identification, maintenance, and safeguarding of these records and the destruction of obsolete records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements the District Board of Directors is studying the adoption of a records retention resolution, policy, and schedule.

At its June meeting the District introduced and briefly discussed the preparation of a records retention policy to be considered by the Board of Directors for adoption. Directors Urbelis and Eorio, with input from the General Manager and General Counsel, have prepared such a policy.

Below are a sampling of the general guidelines the District will follow to establish a records retention policy. In forming the policy, these will be carefully evaluated and reviewed with counsel, and specific guidelines will be added to ensure clarity.

Draft Policy

The District's draft policy and retention schedule are attached for your consideration. Consistent with applicable law, the policy and schedule generally provide that the District will retain records as follows:

- Records relating to the formation, change of organization, or reorganization of the district.
- Ordinances unless they have been repealed or have become invalid or otherwise unenforceable for five years.
- Minutes of any meeting of the district.
- Records relating to any pending claim, litigation, any settlement or other disposition of litigation within the past two years.
- Records that are the subject of any pending request for records under the California Public Records Act, whether or not the record is exempt from disclosure, until the request has been granted or two years after the request has been denied by the district.
- Records relating to any pending construction that the district has not accepted or for which a stop notice claim may be legally presented.

- Records relating to any non-discharged debt of the district.
- Records relating to the title to real property in which the district has an interest.
- Records relating to any non-discharged contract to which the district is a party.
- Records that have not fulfilled the administrative, fiscal, or legal purpose for which they were created or received.
- Unaccepted bids or proposals, which are less than two years old, for construction of any building, structure, or other public work.
- Records less than seven years old that specify any compensation paid to employees or independent contractors providing personal or professional services to the district, or that relate to expense reimbursement to district officers or employees or to the use of district paid credit cards or any travel compensation mechanism.

The schedule attached to the policy provides timelines for destruction of other records.

Recommendation

Staff recommends that the Board discuss the draft records retention policy and schedule. Staff will return with the policy for adoption at the October meeting.

Diablo Community Services District Records Retention and Destruction Policy

Purpose

The purpose of this policy is to establish guidelines regarding the retention of records by the Diablo Community Services District (DCSD); provide for the identification, maintenance, and safeguarding of its records and the destruction of obsolete records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements. This policy is subject to periodic review to ensure that records associated with new or changed work by the DCSD are properly retained/destroyed.

General Guidelines

The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers, and documents that meet the qualifications governing the retention and disposal of records, specified in the Records Retention Schedule (Attachment A). The General Manager is also responsible for working with Directors to properly dispose of their records as required by this policy.

The following general guidelines apply to all district records:

1. Pursuant to the resolution adopted by the Board of Directors, except where a record is expressly required to be preserved according to state law, the district may destroy any document without retaining a copy of the document as long as the retention and destruction of the document complies with the Records Retention Schedule as set forth in this policy (Government Code Section [60201](#)).
2. In addition to the retention periods required under this policy, the district shall retain original administrative, legal, fiscal and/or historical records with continued value (i.e.,

records for long-term transactions and/or special projects) until all matters pertaining to such records are completely resolved or the time for appeals has expired.

(Government Code Sections [14755\(a\)](#) and [34090.](#))

3. Pursuant to Government Code Section [60201](#), the district shall not destroy any of the following records:

- Records relating to the formation, change of organization, or reorganization of the district.
- Ordinances unless they have been repealed or have become invalid or otherwise unenforceable for five years.
- Minutes of any meeting of the district.
- Records relating to any pending claim, litigation, any settlement or other disposition of litigation within the past two years.
- Records that are the subject of any pending request for records under the California Public Records Act, whether or not the record is exempt from disclosure, until the request has been granted or two years after the request has been denied by the district.
- Records relating to any pending construction that the district has not accepted or for which a stop notice claim may be legally presented.
- Records relating to any non-discharged debt of the district.
- Records relating to the title to real property in which the district has an interest.
- Records relating to any non-discharged contract to which the district is a party.
- Records that have not fulfilled the administrative, fiscal, or legal purpose for which they were created or received.
- Unaccepted bids or proposals, which are less than two years old, for construction of any building, structure, or other public work.
- Records less than seven years old that specify any compensation paid to employees or independent contractors providing personal or professional services to the district, or that relate to expense reimbursement to district officers or employees or to the use of district paid credit cards or any travel compensation mechanism.

Specific Guidelines

At any time, the district may destroy rough drafts, notes, or working papers (except for audits) that are not retained by the district in the ordinary course of business, including temporary or transitory documents (e.g., planning tools, schedules). Duplicate records, papers, and documents may also be destroyed at any time.

In no instance are records, papers, or documents to be destroyed where there is a continuing need for such records due to pending litigation, needs of special projects, etc.

In addition to any required legal retention period, the district shall not authorize the destruction of any record subject to audit until it has been determined that the audit has been performed. (Government Code Sections [14755\(b\)](#) and [34090.](#))

Destruction Process

A general schedule shall be established for the review and destruction of records being retained to determine whether any have reached or passed their destruction date; e.g., every six months, annually. The General Manager shall prepare a list of records to be destroyed and request formal destruction approval from the Board's President or Vice President. These destruction approval forms will become a district record and have an appropriate retention/destruction schedule.

Paper records will be destroyed by shredding. Digital records will be destroyed through a formal deletion process.

Records Management

Record media can take many forms: paper; digital, such as contracts, correspondence, certain email determined to be a record; video of meetings; etc. Except where required by law, the district will retain its records in digital form. This includes all meeting minutes, budget and accounting information, contracts, correspondence, legal documents, etc.

Records will be stored in a secure cloud space, organized for easy access for those who need to do so. Backup will be created to ensure against loss. Backups of records will be

created/destroyed according to the rules identified in the Records Retention Schedule. The methods used for record storage shall be reviewed from time-to-time as technology advances.

Email is generally not considered a record since it is a sharing of information rather than official documentation of a work product/action/decision. The Records Retention Schedule provides the details on how email will be addressed by the district.

Directors leaving the Board and contractors completing work for the district are required to turn over any official records or copies of records that they have retained and sign a formal statement that they no longer have access to Board records. These records will be destroyed according to record retention rules.

Records Retention Schedule

The "Records Retention Schedule" is incorporated into this policy as Attachment A. This policy and the Records Retention Schedule comply with the records retention guidelines provided by the California Secretary of State.

Attachment A Records Retention Schedule

The following table defines DCSD's rules, by record type, for compliance with all California local government records retention laws as well as its own District objectives.

Record	Retention Period
FORMATION, LEGAL, GENERAL ADMINISTRATION	
Organizational Documents: Formation documents and other historical records related to district formation	Permanent
Litigated/settled claims	Permanent
Auditors' reports: a) audits by independent accountants/auditors b) audit work papers	a) Permanent b) 2 years after the date of the audit report
Reports to State and County agencies, for example: CA Annual Financial Transaction Report	7 years
District Bylaws	Permanent, until modified or replaced
Board of Directors Meetings: official minutes and meeting attachments such as staff reports, financial statements, etc.	Permanent
Board of Directors Meetings: agendas and notices	Until replaced
Resolutions and policies	Permanent, until modified or replaced
Ordinance Code	Permanent, until modified or replaced
Oaths of Office and Statements of Economic Interest (Form 700 reports)	2 years after term or service ends
Records destruction approval forms	2 years
Digital backups of records: one is created in separate cloud space after each scheduled destruction process.	When replaced
Website content	Permanent, until modified or replaced
Email	1 year
Correspondence: formal e.g., regarding district policy, practices, requirements, contracts, etc.	2 years or until subject matter is closed
Deeds, Easements	Permanent
Third party contracts: e.g., external auditors and general consulting contracts; e.g., staff, legal	Until replaced or closed + 1 year
INFORMATION TECHNOLOGY	
Software contracts for website, email, accounting system, etc.	Until replaced or 5 years after expiration
FINANCE	
General Accounting Records	
General ledger and general journal	7 years
Trial balances	7 years
Annual Budget including forecasts of all future incomes, receipt, and expenditures	7 years
Annual Financial Statements (internal)	7 years
Accounts Payable	
Accounts Payable ledgers	7 years
Accounts Payable records	7 years

Bank statements and reconciliations	7 years
Cash Receipts and Deposits	7 years
Accounts Payable expense reports	7 years
Vendor invoices and payment records; expense reimbursements to District officers and independent contractors	7 years
Purchase records/invoices	7 years
Revenue	
Tax receipts (ad valorem and special tax)	7 years after expiration
Miscellaneous receipts, including traffic tickets	7 years
Assessment Rolls	7 years
Special Tax establishment records: proposal, vote, final action statement	Permanent
Insurance	
Insurance records:	
(a) Records of insurance policies, showing coverage, premiums paid, and expiration dates	15 years
(b) Records of amounts recovered from insurance companies in connection with losses and of claims against insurance companies, including reports of losses, and supporting papers	7 years
(c) Correspondence	Current fiscal year plus 5 years
(d) Renewal applications	Current fiscal year plus 2 years
Insurance certificates	10 years
ROAD AND BRIDGE MAINTENANCE	
Third party contracts, including amendments and clarifications: road grind and pave, slurry seal, general maintenance projects; bridge maintenance projects; culvert maintenance projects	10 years after the expiration or project closure, or until the conclusion of any contract disputes pertaining to such contracts, whichever is later.
Storm Patrol	Until replaced
RFPs: successful and unsuccessful	2 years or until project is closed
Road Summary Report (internal)	7 years after project is closed
Studies/reports authorized by the District: e.g., hydrology, bridge assessment, road or culvert assessment	10 years, or until replaced or the information is termed obsolete
SECURITY	
Sheriff's Department: personnel contract	2 years after replaced or closed
Sheriff's Department: equipment leases/contracts, e.g., sheriff's vehicle, PC, cell phone, guns	7 years after contract/lease expires
Security Summary Reports (internal)	15 years, rolling
Security Report (external)	2 years

Exhibit B
Diablo Community Services District
Financial Report
June 30, 2022

	July	August	September	October	November	December	January	February	March	April	May	June	Actual YTD	Budget YTD
Beginning Cash	646,522	614,747	588,199	529,504	506,074	360,308	771,885	735,495	695,487	661,988	586,421	522,408	646,522	646,522
Revenue														
Tax Revenue	-	-	-	10,982	-	447,994	-	-	-	323,492	-	57,924	840,392	818,450
Other Revenue	5	7,034	4	3	479	207	6	5	5	196	4	4	7,952	2,500
Total Income	5	7,034	4	10,985	479	448,201	6	5	5	323,688	4	57,928	848,344	820,950
Expenses														
Sheriff services*	29,377	29,070	31,667	29,626	31,848	28,039	28,367	28,069	28,241	29,723	28,066	27,219	349,312	349,685
Road/bridge/culvert/trail	-	127,008	1,260	2,880	1,728	1,728	5,530	3,625	34,521	352,428	-	-	530,708	150,000
Professional services	6,276	12,722	4,085	2,790	5,270	2,822	4,648	2,866	14,020	5,994	2,692	4,200	68,384	87,965
Insurance	41,015	-	-	-	-	-	-	-	-	-	-	-	41,015	41,087
Administrative	1,759	(16)	-	-	-	-	443	-	-	-	-	166	2,352	14,860
Total Expenses	78,427	168,784	37,012	35,296	38,846	32,589	38,988	34,560	76,782	388,145	30,758	31,585	991,771	643,597
Net Income	(78,422)	(161,750)	(37,008)	(24,311)	(38,367)	415,612	(38,982)	(34,555)	(76,777)	(64,457)	(30,754)	26,343	(143,427)	177,353
Incr/(decr) in payable/prepaid	46,647	135,202	(21,687)	881	(107,399)	(4,035)	2,592	(5,453)	43,278	(11,110)	(33,260)	(41,219)	4,437	
Ending Cash	614,747	588,199	529,504	506,074	360,308	771,885	735,495	695,487	661,988	586,421	522,408	467,143	467,143	823,875
Other Financial Data														
Prepaid/Deposit	-	-	-	-	-	-	-	-	-	-	-	40,389		
Reserves (bridge/culvert)*	579,272	584,272	589,272	594,272	599,272	637,600	642,600	647,600	652,600	657,600	662,600	667,600		
Accounts payable	62,975	208,777	187,090	187,971	80,571	76,536	79,125	73,673	116,951	75,926	72,747	71,751		
Accrued Exp	10,600	-	-	-	-	-	-	-	-	-	-	-		

Notes

- a - 7k monument survey reimbursement from County
- b - Grind and Pave of Upper AD for 350k and 34k Club House culvert repair.
- c - 15k less on legal and 3k less on accountant
- d - 10k records retention budget not spent, and no holiday party of 2.7k
- e - FY 2023 insurance premium

* reserves are unfunded

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
JUNE 14, 2022, 7:30 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 7:30 p.m.

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

ROLL CALL: Secretary Jeff Eorio called the roll as follows:

Directors present: Urbelis, Becker, Eorio, Cox
Directors absent: Isom

PUBLIC COMMENTS: None

BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE:

General Manager Torru presented the 2022-23 Budget and Resolution 2022-03, approving the 2022-23 Budget.

On motion by Director Eorio, second by Director Cox, the Directors in attendance unanimously adopted Resolution 2022-03, approving the 2022-23 Budget.

General Manager Torru presented the Specifications of Election Order, Resolution 2022-04, ordering the November 8, 2022, General Election of DCSD Directors, Becker, Eorio and Isom seats.

On motion by Director Eorio, second by Director Becker, the Directors in attendance unanimously adopted Resolution 2022-04, ordering specifications for the November 8, 2022, General Election.

President Urbelis introduced for discussion the development of a records retention policy for the purpose of identifying, maintaining and safeguarding the District's records. The District will be guided by State record retention requirements and General Counsel in the development of a policy. A draft policy will be presented to the Board for discussion at a future regular meeting.

SECURITY:

Deputy Buergi reported that there were a few minor incidents last month, including a lost/stolen child's bike and a domestic issue. Stop sign compliance and licensed golf cart driver compliance continue to be an issue that Deputy Buergi is focused on.

CONSENT CALENDAR:

On motion of Director Eorio, second by Director Becker, the Directors in attendance unanimously approved the consent calendar.

REPORTS:

CONTRA COSTA COUNTY: None

DIABLO PROPERTY OWNERS REPORT: None

DIABLO COUNTRY CLUB: Hank Salvo, DCC liaison, reported that the Club repaved the upper parking lot and is working on landscaping the surrounding areas. Director Eorio asked Mr. Salvo to investigate the status of the handicap parking spots at the post office and the impact of the new parallel parking spots on the ability of residents to access the post office parking lot with ease.

DIRECTOR COMMENTS:

General Counsel Christie Crowl informed the Board that the Contra Costa County Board of Supervisors in May 2022 adopted a policy that requires all agencies that hold in person meetings to provide remote access. Since the District does not have the technology to hold a live and remote meeting simultaneously all Board meetings will be held via Zoom until the County changes its meetings requirement.

President Urbelis reminded those in attendance that there will not be a July Regular Board meeting. The next Regular Board meeting will be August 9, 2022, at 7:30 p.m. via Zoom.

FUTURE AGENDA ITEMS: None

CALL OF NEXT MEETING/ADJOURNMENT:

The President called the next meeting for August 9, 2022. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 7:55 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

**DIABLO MUNICIPAL ADVISORY COUNCIL
REGULAR MEETING AGENDA¹
TELECONFERENCE VIA THE APPLICATION ZOOM
TUESDAY, SEPTEMBER 13, 2022, 7:35 P.M.
(IMMEDIATELY FOLLOWING DCSD MEETING)**

MEETING PROCEDURE

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

ROLL CALL: **Secretary: Jeff Eorio**

Directors: 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. ADMINISTRATIVE COMMUNICATION AND ACTIONS: None

2. LAND USE COMMUNICATION AND ACTIONS:

GM Torru to present for Board consideration land use-setback language addition to the Contra Costa County Building Code and Ordinances, where no language currently exists.

No fence, retaining wall, or similar structure may be established within three feet of any private road measured from the edge of the road established by use. Existing fences and structures will be grandfathered.

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

3. **CONSENT CALENDAR**

- a) Approve the minutes of the June 14, 2022, Regular Meeting.
- b) Authorize remote teleconference meetings of the Board of Directors, originally authorized at the January 11, 2022, Meeting under Resolution 2022-01, for another 30 days.

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

The next DMAC Regular Board meeting is scheduled for October 11, 2022, at 7:30 p.m. via Zoom.

Diablo Municipal Advisory Council by,

Kathy Torru, General Manager
generalmanager@diablocsd.org

DMAC Board Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to 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 generalmanager@diablocsd.org. Notification in advance of the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Public records that relate to any item on the open session agenda are available for public inspection by contacting the General Manager and on the District's website <http://diablocsd.org>.

**DIABLO MUNICIPAL ADVISORY COUNCIL
BOARD OF DIRECTORS
MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
JUNE 14, 2022, 7:30 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 7:55 p.m.

Director Urbelis welcomed Directors and the public and explained the rules for public comment.

ROLL CALL: Secretary Jeff Eorio called the roll as follows:

Directors present: Urbelis, Becker, Eorio, Cox

Directors absent: Isom

PUBLIC COMMENTS: None

ADMINISTRATIVE COMMUNICATION AND ACTIONS: None

LAND USE COMMUNICATION AND ACTIONS:

President Urbelis presented the proposed language to be added to the Contra Costa County Building Codes and Ordinances as a Diablo overlay.

No fence, retaining wall, or similar structure may be established or maintained within three feet of any private road measured from the edge of the easement line of the private road or, if there is no recorded easement, from the edge of the private road established by use.

The proposed Diablo overlay applies only to new projects and would have no impact on existing structures. Landscape vegetation and materials are excluded.

The Board continued the discussion until the August 9 meeting and instructed the General Manager to notify Diablo residents via email of the proposed County Building Code and Ordinance overlay.

CONSENT CALENDAR:

On motion of Director Eorio, second by Director Becker, the Directors in attendance unanimously approved the consent calendar.

CALL OF NEXT MEETING/ADJOURNMENT:

The President called the next meeting for August 9, 2022. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 8:15 p.m.

Diablo Community Services District by,

Kathy Torru, General Manager