

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
SPECIAL MEETING AGENDA<sup>1</sup>  
DIABLO COUNTRY CLUB RED HORSE TAVERN TOO  
MONDAY, NOVEMBER 13, 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) Waive first reading and reintroduce Ordinance No. 2023-01, Repealing and Replacing Ordinance No. 2002-01 and Ordinance Code Chapter 6-6 - Encroachments.
- b) Presentation of the District financial report for the first quarter ending September 30, 2023.
- c) Approve the Regular Meeting date change to the second Monday of the month at 6:00 pm.
- d) Discussion of the Town of Danville's future plans for a traffic light at Mount Diablo Scenic Blvd and Diablo Road.

**SECURITY:** Director Slavonia

- a) Sheriff Deputy Chris Stoffel to provide security update since the last meeting.

**2. CONSENT CALENDAR**

- a) Approve the minutes of the October 10, 2023, Regular Meeting.
- b) Approve the minutes of the October 30, 2023, Special Meeting.

**3. REPORTS**

**CONTRA COSTA COUNTY:**

Cameron Collins

**DIABLO PROPERTY OWNERS ASSOC:**

Leslie Keane

**DIABLO COUNTRY CLUB:**

Hank Salvo

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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 Agenda.

4. **DIRECTOR COMMENTS**

5. **FUTURE AGENDA ITEM ANNOUNCEMENT**

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

The next DCSD Regular Board meeting is scheduled for Monday December 11, 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](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:** November 13, 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 2023 meeting that the Board discuss the District's options for responding to emergency tree and creek-related incidents affecting DCSD-Maintained Streets.

DCSD-Maintained Streets are narrow, there are no sidewalks adjacent to the streets, and the streets are used by pedestrians, children, cyclists, golf carts 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 so any "encroachment" on or damage to a DCSD-Maintained Street 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 an "encroachment" as the existence of almost any unauthorized activity or item in the DCSD-Maintained Street and generally (1) prohibits any person from allowing an encroachment to exist on a street, and (2) requires payment to the District for the cost of removal of the encroachment if the District must 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 costs of removal, in accordance with state law. However, the proposed version more clearly defines what an encroachment is (any obstruction that prevents full or partial access to a DCSD-Maintained Street 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 ordinance 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 associated with the removal of the encroachment.

At the April 11, 2023 meeting, the Board reviewed the proposed encroachment ordinance and unanimously approved the document with instructions for the general manager to present the ordinance at a future Regular Board Meeting for reading and adoption.

At the May 9, 2023 meeting, the Board received public comment concerning the proposed ordinance and decided to bring back the ordinance for a new first reading to make minor clarifications. This ordinance is being reintroduced at the November 13, 2023 meeting with additional clarifying edits, including: referencing the District's authority under the Community Services District Law and relevant state law provisions to 1) adopt, by ordinance, and enforce rules and regulations for the maintenance of streets, roads, and public rights-of-way within the District's boundaries; 2) remove encroachments affecting DCSD-Maintained Streets; and 3) recover costs associated with removal of encroachments.

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**

Waive first reading and reintroduce Ordinance 2023-01, Repealing and Replacing Ordinance No. 2002-01 and Chapter 6-6.

## 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” or “DCSD”) provides security and road maintenance services to the Diablo community pursuant to the Community Services District Law (Gov. Code, § 61000 *et seq.*); and

**WHEREAS**, the District is empowered by Government Code Section 61060(b) to adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Government Code Section 61100, including the maintenance of streets, roads, and public rights-of-way (Gov. Code, § 61100(*l*)); and

**WHEREAS**, pursuant to Government Code Section 61103, a district that maintains roadways and public rights-of-way, such as the District, shall have certain powers that are otherwise granted to cities and counties by the Streets & Highways Code and Vehicle Code, which include the authority to manage stormwater and encroachments, as defined herein, and to remove encroachments and recover the costs associated with removal of encroachments (see Streets & Highways Code, §§ 964, 1480 – 1496); and

**WHEREAS**, the District adopted an encroachment ordinance in 2001 which is now over 22 years old; and

**WHEREAS**, the streets maintained by the District are narrow, there are no sidewalks adjacent to the streets, and the streets 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 DCSD-Maintained Street 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**, this ordinance was introduced at the District’s April 11, 2023 meeting and reintroduced with further amendments at its November 13, 2023 meeting; 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 BOARD OF DIRECTORS OF THE DIABLO COMMUNITY SERVICES 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: The Board of Directors finds the adoption of this Ordinance 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.

SECTION 4: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This Board of Directors hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

SECTION 5: 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 \_\_\_\_\_, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ATTEST:

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

## EXHIBIT A

### Chapter 6-6 ENCROACHMENT ORDINANCE

#### 6-6-1 Authority.

- a. The District provides security and road maintenance services to the Diablo community pursuant to the Community Services District Law (Gov. Code, § 61000 *et seq.*).
- b. The District is empowered by Government Code Section 61060(b) to adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Government Code Section 61100, including the maintenance of streets, roads, and public rights-of-way (Gov. Code, § 61100(l)).
- c. Pursuant to Government Code Section 61103, a district that maintains roadways and public rights-of-way, such as the District, shall have certain powers that are otherwise granted to cities and counties by the Streets & Highways Code and Vehicle Code, which include the authority to manage stormwater and encroachments, as defined herein, and to remove encroachments and recover the costs associated with removal of encroachments (see Streets & Highways Code, §§ 964, 1480 –1496).

#### 6-6-2 Findings and Purpose.

- a. 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.
- b. DCSD-Maintained Streets are the only access for emergency vehicles to service property and persons within Diablo.
- c. 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.
- d. It is the responsibility of a property owner to remove any encroachment onto a DCSD-Maintained Street.
- e. 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.
- f. 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.

#### 6-6-3 Definitions.

- a. **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, walls, or guardrails; 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. Encroachments also include any fences, walls, and similar structures within 3-feet of the private road. Encroachments do not include any permanent or fixed obstructions (e.g., structures, walls, fences) that exist at the time of adoption of this ordinance.

- b. **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.

#### **6-6-4 Violations and Removal of Encroachment.**

- a. No property owner shall permit an encroachment to lie on, damage 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 10 days. The 10-day period to remove the encroachment may be reduced to 5 days if, after notice, the property owner does not dispute the existence of the encroachment but still fails to remove it. 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.
- c. Notwithstanding any other provision of this ordinance to the contrary, the District hereby adopts the provisions of California Streets and Highways Code Sections 1480 through 1496 relating to the removal of encroachments, and the District's ability to impose penalties or forfeitures and recover the costs associated with removal of encroachments.



Diablo Community Services District  
Financial Report  
September 30, 2023

	July	August	September	Actual YTD	Budget YTD
<b>Beginning Cash</b>	504,843	434,909	402,418	504,843	504,843
<b>Revenue</b>					
Tax revenue	-	-	-	-	-
Other revenue	3	43	2	48	-
Total Income	3	43	2	48	-
<b>Expenses</b>					
Sheriff services	31,196	28,244	29,250	88,690	119,046
Road/bridge/culvert/trail	5,915	1,028	4,076	11,019	40,000
Professional services	8,906	10,675	14,100	33,681	16,302
Insurance	40,239	-	-	40,239	41,015
Administrative	-	15	1,542	1,557	1,750
Total Expenses	86,256	39,962	48,968	175,186	218,113
Net Income	(86,253)	(39,919)	(48,966)	(175,138)	(218,113)
Incr/(decr) in payable/prepaid	16,319	7,428	6,068	29,815	0
<b>Ending Cash</b>	434,909	402,418	359,520	359,520	286,730

**Other Financial Data**

Prepaid/deposit			
Reserves (bridge/culvert)*	765,928	770,928	775,928
Accounts payable	63,715	71,142	77,212
Accrued expense			

**Notes**

\* reserves are unfunded

## STAFF REPORT

**DATE:** November 13, 2023  
**TO:** DCSD Board Members  
**RE:** DCSD Regular Meeting Date Change

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### BACKGROUND/SUMMARY

The Diablo Community Services District has historically held its Regular Meetings on the second Tuesday of the month in the Diablo Room of the Diablo Country Club. This consistency provides greater transparency of the District's discussions and actions and facilitates resident participation in the District.

This past summer, the Diablo Country Club embarked on a major 12-month renovation of the Club house requiring the Club to move its operations into two portable buildings in the Club parking lot and shift its dining activities to the patio of the 9<sup>th</sup> hole snack shack. With the cooler and wet weather, the Club has found it necessary to move the dining operations into the portable buildings making the portables unavailable to the District to hold its Regular Meetings on Tuesday evenings. The Club does not offer dining services on Mondays.

Since there are no other facilities available within Diablo to hold a DCSD meeting on Tuesday evenings, the District is left with the option of holding its Regular Meetings outdoors until the Club House renovation project is complete, or changing the Regular Meeting date to a Monday night when the Club is closed. Per Article VI, Section 1 of the District's Bylaws, the Board may change the date and time of the Regular Meetings by a motion carried by a quorum of the full Board. The proposed Regular Meeting date change would be from the second Tuesday of the month to the second Monday of the month at 6:00 pm.

### RECOMMENDATION

By motion, approve the date change of the DCSD Regular Meetings to the second Monday of the month at 6:00 pm.

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
MEETING MINUTES  
DIABLO COUNTRY CLUB RED HORSE TAVERN TOO  
OCTOBER 10, 2023, 6:00 P.M.**

**CALL TO ORDER:** Vice President Matt Cox called the meeting to order at 6:02 pm.

Vice President Cox welcomed Directors and the public and explained the rules for public comment.

**ROLL CALL:** Secretary Chartier called the roll as follows:

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

**Directors absent: Urbelis**

**WELCOME OFFICIALS:**

Martin de los Angeles (of Best, Best, & Krieger LLP, General Counsel)

Cameron Collins (Supervisor Anderson's Liaison)

Deputy Chris Stoffels (CCC Sheriff)

Lt. Scott Dickerson (Valley Station Commander)

Hank Salvo (Diablo Country Club Liaison)

**PUBLIC COMMENTS:**

Maryann Cella spoke in favor of the proposed license plate reader cameras and suggested that the Athenian School and Diablo Ranch Estates HOA contribute to the cost of the Mount Diablo Scenic Blvd camera.

Ray Brandt echoed Maryann Cella's comments.

Jeff Eorio read aloud the attached comments.

Don Nejedly echoed Jeff Eorio's comments.

Maryann Cella disagreed with Jeff Eorio's election allegations and reiterated her support for the newly elected DCSD members.

Tony Geisler disagreed with Jeff Eorio's election allegations and expressed concern about the veiled threats on social media towards the "Intervenors" for fencing off the Alameda Diablo – Mt Diablo Scenic Blvd pedestrian cut through.

**BOARD/STAFF COMMUNICATION AND ACTIONS:**

**ADMINISTRATIVE:**

General Manager Torru and Flock Safety representative Kyle Egkan presented a proposal from Flock Safety for a license plate reader security camera system at Diablo's three entrances and on Mount Diablo Scenic Blvd. On motion by Director Slavonia and a second by Director Cox the Board authorized Director Slavonia and General Manager Torru to negotiate a contract with Flock Safety for 4 license plate reader cameras and a 3-year maintenance contract for an amount not to exceed \$37,600, and directed General Manager Torru to contact the Athenian School, Diablo Ranch Estates HOA and the Mount Diablo State Park officials and request that they share in the cost of the Mount Diablo Scenic Blvd camera. Motion passed 4-0.

Director Lorenz presented the DCSD's 2023 Audit Report noting that the District received a clean opinion with no adjustments and no internal control concerns identified. A copy of the 2023 Audit Report is available on the DCSD website under the Documents tab.

**ROADS:**

General Manager Torru presented a proposal from Berkeley Signs to replace the three worn white wood front entrance signs with similar signs. On motion by Director Lorenz and a second by Director Chartier the Board authorized Director Cox and General Manager Torru to negotiate a contract with Berkeley Signs to replace the three wood front entrance signs with similar signs for an amount not to exceed \$6,000. Motion passed 4-0.

General Manager Torru reported that Cal-OES had approved the District's FEMA 2022-23 Winter Storm financial assistance reimbursement application and that the District should receive a check in the amount of \$311,000 by the end of the year.

**SECURITY:**

Deputy Stoffels reported that there were no crimes reported last month and that there was a vehicle roll over incident on Mt Diablo Scenic Blvd. On October 6<sup>th</sup> a child on a bike was involved in a hit and run incident on Diablo Road. The child's injuries were minor and the CHP is investigating the incident. In August there was a report of a wall vandalized on Mount Diablo Scenic Blvd. That investigation is still active.

**CONSENT CALENDAR:**

On motion by Director Cox and a second by Director Slavonia the Board approved the consent calendar. Motion passed 4-0.

**REPORTS:**

**CONTRA COSTA COUNTY:** Cameron Collins stated that there was nothing to report.

**DIABLO PROPERTY OWNERS' REPORT:** No report.

**DIABLO COUNTRY CLUB:** Hank Salvo reported that the Club facilities project is on schedule for completion in May 2024 and that the Board and membership are discussing the funding of a 10-15% budget overrun. The Water Project and an employee legal settlement are being addressed by the Club.

**DIRECTOR COMMENTS:** None

**FUTURE AGENDA ITEMS:**

Records Retention Policy.

**CALL OF NEXT MEETING/ADJOURNMENT:**

Vice President Cox called the next meeting for November 14, 2023 at 6:00 pm at the Diablo Country Club. There being no further business, the meeting was adjourned at 6:50 p.m.

**Diablo Community Services District by**

**Kathy Torru, General Manager**

## October DCSD Meeting Public Comment

In my 43 years of living in Diablo, I have never had a reason to be embarrassed to say where I live. But now, due to the actions of the "Intervenors" the reputation of our community has been trashed in the greater San Ramon Valley. Diablo is now known as selfish, entitled, arrogant and ignorant!

From the day that I purchased my home on Alameda Diablo 43 years ago, I have utilized the Alameda Diablo easement to access our beloved Mt. Diablo to walk my dogs, ride my bike, take Cub Scouts up Dan Cook trail, ride a horse, meet neighbors and friends.

But what has transpired in the last couple of weeks, what happened to the welcoming and wonderful community of Diablo, disgusts me.

It began with Bob Tiernan's crusade against bicycles which sowed division, controversy and resentment in the community and beyond.

It grew with the lawsuits and the intervenors extending the lawsuit that Tiernan started and transitioned into the last DCSD election with the lies, distortions, deceitful ads and emails about me and Garth Hobden orchestrated by the intervenors, several of your current Board members and MaryAnn Cella.

We are now experiencing a "tyranny of the minority" again led by the intervenors, several Board members and people in community members who have bought into their rhetoric. This hateful and dishonest rhetoric has been on full display at several previous DCSD meetings whereby simple, needed new policies and procedures have become a war of words, lies, fabrications and ignorance of the powers of a special California district such as our DCSD.

From the records retention policy to the reasonable 3' set back proposal, the members of the tyranny of the minority have vilified and distorted these proposals to try to make it seem the District would be doing something nefarious with these policies and are paralyzing the DCSD.

I am very concerned about the safety and well being of members of our community and people traversing our "private but subject to a public right of way" taxpayer supported roads. Due to the actions of the intervenors, people are now crowded onto Calle Los Callados and even onto Diablo Road. They are forcing

high school and middle school kids who run on cross country, soccer and track teams to only utilize Calle Los Callados or Diablo Road. They are forcing more and more bicycles onto the very dangerous Diablo Road including the SRV and MV middle and high school mountain bike teams, putting their lives at risk. Additionally, many people I have spoken to are greatly concerned as traditional wildlife access has been taken away with this fence the intervenors paid for.

And cutting off a whole neighborhood within Diablo, the Mt. Diablo Scenic neighborhood from accessing the Club, post office and friends by bike and walking!

Residents have started a Change.org petition which has gathered almost 2,000 signatures asking US Bank to remove the section of fence on their property. And I ask the intervenors, did you seek any permission from US Bank that now holds the deed to the easement in question, permission to install a fence. Apparently not!

In closing, this Board needs to act on a records retention policy and the 3' set back proposal as soon as possible and again, I am disgusted, angry and sad for our community due to the actions of a small group of mean-spirited people.

Jeff Eorio

Alameda Diablo Resident since 1979

**DIABLO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
SPECIAL MEETING MINUTES  
DIABLO COUNTRY CLUB RED HORSE TAVERN TOO  
OCTOBER 30, 2023, 4:00 p.m.**

**CALL TO ORDER:** President Kathy Urbelis called the meeting to order at 4:05 p.m.

**ROLL CALL:** Secretary Chartier called the roll as follows:

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

**Directors absent: Slavonia**

**PUBLIC COMMENTS:** None

**1. CLOSED SESSION:**

- a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9(d)(2): one potential case (Receipt of a claim pursuant to the Government Claims Act from Diablo Country Club).
- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9(d)(2): one potential case (Receipt of letter dated June 7, 2023 from Charlie Merrill, counsel for 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 meeting for Monday November 13, 2023. There being no further business, the meeting was adjourned the at 5:08 p.m.

Diablo Community Services District by

Kathy Torru, General Manager