

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING AGENDA<sup>1</sup>  
DIABLO COUNTRY CLUB PORTABLE LOUNGE  
TUESDAY, APRIL 11, 2023, 7:30 P.M.**

**CALL TO ORDER & ROLL CALL:**

**President: Kathy Urbelis**

**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) Consider adoption of Resolution 2023-03, amending Article V of the District's Bylaws changing the timing of Board Officer elections.
- b) If Resolution 2023-03 is adopted, hold election of DCSD President and Secretary.
- c) Introduce and waive first Reading of Ordinance No. 2023-01, Repealing and Replacing Ordinance No. 2002-01 and Ordinance Code Chapter 6-6 - Encroachments.
- d) Present proposal for discussion of a digital DCSD handbook.

**ROADS:** Director Cox & General Manager

- a) Diablo Road Culvert Repair and Closure update.
- b) 2022-23 Winter Storm update.
- c) Authorize Director Cox and General Manager Torru to negotiate a contract with Dryco Construction Inc. for the asphalt repair of El Nido located between 1828 and 1832 El Nido, for an amount not to exceed \$35,000.

**SECURITY:** Deputy Sheriff Buergi

- a) Present security report since the last Board update.

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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.

2. **CONSENT CALENDAR**

- a) Approve the minutes of the February 14, 2023, Regular Meeting.
- b) Approve the minutes of the March 7, 2023, Special Meeting.

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**

- a) Presentation of the Draft 2023-24 Budget.

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

The next DCSD Regular Board meeting is scheduled for May 9, 2023, at 7:30 p.m. at Diablo Country Club.

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>.

## STAFF REPORT

**DATE:** April 11, 2023  
**TO:** DCSD Board Members  
**RE:** Proposed amendment of DCSD Bylaws Article V

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### BACKGROUND/SUMMARY

At the January 10, 2023, DCSD Regular Board meeting, Directors Chartier and Slavonia indicated that they would like to discuss a Bylaw amendment, requiring more frequent election of Board officers.

The DCSD Bylaws currently state in Article V Section 1 that the President, Vice President, and Secretary:

*...shall be elected by the Board of Directors and shall serve until he or she resigns from the position, leaves the Board or is unable to serve.*

This clearly states that each officer, once elected by the sitting Board, remains in that role until he or she resigns from the position or is no longer on the Board. Historically, the Board has complied with Article V.

At its February 14, 2023, meeting, the Board directed staff to bring back an amendment to Article V requiring election of Board officers every two years, beginning immediately. The proposed resolution was prepared to include this requirement.

Please note that in order to hold Item 1.b on this agenda, Resolution No. 2023-03 amending Article V of the Bylaws must first be adopted this evening.

### RECOMMENDATION

Consider and adopt the proposed Resolution No. 2023-03 amending Article V of the Bylaws.

## DIABLO COMMUNITY SERVICES DISTRICT

### BYLAWS

Gov. Code Sections 61044, 61063  
Public Contracts Code Sections 22050, 20682

#### ARTICLE I

##### Name and Office

**Section 1. Name.** The name of the entity is the Diablo Community Services District, hereinafter referred to by its common name within the community of Diablo, "DCSD."

**Section 2. Principal Office.** The DCSD has no office per se. All meetings are held at the Diablo Country Club, Diablo CA 94528. The mailing address of the DCSD is Post Office Box 321, Diablo, CA 94528-0321.

#### ARTICLE II

##### Purpose

The purpose of the DCSD is to provide security/police protection services to the residents of Diablo, maintain and improve the roads, culverts under the roads, and bridges within Diablo, and maintain the equestrian/pedestrian trail between Alameda Diablo and Mt. Diablo Scenic Blvd.

#### ARTICLE III

##### Organization

The DCSD is composed of an elected Board of Directors in accordance with the rules established for special districts by the Contra Costa County Board of Supervisors. The DCSD operates in compliance with the rules and responsibilities established for special districts by the State of California.

#### ARTICLE IV

##### Board of Directors

**Section 1. Number.** The affairs of the DCSD are managed by a 5-person Board of Directors in accordance with the rules established for special districts by the State of California.

**Section 2. Term of Office.** Each newly elected Director shall take office at the first meeting following the certification of elections and shall hold office until a respective successor is elected except in the case of resignation, death, or removal for cause. Directors are elected for 4-year terms and there are no term limits.

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**Section 3. Election.** Each Director shall be elected at the general election.

Elections shall be staggered so that 2 Directors will stand for election in one even-numbered year, and 3 will stand for election in the next even-numbered year.

**Section 4. Vacancy.** Any vacancy occurring on the Board of Directors shall be filled for the unexpired term by appointment by a quorum of the remaining Board. A notice of vacancy shall be posted in three places for 15 days to notify residents of the open Board seat and the final date for filing an application of candidacy for the open seat. The Board of Directors shall review the qualifications of all candidates and shall hold a formal vote to appoint the person to fill the vacancy. Vacancies shall be filled within 60 days of the occurrence of the vacancy. If the Board has not appointed a replacement within 60 days and has not called for an election, the County has the right to appoint within the 30 days following the 60-day vacancy period. If the Board and the County have not filled the vacancy within the 90-day window, then the Board must call for an election.

**Section 5. Compensation.** Directors shall not receive any stated salary or compensation for their services.

**Section 6. Board Assignments.** Permanent Board assignments shall be: Security, Roads, Community Liaison, and Finance. The President shall appoint a Director to be responsible for each of these functions. The head of each shall be known as Commissioner, and the President may assign Co-Commissioner(s) to these functions.

**Section 7. Ad Hoc Committees.** The President may appoint Ad Hoc Committees from time to time. Members of an Ad Hoc Committee need not be a member of the Board of Directors. Ordinarily, the President will appoint a member of the Board to serve as Chairperson of every Ad Hoc Committee. The Ad Hoc Committee shall serve under instructions and at the pleasure of the President.

## ARTICLE V

### Officers

**Section 1. Officers, Elections of, and Terms of Office.** The Officers of the DCSD shall be President, Vice President, Secretary, and Treasurer. The President, Vice President, and Secretary shall be members of the Board of Directors. Each of these three officers shall be elected every two years by the Board in the January following the November election of Directors, beginning in the year 2023. If there is a vacancy

in an office not associated with the November election of Directors, an election shall be held to fill the office as soon as possible. The Treasurer may not be a member of the Board of Directors.

- **President.** The President shall preside over all Board meetings.

The President shall have oversight responsibility for all Board functions and shall be an ex-officio member of every committee.

The President may establish Ad Hoc Committees at will and shall appoint the Chairperson of each.

The President shall be an authorized signatory on all DCSD accounts.

The President shall approve all items to be included in meeting agendas. However, any Board member may place an item on the agenda.

- **Vice President.** The Vice President shall, in the absence of the President, or in the event of his or her inability or refusal to act, shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions of the President.

- **Secretary.** The Secretary shall oversee the preparation, distribution and posting of the agenda and the minutes of each meeting as required by law.

The Secretary shall oversee maintenance of the DCSD's website, its email accounts, and its records in accordance with the provisions in Article VI, Section 8, Records, with assistance from the General Manager.

- **Treasurer.** The Board of Directors may choose to assign all responsibilities of the Treasurer to the General Manager. If the Board decides to include a separate Treasurer position, the Board shall appoint, by a quorum of the full Board, an independent contractor who shall serve at the pleasure of the Board. The Treasurer shall not be a Board member. The Board shall fix remuneration for the position from time to time.

The Treasurer shall be an authorized signatory on all DCSD accounts.

The Treasurer shall recommend depository institutions for DCSD funds to the Board of Directors.

The financial responsibilities of the Treasurer shall be:

1. Preparation of monthly financial statements for the Board meeting.
2. Advising the Board on whether the DCSD is operating in compliance with its budget.
3. Preparation of the proposed budget and final budget as approved by the Board.
4. Submission of a copy of the approved budget to Contra Costa County.

**Deleted:** The President shall be elected by the Board of Directors and shall serve until he or she resigns from the position, leaves the Board or is unable to serve.

**Deleted:** The Vice President shall be elected by the Board of Directors and shall serve until he or she resigns from the position, leaves the Board or is unable to serve.

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**Deleted:** The Secretary shall be elected by the Board of Directors and shall serve until he or she resigns from the position, leaves the Board or is unable to serve.

5. Coordination of the annual external audit.
6. Preparation and filing of the annual financial reports required by the State of California.

**Section 2. Vacancy.** A vacancy in any office shall be filled through election by a quorum of the full Board of Directors.

### **Section 3. Other Non-Board Positions**

- **General Manager.** The General Manager shall be an independent contractor and not a member of the Board of Directors. The General Manager shall be appointed by a quorum of the full Board of Directors and serve at the pleasure of the Board. The Board of Directors shall fix remuneration for the position from time to time.

The duties of the General Manager shall include:

#### Administration

1. Advise the Board on all matters regarding administration.
2. Attend all Board meetings.
3. Retain the DCSD records.
4. Assist the Secretary with preparation of meeting agendas and minutes, management of the DCSD website, management of email accounts and management of records.
5. Advise the Board on budget matters.
6. Administer the district insurance program.
7. Arrange for all meetings and meeting sites.
8. Appear before other agencies when DCSD interests are at issue and the Board has requested such.
9. Act as Sergeant at Arms at all meetings.
10. Administer and coordinate communication of the tax rate with Contra Costa County.
11. Act as primary contact when residents have a question or complaint.
12. Upon request, communicate with residents regarding a resident's failure to comply with a DCSD ordinance.

#### Roads

1. Advise the Board on matters regarding roads.
2. Work with the Board's Roads Commissioner(s) and outside contractors to inspect streets, prepare reports on inspections, and prepare annual plans and budgets for Roads Projects.
3. Assist the Roads Commissioner(s) and the DCSD's attorney with Roads Project contracts.
4. Assist the Roads Commissioner(s) with publication of notices to contractors and notices to the residents when necessary.

#### Security

1. Advise the Board on matters regarding security.
  2. Assist the Security Commissioner in managing the work schedule of the Deputy Sheriff in keeping with Board criteria.
  3. Work with the Deputy Sheriff and the Lieutenant responsible for DCSD security to ensure compliance with DCSD needs, hours and regulations.
  4. Coordinate with the Sheriff's Department regarding acquisition of new vehicles and equipment when requested by the Security Commissioner.
- **Legal Counsel.** The Legal Counsel shall be an independent attorney appointed, by quorum of the full Board of Directors, to advise the Board on all legal matters that arise. Legal Counsel shall serve at the pleasure of the Board. The Board shall fix remuneration for this position from time to time.

## **ARTICLE VI**

### **Meetings**

**Section 1. Meetings Schedule.** The Board shall meet at least once every three months. These meetings are held on the second Tuesday of the month at 7:30 pm at the Diablo Country Club. The Board may change the date and time of the regular meetings by a motion carried by a quorum of the full Board. The Board may call Special and/or Emergency meetings as provided by the Brown Act.

**Section 2. Agenda.** The Agenda shall be posted at least 72 hours before the meeting on the DCSD's bulletin board and website. The Agenda shall consist of the following:

- Call to Order by the President
- Roll call by the Secretary
- Comments from the audience
- Reports by liaisons from Contra Costa County, Diablo Property Owners' Association, and Diablo Country Club
- Reports from Commissioners including discussion
- Reports of Ad Hoc Committees (if any are standing)
- Other Action Items (if any)
- Comments by President and Directors
- Adjournment



**Section 3. Board Package.** Seventy-two hours before a Board meeting, the Secretary shall oversee emailing of the Board Package to each Director. The Board Package shall include the meeting agenda, prior month's meeting minutes, prior month's financial reports, the security report from the Sheriff's Department and any other written documents being presented at the meeting.

**Section 4. Consent Calendar.** The consent calendar shall include all matters of routine nature including approval of past minutes. All matters on the Consent Calendar can be passed by a single motion. Any Director may call for separate action for any item on the Consent Calendar.

**Section 5. Reports.** Directors are encouraged to submit their reports in writing to the Secretary and to all members of the Board by email, U.S. Mail, or hand delivery at least 7 days before the meeting. If a report is not submitted in writing, it may be presented orally at the meeting. A report that has been submitted to each Director before the meeting will not be read at the meeting. The President may call for discussion on any report whether in writing or oral. Any Director may comment on any report whether the report has been submitted in writing or orally.

**Section 6. Meeting Protocol.** The President shall chair all meetings. In the absence of the President, the meeting shall be chaired in the following order: Vice President, then Secretary. The President shall call items in the order in which they appear on the agenda. The President, however, may deviate from that order at any time and for any reason. If the President does deviate from the order in which the items appear on the agenda, the President will announce the deviation at such time as the item is taken out of order.

- **Calling the Roll.** When the Secretary calls the roll, the Secretary shall announce and note for the minutes, the Directors who are present and the Directors who are absent.
- **Open Portion of Meeting.** Persons who speak when the President calls for comments from the audience may speak to matters that are on the agenda as well as items that are not on the agenda. Ordinarily, comments by a member of the audience will be limited to four minutes. Any member of the audience, who wishes to be noted at the meeting but who has nothing to add to the comments by a previous speaker, is limited to stating that he or she agrees with the comments presented by the previous speaker. Ordinarily, members of the Board will not participate in any discussion during the open portion of the meeting except for matters of clarification. It is the policy of the DCSD that a matter proposed by someone not a Director and not on the agenda will not be discussed.
- **Presentation of Documents at a Meeting for Filing.** At the discretion of the President, documents of less than 25 pages, presented to the Board by non-board person(s) at a meeting, for filing with the DCSD may be accepted and filed with DCSD records.
- **Presentation of Documents at a Meeting for Attachment to the Minutes.** At the discretion of the President, documents less than 3 pages, presented to the Board by non-board person(s) for attachment to the minutes, may be accepted and attached to the minutes.

- **Discussion Items.** The President shall announce an item on the agenda listed as a discussion item. Any Director who desires to speak to the item first shall be recognized by the President. No other Director shall speak while this Director has the floor. The minutes shall not reflect statements made by a Director unless the Director instructs the Secretary to include a specific statement in the minutes. After the last Director has concluded his or her comments, the President shall take any of the following actions: (1) close the discussion and state that no further discussion or action is before the Board; (2) direct the Secretary to include the item as an agenda item for a future meeting; or (3) assign the matter to a Commissioner or an Ad Hoc Committee and indicate the action to be taken.
- **Action Items.** The President shall announce an item that appears on the agenda as an Action Item. Any Director who desires to speak to the item first shall be recognized by the President. No other Director shall speak while this Director has the floor. After discussion, the President shall call for a motion on the action item. Only action on the motion (including Director's vote or abstention) shall be included in the minutes of the meeting. Discussions on the motion shall not be included in the minutes of this meeting.
- **Items not on the Agenda.** The Board shall not discuss any items not included on the agenda.
- **Motions.** Any Director may make a motion on any item that has been noticed on the agenda as an action item. After a motion has been made, the President shall call for a second to the motion. Further discussion may follow the second. When all discussion has concluded, the President shall call for a vote on the motion. A motion shall not pass unless it receives the affirmative vote of a quorum of the full Board of Directors, not a quorum of those attending the meeting.
- **Amendment to a motion.** At any time prior to the vote on a motion, any Director may request an amendment to the motion. The motion may be amended only if the Director making the motion and the Director who seconded the motion agree to the amendment. The amended motion shall become the motion before the Board. The President shall call for discussion and, when all discussion has concluded, the President shall call for a vote on the (amended) motion. An (amended) motion shall not pass unless it receives the affirmative vote of a quorum of the full Board of Directors, not a quorum of those attending the meeting.

**Section 7. Minutes.** The minutes shall include: the date and time that the meeting was called to order and the roll call of Directors present and absent.

The minutes shall state each motion made by a Director but not seconded; each motion made and seconded by a Director; the name of the Director making the motion and the name of the Director who seconded the motion; and the name of each Director that voted for the motion, each Director who voted against the motion and each Director who abstained from voting for or against the motion. If the motion passes unanimously, the minutes may reflect that the motion passed unanimously and need not list the name of each Director who voted affirmatively. If a motion is defeated unanimously, the

minutes may reflect that the motion was defeated unanimously and need not list the name of each Director who voted against it. The minutes shall not reflect statements made by a Director in discussion of the motion unless the Director instructs the Secretary to include a specific statement in the minutes.

Where an item is discussed but no action taken, the minutes shall be limited to reflect that the matter was discussed by the Board. The minutes shall not reflect statements made by a Director unless the Director instructs the Secretary to include a specific statement in the minutes.

Written reports by a Director shall not be included in the minutes but shall be filed. Financial Reports shall be included in the minutes. Oral reports shall not be included in the minutes.

The minutes shall state the date and time of adjournment. If the meeting is continued to another time and/or date, the minutes shall also state time, date, and place of the continued meeting.

Approved minutes shall be posted on the DCSD's bulletin board and website within 72 hours following the meeting in which they were approved.

#### **Section 8. Records.**

The Secretary shall have oversight of all DCSD records. Records shall be retained until authorized for destruction in accordance with the DCSD's Record Retention Schedule. Where authorized by law, records may be maintained and retained in digital form. Commissioners shall retain current records of their projects and chairpersons of Ad Hoc Committees shall retain current records of the committees. When a matter is concluded, the Commissioner or Chairperson shall forward the records to the Secretary, who shall retain those records in the same form and content as delivered.

## **ARTICLE VII**

### **Fiscal Policies**

**Section 1. Bank Signers.** There shall be 3 authorized signers of DCSD bank accounts: the President, Finance Commissioner and the Treasurer.

**Section 2. Financial Reporting.** A DCSD Balance Sheet, Income Statement, Cash Flow Statement and list of checks issued by the DCSD in the previous month shall be presented to the Board at each monthly meeting.

**Section 3. Expenditures.** Expenditures in excess of \$5,000 that are not listed in the approved Budget must receive prior approval from the Board before a purchase commitment can be made.

**Section 4. Fiscal Year.** The DCSD's fiscal year is July 1 through June 30.

**Section 5. Expense Budget.** On or before March 1 of each year, each Director must submit an anticipated expense budget for the coming fiscal year to the Treasurer.

**Section 6. Revenue Budget.** On or before March 1 of each year, the Treasurer shall submit the anticipated revenue budget for the coming fiscal year to the Board.

**Section 7. Budget.** On or before April 1 of each year, the General Manager and the Treasurer shall submit to each Director the expense and revenue projections for the coming fiscal year with recommendations for the budget. The Board of Directors shall adopt a final budget for the next fiscal year no later than June 30.

**Section 8. Budget Form.** The budget shall be adopted by resolution in form similar to the following:

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**DIABLO COMMUNITY SERVICES DISTRICT**

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**RESOLUTION 20XX- Y                      A RESOLUTION ADOPTING A BUDGET FOR FISCAL YEAR 20XX – 20YY**

**WHEREAS** California Government Code Section 61110 provides among other things that a community's district must publish a notice stating all of the following:

(1) Either that it has adopted a preliminary budget or that the Treasurer has prepared a proposed final budget which is available for inspection at a time and place within the District specified in the notice;

(2) The date, time, and place the Board of Directors will meet to adopt the final budget and that any person may appear and be heard regarding any item in the budget or regarding the addition of other items:

**Whereas** the Treasurer has prepared a preliminary budget which was available for inspection at a time and place within the Diablo Community Services District specified in the notice;

**Whereas** the Treasurer has published the notice required by California Government Code Section 61110;

**Whereas** the Board of Directors of the Diablo Community Services District held a public meeting on [date], 20XX at [time] at the Diablo Country Club, which was the time and place specified in said notice for the purpose of hearing any person who may appear regarding any item in the budget or regarding the addition of other items;

**Whereas** the Board of Directors of the Diablo Community Services District has discussed and considered items to be added to or deleted from said proposed budget;

**Whereas** Government Code section 61110 requires a copy of the final budget be forwarded to the auditor of Contra Costa County in which the district is located:

**Now therefore be it resolved** that this Board adopts the final budget in form and content as appears as an attachment to this resolution;

**Be it further resolved** that a copy of the final budget be forwarded to the auditor of Contra Costa County.

Yes:  
No:  
Abstention:  
Absent

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**CERTIFICATION**

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I certify that I am the Secretary of the Diablo Community Services District and that the above resolution is a true and correct copy of a resolution passed by the Board of Directors of the Diablo Community Services District on [date], 20XX.

Date:

\_\_\_\_\_

Signature

\_\_\_\_\_

Printed Name

Secretary, Diablo Community Services District

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**Article VIII**

**Personnel Policies**

It is the policy of the DCSD to have no employees, but to use independent contractors wherever necessary.

## Article IX

### Purchasing Policies

**Section 1. Patrol Vehicle.** Whenever possible, the patrol vehicle and associated equipment used by the Deputy Sheriff in Diablo shall be purchased through Contra Costa County.

**Section 2. Office Equipment.** The DCSD's independent contractors shall supply their own office equipment. Each Director shall provide his or her own communication devices and whatever equipment he or she deems necessary for the completion of the duties assigned. The DCSD shall supply each Director and each independent contractor with a DCSD email address that is to be used for all DCSD electronic communication.

**Section 3. Purchase of Materials, Supplies, And Construction.** Public Contract Code Section 20682 is incorporated herein by reference.

**Section 4. Emergency Contracting Procedures.** Public Contractors Code Section 22050 is incorporated herein by reference.

**RESOLUTION NO. 2023-03**

**RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT  
AMENDING ARTICLE V OF THE BYLAWS TO REQUIRE ELECTION OF ALL  
OFFICER POSITIONS EVERY TWO YEARS**

**WHEREAS**, at its January 10, 2023, meeting, the Board requested a future agenda item to discuss amending the District Bylaws to require more frequent election of officer positions; and

**WHEREAS**, Article V of the Bylaws currently states that the President, Vice President, and Secretary shall be elected by the Board of Directors and shall serve until he or she resigns from the position, leaves the Board, or is unable to serve; and

**WHEREAS**, at its February 14, 2023, meeting, the Board discuss amending Article V of the Bylaws and directed staff to bring back an amendment to Article V requiring election of Board officers every two years, beginning immediately.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

**Section 1.** 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.

**Section 2.** The Board hereby amends Article V of the Bylaws as shown on Exhibit A to this Resolution, which exhibit is incorporated herein.

**Section 3.** This Resolution shall take effect immediately.

\* \* \* \* \*

The foregoing Resolution was adopted by the Board of Directors of the Diablo Community Services District on April 11, 2023.

Adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Kathy Urbelis, President of the Board

Attest:

\_\_\_\_\_  
Kathy Torru, General Manager

## STAFF REPORT

**DATE:** April 11, 2023  
**TO:** DCSD Board Members  
**RE:** Update to District Encroachment Ordinance

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### BACKGROUND/SUMMARY

Directors Lorenz and Cox requested at the January meeting that the Board discuss the District's options for responding to emergency tree and creek-related incidents affecting the District's roads.

The District-maintained roads are narrow, there are no sidewalks adjacent to the roads, and the roads are used by pedestrians, children, cyclists, golf carts and other mechanical and personal modes of transportation and play. The District-maintained roads are the only access for emergency vehicles to service property and persons within Diablo so any "encroachment" on or damage to a District-maintained road could result in inconvenience or dangerous conditions to Diablo residents, including but not limited to increased response times for emergency vehicles.

For this reason, in 2002, the District adopted Ordinance 2002-01 (the "Encroachment Ordinance"; attached hereto as Exhibit A), which added Chapter 6-6 to the District's Ordinance Code, the rest of which had been adopted in 1993. The Encroachment Ordinance broadly defines and "encroachment" as the existence of almost any unauthorized activity or item in the District-maintained road and generally (1) prohibits any person from allowing an encroachment to exist on a road, and (2) requires payment to the District for the cost of removal of the encroachment if the District has to remove it.

The Encroachment Ordinance suffers from internal inconsistencies, inconsistencies with the rest of the 1993 Ordinance Code, confusing definitions, and several odd provisions. For example, there are separate definitions of "road" and "right of way" which are arguably inconsistent with the rest of the Code. The Ordinance precludes a "person who resides on property in Diablo" from creating an encroachment, but then also separately defines a "person" as potentially a public agency or corporation. There is another provision that suggests that the District can "charge back" a tenant or owner for costs it spends to remove an encroachment, but the law does not allow the District to charge tenants. In short, it needs an overhaul.

For this reason, the District has been considering adoption of updated encroachment provisions as part of its Ordinance Code update. Generally, the proposed update to the encroachment ordinance serves the same purposes as the existing one: it prohibits encroachments and requires payment to the District for the cost of removal. However, the proposed version clearly defines what an encroachment is (any obstruction that prevents full or partial access to a District-maintained road including but not limited to structures and any kind of vegetation), who can violate the ordinance (property owners), and the process by which the District can remove encroachments and charge property owners for specific, associated costs.

At its February 14, 2023, meeting, the Board reviewed the existing and proposed encroachment ordinances and provided direction to staff to return with the proposed encroachment ordinance, which allows the District to remove encroachments if individual property owners fail to do so and indicates that those property owners are responsible for the District's costs to remove.



Please note that once the District eventually adopts a comprehensive update to its Ordinance Code, the proposed encroachment ordinance would remain part of the updated Code (although it may require minor revisions at that time to confirm all definitions align, etc.)

**RECOMMENDATION**

Introduce and waive first reading of Ordinance 2023-01 Repealing and Replacing Ordinance No. 2002-01 and Ordinance Code Chapter 6-6 – Encroachments.

**ORDINANCE NO. 2023-01**

**AN ORDINANCE OF THE DIABLO COMMUNITY SERVICES DISTRICT REPEALING AND REPLACING ORDINANCE NO. 2002-1 AND CHAPTER 6-6**

**WHEREAS**, the Diablo Community Services District (“District”) adopted an encroachment ordinance in 2001 which is now over 22 years old; and

**WHEREAS**, The roads maintained by the District are narrow, there are no sidewalks adjacent to the roads, and the roads are used by pedestrians, children, cyclists, golf carts and other mechanical and personal modes of transportation and play, including emergency vehicles, so it is imperative that any “encroachment” on or damage to a District-maintained road is cleared away quickly because it could result in inconvenience or dangerous conditions to Diablo residents, including but not limited to increased response times for emergency vehicles; and

**WHEREAS**, the District desires to update the encroachment provisions in its ordinance code in order to clarify certain inconsistencies and the process for the District’s handling of encroachments; and

**WHEREAS**, the District held a study session at its February 14, 2023 meeting to obtain input from Directors and the public on proposed updates to the encroachment ordinance; and

**WHEREAS**, repealing and replacing Chapter 6-6 is not a “project” under the California Environmental Quality Act (“CEQA”) Guidelines section 15378(b)(2) and (b)(5) because it is an administrative and organizational activity that will not result in direct or indirect environmental impacts, and even if it is a “project,” it can be seen with certainty that it will not result in an impact to the environment pursuant to CEQA Guidelines section 15061(b)(3) because it does not involve or authorize any physical construction or other action that would impact the environment.

**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. 2023-01 attached hereto as Exhibit A is hereby adopted, and Ordinance No. 2001-01 and Chapter 6-6 of the Ordinance Code of the Diablo Community Services District are hereby repealed. Exhibit A shall replace the existing Chapter 6-6 and shall be codified in the District’s Ordinance Code. No other sections of this Ordinance No. 2023-01 shall be codified.

SECTION 3: This Ordinance No. 2023-01 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 \_\_\_\_ day of \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSTAIN:

ATTEST:

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

## EXHIBIT A

### Chapter 6-6 ENCROACHMENT ORDINANCE

#### 6-6-1 Findings and Purpose.

That DCSD-Maintained Streets are narrow with no adjacent sidewalks, and are used by pedestrians, children, and cyclists and other mechanical and personal modes of transportation and play.

DCSD-Maintained Streets are the only access for emergency vehicles to service property and persons within Diablo.

Encroachments onto DCSD-Maintained Streets may result in dangerous conditions or severe inconvenience to property owners and residents, including but not limited to increased response times for emergency vehicles or the failure of a DCSD-Maintained Street.

It is the responsibility of a property owner to remove any encroachment onto a DCSD-Maintained Street.

Encroachments that pose a safety threat to persons or the integrity of DCSD-Maintained Streets or prevents emergency vehicle access will be immediately removed by the DCSD at the property owner's expense.

DCSD does not have a Public Works Department and therefore it is necessary for DCSD to contract with independent contractors to remove encroachments should a property owner fail to do so, the cost of which shall be borne by the property owner.

#### 7-6-2 Definitions.

**Encroachment** is an obstruction that prevents full or partial access to a DCSD-Maintained Street or threatens the integrity of the 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; or water or mud from a drainage system, failed creek bank, or hillside. Encroachment also includes any fences, walls and similar structures within 3 feet of the paved street as described in the "Diablo Overlay" provisions of the Contra Costa County Code, as such provisions may be amended from time to time.

**DCSD-Maintained Streets** means those streets and bridges located within Diablo that are maintained and secured by DCSD pursuant to the DCSD 1969 Formation Resolution.

#### 8-6-3 Violations and Removal of Encroachment.

No property owner shall permit an encroachment to lie on \_\_\_\_\_ or impede a DCSD-Maintained Street. If a property owner's property contains an encroachment or if 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, General Manager, or Sheriff within 15 days. The property owner is responsible for encroachment removal costs.

- b. If an encroachment poses a safety threat to persons or DCSD-Maintained Streets or prevents timely emergency vehicle access, as determined by the Board of Directors, General Manager, or Sheriff, the DCSD will immediately contact a third-party contractor to remove the encroachment and mitigate the threat to the DCSD-Maintained Street. The property owner is responsible for any and all costs associated with the encroachment removal and mitigation, which shall be paid to the District within 30 days of its removal of the encroachment.

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS MEETING  
MINUTES  
TELECONFERENCE VIA THE APPLICATION ZOOM  
FEBRUARY 14, 2023, 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:** President Urbelis called the roll as follows:

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

**Directors absent: None**

**PUBLIC COMMENTS:**

Nicola Place, see attached correspondence regarding upper Mt Diablo Scenic Blvd safety.

David Mackesey stated that the DCSD President needs to be elected by the current Board.

**BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:**

Uri Eliahu, ENGEO Inc. president, and Haley Ralston, ENGEO project geologist, made a presentation on Geological Hazard Abatement Districts (GHADs) and educated the Directors on the history, formation, and benefits of a GHAD and answered questions from the Directors and public in attendance. There was consensus amongst the Directors that more research is needed before moving forward with a GHAD feasibility study. There was no motion to adopt Resolution 2023-03.

President Urbelis opened for discussion an amendment to DCSD Bylaw Article V Section 1. General Manager Torru read several emailed public comments attached in Exhibit A. Public comments were made by David Mackesey and Maryann Cella stating their position that the Board Officers should be elected by the current Board. Tony Geisler commented that it is inappropriate for an officer once elected to remain in that position for life without being reelected periodically. This is a procedural issue and not a reflection on the person holding the office.

On motion of Director Slavonia, second by Director Chartier, the Board voted to direct staff to bring back a resolution amending the DCSD Bylaw Article V Section 1 to remove the current language regarding election of officers from the description of each office, and to provide that officers are elected every two years by the Board following the election, beginning immediately and including this past election. The motion passed 5-0.

President Urbelis presented the changes to state law and the Governor's declaration of emergency, which require DCSD Regular Meetings to move from remote teleconference to in-person. The DCSD does not have access to both audio and visual technology to enable hybrid meetings, so the Board will be operating under the "Traditional Brown Act Teleconferencing" in-person meeting format. Effective March 1, 2023, the DCSD Board meetings will be held in-person at the Diablo Country Club portable lounge.

**FINANCE:**

General Manager Torru presented the District’s financial results for the first six months of FY 2023 ending December 31, 2022. The District has \$785k in cash on hand on December 31, 2022. The financial report is available for review on the District’s website [www.diablocsd.org](http://www.diablocsd.org) under the Documents tab.

General Manager Torru presented the FY 2022 State Financial Transaction Report. The report was filed with the State of California in January and a copy is available for review on the District’s website [www.diablocsd.org](http://www.diablocsd.org) under the Documents tab.

**ROADS:**

General Manager Torru presented an update on the 2022-23 Winter Storm damage. The asphalt failures at 1615 Club House Rd, the mid-Alameda Diablo bridge, and the Caballo Ranchero bridge will be repaired next week by Asphalt Surfacing Inc at cost of \$55k. An email will go out to residents later this week informing them of the road and bridge work, the closures, and the detour. ENGeo will be overseeing the project.

General Manager Torru reported that the 2022-23 Winter Storm costs to date total \$327k. The District does not anticipate material additional costs. The District has not made a determination as to who will be responsible for these costs.

Director Cox presented for discussion the District’s encroachment procedures for tree and creek emergency response. Directors Cox and Lorenz, and General Manager Torru will draft a simplified encroachment ordinance for the Board to review at the March 14 meeting.

**SECURITY:**

Deputy Buergi stated that there were no incidents to report, and that weather and the related traffic are the biggest issues.

**CONSENT CALENDAR:**

On motion of Director Urbelis, second by Director Lorenz, the Directors unanimously approved the consent calendar 5-0, subject to a change requested by Director Chartier to the January 10, 2023, minutes. The first sentence in the last paragraph on page 1 of the minutes will be amended to read:

“Director Chartier made a motion to continue the election of officers until next month so that the President, Vice President, and Secretary can be elected by the current Board.”

**REPORTS:**

**CONTRA COSTA COUNTY:** None.

**DIABLO PROPERTY OWNERS REPORT:** Leslie Keane DPOA President, reported the DPOA kicked off its 2023 contribution campaign this past month and that resident response has been strong. The updated Diablo Directory has been emailed to all residents and hard copies of the Directory will be available from the DPOA upon request. The Diablo Honors luncheon, honoring residents who have lived in Diablo for 50 years, was held this past week at Roundhill Country Club. The luncheon was well attended and received. The 2022 Diablo Citizen of the Year is Kathy Torru.

**DIABLO COUNTRY CLUB:** None

**DIRECTOR COMMENTS:** None

**FUTURE AGENDA ITEMS:**

Election of the DCSD President and Secretary.

First reading of the Encroachment Ordinance Code.

Closed session to perform personnel evaluation of general counsel.

Presentation of a proposal for discussion of a digital DCSD handbook.

**CALL OF NEXT MEETING/ADJOURNMENT:**

President Urbelis called the next meeting for March 14, 2023. The meeting will be conducted in-person at the Diablo Country Club. There being no further business, the meeting was adjourned the at 10:32 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

## DCSD Meeting 2.14.23

## Remarks for the Public Comments

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

I have spoken at many DCSD meetings since 1998. I am largely predictable: I almost always talk about the same topic: SAFETY. Tonight, I am once again talking about safety, on behalf of the residents of the upper portion of Mt. Diablo Scenic Blvd.

As you likely recall, I spoke at the January DCSD meeting, representing all of the residents of upper Mt. Diablo Scenic Blvd. At that time we requested that the DCSD use our fees to re-paint the double yellow lines on Upper Scenic. We asked that you respond to us in writing and that the work be completed by the end of February. We have not received a reply so we are now asking that this item be placed on the March DCSD Meeting Agenda.

We also note that substantial DCSD funds appear to have been expended for emergency creekside repairs, which sets an interesting precedent for doing work outside of the historical scope of DCSD. We hope you will see fit, in the name of safety, to consider other work outside the historical scope in order to make Upper Scenic safe as well. The striping on Scenic was badly damaged by the gravel and debris washing down and across the road during the storms and flooding. This means drivers are less able to discern their proper and safe position on the road.

We also and again note that we have contributed over \$67,000 to the DCSD and have yet to receive road maintenance services.

Safety should not be controversial. We hope you are taking steps to have this work scheduled and, if not, we will appreciate a transparent and open discussion of the matter at the March meeting.

Thank you,

Nicola Place and

Steve and Wendy Moore

Sketch and Marti Sketchley

Carol Mulcahey

Paul and Hannah Craddick

Carol Berendsen

Grace and Randy Su

Colleen and Winston Cervantes

Hsiu-Li Cheng

Jenny and Lloyd Lee

Peter and Mayra Hypnar

Nancy and Hal Seibert



From the January Public Comments:

**DCSD Meeting 1.10.23                      Remarks for the Public Comments section**

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

Congratulations to the newly elected board members!

I have spoken at many DCSD meetings since 1998. I am pretty predictable: I almost always talk about the same topic: SAFETY. Tonight, I am once again talking about safety, on behalf of the residents of the upper portion of Mt. Diablo Scenic Blvd.

Since most of you are new to the board you are also likely new to the topic of the upper portion of Mt. Diablo Scenic Boulevard, what we call "Upper Scenic."

First a brief history:

- Since 2011, all of the properties on Upper Scenic have been part of the DCSD.
- We each pay the annual DCSD tax, currently \$745.39 per household.
- This means that since 2011, the DCSD has received tax revenue totaling \$67,686.96 - just from the residents of Upper Scenic alone.
- Unfortunately, none of that money has been used to improve the safety of Upper Scenic.

So what is the safety issue on Upper Scenic?

- Upper Scenic is narrow, winding, and has five blind turns. In other words, it's not safe. In fact, we often call it "The Danger Zone."
- Over the years there have been at least six bike-vehicle collisions resulting in serious injuries.
- In 2019 there was a fatality on Upper Scenic. Maayan Jones, husband, and father of three boys was tragically killed in 2019 while traveling thru the Danger Zone. (See photo.)

It is not an exaggeration to call upper Mt. Diablo Scenic "The Danger Zone."

- The purposes of the DCSD, per the formation documents and confirmed in your recent campaign platform, are safety and security.
- How can the DCSD help make Upper Scenic safer?
  - After the fatality in 2019, an anonymous group funded a pilot test of double yellow line road striping on Upper Scenic. Prior to this time there was no centerline striping of any kind.

- This striping has been phenomenally successful in making upper Scenic MUCH safer: Drivers and cyclists stay on their side of the road, drivers are much less likely to pass cyclists, dog-walkers, and hikers on the blind turns, and there have been no collisions - and no fatalities - since.
- But now that paint is fading. It's time for a fresh coat of paint.
- We would like the DCSD to fund the cost for a fresh coat of double yellow lines.
- We believe the cost would be under \$20,000 for the more durable "thermoplastic" paint, which is less than 30% of the \$67,000 we have paid in DCSD taxes since 2011.

We ask that you take this under consideration to be completed by the end of February.

We look forward to your written reply and assistance in making Upper Scenic safer.

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 and the residents of Upper Scenic  
(Read the last names.)

Steve and Wendy Moore

Sketch and Marti Sketchley

Carol Mulcahey

Paul and Hannah Craddick

Grace and Randy Su

Colleen and Winston Cervantes

Hsiu-Li Cheng

Jenny and Lloyd Lee

Peter and Mayra Hypnar

Nancy and Hal Seibert



Maayan Jones and Family



Memorial Service on Scenic for Maayan Jones: His widow and sons.

**From:** Terri Davis **Subject:** DCSD agenda



**Date:** February 14, 2023 at 4:19 PM  
**To:** generalmanager@diablocsd.org

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**From:** Dana Pingatore

**Subject:** Public Comment on Bylaw change

**Date:** February 14, 2023 at 2:40 PM

**To:** generalmanager@diablocsd.org



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I would like to register my opposition to a change in bylaws related to election of officers. Please focus your time and effort on the things that really require updates - like our ordinances. Thank you  
Dana Pingatore

Tuesday, February 14, 2023

Public Comment, DCSD Board Meeting

Jeff Eorio, Diablo Resident

As this is Valentines day, I am unable to attend the meeting of the Board but would like my letter read into the record tonight and made a part of the minutes. Thank you.

About your discussion tonight of the bylaws as requested last meeting, it is imperative for the good of the Diablo community and for the governing of our special district that Kathy Urbelis remain as President of the Board. Kathy has successfully led this District for the past several years through two expensive lawsuits that cost the district hundreds of thousands of taxpayer dollars and resulted in absolutely no change in how our publicly maintained streets are used and by whom. She also helped guide the District through this past winter storm damage which is still ongoing. There is no current Board member with the knowledge, skill, understanding of public law who is up to the challenge of leading our special district for the next couple of years. She has earned her position and must be retained without delay. Any effort to try to change our leadership at this time will be met by very strong community opposition. I can assure you that residents are ready willing and able to come out to support Kathy as your continuing President.

Additionally, I would ask, as was asked at the last Board meeting, for the District to re-stripe Mt. Diablo Scenic Blvd. as a way to assure the residents of Mt. Diablo Scenic that they too are a part of our special district and that they are valued. It is an important public safety measure and it needs to be funded and hopefully agenized for the March meeting.

With regards to the GHAD proposal, we have several GHADs within the City of San Ramon while I was working there for 22 years and they were set up prior to any homes being built on San Ramon Creek or in the Dougherty Valley development. Here the proposal is to establish a taxing agency, a Geologic Hazard Abatement District for the purpose of responding to creek failures, landslides and the like. The problem here in Diablo as I see it, and I will be anxious to read the ENGEO report when it is completed, is that the majority of property owners in Diablo do not live on one of our creeks, and thus will be paying for the problems of property owners who live on creeks or adjacent to creeks. I would imagine that the annual tax of this proposed GHAD will be at least as much if not greater than our current fee to the District. I just want residents to be clear that this will be a significant additional fee above and beyond our current assessments. I support the Board moving forward with the analysis by ENGEO as I know and trust their firm, and again, I will be anxious to read their recommendations.

On another note, I requested at the last meeting that the members of the "safe and secure" slate tell me their source of where either I or Bart Hobden ever asked for a 4<sup>th</sup> vehicular entrance to Diablo. I will be asking this at every meeting until I get an answer as I know you all never heard it directly from me, from the meetings that you never attended or the minutes that you probably never read. So what was the source of your misinformation that you spread during the election cycle? Any number of Diablo residents would like to know your source?

Thank you. Jeff Eorio

**From:** Arlene Reed

**Subject:**

**Date:** February 11, 2023 at 6:30 PM

**To:** Kathy Torru [generalmanager@diablocsd.org](mailto:generalmanager@diablocsd.org)

AR

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To The Members of the DCSD Board,

I have read the draft minutes of the 1/10/23 DCSD meeting and was amazed that two of the new DCSD board members voted as they did regarding the election of officers and request to change the bylaws. Our president, Kathy Urbelis, deserves our immense gratitude for the work she has done for us over the years - for her skills, knowledge of the laws, guidance through the two expensive lawsuits, involvement during the crises of the January rains, and her overall dedication to the care of Diablo, the community we all love and treasure. We are so lucky to have her!! It is very confusing to me why the two brand new board members, Christine and Jerry, wanted to change the board's bylaws and procedures regarding elections that have been followed successfully for years. Is there an ulterior reason?

Arlene Reed

**From:** Kay Spicer



**Subject:** Thank you


**Date:** February 11, 2023 at 8:00 PM

**To:** DCSD General Manager [generalmanager@diablocsd.org](mailto:generalmanager@diablocsd.org)

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**From:** Julie Nejedly   
**Subject:** Support for Kathy Urbelis at Tuesday's District meeting  
**Date:** February 12, 2023 at 2:33 PM  
**To:** DCSD General Manager generalmanager@diablocsd.org,  
**Cc:**



To: Diablo Community Services District Board  
From: Julie Nejedly, Diablo  
Re: February 14, 2023 Agenda Item - Discussion of an Amendment to DCSD Bylaw Article V Section 1

I do not support an amendment to the DCSD Bylaw Article V, Section 1.

It is concerning that a recently elected Board Member whose campaign was fraught with misrepresentation and deceit has proposed amending the Board Bylaws as their first order of action. It is imperative for the good of the Diablo community and for the governing of our special district that Kathy Urbelis remain as President of the Board. Kathy has successfully led this District for the past several years through many challenging situations including two lawsuits. Her historical knowledge of Diablo, skill in leading the Board, understanding of public law, and ability to guide the District and the community through the recent massive winter storm damage and repair is exemplary. There is no current Board member with the background or qualifications to lead our special district for the near term. Kathy has earned her position through countless years of community involvement and leadership and must be retained without delay. Any effort to try to change the DCSD leadership at this time will be met by very strong community opposition. I recommend and support Kathy Urbelis as your continuing President.

**From:** David Watson  
**Subject:** RE: Support for Kathy Urbelis at Tuesday's District meeting  
**Date:** February 12, 2023 at 3:04 PM  
**To:**  
**Cc:**



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To: DCSD Board  
From: David Watson, Diablo CA 94528

I was in the process of writing my own statement regarding the upcoming discussion of amendment to the DCSD Bylaw Article V Section 1 when I read Julie's attached statement. Since it perfectly captures my view on this subject I am sending this along as my endorsement of her statement and the strong opposition the board will face from members of the community such as myself in any attempt to modify the bylaws and/or unseat Kathy Urbelis as president. She understands the laws governing special districts such as ours; knows the community history which is invaluable in steering the direction of our district; and possesses the demonstrated experience in her role to make excellent and prudent decisions for our community. Kathy Urbelis needs to remain our DCSD president to continue the good governance and prudent direction we have enjoyed.

Regards,

Dave



**From:** Garth Hobden

**Subject:** Amendment of DCSD Bylaws - Article V, Section 1

**Date:** February 12, 2023 at 5:29 PM

**To:** DCSD General Manager generalmanager@diablocsd.org

**Cc:**

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**TO:** Diablo Community Services District Board (DCSD)  
**FROM:** Garth Hobden - Diablo, Ca 94528  
**SUBJ:** Amendment of DCSD Bylaws - Article V, Section 1

I strongly oppose any amendment to the referenced DCSD bylaws at the upcoming Board Meeting on February 14, 2023.

It is very concerning to me that a couple of newly elected Board Members that have been in their respective Board positions, less than four months, have identified that a change in these Bylaws is necessary and appropriate under the circumstances.

Unfortunately, this is not surprising since there is very clearly an agenda that these two newly elected candidates are following. The tactics that are being used to propose amending Article V, Section 1 are coming from the very same “deceitful playbook” used in their respective campaign. Is the underlying goal for one of them to replace Kathy Urbelis, or maybe to seek another candidate for the position to streamline the passage of some of their future objectives? There is simply no basis for this other than a desperate attempt for power and control.

Kathy Urbelis, our Board President has very successfully led our District over the last three years through some very challenging times, which included two expensive lawsuits and most recently severe storm activity that required her immediate and effective action to ensure the safety of all of the residents of Diablo.

We are so fortunate to have Kathy leading our Board. She has demonstrated a sincere commitment to use her comprehensive skills and legal experience to achieve the very best outcome for our treasured community.

Kathy Urbelis needs to remain our DCSD President, she has earned our trust and demonstrated through her leadership and good governance over the last several years that she serves the best interests of all of the residents of our Diablo community.

Good, competent community leaders have strong community support, Kathy is no exception, any attempt to disturb her leadership would invoke strong community opposition.

**From:** Sheila Langon

**Subject:** Re: DCSD 2/14/23 Agenda Item

**Date:** February 13, 2023 at 1:41 PM

**To:** DCSD General Manager [generalmanager@diablocsd.org](mailto:generalmanager@diablocsd.org)

SL

Dear DCSD Board -

Please read this letter aloud so it may be included in the minutes. As a past DCSD Roads Commissioner, I continue to follow what the DCSD is actively working on. I applaud the job the volunteer board members have done in the past in keeping our community safe and dealing with our roads, bridges and culverts.

The focus of the current board should be the experienced members teaching the new members all the details of what needs to be done today and going forward regarding our recent culvert problems, road edges deteriorating along our creeks, bridge cracks and potholes, road and bridge signs that neighbors have taken upon themselves to add or remove, etc. This learning curve takes time, as I know from firsthand experience as a board member.

In reading the DCSD draft minutes from 1/10/23, it looks like a new board member wants to jump in and change our long-standing, well working Bylaw Article V Section 1. I don't remember our Bylaws ever being changed in the history of Diablo and DCSD regarding removing or changing a Presidents position. The President job, should be earned from experience and successful situation outcomes. Kathy Urbelis has done an outstanding job as DCSD President since Ray Brandt resigned. She did a phenomenal job as Vice President prior to that. She has lived in Diablo longer than my 28 years and volunteered on so many committees, I wouldn't be surprised if she is named Citizen Of The Year soon. Kathy Urbelis has the respect of our neighbors, and most importantly, the respect of our County leaders.

I vehemently disagree with any new board members suggesting changes in our Bylaws without actually learning the DCSD job, contributing hands on to the DCSD job, and serving their time as a DCSD commissioner to prove they can work together on the board in the best interest of our community as a whole.

I also would like to request the DCSD board going back to in-person meetings. Most companies have their employees coming back into the office, so DCSD should adjust to current times. Diablo is a close nit community, and we deserve to see and hear our representatives in person.

Thank you - Sheila Langon  
Diablo

**From:** Ray Brant

**Subject:** Ray's comments

**Date:** February 15, 2023 at 7:54 AM

**To:** DCSD General Manager [generalmanager@diablocsd.org](mailto:generalmanager@diablocsd.org)



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**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
EMERGENCY MEETING MINUTES  
DIABLO POST OFFICE PARKING LOT  
MARCH 7, 2023, 5:15 p.m.**

**CALL TO ORDER:** President Kathy Urbelis called the meeting to order at 5:15 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:**

Ray Brant, David Mackesey, Tony Geisler and Maryann Cella expressed concern about the closure of Diablo Rd for three weeks to replace a Town of Danville failed culvert and the impact that 10,000 additional vehicles every day will have on the safety of Diablo's roads and the pedestrians, children and cyclists who use them. They expressed skepticism that detour signs and flaggers will be enough to change people's driving habits.

Nicola Place, see attached correspondence regarding upper Mt Diablo Scenic Blvd safety.

**BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:**

President Kathy Urbelis presented the Staff Report to the Directors for discussion. The Board discussed the potential safety concerns with the Diablo Road closure resulting in high volumes of traffic, including up to 10,000 extra vehicles, on District roads. Board members expressed concerns about emergency vehicles being able to get through to residents' homes if the District did not temporarily close Avenida Nueva at Diablo Road. President Urbelis requested advice from legal counsel on such a temporary closure, and General Counsel Crowl indicated that she had concerns about such a closure due to the court's opinion in the Tiernan case, particularly if the District was only closing the road to non-residents, since the court was clear that the District could not prevent the public from using its roads. Director Cox noted that this closure would be temporary due to safety concerns and asked General Counsel Crowl if opening the road would be the remedy to a challenge, and she stated that was a possible remedy. Following additional discussion about the potential safety issues and use of Avenida Nueva by school buses and emergency vehicles during a temporary closure, the Board entertained a motion.

On motion by Director Chartier, second by Director Cox, the Board voted 5-0 to authorize the following:

A subcommittee of Directors Greg Lorenz and Matt Cox are authorized to work with the Town, County, General Manager, General Counsel, and other necessary parties to implement, as necessary, the District's temporary closure of Avenida Nueva at Diablo Road to all vehicular traffic except for school buses and emergency vehicles for the duration of the Town's closure of Diablo Road; furthermore, that subcommittee is authorized to return to the Board for further discussion if the Town agrees to provide additional traffic control measures

or provides an alternative plan that could alleviate the need for the District's temporary closure of Avenida Nueva.

**CALL OF NEXT MEETING/ADJOURNMENT:**

President Urbelis called the next regular meeting for March 14, 2023. There being no further business, the meeting was adjourned the at 6:00 p.m.

Diablo Community Services District by,  
Kathy Torru, General Manager