

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING AGENDA<sup>1</sup>  
TELECONFERENCE VIA THE APPLICATION ZOOM  
TUESDAY, JANUARY 10, 2023, 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](mailto:generalmanager@diablocsd.org) before 12 pm on the day of the meeting.*

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

**ROLL CALL:**               **Secretary:**

**Directors:     Urbelis, Cox, Chartier, Lorenz, Slavonia**

**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) Welcome new Directors; Christine Chartier, Greg Lorenz, Jerry Slavonia.
- b) Confirm the administration of the Oath of Office to new Directors.
- c) Elect Vice President and Secretary.
- d) Appoint District Commissioners: Finance and Community Liaison.

**ROADS:**               Director Cox & General Manager

- a) Storm update from New Year's Eve forward.

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

**SECURITY:** Deputy Sheriff Buergi

- b) Present security report for November, December and January to date.

**2. CONSENT CALENDAR:**

- a) Approve the minutes of the November 8, 2022, Regular Meeting.
- b) Approve the minutes of the January 4, 2023, Emergency Meeting.
- c) Approve the minutes of the January 5, 2023, Special Meeting.
- d) Authorize remote teleconference meetings of the Board of Directors, originally authorized at the January 11, 2022, Meeting under Resolution 2022-01, through the end of February.

**3. REPORTS:**

<b>CONTRA COSTA COUNTY:</b>	Cameron Collins
<b>DIABLO PROPERTY OWNERS ASSOC:</b>	Leslie Keane
<b>DIABLO COUNTRY CLUB:</b>	Hank Salvo

**4. DIRECTOR COMMENTS:**

**5. FUTURE AGENDA ITEM ANNOUNCEMENT:** None

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

The next DCSD Regular Board meeting is scheduled for February 14, 2023, at 7:30 p.m. via Zoom.

Diablo Community Services District by

Kathy Torru, General Manager

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

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS MEETING  
MINUTES  
TELECONFERENCE VIA THE APPLICATION ZOOM  
NOVEMBER 8, 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, Cox**

**Directors absent:**

**PUBLIC COMMENTS:**

Arlene Reed expressed disappointment in Director comments from last month's meeting that criticized the General Manager for the District all-resident email correcting misinformation in the community. She stated that residents want to and need to know the facts. Arlene expressed sadness for the distrust she has witnessed in Diablo lately and hopes that the community will come together and work to rebuild trust now that the election is over.

**BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:**

General Manager Torru presented the District's 2022 audited financial report. The District received a clean audit opinion with no adjustments, no reclassifications and no material internal control weaknesses identified. A copy of the audited financial report is available on the District's website under "Meetings and Financials." On motion by Director Eorio and second by Director Becker the 2022 audited financial report was unanimously accepted by the Directors.

General Manager Torru presented the year-to-date 2023 District financial report. The District's expenses are in line or below the budget amounts and the cash balance on September 30, 2022, was \$408k. A copy of the financial report is available on the District's website under "Meetings and Financials."

General Manager Torru presented for second reading and adoption the Conflict of Interest Ordinance Code 2022-01. On motion by Director Urbelis and second by Director Eorio the Directors unanimously adopted Ordinance Code 2022-01. A copy of the Code is attached.

**SECURITY:**

General Manager Torru reported on behalf of Deputy Buergi that there were no reported incidents last month other than a few "lost" campaign signs. No negative comments about Halloween were received. The last reported Diablo security incident was in August 2020 when an electric bike went missing from a garage on Calle Arroyo.

**CONSENT CALENDAR:**

On motion of Director Eorio, second by Director Urbelis, the Directors unanimously approved the consent calendar.

**REPORTS:**

**CONTRA COSTA COUNTY:** No report

**DIABLO PROPERTY OWNERS REPORT:** Dana Pingatore, DPOA President, reported that the Halloween social event was very successful and well attended with over 250 plates served. The DPOA is now focused on holiday decorations at the post office and front entrances and a Deputy Sheriff meet and greet event at the post office in late January.

**DIABLO COUNTRY CLUB:** No report

**DIRECTOR COMMENTS:**

Directors Urbelis thanked retiring Directors Becker and Isom for their service to the District and Diablo community these last 4 years; Director Becker’s legal expertise was invaluable in negotiating a legal settlement with Mr. Tiernan, and Director Isom’s sense of humor and perspective were valuable contributions to the Board.

Director Becker thanked General Manager Torru and President Urbelis for their diligence and commitment to managing the work of the District. Both he and Director Isom thanked their fellow Directors and expressed appreciation for having the opportunity to serve the Diablo community these last 4 years.

**FUTURE AGENDA ITEMS:**

**CALL OF NEXT MEETING/ADJOURNMENT:**

President Urbelis called the next meeting for January 10, 2023. The meeting will be conducted via Zoom. There being no further business, the meeting was adjourned the at 8:00 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

**ORDINANCE NO. 2022-01**

**ORDINANCE OF THE DIABLO COMMUNITY SERVICES DISTRICT ADOPTING A  
CONFLICT OF INTEREST CODE AND REPEALING TITLE 2 OF THE DIABLO  
COMMUNITY SERVICES DISTRICT ORDINANCE CODE**

**WHEREAS**, the Political Reform Act, Government Code Sections 81000, et. Seq., requires every State and local government agency to adopt and promulgate a Conflict of Interest Code; and

**WHEREAS**, the Diablo Community Services District (“District”), has previously adopted a Conflict of Interest Code incorporating restrictions and regulations set forth in the Political Reform Act at Title 2 of the Ordinance Code of the Diablo Community Services District; and

**WHEREAS**, this Title 2 requires amendment to reflect updated disclosure categories and staffing; and

**WHEREAS**, the District is undergoing a comprehensive update to its entire Ordinance Code and desires to remove the Conflict of Interest Code from the Ordinance Code and adopt it as a standalone ordinance; and

**WHEREAS**, adoption of this Conflict of Interest Code is not a “project” pursuant to California Environmental Quality Act Guidelines section 15378(b)(5).

**NOW, THEREFORE, THE DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:**

The above recitals are true and correct and are incorporated herein.

**SECTION 2:**

Ordinance No. 2022-01 attached hereto as Exhibit A is hereby adopted and Title 2 of the Ordinance Code of the Diablo Community Services District is hereby repealed.

**SECTION 3:**

This Ordinance No. 2022-01 shall take effect and be in force 30 days from the date of its passage; and before the expiration of 15 days after its passage, it or a summary of it shall be published in a newspaper of general circulation in Contra Costa County.

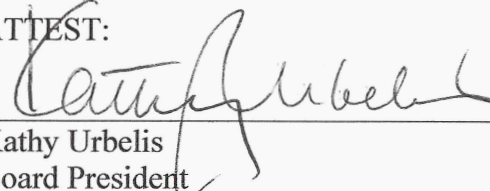
Passed, approved, and adopted by the Board of Directors of the Diablo Community Services District on this 8<sup>th</sup> day of November 2022 by the following vote:

AYES: Urbelis, Becker, Eorio, Isom, Cox

NOES:

ABSTAIN:

ATTEST:

  
\_\_\_\_\_  
Kathy Urbelis  
Board President

## **EXHIBIT A**

### **CONFLICT OF INTEREST CODE OF THE DIABLO COMMUNITY SERVICES DISTRICT**

The Political Reform Act of 1974 (Government Code sections 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code that can be incorporated by reference in an agency's code. After public notice and hearing, the Fair Political Practices Commission may amend the standard code to conform to amendments of the Political Reform Act. Therefore, the terms of section 18730 of title 2 of the California Code of Regulations and any amendments to it duly adopted by the Fair Political Practices Commission together with the attached Appendices designating positions and establishing disclosure categories are hereby incorporated by reference and together constitute the Conflict of Interest Code of the Diablo Community Services District ("District").

Individuals holding designated positions shall file their statement of economic interests with the General Manager of the District, who shall be the filing officer. The District shall be the code reviewing body and shall retain such statements and make them available for public inspection and reproduction pursuant to Government Code section 81008.

Attachments: Appendix A: Designated Positions and Disclosure Categories

Adopted: November 8, 2022

**APPENDIX A:  
DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES**

**Designated Position.** The positions listed below include those persons who are deemed to make, or participate in the making of decisions that may foreseeably have a material effect on any financial interest. The persons holding the designated positions listed shall disclose interests and investments in accordance with the corresponding disclosure categories, which are defined below.

**Designated Positions**

**Assigned Disclosure Category**

Members of the District Board of Directors	1
General Manager	1
General Counsel	1
Consultants	*

**Disclosure Categories**

**General Provisions Applicable to All Categories**

When an individual who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When an individual who holds a designated position is required to disclose sources of income, he or she shall include gifts received from donors located inside as well as outside the jurisdiction.

When an individual who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below if it is located within the jurisdiction, or not more than two miles outside the boundaries of the jurisdiction, or within two miles of any land owned or used by the District.

When an individual who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years.

For purposes of this Conflict of Interest Code, the jurisdiction of the District is the geographical boundaries of the District.

**Category 1**

A designated position in this category must report all investments, business positions, interests in real property, and sources of income, including gifts, loans, and travel payments.

\*

Consultants to the District shall be subject to disclosure under Category 1, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements of Category 1. In such cases, the General Manager may designate a different disclosure requirement. Such determination must be made in writing and shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements. Such determination by the General Manager is a public record and shall be retained for public inspection in the same manner and location as the District's Conflict of Interest Code.



**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
EMERGENCY MEETING MINUTES  
TELECONFERENCE VIA THE APPLICATION ZOOM  
JANUARY 4, 2023, 2:30 p.m.**

**CALL TO ORDER:** President Kathy Urbelis called the meeting to order at 2:30 p.m.

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

**ROLL CALL:** President Urbelis called the roll as follows:

**Directors present: Urbelis, Cox, Chartier, Lorenz, Slavonia**  
**Directors absent:**

**PUBLIC COMMENTS:** None

**BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:**

General Manager Torru presented to the Board for consideration Resolution No. 2023-01, the declaration of the existence of an emergency pursuant to Government Code section 54956.5, Public Contract Code section 22050, and DCSD Ordinance 2021-01 (Ord. Code Title 7, section 7.1(C)(6)), and the authorization of the General Manager and Roads Commissioner to make emergency repairs to Alameda Diablo including the surface of the road and structural support system estimated to be \$500,000.

On motion by Director Slavonia, second by Director Cox, the Board unanimously adopted Resolution No. 2023-01. The Board requested that a T&M not to exceed \$400,000 be added to the contract with Mountain Cascade Inc.

**CALL OF NEXT MEETING/ADJOURNMENT:**

President Urbelis called the next regular meeting for January 10, 2023. The meeting will be conducted via Zoom. There being no further business, the meeting was adjourned the at 3:00 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
SPECIAL MEETING MINUTES  
TELECONFERENCE VIA THE APPLICATION ZOOM  
THURSDAY, JANUARY 5, 2023, 8:00 A.M.**

**CALL TO ORDER:** President Kathy Urbelis called the meeting to order at 8:00 a.m.

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

**ROLL CALL:** President Urbelis called the roll as follows:

**Directors present:** Urbelis, Cox, Chartier, Lorenz, Slavonia

**Directors absent:**

**PUBLIC COMMENTS:** See attached letter

**BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:**

General Counsel Christie Crowl presented an overview of general laws applicable to public agencies (Brown Act, CPRA, FPPC regulations) and lawsuit status.

President Urbelis presented an overview of District authority, Board operations and positions, and dual role as DMAC Board.

**CALL OF NEXT MEETING/ADJOURNMENT:**

President Urbelis called the next regular meeting for January 10, 2023. The meeting will be conducted via Zoom. There being no further business, the meeting was adjourned the at 9:20 a.m.

Diablo Community Services District by

Kathy Torru, General Manager

Ms. Torru & the DCSD Board,

I am writing to provide some feedback to you about the two email communications you sent to the community - the one below and the one on 1/1/23. I'd like you to know that your messages came off as incredibly insensitive and tone deaf. At the time you sent the first communication on 1/1, 319 homes were still without power for a total of 3 full days due to the downed power lines by the Athenian school. During those days, we had no heat in sub-50 degree temperatures, no light, no hot water, no cooking appliances, no internet or cable, and all of our food in refrigerators and freezers spoiled. The restoration times provided by PG&E changed and were delayed 5 times. We sat in extreme discomfort for 3 full days. During that time, the DCC did not open its doors to members to shower, charge their electronics or serve a single dish of food - in fact, when we stopped by they said the bar was open for drinks only but was planning to close early so its staff could go home to enjoy the holiday. DCSD did not send a single email to residents about the power outage, nor did they make even a cursory attempt at advocating for the residents with PG&E for better communication or any detail about when the misery would end.

Furthermore, **at the time of your first message, there was NO way in or out of Diablo.** Lower and upper Alameda Diablo were closed. Diablo Road was closed in both directions - in the westbound direction due to a mudslide and in the eastbound direction due to the downed tree by Athenian. We could not leave our homes to get food, nor could Doordash/food delivery services get into Diablo. So while we had no power, no food, no means of cooking, and the club was not serving food, we had to rely on neighbors who did have power to help us out. **All the while, DCSD was silent.**

Lastly, during the storm on Saturday, the entire street of El Centro flooded when the adjoining creek overflowed. The large storm drain at the corner of El Centro and Alameda Nueva is broken and clogged, and all of the debris from the front of the Red Horse Apartments (gravel, sand and mud) that flowed onto Alameda Nueva remains in the roadway making a huge mess. **Not a word from DCSD as to when the debris will be cleaned and the storm drain repaired. All this, and another large storm looms over us tomorrow.**

The second email you sent to chastise residents for using Alameda Diablo still did not have a single word about any of the above matters. **My recommendation for your email communication in the future is to send comprehensive updates inclusive of the entire community with a higher degree of empathy, OR SEND NOTHING AT ALL.**

**DCSD has an obligation to maintain the safety of our roads and needs reminding that is a board that exists IN SERVICE of its residents.** DCSD has shown complete disregard for major road and weather events that impacted a large portion of the community. In a community that touts itself as being tight-knit and caring, the complete lack of response, advocacy or frankly, simple compassion from its governing board is outright unacceptable.

Jessica Raefield