

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING AGENDA¹
DIABLO COUNTRY CLUB RED HORSE TAVERN TOO
TUESDAY, SEPTEMBER 12, 2023, 6:00 P.M.**

CALL TO ORDER:

President: Kathy Urbelis

ROLL CALL:

Secretary: Christine Chartier

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) President Urbelis to present the Agreement for General Counsel Legal Services for Board approval. The interviews resulted in selection of Martin de los Angeles of Best Best & Krieger LLP as General Counsel for the District.
- b) President Urbelis to introduce the District's new Sheriff Deputy, Chris Stoffels and new Lieutenant Scott Dickerson.
- c) President Urbelis to provide update on Kay's Trail maintenance.
- d) Director Lorenz to present the FY2023 Financial Report.

ROADS: Director Cox

- a) Director Cox to update the Board on the status of the FEMA application for 2022-23 Winter Storm damage financial assistance.

SECURITY: Director Slavonia

- a) Sheriff Deputy Chris Stoffels to provide security report since last meeting.

2. CONSENT CALENDAR

- a) Approve the minutes of the June 13, 2023, Regular Meeting.
- b) Approve the minutes of the June 13, 2023, Special Meeting.
- c) Approve the minutes of the August 28, 2023, Special Meeting.

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

3. **REPORTS**

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

4. **DIRECTOR COMMENTS**

5. **FUTURE AGENDA ITEM ANNOUNCEMENT**

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

The next DCSD Regular Board meeting is scheduled for October 10, 2023, at 6:00 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. 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
Financial Report
June 30, 2023

	July	August	September	October	November	December	January	February	March	April	May	June	Actual YTD	Budget YTD
Beginning Cash	507,532	474,611	440,855	408,757	388,606	346,588	785,748	755,966	457,175	356,761	610,873	525,884	507,532	507,532
Revenue														
Tax revenue	-	-	-	13,422	-	470,269	-	-	-	342,592	-	60,706	886,989	851,257
Other revenue	4	3	3	3	2	4	6	146	(115)	3	4	3	66	1,500
Total Income	4	3	3	13,425	2	470,273	6	146	(115)	342,595	4	60,709	887,055	852,757
Expenses														
Sheriff services*	27,572	28,695	27,691	27,030	27,614	25,949	27,541	27,394	26,660	25,638	27,249	16,983	316,015	391,785
Road/bridge/culvert/trail	-	-	-	-	1,872	-	255,969	60,584	(3,110)	8,148	6,594	32,848	362,905	284,000
Professional services	5,485	4,529	4,880	14,330	2,210	2,175	16,588	12,173	43,236	58,655	9,016	10,365	183,642	76,502
Insurance	40,389	-	-	-	-	-	-	-	-	-	-	-	40,389	41,015
Administrative	-	1,548	-	-	-	-	431	-	393	-	264	191	2,827	19,860
Total Expenses	73,446	34,772	32,571	41,360	31,696	28,124	300,529	100,151	67,179	92,441	43,122	60,387	905,778	813,162
Net Income	(73,442)	(34,769)	(32,568)	(27,935)	(31,694)	442,149	(300,523)	(100,005)	(67,294)	250,154	(43,118)	322	(18,723)	39,595
Incr/(decr) in payable/prepaid	40,521	1,013	470	7,784	(10,324)	(2,989)	270,741	(198,786)	(33,120)	3,958	(41,871)	(21,363)	16,034	
Ending Cash	474,611	440,855	408,757	388,606	346,588	785,748	755,966	457,175	356,761	610,873	525,884	504,843	504,843	
Other Financial Data														
Prepaid/deposit														
Reserves (bridge/culvert)*	672,600	677,600	682,600	687,600	692,600	730,928	735,928	740,928	745,928	750,928	755,928	760,928		
Accounts payable	71,884	72,895	73,366	81,151	70,827	67,838	338,578	112,399	106,674	110,631	108,999	87,636		
Accrued expense														

Notes

* reserves are unfunded

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES
DIABLO COUNTRY CLUB RED HORSE TAVERN TOO
JUNE 13, 2023, 7:30 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 7:32 p.m.

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

ROLL CALL: Secretary Chartier called the roll as follows:

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

Directors absent: None

PUBLIC COMMENTS:

Nicola Place, see attached comments.

Maryann Cella asked why the encroachment repeal and replace ordinance excludes vegetation from the 3-foot setback requirement.

Charlie Merrill expressed his discontent with the proposed encroachment ordinance and stated he prefers the encroachment ordinance adopted in 2002.

BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE:

Director Lorenz presented the DCSD 2023-24 Budget. On motion of President Urbelis, second by Director Cox, Resolution No. 2023-05 was adopted, and the General Manager was instructed to file the 2023-24 Budget and Resolution 2023-05 with the County Auditor. Motion passed 5-0.

Director Cox introduced Ordinance No. 2023-01, Repealing and Replacing Ordinance No. 2002-01 and Ordinance Code Chapter 6-6-Encroachments, and on motion by Director Cox, second by Director Urbelis continued the first reading of Ordinance No. 2023-01 until the DCSD August 8, 2023 Regular Meeting. Motion passed 5-0.

Director Slavonia proposed moving the start time of the DCSD Regular Meetings held the second Tuesday of the month to 6:00 pm from the current 7:30 pm start time. On motion of Director Slavonia, second by Director Lorenz the DCSD Regular meetings will start at 6:00 pm beginning August 8, and the General Manager is directed to notify the community of the time change. Motion passed 5-0.

President Urbelis presented the process for identifying and hiring legal counsel replacement. The District would like to have a replacement general counsel in place by August 1, 2023. President Urbelis thanked Christie Crawl for her 6 years of service to the District and recognized her for her excellent counsel over the years. Director Lorenz thanked Christie for her responsiveness to the Directors.

General Manager Torru presented for approval the GSRMA (Golden State Risk Management Association) annual insurance premium of \$40,239 effective July 1, 2023. On motion of Director

Slavonia, second by Director Lorenz the GSRMA insurance premium was approved. Motion passed 5-0.

ROADS:

General Manager Torru reported that the DCSD continues to work with FEMA to qualify for federal and/or state reimbursements for storm damage expenses.

General Manager Torru reported that the El Nido road repair work was completed last week as scheduled and thanked the residents of El Nido for their patience and cooperation.

Director Chartier stated that several stop signs in Diablo need repair and asked that they be fixed.

SECURITY:

Director Slavonia reported that Deputy Chris Stoffels has been identified to replace Deputy Dan Buergi as the dedicated sheriff officer for Diablo and that he will begin work July 3rd.

Director Lorenz thanked the DPOA for recognizing Deputy Buergi for his 12 years of service to Diablo on behalf of the community with thank you signs posted throughout the community, a thank you display at the front entrance, a framed thank you card signed by residents, and a bottle of wine.

CONSENT CALENDAR:

On motion of Director Urbelis, second by Director Cox, the Directors approved the consent calendar, with a correction to the May 9th minutes location: meeting was held at the Club Red Horse Tavern Too, not the Club parking lot. Motion passed 5-0.

REPORTS:

CONTRA COSTA COUNTY: None

DIABLO PROPERTY OWNERS' REPORT: None

DIABLO COUNTRY CLUB: Hank Salvo, Club liaison, reported that the clubhouse renovation permit process is moving forward slowly.

DIRECTOR COMMENTS: None

FUTURE AGENDA ITEMS: None

CALL OF NEXT MEETING/ADJOURNMENT:

President Urbelis called the next meeting for August 8, 2023. The meeting will be at the Diablo Country Club at 6:00 pm. There being no further business, the meeting was adjourned at 8:07 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

RESOLUTION NO. 2023-05

**RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT APPROVING
THE FISCAL YEAR 2023-24 BUDGET**

WHEREAS, The Diablo Community Services District (District) on May 31, 2023 caused to be published in the News Register of Contra Costa County, a newspaper of general circulation, a notice that the General Manager had prepared a proposed final budget for fiscal year 2023-2024, which was available for inspection, and that a public meeting would be held on June 13, 2023 at 7:30 p.m. at which time any person could appear and be heard regarding any item in the budget or regarding the addition of any other items, and;

WHEREAS, this District did hold a public meeting on June 13, 2023 at 7:30 p.m. at which time any person could appear and be heard regarding any item in the fiscal year 2023-2024 budget or regarding the addition of any other items;

NOW THEREFORE BE IT RESOLVED, that the District Board of Directors adopts the instrument attached as its final budget for fiscal year 2023-2024.

BE IT FURTHER RESOLVED, that a copy of the final budget of the District be forwarded to the Auditor of Contra Costa County.

Effective Date. This Resolution shall take effect on and after its adoption.

* * * * *

THE FOREGOING RESOLUTION WAS ADOPTED at a regular meeting of the Board of Directors of the Diablo Community Services District on the 13th day of June 2023 by the following vote:

AYES: Urbelis, Cox, Lorenz, Slavonia, Chartier

NOES:

ABSENT:

ABSTAIN:

Kathy Urbelis, President

Attest:

Katharine Torru

Kathy Torru, General Manager

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 highly predictable: I almost always talk about the same topic: SAFETY, and tonight is no exception. On behalf of the residents of the upper portion of Mt. Diablo Scenic Blvd., the most dangerous portion, I'm back again to talk safety - but tonight I'm going to change "stripes" from road maintenance and instead talk about the other service our DCSD fees pay for: Security.

We have a great deal of data confirming that Upper Scenic is the most dangerous portion of Scenic (see following illustration). For any of you who stroll, walk your dogs, jog, run, cycle or drive golf carts on Upper Scenic this is not new information. It's actually quite terrifying when cars are driving much too fast, and you have to quickly scramble to get out of their way. In addition, the data confirms that the most dangerous days of the week are Saturday and Sunday.

All of the property owners on Scenic pay DCSD fees and are therefore entitled to the DCSD provided security services. As they are for the property owners in Diablo, those security services should be responsive to the circumstances and serve the goal of keeping Diablo safe.

With the recent retirement of our former officer, Dan Buergi, the District is in the process of transitioning into a new officer. Given this circumstance, we ask that the DCSD please incorporate the following required actions into the new officer's duties:

1. Patrol Upper Scenic on weekend mornings.
(Note: We are happy to provide coffee and excellent snacks!)
2. Provide a monthly report, including photos, to the DCSD about these patrols.

Optional but welcome:

3. Request the officer's observations and recommendations to further improve safety on Upper Scenic.

We are happy to meet and discuss this in more detail if that would be helpful. In any event, we would appreciate a written response from the Board in the next 30 days.

Thank you,

Nicola Place and the owners of Upper Scenic:

Steve and Wendy Moore

Sketch and Marti Sketchley

Paul and Hannah Craddick

Brian Moore

Emily Kevorkian

Grace and Randy Su

Colleen and Winston Cervantes

Hsiu-Li Cheng

Jenny and Lloyd Lee

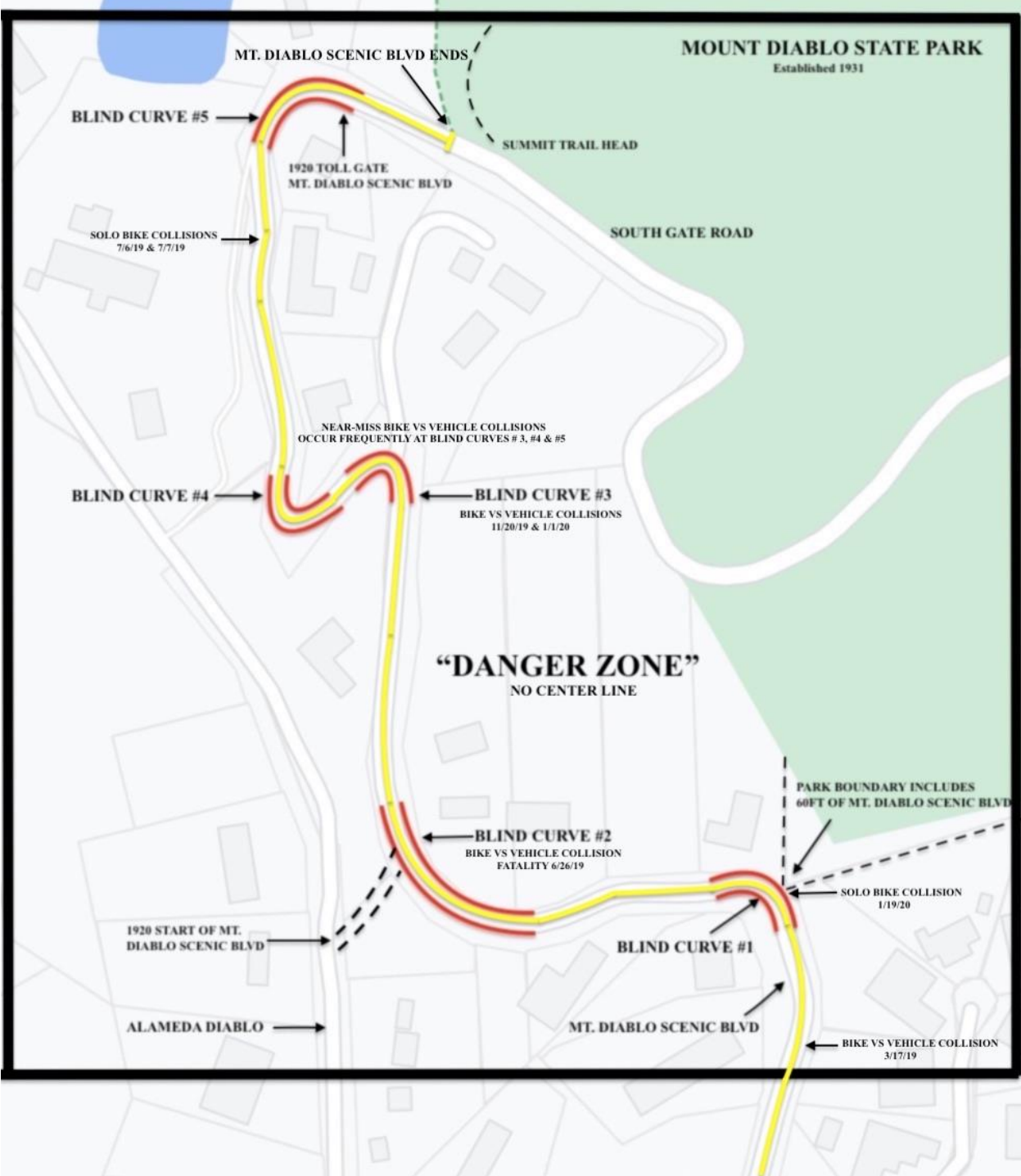
Peter and Mayra Hypnar

Nancy and Hal Seibert

Leslie Forman

Laurie Bain

Gun Johnston



**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
SPECIAL MEETING MINUTES
DIABLO COUNTRY CLUB RED HORSE TAVERN TOO
JUNE 13, 2023, 6:30 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 6:30 p.m.

ROLL CALL: President Urbelis called the roll as follows:

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

Directors absent:

PUBLIC COMMENTS: None

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9(d)(2) (Receipt of the attached letter pursuant to from counsel for the Citizens of Diablo for Transparency.)

RECONVENE IN OPEN SESSION:

President Urbelis stated that there were no reportable actions.

CALL OF NEXT MEETING/ADJOURNMENT:

President Urbelis called the next regular meeting for June 13, 2023. There being no further business, the meeting was adjourned the at 7:30 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
SPECIAL MEETING MINUTES
DIABLO COUNTRY CLUB RED HORSE TAVERN TOO
AUGUST 28, 2023, 5:00 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 5:15 p.m.

ROLL CALL: President Urbelis called the roll as follows:

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

Directors absent:

PUBLIC COMMENTS: None

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL –CONSIDERATION OF APPOINTMENT OF GENERAL COUNSEL pursuant to Government Code Section 54957.

RECONVENE IN OPEN SESSION:

The Board reconvened in open session at 7:01 and Special Counsel Christie Crowl stated that no reportable actions were taken in closed session.

Director Urbelis presented Resolution 2023-06 designating Directors Urbelis and Cox and GM Torru as agents representing the DCSD with the Calif Gov. Office of Emergency Services for purposes of obtaining FEMA financial assistance related to the 2022-23 Winter Storms. On motion by Director Lorenz and a second by President Urbelis the Board approved Resolution 2023-06 on a vote of 5-0.

CALL OF NEXT MEETING/ADJOURNMENT:

President Urbelis called the next regular meeting for September 12, 2023. There being no further business, the meeting was adjourned the at 7:08 p.m.

Diablo Community Services District by

Kathy Torru, General Manager