

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING MINUTES
DIABLO COUNTRY CLUB CURTOLA ROOM
AUGUST 12, 2024 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: Director Chartier called the roll as follows:

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

Directors absent: None

WELCOME OFFICIALS:

Zach Scalzo (of Best, Best, & Krieger LLP, General Counsel)

Kathy Torru (General Manager)

Cameron Collins (Contra Costa County Liaison)

PUBLIC COMMENTS:

Kay Batts inquired about the schedule for Dan Cook Creek restoration project.

Jeff Eorio provided the attached comments.

BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE:

Andrew Pierce, Public Information and Technology Officer with the Contra Costa Mosquito & Vector Control District presented information and materials to help residents protect themselves against mosquitoes, rats and mice, skunks, ground-nesting yellow jackets, and ticks. A copy of the presentation and handouts will be emailed to Diablo residents.

President Urbelis presented for discussion and adoption Resolution 2024-04, Records Retention Policy and Schedule.

On motion by President Urbelis and second by Director Slavonia, Resolution 2024-04, adopting the Records Retention Policy and Schedule was approved. Motion passed 5-0.

On motion by President Urbelis and second by Director Slavonia, General Manager Torru is directed to initiate the implementation of Resolution 2024-04 as follows:

- Inventory the District's documents in the offsite storage unit and report back to the Board the results of that work including a summary of the documents that do not fall into the Records Retention Schedule and/or would qualify for destruction.
- Preserve all documents inventoried in the storage unit until such time that specific documents are authorized for destruction by the Board.
- Research and obtain proposals from service providers to design the District's procedures for establishing a process to define and store records in secure cloud storage and to provide easy, efficient access to those records. The work will include categorizing, digitizing and storing current records.

- Research and propose records destruction procedures for authorization by the Board.
- Provide the Board monthly progress updates on the above.

Motion passed 5-0.

FINANCES:

Director Lorenz presented the District's financial report for the 12 months ended June 30, 2024. A copy of the report is attached and available on the District's website. The audit of the 2024 finances is in process and is expected to be completed by the October Board meeting.

ROADS:

Director Cox presented findings of the bridge structural assessment report prepared by WIN Structural Consulting: the District's 3 bridges are at or near the end of their life and replacement and/or significant retrofit repairs are recommended. The General Manager will research the next steps and return to the Board this fall with options for consideration.

Director Cox reported that ENGEIO Inc performed a visual assessment of the creeks and open spaces in Diablo at the end of July and will send letters to property owners with observed geological vulnerabilities by the end of the month. The engagement of ENGEIO was performed by the District as a public service to the Community and any repairs will be at the discretion of the property owner.

SECURITY:

Director Slavonia reported that there were no incidents/crimes reported in the last month.

President Urbelis presented a request by Diablo Sheriff Deputy Stoffels for the purchase of an AED Defibrillator for the Diablo patrol vehicle to be used in medical emergencies.

On motion by Director Slavonia and second by Director Cox, the Board authorized the General Manager to purchase an AED Defibrillator at a cost not to exceed \$1,650. Motion passed 5-0.

CONSENT CALENDAR:

On motion by Director Cox and second by President Urbelis, the June 10, 2024 Regular Minutes and the July 15, 2024 Special Minutes were approved. Motion passed 4-0-1 and 5-0. Director Lorenz abstained on the June minutes as he was not in attendance.

REPORTS:

CONTRA COSTA COUNTY: Cameron Collins, liaison to Supervisor Candace Andersen, reported that the Mt Diablo Scenic Blvd signalization project has not been submitted to the County for permitting. Easement discussions between the various landowners and Davidon are ongoing.

DIABLO PROPERTY OWNERS' REPORT: No report.

DIABLO COUNTRY CLUB: No report

DIRECTOR COMMENTS: None

FUTURE AGENDA ITEMS: None

CALL OF NEXT MEETING/ADJOURNMENT:

President Urbelis called the next meeting for September 9, 2024 at 6:00 pm at Diablo Country Club. There being no further business, the meeting was adjourned at 7:12 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

August 12, 2024

Dear DCSD Board Members

Unfortunately, I am out of state and not able to attend the meeting tonight, however, I am most pleased to see, finally after many years, the Records Retention policy come forward for review and approval by the Board. This is long overdue and should have been completed years ago! This is important for the future of this Board, the preservation and electronic access to District business and is non-controversial and much needed!

I am very supportive of the policy as written and hope to see each and every member of the Board vote to approve the policy. Anything determined to be "historical" and not a part of the official business of the District should be given to the DPOA for safe keeping as they are the social/historical entity that can and should house this information.

I applaud the hardworking members including President Urbelis, Director Cox, our attorney and General Manager who all assisted on creating this policy and I look forward to seeing it finally being implemented!

Additionally, I again request the District to move forward with the three foot setback requirement via Contra Costa County as new development within Diablo has increased at never seen before levels and public safety on our narrow streets is of paramount concern. Please act swiftly to enact this much needed ordinance via the County.

Sincerely,

Jeff Eorio, resident

RESOLUTION NO. 2024-04

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DIABLO
COMMUNITY SERVICES DISTRICT ADOPTING A RECORDS RETENTION
POLICY AND RECORDS RETENTION SCHEDULE**

WHEREAS, Sections 60200 through 60203 of the Government Code provide procedures regulating the retention of special district records and destruction of obsolete records for special districts; and

WHEREAS, in order to stay current with continuing changes in records retention statutes and regulations, the District desires to adopt a records retention policy and records retention schedule (collectively the "Records Retention Policy") for the orderly retention of District records and the proper disposal of obsolete records.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE DIABLO COMMUNITY SERVICES DISTRICT DOES RESOLVE AS FOLLOWS:

SECTION 1. The Records Retention Policy, attached hereto as Exhibit "A," incorporated herein by reference and made a part hereof, is hereby adopted as the official records retention policy of the Diablo Community Services District.

SECTION 2. The Board of Directors hereby finds that the Records Retention Policy complies with the California Secretary of State's Local Government Records Management Guidelines, as required under Government Code section 60201, subdivision (b)(2). The Board of Directors further finds that any obsolete records destroyed pursuant to the Records Retention Policy will not adversely affect the District or the public.

SECTION 3. The General Manager of the District and her designee are authorized to do any and all acts necessary to give effect to and comply with the terms and intent of the Records Retention Policy. The General Manager and her designee shall be responsible for the administration of the retention of records and the destruction of obsolete records pursuant to the Records Retention Policy.

SECTION 4. The General Manager and her designee shall have ongoing authority to authorize destruction of obsolete District records in accordance with the Records Retention Policy.

SECTION 5. The Board Secretary shall certify to the passage and adoption of this Resolution.

SECTION 6. This Resolution shall become effective immediately upon its passage and adoption.

* * * * *

PASSED, APPROVED AND ADOPTED this 12 day of August, 2024.

Adopted by the following votes:

AYES: Urbelis, Cox, Lorenz, Slavonia, Chartier

NOES:

ABSENT:

ABSTAIN:

Kathy Urbelis, President of the Board

ATTEST:

Christine Chartier, Secretary of the Board

EXHIBIT "A"

DIABLO COMMUNITY SERVICES DISTRICT

RECORDS RETENTION POLICY

[Attached]

Diablo Community Services District
Records Retention and Destruction Policy
August 12, 2024

Purpose

The purpose of this policy is to establish guidelines regarding the retention of Diablo Community Services District (“District”) records; provide for the identification, maintenance, and safeguarding of District records and the destruction of obsolete records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements. This policy is subject to periodic review to ensure that records associated with new or changed work by the District are properly retained/destroyed.

Definitions

1. Document or Record means any handwriting, typewriting, printing, photostating, photographing, photocopying, electronic mail or facsimile transmission, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.
2. Official Record means a record that: (a) is required to be maintained for a specific period of time under the attached Records Retention Schedule (Attachment A); (b) is otherwise required by law to be kept permanently or for a specific period of time; or (c) is necessary and convenient to the discharge of a District officer or employee’s official duties and was made or retained for the purpose of preserving its informational content.
3. Transitory Record means a record whose value is comparatively short-lived and may be discarded when it has fulfilled the brief, limited purpose for which it was created. Transitory records include, but may not be limited to, preliminary drafts, notes, or inter- or intra-agency memoranda not kept in the ordinary course of business and the retention of which is not necessary for the discharge of a District officer or employee’s official duties. Specific examples are: transmittal letters, acknowledgments, drafts, rough notes, preliminary calculations, non-substantive follow-up communications or reminders, and similar electronic communications that, based on their content, are not required to be retained as “Official Records.”

Authorization

The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers, and documents that meet the qualifications governing the retention and disposal of records, specified in the Records Retention Schedule (Attachment A). The General Manager is also responsible for working with the Directors to properly dispose of their records as required by this policy.

General Guidelines

The following general guidelines apply to all District records:

1. Except where a record is expressly required to be preserved according to applicable law, the District may destroy any original obsolete document without retaining a copy of the document as long as the retention and destruction of the document complies with the Records Retention Schedule as set forth in this policy (Government Code Section 60201).
2. In addition to the retention periods required under this policy, the District shall retain original administrative, legal, fiscal and/or historical records with continued value (i.e., records for long-term transactions and/or special projects) as Official Records until all matters pertaining to such records are completely resolved or the time for appeals has expired.
3. Pursuant to Government Code Section 60201, the District shall not destroy any of the following records:
 - Records relating to the formation, change of organization, or reorganization of the District.
 - Ordinances until they have been repealed or have become invalid or otherwise unenforceable for five years.
 - Minutes of any meeting of the District.
 - Records relating to any pending claim, litigation, any settlement or other disposition of litigation within the past two years.
 - Records that are the subject of any pending request for records under the California Public Records Act, whether or not the record is exempt from disclosure, until the request has been granted or two years after the request has been denied by the District.

- Records relating to any pending construction that the District has not accepted or for which a stop notice claim may be legally presented.
 - Records relating to any non-discharged debt of the District.
 - Records relating to the title to real property in which the District has an interest.
 - Records relating to any non-discharged contract to which the District is a party.
 - Records that have not fulfilled the administrative, fiscal, or legal purpose for which they were created or received.
 - Unaccepted bids or proposals, which are less than two years old, for construction of any building, structure, or other public work.
 - Records less than seven years old that specify any compensation paid to employees or independent contractors providing personal or professional services to the District, or that relate to expense reimbursement to District officers or employees or to the use of district paid credit cards or any travel compensation mechanism.
4. Except as otherwise provided in this policy, the General Manager may authorize the destruction of hard copy originals of Official Records upon complying with all of the requirements of Government Code section 60203, which ensures that such records are reproduced and maintained in a format that accurately reproduces the original in all details and that does not permit modifications. Such methods may include, but are not limited to, having the records photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document, or reproduced on film, optical disk, or any other medium in compliance with Government Code section 12168.7 for recording of permanent records or nonpermanent records.
5. In destroying records pursuant to this Policy and the Records Retention Schedule, if a record relates to any project funded, in whole or part, by federal or State grant funds, the District shall comply with any federal or State law applicable to the preservation of records related to the grant, including, without limitation, 2 CFR Part 200. If there is any conflict between this Policy or Records Retention Schedule and any federal or State law regarding the preservation of records related to the applicable grant, the provisions of federal and State law will prevail.

Specific Guidelines

1. At any time, the District may discard Transitory Records that have fulfilled their limited purpose; provided, however, that any Transitory Records subject to paragraph 3 of this section may not be discarded and shall be temporarily retained for the necessary period.
2. The General Manager is authorized to destroy at any time any duplicate record of the District, while the original, whether in paper or electronic format, is retained by the District for the legally required time period.
3. Disposal of any record, whether it is an Official Record that has met or exceeded its retention periods or a Transitory Record that has fulfilled its limited purpose, must be postponed if the record is responsive to, subject to, or relates in some way to any of the following:
 - A pending Public Records Act request received by DCSD;
 - A subpoena served on DCSD;
 - A Request for Production received by DCSD from an opposing party in litigation;
 - A court order;
 - A litigation hold or request for preservation of evidence received by DCSD; or
 - A claim filed against DCSD under the Government Claims Act.

The above exceptions apply to both hard copy and electronic records.

4. In addition to any required legal retention period, the District shall not authorize the destruction of any record subject to audit until it has been determined that the audit has been performed.

Destruction Process

A general schedule shall be established for the review and destruction of records being retained to determine whether any have reached or passed their destruction date; e.g., every six months, annually. In consultation with General Counsel, the General Manager shall prepare a list of records to be destroyed and request formal destruction approval from the Board's President and Vice President. These records destruction approval forms will become a District record and have an appropriate retention/destruction schedule.

Paper records will be destroyed by shredding. Electronic records will be destroyed through a formal deletion process.

Records Management

Except where required by law, the District will retain its records in electronic format. Records shall be stored in a secure cloud space and organized in an accessible manner. Backup shall be created to ensure against loss. Backups of records shall be created/destroyed in accordance with the Records Retention Schedule and this policy. The methods used for record storage shall be reviewed from time-to-time as necessary.

Emails relating to District business, whether located on a District-owned electronic device or account or a personal electronic device or account are considered "public records" under the California Public Records Act and may be subject to disclosure.

Directors leaving the Board and contractors completing work for the District are required to turn over any Official Records or copies of records that they have retained and sign a formal statement that they no longer have access to District records. These records will be destroyed in accordance with this policy.

Records Retention Schedule

The "Records Retention Schedule" is incorporated into this policy as Attachment A. This policy, including the Records Retention Schedule, shall comply with applicable law, as well as the records retention guidelines provided by the California Secretary of State. The Records Retention Schedule may be updated from time to time by the General Manager with authorization from the Board of Directors in order to stay current with applicable laws, as well as any other regulations, regarding the retention of District records.

Attachment A Records Retention Schedule

The following table defines the District's rules, by record type, for compliance with applicable records retention laws and regulations and District policies.

Record	Retention Period
FORMATION, LEGAL, GENERAL ADMINISTRATION	
Organizational Documents: formation documents and other historical records related to district formation	Permanent
Litigated/settled claims	Permanent
Auditors' Reports: a) audits by independent accountants/auditors b) audit work papers	a) Permanent b) 3 years after the date of the audit report
Reports to State and County agencies: e.g., CA Annual Financial Transaction Report	7 years
District Bylaws	Permanent, until modified or replaced
Board of Directors Meetings: official minutes and meeting attachments such as staff reports, financial statements, etc.	Permanent
Board of Directors Meetings: agendas	3 years
Ordinance Codes, Resolutions and Policies	Permanent, until modified or replaced
Oaths of Office and Statements of Economic Interest (Form 700 reports)	7 years Forms 700 will be obtained as original hard copy for 2 years per state law
Records destruction approval forms	3 years
Website content	Permanent, until modified or replaced
Correspondence: e.g., regarding district policy, practices, requirements, contracts, email etc.	3 years or until subject matter is closed
Deeds, easements	Permanent
Third party contracts: e.g., external auditors and general consulting and professional services contracts	Until replaced or closed + 3 years
INFORMATION TECHNOLOGY	
Software contracts for website, email, accounting system, etc.	Until replaced or 3 years after expiration
FINANCE	
General Accounting Records	
Trial balance, general ledger and general journal	7 years
Annual budget including forecasts of all future incomes, receipt and expenditures	7 years
Annual financial statements (internal)	7 years
Accounts Payable	
Accounts payable ledgers	7 years
Accounts payable records	7 years
Bank statements and reconciliations	7 years
Cash Receipts and Deposits	7 years

Accounts payable expense reports	7 years
Vendor invoices and payment records; expense reimbursements to District officers and independent contractors	7 years
Purchase records/invoices	7 years
Revenue	
Tax receipts (ad valorem and special tax)	7 years after expiration
Miscellaneous receipts, including traffic tickets	7 years
Assessment Rolls	7 years
Special Tax establishment records: proposal, vote, final action statement	Permanent
Insurance	
Insurance records:	
(a) Records of insurance policies, showing coverage, premiums paid, and expiration dates	15 years
(b) Records of amounts recovered from insurance companies in connection with losses and of claims against insurance companies, including reports of losses, and supporting papers	7 years
(c) Correspondence	Current fiscal year plus 7 years
(d) Renewal applications	Current fiscal year plus 7 years
Third party insurance certificates	7 years
ROAD AND BRIDGE MAINTENANCE	
Third party contracts, including amendments and clarifications: road grind and pave, slurry seal, general maintenance projects; bridge maintenance projects; culvert maintenance projects	15 years after the expiration or project closure, or until the conclusion of any contract disputes pertaining to such contracts, whichever is later
RFPs: successful and unsuccessful	3 years or until project is closed
Major road/bridge work contracts: e.g. grind and pave or reconstruction	Until contract is replaced
Road/Bridge Summary Maintenance Report (internal)	15 years, rolling
Studies/reports authorized by the District: e.g., hydrology, bridge assessment, road or culvert assessment	Until replaced or the information is termed obsolete
SECURITY	
Sheriff's Department: personnel contract	3 years after replaced or closed
Sheriff's Department: equipment leases/contracts, e.g., sheriff's vehicle, PC, cell phone, guns	7 years after contract/lease expires
Security Summary Report (internal)	15 years, rolling
Security report (external)	3 years

Diablo Community Services District
Financial Report
June 30, 2024

	July	August	September	October	November	December	January	February	March	April	May	June	Actual YTD	Budget YTD
Beginning Cash	504,843	434,909	402,418	359,520	329,968	285,166	1,050,122	996,066	927,144	885,167	1,197,988	1,601,918	504,843	504,843
Revenue														
Tax revenue	-	-	-	17,379	-	494,232	-	-	-	357,244	-	58,899	927,754	896,760
Other revenue	3	43	2	2	3	324,372	9	7	96	156	11	167	324,871	-
Total Income	3	43	2	17,381	3	818,604	9	7	96	357,400	11	59,066	1,252,625	896,760
Expenses														
Sheriff services	31,196	28,244	29,250	29,278	45,938	29,673	30,405	30,621	29,018	29,018	30,443	28,174	371,258	412,985
Road/bridge/culvert/trail	5,915	1,028	4,076	3,874	2,628	41,981	4,582	1,971	3,942	15,913	3,804	105,952	195,665	258,000
Professional services	8,906	10,675	14,100	10,653	8,142	8,185	6,228	8,815	10,016	9,028	7,602	8,140	110,488	73,602
Insurance	40,239	-	-	-	-	-	852	-	-	-	-	-	41,091	41,015
Administrative	-	15	1,542	-	-	-	37	-	-	-	-	182	1,776	17,450
Total Expenses	86,256	39,962	48,968	43,805	56,708	79,839	42,104	41,407	42,976	53,959	41,849	142,447	720,278	803,052
Net Income	(86,253)	(39,919)	(48,966)	(26,424)	(56,705)	738,765	(42,095)	(41,400)	(42,880)	303,441	(41,838)	(83,381)	532,347	93,708
Incr/(decr) in payable/prepaid	16,319	7,428	6,068	(3,128)	11,903	26,191	(11,961)	(27,522)	903	9,380	445,768	60,796	542,143	600
Ending Cash	434,909	402,418	359,520	329,968	285,166	1,050,122	996,066	927,144	885,167	1,197,988	1,601,918	1,579,333	1,579,333	597,952
Other Financial Data														
Prepaid/deposit														
Reserves (bridge/culvert)*	765,928	770,928	775,928	780,928	785,928	824,256	832,286	837,286	842,286	847,286	852,286	857,286		
Accounts payable	63,715	71,142	77,212	74,083	85,986	112,176	100,215	72,694	73,597	82,976	70,866	172,159		
Accrued expense														
Other liabilities	-	-	-	-	-	-	-	-	-	-	457,878	457,878		

Notes

* reserves are unfunded