ORDINANCE CODE

OF

DIABLO COMMUNITY SERVICES DISTRICT
Diablo, California

Adopted on July 13, 1993
Operative on August 12, 1993

A Codification of the District's Ordinances

Under the Supervision of
Richard J. Breitwieser
District Counsel

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Title 1

GENERAL PROVISIONS

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Chapter 1-2
GENERAL

Sections:

1-2-202 Title. This code shall be known as the 1993 Ordinance Code of Diablo Community Services District, and may be so cited in any prosecution for its violation. (Added by Ord. 1993-05, § II)

1-2-204 References. Every reference to this code or any portion of this code applies to this code as now or hereafter amended. (Added by Ord. 1993-05)

1-2-206 Amendments. Any ordinance amending this code may be designated as an amendment to the ordinance code of Diablo Community Services District. (Added by Ord. 1993-05)

Chapter 1-4
AUTHORITY

Sections:

1-4-202 Authority for adoption. This code is adopted under the provisions of Title 5, Division 1, Part 1, Chapter 1, Article 2 (Sections 50022.1 et seq.) of the California Government Code. (Added by Ord. 1993-05)

1-4-204 Area of application. Unless otherwise specifically provided, this code applies only to acts or omissions within the jurisdictional boundaries of the Diablo Community Services District. (Added by Ord. 1993-05)

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Chapter 1-6
EFFECT

Sections:

1-6-202 No effect. The adoption or amendment of this code and the repeal of ordinances by this code shall not affect the following matters:

(a) Actions and proceedings which began before the effective date of this code, or of the amendment;

(b) Prosecution for ordinance violations committed before the effective date of this code, or of the amendment;

(c) Licenses and penalties due and unpaid at the effective date of this code, or of the amendment and the collection of these licenses and penalties; and

(d) Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance. (Added by Ord. 1993-05)

1-6-204 Reference carry-over. Matters of record and other references to or material connected with ordinances substantially codified herein, or to or with earlier versions of later amended provisions hereof, shall be construed to apply to the substantially corresponding current provisions of this code. (Added by Ord. 1993-05)

1-6-206 Exclusions. Every ordinance of the Diablo Community Services District governing the following subject matter is excluded from this code and is not affected by the general repeal provisions of this code:

(a) Naming roads;

(b) Levying special taxes or assessments;

(c) Calling elections;

(d) Policy relating to sphere of influence;

(e) Contracts for security services; and

(f) Contracts for road maintenance services. (Added by Ord. 1993-05)

1-6-208 Repeal of existing ordinances. Every ordinance which is neither excluded from this code nor specifically continued in force by this code is repealed. This section shall not be construed to revive any ordinance which was repealed before the adoption of this code. (Added by Ord. 1993-05)

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ORDINANCE NO. 2022-01

ORDINANCE OF THE DIABLO COMMUNITY SERVICES DISTRICT ADOPTING A CONFLICT OF INTEREST CODE AND REPEALING TITLE 2 OF THE DIABLO COMMUNITY SERVICES DISTRICT ORDINANCE CODE

WHEREAS, the Political Reform Act, Government Code Sections 81000, et. Seq., requires every State and local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Diablo Community Services District ("District"), has previously adopted a Conflict of Interest Code incorporating restrictions and regulations set forth in the Political Reform Act at Title 2 of the Ordinance Code of the Diablo Community Services District; and

WHEREAS, this Title 2 requires amendment to reflect updated disclosure categories and staffing; and

WHEREAS, the District is undergoing a comprehensive update to its entire Ordinance Code and desires to remove the Conflict of Interest Code from the Ordinance Code and adopt it as a standalone ordinance; and

WHEREAS, adoption of this Conflict of Interest Code is not a "project" pursuant to California Environmental Quality Act Guidelines section 15378(b)(5).

NOW, THEREFORE, THE DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

The above recitals are true and correct and are incorporated herein.

SECTION 2:

Ordinance No. 2022-01 attached hereto as Exhibit A is hereby adopted and Title 2 of the Ordinance Code of the Diablo Community Services District is hereby repealed.

SECTION 3:

This Ordinance No. 2022-01 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 8th day of November 2022 by the following vote:

AYES: Urbelis, Becker, Eorio, Isom, Cox

NOES:

ABSTAIN:

ATTEST:

Kathy Urbelis
Board President

EXHIBIT A

CONFLICT OF INTEREST CODE
OF THE
DIABLO COMMUNITY SERVICES DISTRICT

The Political Reform Act of 1974 (Government Code sections 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code that can be incorporated by reference in an agency's code. After public notice and hearing, the Fair Political Practices Commission may amend the standard code to conform to amendments of the Political Reform Act. Therefore, the terms of section 18730 of title 2 of the California Code of Regulations and any amendments to it duly adopted by the Fair Political Practices Commission together with the attached Appendices designating positions and establishing disclosure categories are hereby incorporated by reference and together constitute the Conflict of Interest Code of the Diablo Community Services District ("District").

Individuals holding designated positions shall file their statement of economic interests with the General Manager of the District, who shall be the filing officer. The District shall be the code reviewing body and shall retain such statements and make them available for public inspection and reproduction pursuant to Government Code section 81008.

Attachments: Appendix A: Designated Positions and Disclosure Categories

Adopted: November 8, 2022

APPENDIX A:
DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

Designated Position. The positions listed below include those persons who are deemed to make, or participate in the making of decisions that may foreseeably have a material effect on any financial interest. The persons holding the designated positions listed shall disclose interests and investments in accordance with the corresponding disclosure categories, which are defined below.

Designated Positions	**Assigned Disclosure Category**
Members of the District Board of Directors	1
General Manager	1
General Counsel	1
Consultants	*

Disclosure Categories

General Provisions Applicable to All Categories

When an individual who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When an individual who holds a designated position is required to disclose sources of income, he or she shall include gifts received from donors located inside as well as outside the jurisdiction.

When an individual who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below if it is located within the jurisdiction, or not more than two miles outside the boundaries of the jurisdiction, or within two miles of any land owned or used by the District.

When an individual who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years.

For purposes of this Conflict of Interest Code, the jurisdiction of the District is the geographical boundaries of the District.

Category 1

A designated position in this category must report all investments, business positions, interests in real property, and sources of income, including gifts, loans, and travel payments.

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Consultants to the District shall be subject to disclosure under Category 1, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements of Category 1. In such cases, the General Manager may designate a different disclosure requirement. Such determination must be made in writing and shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements. Such determination by the General Manager is a public record and shall be retained for public inspection in the same manner and location as the District's Conflict of Interest Code.

~~Title 2~~

~~ADMINISTRATIVE~~

~~Chapter 2-2~~
~~CONFLICT OF INTEREST CODE~~

Title 3

REVENUE AND FINANCE

Division 2
ASSESSMENT FEES

Chapter 3-2
DIABLO COMMUNITY SERVICES DISTRICT SECURITY FEE

Article 3-2-2 General
Sections:

Article 3-2-2 General

3-2-202 Short Title. This chapter shall be known as the DIABLO COMMUNITY SERVICES DISTRICT SECURITY FEE ORDINANCE.

3-2-204 Finding. The Board of Directors of Diablo Community Services District finds that police protection afforded by the Sheriff's Department of Contra Costa County, and the California Highway Patrol are inadequate and that it is in the best interests of persons who reside or do business within Diablo to provide security and police services that are in addition to and independent of the security services provided by the Sheriff's Department of Contra Costa County or the California Highway Patrol.

The Board of Directors further finds that the security and police services which are provided for herein are services for which a fee may be charged as provided in Section 61621 of the California Government code.

Article 3-2-4 Definitions

3-2-402 Definitions. The following definitions shall apply to this chapter. In addition, the singular shall include the plural, and masculine shall include the feminine.

(a) Board of Directors - Is the Board of Directors of the Diablo Community Services District.

(b) Diablo - All that land which lies within the boundaries of Diablo Community Services District.

(c) Person - The term "person" includes an individual, partnership, joint venture, corporation, non-profit corporation or association, association, trust, firm or another governmental agency or department or subdivision of another governmental agency.

(d) Recreational Areas - Any park or any area, land or property owned by a County Club.

(e) Residence - A residence is a single dwelling unit in which five or fewer unrelated persons reside.

(f) Roads - Shall include all private, public, dedicated or undedicated roads, streets, lands, alleys or ways which are used for vehicular traffic in Diablo.

Article 3-2-6 Independent Contractors

3-2-602 **Hiring of; Authorization.** The Diablo Community Services District may employ an independent contractor or contractors to provide security service to persons who reside or do business in Diablo; and to patrol the roads and recreational areas in Diablo, whether said roads or recreational areas are private or public.

3-2-604 **Requirements of Independent Contractors.** No person, corporation, company, firm or business shall qualify unless it meets all of the following conditions:

(a) Said independent contractor shall meet all of the requirements of Chapter 11, Division 3, of the California Business and Professions Code as said sections relate to private patrols.

(b) Said independent contractor shall be insured against its errors or omissions in the amount of Not Less Than $250,000.00.

(c) Each independent contractor and each motor vehicle used by the independent contractor within Diablo, or to and from furtherance of the performance of its contract with Diablo Community Services District shall be insured for personal injury in an amount of not less than $300,000.00, injury to each person; and $300,000.00 aggregate for injuries caused to more than one person and for damages caused to property in the minimum amount of $100,000.00.

(d) The Diablo Community Services District, its Directors, employees, officers and agents shall be named as co-insured on the coverage set forth in b and c above.

(e) No insurance required in this section shall satisfy this section unless the insurer which binds itself to pay the damages herein set forth has qualified with the Insurance Commissioner of the State of California to issue such insurance policy.

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Article 3-2-8 Fees

3-2-802 Authorization. The Board of Directors may charge persons residing, doing business or employed in Diablo, fees as set forth in Section 3-2-808 for benefits conferred to said person, and for the use of the independent contractor providing security and police services. If the Board of Directors does charge a fee to any one person residing, doing business or employed in Diablo, then the Board of Directors shall charge a fee to each person residing or doing business in Diablo.

3-2-804 Limitation of fees. Notwithstanding Section 3-2-802, the fees herein imposed shall be limited to one fee per residence.

3-2-806 Liability for fees. The liability for the fee shall be borne by each person who owns or resides within said residence, jointly and severally.

3-2-808 Amount of fees. The amount of fees to be charged annually for the services described herein shall be:

(a) $283.30 for each residence in Diablo;
(b) $10,000.00 for the Diablo County Club;
(c) $54.67 for each undeveloped parcel of real property. (Amended by Ord. 1993-02 § 1; Codified by Ord. 1993-05.)

3-2-810 Default in payment of fees. Any fee which is not paid within 60 days of the date in which the bill for said fee is deposited in the United States mail, postage prepaid and addressed to any adult residing within said residence, shall be in default. There shall be a penalty of 10% for any payment in default. In addition, the unpaid fee plus the prepaid penalty shall accrue interest at the rate of 1/2 of 1% per month from the date of default.

3-2-812 Collection of fees. The Diablo Community Services District may appoint the tax collector or auditor-controller of Contra Costa County, or any other person to collect fees, or may collect said fees on its own behalf.

3-2-814 Collection of Default. The Diablo Community Services District may commence an appropriate action in law or equity in any court having proper jurisdiction for the collection of fees.

3-2-816 Remedies. All remedies for collection of the fees provided for herein are cumulative and may be pursued alternatively or consecutively.

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Article 3-2-10 Partial Invalidity

3-2-1002 Partial Invalidity. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application thereof, and to this end the provisions of this chapter are severable.

(Chapter 3-1: Added by Ord. 1-1979; Amended by Ord. 1-81; Amended by Ord. 1993-02 § 1; Codified by Ord. 1993-05.)

Chapter 3-4
DIABLO COMMUNITY SERVICES DISTRICT ROAD MAINTENANCE FEE

Article 3-4-2 General

3-4-202 Short title. This chapter shall be known as the DIABLO COMMUNITY SERVICES DISTRICT ROAD MAINTENANCE FEE.

3-4-204 Finding. The Board of Directors of Diablo Community Services District finds that the roads within Diablo are in need of repair on a continuing basis. The Board of Directors further finds that maintenance to roads within Diablo directly benefits the land and landowners in Diablo. The Board of Directors further finds that the fees herein imposed are reasonable compensation for the costs to this District of said maintenance. The Board of Directors finds further that this fee is not a special fee.

The Board of Directors further finds that the road maintenance services which are provided for herein are services for which a fee may be charged as provided in Section 61621 of the California Government code.

Article 3-4-4 Definitions

3-4-402 Definitions. The following definitions shall apply to this chapter. In addition, the singular shall include the plural, and masculine shall include the feminine.

(a) Board of Directors - Is the Board of Directors of the Diablo Community Services District.

(b) Diablo - All that land which lies within the boundaries of Diablo Community Services District.

(c) Person - The term "person" includes an individual, partnership, joint venture, corporation, non-profit corporation or association, association, trust, firm or another governmental agency or department or subdivision of another governmental agency.

(d) Recreational Areas - Any park or any area, land or property owned by a Country Club.

(e) Residence - A residence is a single dwelling unit in which five or fewer unrelated persons reside.

(f) Roads - Shall include all private, public, dedicated or unmedicated roads, streets, lanes, alleys or ways which are used for vehicular traffic in Diablo.

Article 3-4-6 Fees

3-4-602 Authorization. The Board of Directors hereby impose a fee on all persons residing, doing business or employed in Diablo, according to the Schedule of Fees set forth in Section 3-4-608 for the benefits conferred to said person. If the Board of Directors does charge a fee to any one person residing, doing business or employed in Diablo, then the Board of Directors shall charge a fee to each person residing or doing business in Diablo.

3-4-604 Limitation of fees. Notwithstanding section 3-4-602, the fees herein imposed shall be limited to one fee per residence.

3-4-606 Liability for fees. The liability for the fee shall be borne by each person who owns or resides within said residence, jointly and severally.

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3-4-608 Amount of fees. The amount of fees to be charged annually for the services described herein shall be:

(a) $141.70 for each residence in Diablo;
(b) $5,000.00 for the Diablo Country Club.
(c) $27.33 for each undeveloped parcel of real property. (Amended by Ord. 1993-02 § 2.)

3-4-610 Default in payment of fees. Any fee which is not paid within 60 days of the date in which the bill for said fee is deposited in the United States mail, postage prepaid and addressed to any adult residing within said residence, shall be in default. There shall be a penalty of 10% for any payment in default. In addition, the unpaid fee, plus the prepaid penalty, shall accrue interest at the rate of 1/2 of 1% per month from the date of default.

3-4-612 Collection of fees. The Diablo Community Services District may appoint the tax collector or auditor-controller of Contra Costa County, or any other person to collect fees, or may collect said fees on its own behalf.

3-4-614 Collection of default. The Diablo Community Services District may commence an appropriate action in law or equity in any court having proper jurisdiction for the collection of fees.

3-4-616 Remedies. All remedies for collection of the fees provided for herein are cumulative and may be pursued alternatively or consecutively.

Article 3-4-8 Partial Invalidity

3-4-802 Partial Invalidity. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application thereof, and to this end the provisions of this chapter are severable.

(Chapter 3-4: Added by Ord. 2-81; Amended by Ord. 1993-02 § 2; Codified by Ord. 1993-05.)

Chapter 3-6
NEW ROAD IMPACT FEE

Sections:

3-6-202 Fee. The owner of any property in the DIABLO COMMUNITY SERVICE DISTRICT to whom a county building permit is

issued, either directly to such owner or through such owner's agent, for construction of a residential dwelling shall pay a fee in the amount of $2,000.00 to the DIABLO COMMUNITY SERVICE DISTRICT for each building permit issued.

3-6-204 Payment of Fee. The said fee shall be due and payable to DIABLO COMMUNITY SERVICE DISTRICT by such owner within ten (10) days of issuance of said permit.

(Chapter 3-6: Added by Ord. 1990-01; Amended by Ord. 1991-02; Restated by Ord. 1993-04 § 8; Codified by Ord. 1993-05.)

Title 4

PLANNING

(Reserved)

Title 5

TRAFFIC AND SAFETY

Division 2
Limitations on Use of Roads

Chapter 5-2
LIMITATION ON USE OF PRIVATE ROADS

Sections:

5-2-202 Members and guests. No one shall be permitted to use the private roads which are located within the boundaries of the Diablo Community Services District except members of the Diablo Community Services District and their guests, members of the Diablo Country Club and their guests, and persons having legitimate business with members of the Diablo Community Services District or the Diablo Country Club.

5-2-204 Signs. There shall be posted on the entrance of each private road to the property or at intervals of not more than 200 feet along the boundary, a sign reading substantially as follows: RIGHT TO PASS BY PERMISSION, AND SUBJECT TO CONTROL, OF OWNER: SECTION 1008, CIVIL CODE.

(Chapter 5-2: Added by Ord. 1972-1; Restated by Ord. 1993-04 § 2; Codified by Ord. 1993-05.)

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Chapter 5-4
DISTRICT ENTRANCES AND THE CALLE LOS CALLADOS BARRICADES

Sections:

5-4-202 **Entrances and exits.** ALAMEDA DIABLO, CALLE ARROYO and AVENIDA NUEVA shall be the only entrances and exits to and from DIABLO COMMUNITY SERVICES DISTRICT.

5-4-204 **Connectors prohibited.** No street, road or passageway of any kind whatsoever shall be constructed so as to connect with any street, road or passageway in DIABLO COMMUNITY SERVICES DISTRICT whereby said construction would create entrances or exits into said District other than those identified in Section 5-4-202.

5-2-206 **Boundaries.** The boundaries of CALLE LOS CALLADOS end at a point 20 feet from the west side of MT. DIABLO SCENIC BLVD.

5-2-208 **Barricade.** A barricade shall be installed at the east end of CALLE LOS CALLADOS on the west side of MT. DIABLO SCENIC BLVD.

5-2-210 **Destruction of barricade; Misdemeanor.** It shall be a misdemeanor for any person to wilfully break down, remove, injure, deface or destroy said barricade, or to cause the removal, destruction or vandalism of said barricade.

5-2-212 **Movement of traffic.** No person shall drive or move a vehicle from MT. DIABLO SCENIC BLVD. onto CALLE LOS CALLADOS or from CALLE LOS CALLADOS onto MT. DIABLO SCENIC BLVD.

5-2-214 **Violations; punishment.** Violation of Section 5-4-212 shall be punishable as a misdemeanor.

5-2-216 **Remedies.** DIABLO COMMUNITY SERVICES DISTRICT shall have further remedies to restrain the violation of this chapter and that those remedies shall include without limitation temporary restraining order, preliminary injunction and permanent injunction and any other civil or criminal remedy allowed by law.

(Chapter 5-4: Added by Ord. 1991-03; Restated by Ord. 1993-04 § 8; Codified by 1993-05.)

Chapter 5-6
LIMITATIONS OF COMMERCIAL TRAFFIC AND CONSTRUCTION WITHIN DIABLO

Sections:

5-6-202 **Limitations on traffic; hours.** All commercial vehicles and vehicles delivering or picking up materials to be used in housing or road construction shall be prohibited from operating on roads maintained by DIABLO COMMUNITY SERVICES DISTRICT between the hours of five p.m. and seven a.m. daily, except that pick-ups, vehicles not exceeding three (3) tons in weight and emergency vehicles shall be exempt from this Section 5-6-202.

5-6-204 **Limitations on work; hours.** 2. No person shall perform actual work or construction at work sites within five hundred feet of residential or commercial occupancies between the hours of seven p.m. and seven a.m. daily, except that maintenance and service work on equipment may be performed at any time.

5-6-206 **Signs.** Signs giving notice of Section 5-6-202 shall be posted at the entrances to all roads or part thereof affected.

5-6-208 **Vandalism to signs.** It shall be an infraction for any person to willfully break down, remove, injure, deface or destroy said signs, or to cause the removal, destruction or vandalism of said signs.

5-6-210 **Violations.** Violation of Section 5-6-202 or Section 5-6-204 shall be punishable as an infraction.

(Chapter 5-6: Added by Ord. 1992-1; Restated by Ord. 1993-04 § 10; Codified by Ord. 1993-05.)

Division 4
TRAFFIC REGULATIONS

Chapter 5-8
REGULATION OF VEHICULAR TRAFFIC

Sections:

5-8-202 Definitions. The following definitions shall apply to Sections 5-8-202 through 5-8-222 inclusive of this chapter:

(a) Diablo - All that land within the DIABLO COMMUNITY SERVICES DISTRICT;

(b) Street - Any road, street, highway, way or alley which is maintained by the DIABLO COMMUNITY SERVICES DISTRICT.

(c) Motor Vehicle - A vehicle which is self-propelled, including without limitation a motor scooter, motor driven cycle, or motor driven moped. "Motor vehicle" does not include a self-propelled wheelchair, invalid tricycle, or motorized quadricycle when operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.

(Added by Ord. 100, 1983; Codified by Ord. 1993-05; subparagraph (c) added by Ord. 1993-06.)

5-8-204 Basic speed law. Notwithstanding the provisions of Section 5-8-206, no person shall drive a vehicle upon a street within Diablo, at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, said street, and in no event at a speed which endangers the safety of persons or property.
(Added by Ord. 101, 1983; Codified by Ord. 1993-05.)

5-8-206 Speed limit. Except as provided in Section 5-8-204, the speed limits on any street in Diablo are as follows and the same shall be applicable unless changed, only when signs have been erected giving notice thereof:

a) Fifteen (15) miles per hour when traversing an intersection if during the last one hundred (100) feet of his or her approach to the intersection the driver does not have a clear and unobstructed view of the intersection and any traffic upon all of the streets entering into the intersection for a period of
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one hundred (100) feet along all such streets except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic-control signals.

b) Twenty (20) miles per hour for all other locations on said streets.

(Added by Ord. 102, 1983; Amended subparagraph b by motion of Regular Board, March 10, 1992; Restated amendment to subparagraph b by Ord. 1993-04 §4; Codified by Ord. 1993-05.)

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5-8-208 **Negligent operation.** No person shall drive any vehicle upon any street within Diablo without due caution and circumspection or at a speed or in a manner so as to endanger any person or property. (Added by Ord. 103, 1983; Codified by Ord. 1993-05.)

5-8-210 **Requirement of drivers license.** No person shall drive a motor vehicle, motorcycle or motorized bicycle upon any street within Diablo unless such person then holds a valid driver's license of proper class for the vehicles described in Section 12804 of the California Vehicle Code. (Added by Ord. 104, 1983; Codified by Ord. 1993-05.)

5-8-212 **Stop signs.** The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection, shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection. If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway. (Added by Ord. 105, 1983; Codified by Ord. 1993-05.)

5-8-214 **Vehicles to be registered.** No person shall drive, move or leave standing upon any street within Diablo any motor vehicle, truck or trailer required to be registered under the California Vehicle Code unless said motor vehicle, truck or trailer is then registered. (Added by Ord. 106, 1983; Codified by Ord. 1993-05; Amended by Ord. 1993-07.)

5-8-216 **Golf carts.** A golf cart is a motor vehicle having not less than three (3) wheels in contact with the ground, having an unladen weight less than one thousand three hundred (1300) pounds which is designed to be and is operated at not more than fifteen (15) miles per hour and designed to carry golf equipment and not more than two (2) persons including the driver.

The Board of Directors of the Diablo Community Services District finds that all of the streets within Diablo are located adjacent to a golf course and are within or bounded by a real estate development offering golf facilities and that said streets are constructed so as to safely permit the use thereof of regular vehicular traffic and also the driving of golf carts thereon provided that no golf cart may be driven thereon unless:

(a) Said golf cart is driven by a person licensed by the State of California to drive any motor vehicle upon a public highway.

(b) Said golf cart is driven at a speed of fifteen (15) miles per hour or less.

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(c) Said golf cart is driven with due caution and circumspection and at a speed and in a manner so as not to endanger any person or property. (Added by Ord. 107, 1983; Codified by Ord. 1993-05.)

5-8-218 **Drivers license requirement; Minors.** No person shall knowingly permit his child, ward, or employee under the age of eighteen (18) years to drive a motor vehicle upon any road, street or way maintained by the Diablo Community Service District unless such child, ward or employee is then licensed under the California Vehicle Code. (Added by Ord. 108, 1983; Codified by Ord. 1993-05.)

5-8-220 **Parking.**

a) No person shall park a motor vehicle within three (3) feet in front of or behind a curb which is painted red or on any portion of a street which is controlled by a "NO PARKING" sign or signs.

b) No person, other than the Board of Directors of the Diablo Community Services District, shall regulate parking on any Diablo street. (Added by Ord. 109, 1983; Codified by Ord. 1993-05.)

5-8-222 **Penalties.** Any violation of any code in Sections 5-8-202 through 5-8-220 inclusive, is an infraction. (Added by Ord. 110, 1983; Codified by Ord. 1993-05.)

5-8-224 **The bridge speed and load limit.**

1. The three bridges in DIABLO COMMUNITY SERVICE DISTRICT, referred to as Bridge 1, which is located just east of the intersection of DIABLO ROAD and ALAMEDA DIABLO ROAD and which bridge is hereby designated as ALAMEDA DIABLO ENTRY ROAD, Bridge 2, which is located adjacent to 2145 ALAMEDA DIABLO ROAD and which bridge is hereby designated as EAST ALAMEDA DIABLO BRIDGE, and Bridge 3, which is located just north of the intersection of ALAMEDA DIABLO ROAD and CABALLO RANCHERO ROAD and which bridge is hereby designated as CABALLO RANCHERO BRIDGE, are designated for a maximum speed of ten (10) miles per hour and the following traffic and load limits, excepting emergency vehicles:

a. As to Bridge 1, one-lane truck traffic or two-lane automobile traffic, with a five (5) ton load limit; and

b. As to Bridge 2 and 3, one-lane truck traffic or two-lane automobile traffic, with a twenty (20) ton load limit.

2. No person shall drive or move a vehicle and load thereon exceeding the maximum speed of ten (10) miles per hour or the load limits as specified in sub-paragraphs a and b of

Paragraph 1 of this section, excluding emergency vehicles, on or over said bridges.

3. Upon application in writing and if good cause appears the DIABLO COMMUNITY SERVICE DISTRICT may at their discretion issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum specified in this ordinance.

4. Violation of Paragraph 2 of this section shall be an be punishable by a fine as set forth in California Vehicle Code Section 42030.
(Added by Ord. 1991-01; Restated by Ord. 1993-04 §6; Codified by Ord. 1993-05.)

5-8-226 **Mt. Diablo Scenic Boulevard speed limit.**

1. The maximum speed on Mt. Diablo Scenic Boulevard between the northern most part of Mt. Diablo Scenic Boulevard which is within the DIABLO COMMUNITY SERVICES DISTRICT and the intersection of Mt. Diablo Scenic Blvd. and Diablo Road shall be (25) miles per hour.

2. Any violation of Paragraph 1 of this section shall be an infraction.
(Added by Ord. 1992-2; Restated by Ord. 1993-04 § 11; Codified by Ord, 1993-05.)

Title 6

BUILDING REGULATIONS AND PUBLIC WORKS

Chapter 6-2
ROAD ACCEPTANCE

Sections:

6-2-202 **Application.** An Applicant or Applicants must file an application with the Board of Directors of the DIABLO COMMUNITY SERVICES DISTRICT requesting that said District accept maintenance responsibilities of the private road described therein. Such Applicant(s) must be a landowner within the boundaries of said District.

6-2-204 **Criteria for acceptance.** The following criteria shall be met before DIABLO COMMUNITY SERVICES DISTRICT will accept maintenance responsibility for any such private road:

a. The portion of such private road to be maintained by DIABLO COMMUNITY SERVICES DISTRICT must lie entirely within the boundaries of said District;

b. Such private road shall meet the minimum construction and performance standards for private roads as established by ordinances of the County of Contra Costa. Said ordinances are incorporated by reference herein;

c. Such private road must have a four foot (4') shoulder on each side of the paved portion of said road;

d. Adjacent landowners must dedicate an easement for road use to DIABLO COMMUNITY SERVICES DISTRICT or lease such portion of road to said District for a period of not less than fifty (50) years; and

e. Such private road must serve not less than five (5) residences.

6-2-206 **Certificate of compliance.** The Applicant, at the Applicant's expense, must provide DIABLO COMMUNITY SERVICES DISTRICT with a Certificate, from a licensed civil engineer, stating that such private road meets the above described criteria.

6-2-208 **Inspection by engineer.** The Applicant must consent to an inspection by a qualified engineer, as designated by DIABLO COMMUNITY SERVICES DISTRICT. All inspection fees and costs incurred shall be borne by the Applicant.

6-2-210 **Option; Proof of Compliance.** At the option of the Board of Directors of the DIABLO COMMUNITY SERVICES DISTRICT, the Applicant(s) shall comply with the requirements set forth in either Section 6-3-206, or Section 6-2-208 or both Section 6-2-206 and Section 6-2-208 of this chapter.

6-2-212 **Name of Road; Writing.** The Applicant must consent, in writing, that the DIABLO COMMUNITY SERVICES DISTRICT shall have exclusive right to name such private road.

(Added by Ord. 1991-04; Restated by Ord. 1993-04 § 9; Codified by Ord. 1993-05.)

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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.

ORDINANCE NO. 2021-01

ORDINANCE OF THE DIABLO COMMUNITY SERVICES DISTRICT ADOPTING BIDDING AND PROCUREMENT PROCEDURES

WHEREAS, the Diablo Community Services District (the District) previously adopted Resolution No. 2021-01, electing to become subject to the Uniform Public Construction Cost Accounting Act (Pub. Contract Code section 22000 et seq., hereinafter "the Act"); and

WHEREAS, the Act establishes uniform cost accounting standards and procedures for implementation by local agencies in the performance of or contracting for construction of public projects; and

WHEREAS, pursuant to sections 22032(b) and 22034 of the Public Contract Code, the Act requires agencies that elect to be subject to its provisions to adopt certain bidding procedures that govern the selection of contractors to perform public projects; and

WHEREAS, Resolution 2021-01 requires the District to take all actions necessary to enact bidding procedures in accordance with the Act; and

WHEREAS, the District now desires to adopt the bidding procedures required by the Resolution 2021-01 and the Act; and

WHEREAS, the District also desires to adopt procedures governing the procurement of supplies, equipment, and services to complement the bidding procedures and to provide the District with a comprehensive procurement scheme; and

WHEREAS, adoption of these bidding and procurement procedures is not a "project" pursuant to California Environmental Quality Act Guidelines section 15378.8(b)(5).

NOW, THEREFORE THE DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

The above recitals are true and correct and are incorporated herein.

SECTION 2:

Ordinance No. 2021-01 attached hereto as Exhibit A is hereby added to the District's Ordinance Code as Title 7.

SECTION 3:

This Ordinance No. 2021-01 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 13th day of April by the following vote:

AYES: Urbelis, Becker, Eorio, Cox, Isom

NOES: None

ABSTAIN: None

ATTEST:

Kathy Urbelis

Board President

ORDINANCE 2021-01 EXHIBIT A

TITLE 7

7.1 Bidding Procedures for Public Construction Projects

A. Purpose. The purpose of this section is to adjust the monetary limits for construction projects which can be carried out with administrative decisions, informal bids, and formal bids. It is the intent of the District that this Title 7 shall govern the selection of contractors by the District through the bidding procedures specified in Public Contract Code section 22000 et seq. – the Uniform Public Construction Cost Accounting Act (the "Act").

B. Definitions. The definitions in Public Contract Code section 22000 et seq. and any statutory successors govern this section.

"Public Project" means any of the following: construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any District-owned, leased, or operated facility; and painting or repainting of any publicly owned, leased, or operated facility. A "public project" does not include maintenance work.

"Maintenance Work" means routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes; minor repainting; resurfacing of streets and highways at less than one inch; and landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

C. Contract Letting Procedures.

1. List of Qualified Contractors. The District shall maintain a list of qualified contractors identified according to categories of work in accordance with Public Contract Code section 22034.

2. No bidding required. Public Projects less than or equal to $60,000 may be performed by the District, by negotiated contract, or by purchase order.

3. Informal bids. Public Projects $200,000 or less shall be let by the informal bid procedures in Public Contract Code 23034.

a. Notice. At least 10 days before informal bids are due, a notice inviting informal bids shall be sent by mail, fax, or email to all contractors on the District's list prepared in accordance with C.1 above for the category of work being bid, or all construction trade journals pursuant to Public Contract Code 22036, or both.

b. Authority to award. The General Manager may award all informal bids unless all bids received are in excess of $200,000 in which case the District may, by adoption of a resolution by a four-fifths vote, award the contract at the amount set forth in Public Contract Code section 22034(d) if the District determines its cost estimate was reasonable.

4. Formal bids. Public Projects in excess of $200,000 shall be let by the formal bid procedures in Public Contract Code 22037.

a. Notice. A notice inviting formal bids shall state the time and place for receiving and opening of sealed bids and distinctly describe the Public Project. The notice shall be published at least 14 days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the public agency. The notice inviting formal bids shall also be emailed or faxed and mailed to all construction trade journals specified in Public Contract Code section 22036 at least 15 days before the date of opening the bids. In addition to notice required by this section, the District may give such other notice as it deems proper.

5. Award of informal and formal bids. If a contract is awarded, it shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the District may accept the one it chooses. The District has the discretion to reject bids pursuant to Public Contract Code section 22038. If no bids are received through the formal or informal procedures, the Public Project may be performed by the District by force account or negotiated contract without further complying with the Act or this Title.

6. Emergencies. In the case of emergency when repairs or replacements are necessary, the District may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bides to let contracts. The work may be done by day labor, contractor, or by a combination of the two. If the District chooses not to give notice for bids in an emergency, the District must follow all procedures in Public Contract Code 22050 and by four-fifths vote must make findings based on substantial evidence that the emergency will not permit a delay resulting from a competitive solicitation of bids and that the action is necessary to respond to the emergency.

7. Amounts subject to change. The monetary amounts listed in sections C.2, C.3, and C. 4 above may change as the Act is amended from time to time. The District shall at all times abide by the amounts listed in Public Contract Code sections 22032(a), (b), and (c), respectively.

7.2 Procurement Procedures

A. Purpose. In order to establish efficient procedures for the purchase of supplies, equipment, and services; secure supplies, equipment, and services at the lowest possible

cost commensurate with quality, and exercise positive financial control over purchases, the District adopts these procurement procedures.

B. Definitions.

"Design Professional Services" mean architectural, landscape architectural, environmental, engineering, land surveying, or construction project management services which are subject to the procurement requirements of Article XXII of the California Constitution, and Government Code § 4529.10, et seq.

"Purchasing Agent" means the General Manager or his/her designee who is responsible for procuring supplies, equipment, and services pursuant to these procedures.

"RFP" means a Request for Proposals transmitted to qualified vendors.

"RFQ" means a Request for Qualifications transmitted to potentially qualified vendors to evaluate qualifications for providing required services.

C. Purchasing Agent Authority. The Purchasing Agent has the authority to procure or contract for supplies, equipment, and services in accordance with these procedures; negotiate and recommend execution of contracts; supervise and inspect all supplies and equipment purchased; maintain a list of qualified vendors or bidders; and recommend amendments to these procedures.

D. **Supplies and Equipment.** Supplies and equipment will be procured as follows:

1. **Minor Purchases.** The Purchasing Agent may make individual purchases of supplies and equipment not exceeding $5,000 with the approval of the Board president.

2. Informal Quotes. The Purchasing Agent may make individual purchases of supplies and equipment exceeding $5,000 but less than $10,000 after soliciting price quotes from at least three qualified vendors and with the approval of the Board president.

3. Competitive Proposals. For individual purchases of $10,000 or more, the Purchasing Agent must solicit quotes from at least five qualified vendors and obtain approval of the Board prior to purchase, except to the extent that the Board has already delegated or authorized the Purchasing Agent to make the purchase.

E. General Services. Procurement of services other than design professional services, including consulting and engineering services, will be procured as follows:

1. Minor Services. For service contracts that will not exceed $5,000, the Purchasing Agent may make an award to a qualified vendor for a reasonable price or rate with the approval of the Board president.

2. Informal Quotes. For service contracts exceeding $5,000 but less than $10,000, the Purchasing Agent may make an award to a qualified vendor that offers the best overall value to the District after soliciting quotes or informal proposals from at least three qualified vendors with the approval of the Board president.

3. Competitive Proposals. For services contracts of $10,000 or more, the Purchasing Agent must use a fair and competitive proposal process to award, which may involve an RFP or solicitation of proposals from an adequate number of qualified vendors. The Purchasing Agent must obtain approval of the Board prior to award, except to the extent that the Board has already delegated or authorized the Purchasing Agent to make the award.

F. Design Professional Services. Procurement of design professional services is subject to compliance with Article XXII of the California Constitution; Government Code section 4529.10, et seq.; and the following requirements:

1. Fair Competitive Process. An RFQ, RFP, or combined RFQ/RFP procedure should be used to procure design professional services to ensure a fair, competitive selection process based on the demonstrated competence and professional qualifications necessary for the services. The RFP, RFQ, or RFP/RFQ must require compliance with all laws regarding political contributions, conflict of interest, or unlawful activities.

2. Prevailing Wages. If the services include pre-construction services such as inspection or land surveying work (see Labor Code § 1720(a)(1)), and the project cost exceeds $1000, the procurement must comply with prevailing wage requirements.

3. Award. If the design professional services contract exceeds $10,000, the Purchasing Agent must obtain approval of the Board prior to award, except to the extent that the Board has already delegated or authorized the Purchasing Agent to make the award.

G. Emergency Procurements. In the event of an emergency or threatened emergency, services or good may be procured without following the applicable procurement procedures, but only to the extent necessary to avoid delay in preventing or mitigating injury or damage. For purposes of these procurement procedures, an emergency includes any sudden, unexpected occurrence that poses a clear and imminent danger and requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, as declared by the Board or its General Manager.