

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING AGENDA¹
DIABLO COUNTRY CLUB RED HORSE TAVERN TOO
MONDAY, APRIL 8, 2024, 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) Present the DCSD Q2 Financial Report.
- b) Present the DCSD 2023 State Financial Transaction Report

ROADS: Director Cox

- a) Authorize Director Cox and the General Manager to negotiate a contract with WIN Structural Consulting to provide a structural assessment of the District's three bridges for an amount not to exceed \$64,000.

SECURITY: Director Slavonia

- a) Provide a security update since the last meeting.

2. CONSENT CALENDAR

- a) Approve the minutes of the December 11, 2023, Special and Regular Meetings.

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

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

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

The next DCSD Regular Board meeting is scheduled for May 13, 2024, 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
December 31, 2023

	July	August	September	October	November	December	Actual YTD	Budget YTD
Beginning Cash	504,843	434,909	402,418	359,520	329,968	285,166	504,843	504,843
Revenue								
Tax revenue	-	-	-	17,379	-	494,232	511,611	493,218
Other revenue	3	43	2	2	3	324,372	324,425	-
Total Income	<u>3</u>	<u>43</u>	<u>2</u>	<u>17,381</u>	<u>3</u>	<u>818,604</u>	<u>836,036</u>	<u>493,218</u>
Expenses								
Sheriff services	31,196	28,244	29,250	29,278	45,938	29,673	193,579	215,292
Road/bridge/culvert/trail	5,915	1,028	4,076	3,874	2,628	41,981	59,502	98,200
Professional services	8,906	10,675	14,100	10,653	8,142	8,185	60,661	43,852
Insurance	40,239	-	-	-	-	-	40,239	41,015
Administrative	-	15	1,542	-	-	-	1,557	1,750
Total Expenses	<u>86,256</u>	<u>39,962</u>	<u>48,968</u>	<u>43,805</u>	<u>56,708</u>	<u>79,839</u>	<u>355,537</u>	<u>400,109</u>
Net Income	(86,253)	(39,919)	(48,966)	(26,424)	(56,705)	738,765	480,499	93,109
Incr/(decr) in payable/prepaid	16,319	7,428	6,068	(3,128)	11,903	26,191	64,780	0
Ending Cash	<u>434,909</u>	<u>402,418</u>	<u>359,520</u>	<u>329,968</u>	<u>285,166</u>	<u>1,050,122</u>	<u>1,050,122</u>	<u>597,952</u>

Other Financial Data

Prepaid/deposit								
Reserves (bridge/culvert)*	765,928	770,928	775,928	780,928	785,928	824,256		
Accounts payable	63,715	71,142	77,212	44,805	53,367	112,176		
Accrued expense								

Notes

* reserves are unfunded

SPECIAL DISTRICTS' FINANCIAL TRANSACTIONS REPORT COVER PAGE

Special District Name: Diablo Community Services District

Fiscal Year: **2023**

ID Number: **12050700600**

Certification:

I hereby certify that, to the best of my knowledge and belief, the report forms fairly reflect the financial transactions of the special district in accordance with the requirements as prescribed by the California State Controller.

Special District Fiscal Officer



Sr8tB3zHa22La1g...

Signature

General Manager

Title

Kathy Torru

Name (Please Print)

1/4/2024

Date

Per Government Code section 53891(a), this report is due within seven months after the close of the fiscal year or within the time prescribed by the Controller, whichever is later. The report shall contain underlying data from audited financial statements prepared in accordance with generally accepted accounting principles, if this data is available.

If submitted manually, please complete, sign, and mail this cover page to either address below:

Mailing Address:

Local Government Reporting Section – Special Districts
Local Government Programs and Services Division
California State Controller's Office
P.O. Box 942850
Sacramento, CA 94250

Express Mailing Address:

Local Government Reporting Section – Special Districts
Local Government Programs and Services Division
California State Controller's Office
3301 C Street, Suite 700
Sacramento, CA 95816

The Financial Transactions Report was successfully submitted to the State Controller's Office on 1/4/2024 11:49:07 AM

**Special District Name: Diablo Community Services District
Special Districts' Financial Transactions Report
General Information**

Fiscal Year: 2023

District Mailing Address

Street 1 Has Address Changed?
Street 2
City State Zip
Email

Members of the Governing Body

	First Name	M. I.	Last Name	Title
Member 1	<input type="text" value="Kathy"/>	<input type="text"/>	<input type="text" value="Urbelis"/>	<input type="text" value="President"/>
Member 2	<input type="text" value="Matthew"/>	<input type="text"/>	<input type="text" value="Cox"/>	<input type="text" value="Vice President & Roads Commission"/>
Member 3	<input type="text" value="Greg"/>	<input type="text"/>	<input type="text" value="Lorenz"/>	<input type="text" value="Finance Commissioner"/>
Member 4	<input type="text" value="Jerry"/>	<input type="text"/>	<input type="text" value="Slavonia"/>	<input type="text" value="Security Commissioner"/>
Member 5	<input type="text" value="Christine"/>	<input type="text"/>	<input type="text" value="Chartier"/>	<input type="text" value="Secretary & Community Liaison"/>
Member	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

District Fiscal Officers

	First Name	M. I.	Last Name	Title	Email
Official 1	<input type="text" value="Kathy"/>	<input type="text"/>	<input type="text" value="Torru"/>	<input type="text" value="General Manager"/>	<input type="text" value="generalmanager@diablocd.org"/>
Official 2	<input type="text" value="Christie"/>	<input type="text"/>	<input type="text" value="Crowl"/>	<input type="text" value="General Counsel"/>	<input type="text" value="ccrowl@jarvisfay.com"/>
Officials	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Report Prepared By

First Name M. I. Last Name
Telephone Email

Independent Auditor

Firm Name
First Name M. I. Last Name
Telephone

1. Is this district a component unit of a City, County, or Special District (Choose one)? If "Yes", answer question 2. Yes No

2. Is this district a blended component unit (BCU) or a discretely presented component unit (DPCU) of a City, County, or Special District (Choose one)? Refer to the Financial Transactions Report (FTR) instructions for definitions of these terms. If the district is a BCU, answer questions 3 - 5.

BCU DPCU

3. Is financial data of this BCU included in the financial statements or Annual Comprehensive Financial Report (ACFR) of a City, County, or Special District (Choose one)?

City County Special District

4. In which City, County, or Special District financial statements or ACFR is the financial data of this BCU included?

City name:

County name:

Special District name:

5. Is financial data of this BCU included in the City, County, or Special District FTR (Choose one)? Yes No

6. In preparing the District's financial transactions reports for governmental fund type accounts, which basis of accounting was used? (Choose one):

Cash basis Modified cash basis Modified accrual basis Full accrual basis N/A

7. In preparing the District's financial transactions reports for proprietary fund type accounts (Internal Service Funds and Enterprise Funds), which basis of accounting was used? (Choose one):

Cash basis Modified cash basis Modified accrual basis Full accrual basis N/A

8. In preparing the District's financial transactions reports for fiduciary fund type accounts, which basis of accounting was used? (Choose one):

Cash basis Modified cash basis Modified accrual basis Full accrual basis N/A

Special District Name: Diablo Community Services District
Special Districts' Financial Transactions Report - Governmental Funds
Statement of Revenues, Expenditures, and Changes in Fund Balances

Fiscal Year: 2023

Activity: (1 of 1) (Record Completed)

Police Protection and Personal Safety

		General	Special Revenue	Debt Service	Capital Projects	Permanent	Total Governmental Funds
Revenues							
Taxes and Assessments							
R01.	Current Secured and Unsecured (1%)	568,723					568,723
R02.	Voter-Approved Taxes						
R03.	Pass-through and Residual Property Taxes (ABX1 26)						
R05.	Tax Increment						
R06.	Parcel Tax	318,266					318,266
R07.	Property Assessments						
R09.	Prior-Year Taxes and Assessments						
R10.	Penalties and Costs of Delinquent Taxes and Assessments						
R11.	Other Taxes and Assessments						
R12.	Total Taxes and Assessments	886,989	0	0	0	0	886,989
R13.	Licenses, Permits, and Franchises						
R14.	Fines, Forfeitures, and Penalties	24					24
Revenue from Use of Money and Property							
R15.	Investment Income	42					42
R16.	Rents, Leases, Concessions, and Royalties						
R17.	Other Revenue from Use of Money and Property						
R18.	Total Revenue from Use of Money and Property	42	0	0	0	0	42
Intergovernmental – Federal							
R19.	Aid for Construction						
R20.	Other Intergovernmental – Federal						
R21.	Total Intergovernmental – Federal	0	0	0	0	0	0
Intergovernmental – State							
R22.	Aid for Construction						
R23.	State Water Project						
R24.	Homeowners Property Tax Relief	0					
R25.	Timber Yield						
R26.	Other Intergovernmental – State						
R27.	Total Intergovernmental – State	0	0	0	0	0	0
R28.	Intergovernmental – Other						
R29.	Charges for Current Services						
R30.	Contributions from Property Owners						
Self-Insurance Only							
R31.	Member Contributions						
R32.	Claim Adjustments						
R33.	Total Self-Insurance Only	0	0	0	0	0	0
R34.	Other Revenues						
R35.	Total Revenues	\$887,055	\$0	\$0	\$0	\$0	\$887,055

Expenditures						
R36. Salaries and Wages						
R37. Employee Benefits						
R38. Services and Supplies	905,779					905,779
R39. Self-Insurance Only – Claims Paid						
R40. Contributions to Outside Agencies						
Debt Service						
R40.5 Lease Financing, Principal and Interest Payments						
R41. Principal Payments on Long-Term Debt						
R42. Interest Payments on Long-Term Debt						
R43. Principal and Interest on Short-Term Notes and Warrants						
R44. Other Debt Service						
R45. Total Debt Service	0	0	0	0	0	0
R46. Capital Outlay						
R47. Other Expenditures						
R48. Total Expenditures	\$905,779	\$0	\$0	\$0	\$0	\$905,779
R49. Excess (Deficiency) of Revenues Over (Under) Expenditures	\$-18,724	\$0	\$0	\$0	\$0	\$-18,724
Other Financing Sources (Uses)						
R49.5 Lease Financing						
R50. Long-Term Debt (Bonds, COPs, and Other Agency Debt)						
R51. Construction Financing and Other Long-Term Debt						
R51.6 Proceeds from Refinancing on Loans, Notes, and Other						
R51.7 Payments to Refinanced Loans, Notes, and Other						
R52. Refunding Bonds Proceeds						
R53. Premium on Bonds Issued						
R54. Discount on Bonds Issued						
R55. Payments to Refunded Bond Escrow Agent						
R56. Demand Bonds						
R57. Proceeds from Sale of Capital Assets						
R59. Insurance Recoveries						
R60. Transfers In						
R61. Transfers Out						
R61.5 Other Financing Sources (Uses) – Other						
R62. Total Other Financing Sources (Uses)	\$0	\$0	\$0	\$0	\$0	\$0
Special and Extraordinary Items						
R63. Special Item						
R64. Extraordinary Item						
R65. Total Special and Extraordinary Items	0	0	0	0	0	0
R66. Net Change in Fund Balances	\$-18,724	\$0	\$0	\$0	\$0	\$-18,724
R67. Fund Balances (Deficits), Beginning of Fiscal Year	\$476,170	\$0	\$0	\$0	\$0	\$476,170
R68. Adjustment						
R69. Reason for Adjustment						
R70. Fund Balances (Deficits), End of Fiscal Year	\$457,446	\$0	\$0	\$0	\$0	\$457,446

Special District Name: Diablo Community Services District
Special Districts' Financial Transactions Report
Balance Sheet
Governmental Funds

Fiscal Year: 2023

	General	Special Revenue	Debt Service	Capital Projects	Permanent	Total Governmen Funds
Assets						
R01. Cash and Investments	504,843					504,843
R02. Investments						
R03. Accounts Receivable (net)						
R04. Taxes Receivable						
R05. Interest Receivable (net)						
R05.5 Leases Receivable						
R07. Due from Other Funds						
R08. Due from Other Governments						
R09. Advances to Other Funds						
R10. Inventories						
R11. Prepaid Items	40,239					40,239
R12. Loans, Notes, and Contracts Receivable						
R13. Other Assets 1						
R14. Other Assets 2						
R15. Other Assets 3						
R16. Total Assets	\$545,082	\$0	\$0	\$0	\$0	\$545,082
R17. Deferred Outflows of Resources						
R18. Total Assets and Deferred Outflows of Resources	\$545,082	\$0	\$0	\$0	\$0	\$545,082
Liabilities						
R19. Accounts Payable	87,636					87,636
R20. Contracts and Retainage Payable						
R21. Interest Payable						
R22. Due to Other Funds						
R23. Due to Other Governments						
R24. Advances from Other Funds						
R25. Deposits and Advances						
R26. Loans and Notes Payable						
R27. Other Liabilities 1						
R28. Other Liabilities 2						
R29. Other Liabilities 3						
R30. Total Liabilities	\$87,636	\$0	\$0	\$0	\$0	\$87,636
R31. Deferred Inflows of Resources						
R32. Total Liabilities and Deferred Inflows of Resources	\$87,636	\$0	\$0	\$0	\$0	\$87,636

Fund Balances (Deficits)

R33. Nonspendable	40,239					40,239
R34. Restricted						
R35. Committed						
R36. Assigned						
R37. Unassigned	417,207					417,207
R38. Total Fund Balances (Deficits)	\$457,446	\$0	\$0	\$0	\$0	\$457,446
R39. Total Liabilities, Deferred Inflows of Resources, and Fund Balances (Deficits)	\$545,082	\$0	\$0	\$0	\$0	\$545,082

Special District Name: Diablo Community Services District
Special Districts' Financial Transactions Report
Noncurrent Assets, Deferred Outflows of Resources,
Noncurrent Liabilities, and Deferred Inflows of Resources
Governmental Funds

Fiscal Year: 2023

		Noncurrent Assets/Deferred Outflows of Resources	Noncurrent Liabilities/Deferred Inflows of Resources
Noncurrent Assets			
R00.5	Lease Receivable	<input type="text"/>	<input type="text"/>
Capital Assets			
R01.	Land	<input type="text"/>	<input type="text"/>
R02.	Buildings and Improvements	<input type="text"/>	<input type="text"/>
R03.	Equipment	2,500	<input type="text"/>
R04.	Infrastructure	<input type="text"/>	<input type="text"/>
R05.	Intangible Assets – Amortizable	<input type="text"/>	<input type="text"/>
R05.5	Lease Assets (Lessee)	<input type="text"/>	<input type="text"/>
R06.	Construction in Progress	<input type="text"/>	<input type="text"/>
R07.	Intangible Assets – Nonamortizable	<input type="text"/>	<input type="text"/>
R08.	Other Capital Assets	<input type="text"/>	<input type="text"/>
R09.	Less: Accumulated Depreciation/Amortization	-2,500	<input type="text"/>
R10	Net Pension Asset	<input type="text"/>	<input type="text"/>
R11	Net OPEB Asset	<input type="text"/>	<input type="text"/>
R12	Other Noncurrent Assets 1	<input type="text"/>	<input type="text"/>
R13	Other Noncurrent Assets 2	<input type="text"/>	<input type="text"/>
R14	Other Noncurrent Assets 3	<input type="text"/>	<input type="text"/>
R15.	Total Noncurrent Assets	\$0	<input type="text"/>
Deferred Outflows of Resources			
R16	Related to Pensions	<input type="text"/>	<input type="text"/>
R17	Related to OPEB	<input type="text"/>	<input type="text"/>
R18	Related to Debt Refunding	<input type="text"/>	<input type="text"/>
R19	Other Deferred Outflows of Resources	<input type="text"/>	<input type="text"/>
R20.	Total Deferred Outflows of Resources	\$0	<input type="text"/>
R21.	Total Noncurrent Assets and Deferred Outflows of Resources	\$0	<input type="text"/>

Noncurrent Liabilities

R22. Deposits and Advances		
R23. Compensated Absences		
R24. General Obligation Bonds		
R25. Revenue Bonds		
R26. Certificates of Participation		
R27. Other Bonds		
R28. Loans (Other Long-Term Debt)		
R29. Notes (Other Long-Term Debt)		
R30. Other (Other Long-Term Debt)		
R31. Construction Financing – Federal		
R32. Construction Financing – State		
R32.5 Lease Liability		
R33. Lease Obligations (Purchase Agreements)		
R34. Net Pension Liability		0
R35. Net OPEB Liability		
R36. Other Noncurrent Liabilities 1		
R37. Other Noncurrent Liabilities 2		
R38. Other Noncurrent Liabilities 3		
R39. Total Noncurrent Liabilities		\$0

Deferred Inflows of Resources

R40 Related to Pensions		
R41 Related to OPEB		
R42 Related to Debt Refunding		
R42.5 Related to Leases		
R43 Other Deferred Inflows of Resources		
R44. Total Deferred Inflows of Resources		\$0
R45. Total Noncurrent Liabilities and Deferred Inflows of Resources		\$0

Special District Name: Diablo Community Services District
Special Districts' Financial Transactions Report
Appropriations Limit Information

Fiscal Year: 2023

R01. Appropriations Limit	<input type="text" value="0"/>
R02. Total Annual Appropriations Subject to the Limit	<input type="text" value="0"/>
R03. Revenues Received (Over) Under Appropriations Limit	<input type="text" value="\$0"/>

Special District Name: Diablo Community Services District
Special Districts' Financial Transactions Report
Summary

Fiscal Year: 2023

		Governmental Funds	Internal Service Fund	Enterprise Fund	Total
Governmental Revenues					
R01.	General	887,055			
R02.	Special Revenue				
R03.	Debt Service				
R04.	Capital Projects				
R05.	Permanent				
R06.	Transportation				
R07.	Total Governmental Revenues	\$887,055			
Internal Service Revenues					
R08.	Total Operating Revenues		\$0		
R09.	Total Non-Operating Revenues		\$0		
R10.	Total Internal Service Revenues		\$0		
Enterprise Revenues					
Operating Revenues					
R11.	Airport				
R12.	Electric				
R13.	Gas				
R14.	Harbor and Port				
R15.	Hospital				
R16.	Sewer				
R17.	Solid Waste				
R18.	Transit				
R19.	Water				
R20.	Other Enterprise				
R21.	Conduit				
R22.	Transportation				
R23.	Total Operating Revenues			\$0	
Non-Operating Revenues					
R24.	Airport				
R25.	Electric				
R26.	Gas				
R27.	Harbor and Port				
R28.	Hospital				
R29.	Sewer				
R30.	Solid Waste				
R31.	Transit				
R32.	Water				
R33.	Other Enterprise				
R34.	Conduit				
R35.	Transportation				

R36.	Total Non-Operating Revenues			\$0	
R36.5	Total Revenues	\$887,055	\$0	\$0	\$8
Governmental Expenditures					
R37.	General	905,779			
R38.	Special Revenue				
R39.	Debt Service				
R40.	Capital Projects				
R41.	Permanent				
R42.	Transportation				
R43.	Total Governmental Expenditures	\$905,779			
Internal Service Expenses					
R44.	Total Operating Expenses		\$0		
R45.	Total Non-Operating Expenses		\$0		
R46.	Total Internal Service Expenses		\$0		
Enterprise Expenses					
Operating Expenses					
R47.	Airport				
R48.	Electric				
R49.	Gas				
R50.	Harbor and Port				
R51.	Hospital				
R52.	Sewer				
R53.	Solid Waste				
R54.	Transit				
R55.	Water				
R56.	Other Enterprise				
R57.	Conduit				
R58.	Transportation				
R59.	Total Operating Expenses			\$0	
Non-Operating Expenses					
R60.	Airport				
R61.	Electric				
R62.	Gas				
R63.	Harbor and Port				
R64.	Hospital				
R65.	Sewer				
R66.	Solid Waste				
R67.	Transit				
R68.	Water				
R69.	Other Enterprise				
R70.	Conduit				
R71.	Transportation				
R72.	Total Non-Operating Expenses			\$0	

R72.5	Total Expenditures/Expenses	\$905,779	\$0	\$0	\$905,779
R73.	Transfer In				
R74.	Transfer Out				
R75.	Change in Fund Balance/Net Position	\$-18,724	\$0	\$0	\$-18,724
R76.	Fund Balance/Net Position (Deficit), Beginning of Fiscal Year	\$476,170	\$0	\$0	\$476,170
R77.	Adjustments				
R78.	Fund Balance/Net Position (Deficit), End of Fiscal Year	\$457,446	\$0	\$0	\$457,446
Assets					
R79.	Total Current Assets	545,082			545,082
R80.	Total Noncurrent Assets				
R81.	Total Assets	\$545,082	\$0	\$0	\$545,082
Liabilities					
R82.	Total Current Liabilities	87,636			87,636
R83.	Total Noncurrent Liabilities				
R84.	Total Liabilities	\$87,636	\$0	\$0	\$87,636
R85.	Total Fund Balance/Net Position (Deficit)	\$457,446	\$0	\$0	\$457,446

Special District Name: Diablo Community Services District
Special Districts' Financial Transactions Report
Parcel Tax - Statistical Data
(To Be Completed by Levying Entity)

Fiscal Year: 2023

Parcel Tax Name (1 of 1) (Record Completed)

Measure B Special Tax

A. The Type and Rate of Parcel Tax Imposed

All Property Delete Type

Parcel Tax Rate		
Dollar Amount	Base	Notes
\$745.4	Parcel (Flat Rate)	Improved Parcels Delete
\$144.14	Parcel (Flat Rate)	Unimproved Parcels Delete
\$26,387.2	Parcel (Flat Rate)	Diablo Country Club Delete
	Select	Add

Select Add Type

- B. The Number of Parcels Subject to the Parcel Tax 420
- C. The Number of Parcels Exempt from the Parcel Tax
- D. The Sunset Date of the Parcel Tax, if any
- E. The Amount of Revenue Received from the Parcel Tax (Annually) 318,266

F. The Manner in Which the Revenue Received from the Parcel Tax is Being Used

(Please check all box(es) applicable or the box(es) with the closest description that apply.)

<input type="checkbox"/> Agriculture and Fair	<input type="checkbox"/> Library Services
<input type="checkbox"/> Air Quality and Pollution Control	<input type="checkbox"/> Lighting and Lighting Maintenance
<input type="checkbox"/> Airport Purpose	<input type="checkbox"/> Local and Regional Planning or Development
<input type="checkbox"/> Ambulance Service and Emergency Medical Services	<input type="checkbox"/> Memorial
<input type="checkbox"/> Amusement	<input type="checkbox"/> Museums and Cultural Facilities
<input type="checkbox"/> Animal Control	<input type="checkbox"/> Parking
<input type="checkbox"/> Broadband and Cable Services	<input type="checkbox"/> Pest Control, Mosquito Abatement and Vector Control
<input type="checkbox"/> Cemetery	<input checked="" type="checkbox"/> Police Protection, Personal Safety, and Public Safety
<input type="checkbox"/> Conduit Financing	<input checked="" type="checkbox"/> Recreation and Park, Open Space
<input type="checkbox"/> Drainage and Drainage Maintenance	<input type="checkbox"/> Resource Conservation
<input type="checkbox"/> Electric Purpose	<input type="checkbox"/> Snow Removal
<input type="checkbox"/> Erosion Control	<input checked="" type="checkbox"/> Streets, Roads, and Sidewalks
<input type="checkbox"/> Financing or Constructing Facilities	<input type="checkbox"/> Television Translator Station Facilities
<input type="checkbox"/> Fire Protection, Fire Prevention, and Fire Suppression	<input type="checkbox"/> Trade and Commerce
<input type="checkbox"/> Flood Control	<input type="checkbox"/> Transit
<input type="checkbox"/> Gas Purpose	<input type="checkbox"/> Transportation
<input type="checkbox"/> Graffiti Abatement	<input type="checkbox"/> Underground Electric and Communication Facilities
<input type="checkbox"/> Harbor and Port Purpose	<input type="checkbox"/> Veterans Buildings and Institutions
<input type="checkbox"/> Hazardous Material Emergency Response	<input type="checkbox"/> Water Conservation
<input type="checkbox"/> Health	<input type="checkbox"/> Waste Management
<input type="checkbox"/> Hospital Purpose	<input type="checkbox"/> Water Services and Irrigation
<input type="checkbox"/> Land Reclamation	<input type="checkbox"/> Weed Abatement

Landscaping

**Special District of Diablo Community Services District
Special District Financial Transactions Report
Footnotes**

Fiscal Year: 2023

FORM DESC	FIELD NAME	FOOTNOTES
BalanceSheetGovernmentalFunds	(R30)Gen-TotalLiabilities	Contractor and engineering invoices for road repair work performed in June 2023.
AppropriationsLimitInformation	(R01)AppropriationsLimit	The Diablo CSD is exempt from the appropriations limit requirement because it was formed in 1969.
AppropriationsLimitInformation	(R02)TotalAnnualAppropriationsSubjecttotheLimit	The Diablo CSD is exempt from the appropriations limit requirement because it was formed in 1969
NoncurrentAssetsLiabilities	(R34)Liab-NetPensionLiability	The Diablo CSD does not have any employees

Total Footnote

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
SPECIAL MEETING MINUTES
DIABLO COUNTRY CLUB RED HORSE TAVERN TOO
DECEMBER 11, 2023, 5:30 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 5:30 p.m.

ROLL CALL: President Urbelis called the roll as follows:

Directors present: Urbelis, Cox, Lorenz, Slavonia

Directors absent: Chartier

PUBLIC COMMENTS: None

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1): *Steve and Kristin Buck v. Diablo Community Services District et al, Contra Costa County Superior Court Case No. C23-02825*

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 January 8, 2024. There being no further business, the meeting was adjourned the at 5:55 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING MINUTES
DIABLO COUNTRY CLUB RED HORSE TAVERN TOO
DECEMBER 11, 2023, 6:00 P.M.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 6:00 pm.

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, Lorenz, Slavonia

Directors absent: Chartier

OFFICIALS PRESENT:

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

Cameron Collins (Supervisor Anderson's Liaison)

Hank Salvo (Diablo Country Club Liaison)

Kathy Torru (General Manager)

PUBLIC COMMENTS:

Jeff Eorio read aloud the attached comments.

Tony Geisler disagreed with Jeff Eorio's comments and stated that no easement exists at the Alameda Diablo-Mt Diablo Scenic Blvd cut through.

BOARD/STAFF COMMUNICATION AND ACTIONS:

CONSENT CALENDAR:

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

ADMINISTRATIVE:

On motion by Director Cox and second by Director Lorenz the Board directed the General Manager to communicate the District's Encroachment Ordinance (Ordinance No 2023-01) to Diablo property owners. Motion passed 4-0.

ROADS:

Director Cox reported that the District has received the full amount of the FEMA 2022-23 Winter Storm damage financial assistance application. The amount received is \$312,450.

On motion by Director Lorenz and second by Director Urbelis, the Board authorized Director Cox and General Manager Torru to negotiate a contract with Marshall Brothers Enterprise Inc for the repair of Casa Nuestra, in an amount not to exceed \$37,000. Motion passed 4-0.

SECURITY:

Director Slavonia reported that 3 of the 4 license plate reader cameras had been installed and that the 4th camera would be installed in the next couple of weeks.

Director Slavonia reported that the District has no additional information on the residential burglary that occurred last month. The sheriff's department is investigating.

REPORTS:

CONTRA COSTA COUNTY: Cameron Collins reported that Supervisor Candace Andersen will be Diablo's Supervisor for the next 5 years as no candidate filed papers opposing Supervisor Andersen in the 2024 general election.

DIABLO PROPERTY OWNERS' REPORT: No report.

DIABLO COUNTRY CLUB: Hank Salvo stated that there was nothing to report.

DIRECTOR COMMENTS: None

FUTURE AGENDA ITEMS: None

CALL OF NEXT MEETING/ADJOURNMENT:

President Urbelis called the next meeting for January 8, 2024 at 6:00 pm at Diablo Country Club. There being no further business, the meeting was adjourned at 6:15 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

December 2023 DCSD Public Comment by Jeff Eorio

Happy Holidays and Merry Christmas Neighbors

I am happy to see this encroachment ordinance come back for approval so quickly and here I thought this too would become a contentious issue. Now, bring back the 3' setback request to the County and the records retention policy just as quickly. There are now six new homes within 1000' of my property and so far we are OK with the 3' set backs, but who knows what plans there are for the three construction sites that are either just starting or only 50% completed. We need the 3' setback and you have the votes to approve! Please move this forward!

I am distributing a history of the upper Alameda Diablo Easement that has been in continuous use for over 100 years as access to Mt. Diablo State Park and Mt. Diablo Scenic Blvd. The history I am providing reviews both the time that Alameda Diablo was THE primary access road to Mt. Diablo and after the 1979 subdivision. I have provided copies for the Board and several for interested parties.

Associated with the Easement Issue, for your information, is the new GoFundMe campaign to raise funds for the legal team to fight the blockage of the easement back in September which has of today, has raided over \$12,000 since it launched late last week with the support of \$1,000 to \$5,000 donations from Diablo Residents and over 30 donations from impacted citizens, plus the declarations of about 50 Diablo residents supporting the permeant re-opening of the easement in the legal filing just a month ago.

I have provided copies of the GoFundMe campaign as well.

I would appreciate both the written history and the GOFundMe campaign be included in the written minutes.

Thank you

Jeff Eorio, Alameda Diablo Resident of 44 years.

Mt Diablo Scenic Easement History

Outlined below is the easement issue in two parts, after 1979 and before 1979.

In 1979, a full 44 years ago, the County and the owners of an 8.22-acre parcel applied to split this parcel into two, one of which became the Bahrami/US Bank parcel.

This lot split was approved in Subdivision MS 263-78 Parcel Map filed Sept 19th 1979 as recorded. On page one, the owner's certificate states:

The area marked "25 foot Riding and Hiking easement" is dedicated to the Department of Parks and Recreation of the State of California, or its designee, for Public use for Riding and Hiking.

The form is titled "PARCEL MAP" and "SUBDIVISION MS 263-78". It contains several official certificates and signatures. A large red arrow points to a specific area on the map. The form is dated "FILED SEP 19 1979".

GENERAL CERTIFICATE: The area marked "25 foot Riding and Hiking easement" is dedicated to the Department of Parks and Recreation of the State of California, or its designee, for Public use for Riding and Hiking.

COUNTY CERTIFICATE: [Official County Seal and Signature]

OWNER'S CERTIFICATE: THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND THE COMPILING FROM RECORD DATA IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE APPLICANT. I HEREBY STATE THAT THE MAP IS TRULY AND ACCURATELY PREPARED AND THAT THE APPLICANT IS FULLY ADVERSELY AFFECTED THEREBY. IF ANY

PARCEL MAP
SUBDIVISION MS 263-78

ON THE 19th DAY OF SEPTEMBER, 1979, BEFORE ME, the undersigned, a Notary Public in and for the State of California, personally appeared **David Bahrami**, the owner of the above described parcel, known to me to be the person whose name is subscribed to the foregoing Statement, and also known to me to be the person who executed the said Subdivision Map, and acknowledged to me in my said Notary Public office the contents of the same.

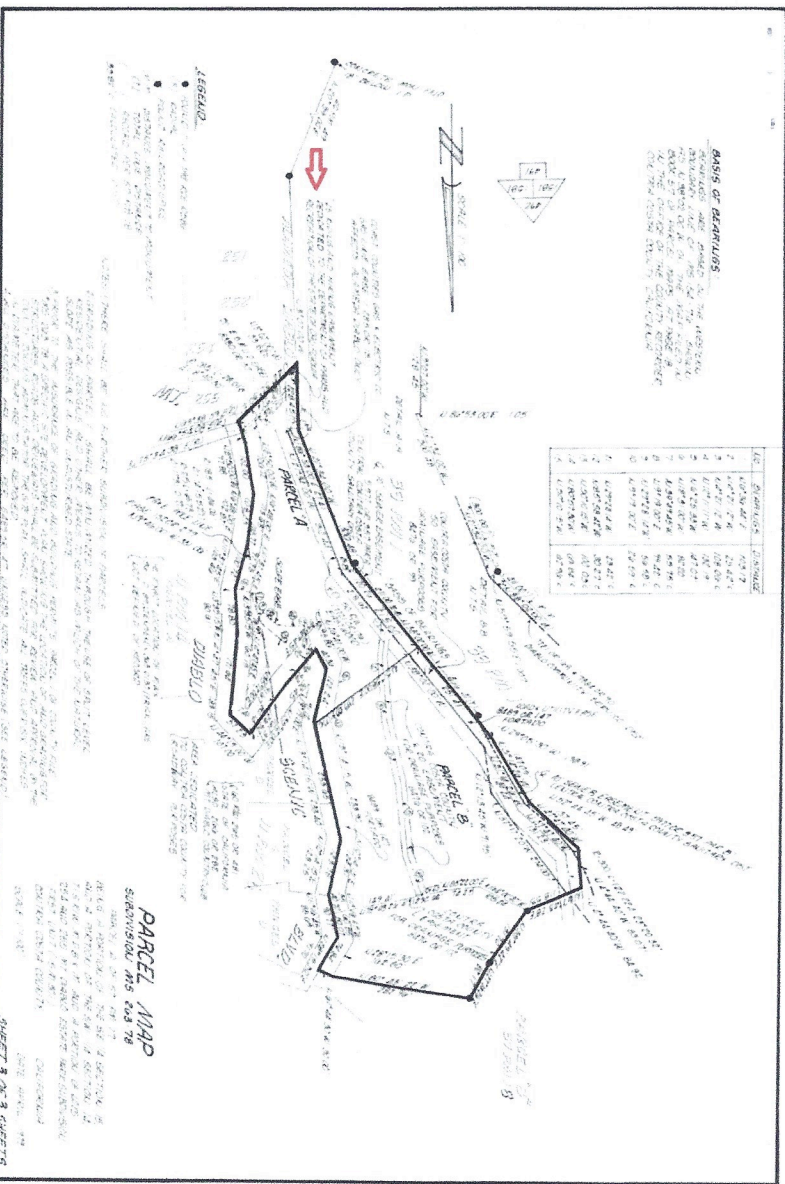
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

APPROVED: **J. E. GOSMAN**, COUNTY CLERK AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS.
BY **Melissa J. Hayward**
DEPUTY COUNTY CLERK

FILED SEP 19 1979
AT THE OFFICE OF M. F. FILLIPEW
COUNTY CLERK

SHEET 1 OF 3 SHEETS

On page three, a map is provided showing all easements. The location of this 25-foot-wide dedicated easement is shown as the Southernmost 25 feet of the US Bank parcel, spanning from the centerline of Alameda Diablo to the centerline of Mount Diablo Scenic Blvd.



An **express dedication** in a recorded public document is a contract offer and acceptance of such an offer can be made in this case by the State of California or its designee or by **widespread and continuous use of the easement by the public in the manner intended!** In this situation, Diablo residents and the general public have accepted the easement through riding and hiking by all types of user groups for the past 44 years!

While someone could parse the word **riding** to imply horse but not bike or parse the word **public** to define Diablo residents as opposed to the general public, these are fine points easily handled by the courts. **The overriding consideration here is the acceptance by widespread and continuous public use of an expressly dedicated easement.**

But what about prior to 1979? The actual property line between the Bahrami/US Bank property and the vacant Wooten parcel is the **same exact location of the centerline of the original 1916 Mount Diablo Scenic Blvd Toll Road.** This roadway easement was recorded as 60-foot wide starting at the centerline of Alameda Diablo. The Mt. Diablo Scenic Blvd. Toll Road became Camino Tassajara and then later in the 1950's was renamed Alameda Diablo. From 1916 until the State Park was created in 1931, this road was the only Southern access to the upper parts of Mount Diablo. To be clear, 30 feet of original roadway easement was on the vacant Wooten parcel and 30 feet was on the Bahrami/US Bank parcel. Asphalt still remains under the gravel that exists on the easement to this day.

There are 4 solid metal posts still cemented in the ground spanning both the US Bank and the vacant Wooten parcels showing the location of the original road, before it was closed to vehicle traffic when Scenic was rerouted in the early 1930s. The posts and the braided wire rope remind all users that this location had never changed prior to 1979. The trail or pathway spanned two adjacent parcels until it was rededicated as a new easement in 1979.



To recap, from 1916 until 1931 there was a 60-foot-wide roadway spanning two parcels. From 1931 through 1979, the trail connector continued to be used by all user groups to access Mt. Diablo as marked by four solid metal posts. When this trail connector was threatened by development (Diablo Lakes) in the late 1970's, the County was asked to protect it.

The Diablo Hiking and Horseback Committee of the Diablo Property Owner's Association and the East Bay Area Trails Council representing 10 public agencies and 40 different public user groups both cited the need for this widely used trail access to Mt. Diablo to be protected in large part for safety reasons. They asked that it be included as part of the State Park Trails System and the County responded by creating the new dedicated easement in 1979. Again, this property has been in continual use since 1916 for public access to the then privately held Mt. Diablo and then, in 1931, to the newly created Mt. Diablo State Park.

As early users have stated, "That trail was just always there." Public easement protections have been in place at the same location for over 100 years. To say that it is now "private property" is just plain wrong and the current litigation (Contra Costa County Superior Court Case # C23-02578) is supported by over 50 current Diablo residents which will more than likely re-establish the easement for use by everyone for the next 100 years!

Provided by Jeff Eorio, Diabo resident for 44 years.

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 December 11, 2023 by the following vote:

AYES: Urbelis, Cox, Lorenz, Slavonia

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 within three feet of the DCSD-Maintained Street.

- 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.