

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
EMERGENCY MEETING MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
JANUARY 9, 2023, 2:00 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 2:00 p.m.

President Urbelis welcomed the Directors.

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 Counsel Christie Crowl presented the process of declaring an emergency pursuant to Government Code sections 54956.5, 8558 and 8680.9.

On motion by Director Lorenz, second by Director Slavonia, the Board unanimously declared the existence of an emergency pursuant to Government Code section 54956.5 based on the ongoing storm and storm-related damage to District roads and facilities set forth in Resolution No. 2023-01 such that holding an emergency meeting of the Board is necessary and proper.

On motion by Director Lorenz, second by Director Slavonia the Board unanimously adopted Resolution No. 2023-02 proclaiming the existence of a local emergency and authorizing the General Manager and Roads Commissioner to apply for any and all emergency funding available from the County and/or State of California.

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 2:07 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

RESOLUTION NO. 2023-02

RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND AUTHORIZING THE GENERAL MANAGER AND ROADS COMMISSIONER TO APPLY FOR ANY AND ALL EMERGENCY FUNDING AVAILABLE FROM THE COUNTY AND/OR STATE OF CALIFORNIA

WHEREAS, on December 31, 2022, the Bay Area endured a winter storm system known as an atmospheric river that inflicted severe damage to various properties within Diablo; and

WHEREAS, the storm system damaged a section of Alameda Diablo Road between Avenida Nueva and Calle Arroyo such that the road may be unsafe for vehicles, including emergency response vehicles; and

WHEREAS, the District has engaged qualified engineers and consultants to assess and evaluate the necessary repairs and has spent and/or will spend significant funds to make said repairs and ensure the safety of residents of the District and the public; and

WHEREAS, staff is of the opinion that the repairs need to be made as soon as possible in order to ensure the general health, safety, and welfare of the residents, guests, and emergency personnel; and

WHEREAS, there is substantial evidence, including evidence in the staff report prepared for District Resolution No. 2023-01 (declaring the need for an emergency meeting and authorizing emergency expenditure of funds), demonstrating that this local emergency exists; and

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Recitals. The foregoing recitals are true and correct; the recitals are hereby incorporated by reference into each of the findings as though fully set forth therein. The recitals and the information below constitute findings in this matter and serve as an adequate and appropriate evidentiary basis for the findings and actions set forth herein.

Section 2. Findings. The Board hereby further finds the following:

- A. A local emergency, as defined in Government Code sections 8558 and 8680.9, exists based on the following conditions within the District: On December 31, 2022, the District experienced flooding, mudslides, culvert breaches, and road failure due to a high volume of rain from an atmospheric river and high winds. This storm has required the District to retain contractors with specialized equipment and supplies to assist in the cleanup and emergency repair of the roads and culvert system, which is still ongoing.
- B. The National Weather Service has warned that a second atmospheric river will arrive in the San Francisco Bay Area this week, with the potential for additional heavy rainfall hitting the territory in the District.
- C. The storm of December 31 and the incoming, anticipated storm event have created the need for emergency services beyond the capabilities or resources of the District to handle by itself.

Section 3. Proclaimed. The Board hereby proclaims that a local emergency now exists within the District and that during the existence of this local emergency, the powers, functions, and duties of the General Manager and Board shall be those prescribed by state law, ordinances, and resolutions of the District. The Board further authorizes the General Manager and Roads Commissioner to work with Town of Danville, Contra Costa County, and/or State officials to obtain any and all emergency funding available to cover the District's expenses for this local emergency.

Section 4. Effective Date. This Resolution shall take effect immediately.

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The foregoing Resolution was adopted by the Board of Directors of the Diablo Community Services District on January 9, 2023.

Adopted by the following votes:

AYES: Urbelis, Cox, Chartier, Lorenz, Slavonia

NOES:

ABSENT:

ABSTAIN:

Kathy Urbelis, President of the Board

Attest:

Katharine Torru

Kathy Torru, General Manager