

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
OCTOBER 11, 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, Isom
Directors absent: Cox

PUBLIC COMMENTS:

Dave Hammond, Exhibit A

Nicola Place, Exhibit B

David Mackesey, Exhibit C

Ray Brant, Diablo resident, expressed support for Dave Mackesey's comments.

Hal Siebert, Diablo resident and attorney representing resident W. Cervantes, stated that the Alameda Diablo-Mt Diablo Scenic Blvd easement (the cut through) was established in the late 1970s by the County and allows for pedestrians and riders only.

BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE:

General Manager Torru presented for Director approval the meeting calendar for 2023: The second Tuesday of the month at 7:30 pm except for July and December when there is no meeting. On motion by Director Eorio and second by Director Urbelis the 2023 meeting calendar was unanimously approved by the Directors in attendance.

General Manager Torru presented for first reading the Conflict of Interest Ordinance Code 2022-01. On motion by Director Eorio and second by Director Becker and unanimously approved by the Directors in attendance the Board waived the first reading of Ordinance Code 2022-01 and introduced the ordinance by title only. Director Becker requested that he be provided a copy of the Conflict of Interest Code currently in force before the November meeting.

SECURITY:

Deputy Buergi reported that there were no incidents reported in September.

CONSENT CALENDAR:

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

REPORTS:

CONTRA COSTA COUNTY: No report

DIABLO PROPERTY OWNERS REPORT: Dana Pingatore, DPOA President, reported that the DPOA is working on the Halloween social which will be held at the Jones' home on Alameda Diablo on October 31 from 6-8 pm.

DIABLO COUNTRY CLUB: The Club House Project is scheduled to begin construction in January 2023.

DIRECTOR COMMENTS:

Directors Becker and Isom expressed disappointment with the email sent out to residents on September 22, 2022, by the General Manager on behalf of the District. Director Isom requested that in the future the full Board be consulted on all-resident emails.

Director Becker requested that the Records Retention Policy be included on the November 8, 2022, meeting agenda and requested that all records in the District's possession be digitized and preserved.

FUTURE AGENDA ITEMS:

President Urbelis plans to present a records retention policy for discussion and adoption at the November 8, 2022, meeting.

CALL OF NEXT MEETING/ADJOURNMENT:

President Urbelis called the next meeting for November 8, 2022. The meeting will be conducted via Zoom. There being no further business, the meeting was adjourned the at 8:05 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

Exhibit A

From: Dave Hammond dhammond125@live.com
Subject: Tonight's meeting
Date: October 11, 2022 at 10:01 AM
To: DCSD General Manager generalmanager@diablocsd.org



Kathy,

I understand I can submit a short public comment for reading at tonight's meeting. If so then please accept the following:

My name is Dave Hammond and I am personally funding the legal effort to protect the public's rights regarding the dedicated riding and hiking easement at 2354 Alameda Diablo, also called the "cut through" by the Intervenor. I have spent over \$200,000 on this effort because the public has every right to use this easement as it has for over 100 years. The courts have not yet set a trial date but we fully expect to win this legal case and protect the 8-10 foot graveled path between Alameda Diablo and Mt Diablo Scenic Blvd.

I understand there is a Board election next month and a slate of candidates are spreading all manner of misinformation. Just know that I am available to address the Board or answer any questions that might allow Diablo residents to be better informed ahead of their votes.

Thank you very much,

Dave Hammond
Alamo, CA

Former Stonegate Homeowners Association President
10 year Land Committee Member Save Mt Diablo

Exhibit B

DCSD Meeting 10.11.22

Remarks for the Public Comments section

Good evening. My name is Nicola Place and I live on Mt. Diablo Scenic Blvd.

Those of you who have heard me speak at many DCSD meetings since 1998 know that my only topic of concern is SAFETY.

And a resident of Mt. Diablo Scenic, one of our most treasured safety resources is the pedestrian pathway between Mt. Diablo Scenic and Alameda Diablo.

This path allows us to walk down to the post office, take a morning jog on a quiet and safe street, take a shady stroll on a hot summer's evening, walk our dogs, and even ride bicycles away from the significant hazards found on Diablo Road.

One of the other Diablo residents who shares this concern and has supported safety efforts for even more years than I have is Jeff Eorio.

It pains me to hear the false accusations being made about Jeff and it pains me almost as much to hear the false representations about a "4th vehicular entrance" into Diablo.

I was raised by a scientist, and I was taught to get the evidence and respect the facts. The facts are:

1. The lawsuit about the path pertains exclusively to keeping it open for pedestrians, equestrians, and bicyclists – not for vehicles.
2. Jeff, while committed to safety for all Diablo residents, has not contributed a dime to that lawsuit.

If you believe otherwise, provide the evidence. Otherwise, please stop promulgating these outright misrepresentations.

And in the interest of safety, please stop any and all efforts to close the path. I pay my full DCSD fees each year, for which I receive no benefit (because DCSD does not maintain Mt. Diablo Scenic) so I would appreciate at least the value, safety and security that this path provides to all Scenic residents.

I will forward a written copy of these remarks to the board and ask that they please be incorporated into the DCSD records.

Thank you,

Nicola Place

Exhibit C

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

From: **David M** <dmackesey@gmail.com>

Date: Tue, Oct 11, 2022 at 8:35 PM

Subject: My comments in written form. DCSD meeting, October 11, 2022

First, please know I will again provide my comments in writing to all attendees of this meeting.

I want to thank you for highlighting the issue of Conflict of Interest and the DCSD. Nothing is more important to the voters I have personally spoken with than the understanding of Conflict of Interest, and the DCSD. I would like to share that the incumbent seeking re-election is known to be a top leader of an outside bicycle organization, and while I have no issue with that, I believe that is an obvious conflict of interest. I suspect I will agree with the District that this Conflict of Interest likely has not risen to the level of a legal Conflict of Interest, that I am aware of. Not a legal Conflict of Interest, merely an obvious Conflict of Interest.

I would also like to share that the most recent communication by the District to the citizens dated September 22 titled DIABLO ENTRANCES & DCSD ELECTION was deeply troubling to me as a citizen. The issue of a 25' easement to Diablo is currently in the courts. My experience with the courts is that they are unpredictable at best. The DCSD communication predicted an unknown future State Court ruling, with absolute certainty. The communication then used exclamation points, capital letters and bold font, communication tools typically used to make emotional pleas with bias, rather than to inform. It appeared to me the communication used the District mailing list to share a political message. It was signed by an unelected representative, not the citizen's elected officials. I am interested as a citizen to know if this communication was authored and approved by the entire DCSD board? If not, by which select individuals on the DCSD board, or if it was solely by the General Manager?

In closing, I respectfully request that all future communication by the DCSD to the citizens:

- 1) come under the signature of the elected officials, the ones accountable to the voters
- 2) be thoughtful, unemotional and without bias
- 3) on the issue of Conflict of Interest and the DCSD, address both obvious Conflict of Interest in addition to legal Conflict of Interest.

Thank you

David Mackesey