

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING AGENDA¹
TELECONFERENCE VIA THE APPLICATION ZOOM
TUESDAY, JUNE 14, 2022, 7:30 P.M.**

MEETING PROCEDURE

Pursuant to California Assembly Bill 361, the Diablo Community Services District is authorized to hold public meetings remotely and to make those meetings accessible to all members of the public seeking to observe and to address the Board by remote means. All members of the public seeking to observe and/or address the Board may participate in the meeting in the manner described below. This meeting can be viewed using the Zoom platform:

ZOOM WEBSITE: **<https://zoom.us/j/4680449859>**

MEETING ID: **468 044 9859**

FOR AUDIO PARTICIPATION ONLY: Call **(346) 248-7799** or **(669) 900-9128** and enter Meeting ID# 468 044 9859 followed by the pound (#) key.

To submit public comments before the meeting, email generalmanager@diablocsd.org before 12 pm on the day of the meeting.

CALL TO ORDER: **President: Kathy Urbelis**

ROLL CALL: **Secretary: Jeff Eorio**

Urbelis, Becker, Eorio, Isom, Cox

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) GM to present the 2022-23 Budget. Board to consider adoption of *Resolution 2022-03* approving the 2022-23 Budget.
- b) GM to present Specifications of Election Order for the November 8, 2022, General Election to include three Director seats: Board to consider adoption of *Resolution 2022-04* ordering specifications for the election.
- c) President Urbelis to present a records retention policy for study and discussion. No formal action will be taken on such policy. Staff report is attached

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

SECURITY: Deputy Sheriff Buergi

- a) Present prior month's security report.

2. CONSENT CALENDAR:

- a) Approve the minutes of the May 10, 2022, Regular Meeting.
- b) Authorize remote teleconference meetings of the Board of Directors, originally authorized at the January 11, 2022, Meeting under Resolution 2022-01, to July 15, 2022.

3. REPORTS:

| | |
|--------------------------------------|-----------------|
| CONTRA COSTA COUNTY: | Cameron Collins |
| DIABLO PROPERTY OWNERS ASSOC: | Dana Pingatore |
| DIABLO COUNTRY CLUB: | Hank Salvo |

4. DIRECTOR COMMENTS:

5. FUTURE AGENDA ITEM ANNOUNCEMENT:

There will be no July DCSD Board meeting.

6. CALL OF NEXT MEETING & ADJOURNMENT:

The next DCSD Regular Board meeting is scheduled for August 9, 2022, at 7:30 p.m. via Zoom.

Diablo Community Services District by
Kathy Torru, General Manager
generalmanager@diablocsd.org

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
FY 2022-23 Budget

| FY-July thru June | Actual | | 2023 Budget | | | | | Forecast | | | |
|---|------------------|------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|------------------|
| | 2020-21 | 2021-22* | Q1 | Q2 | Q3 | Q4 | YTD | 2024 | 2025 | 2026 | 2027 |
| Beginning Cash | 947,010 | 646,522 | 523,033 | 322,719 | 503,614 | 370,608 | 523,033 | 562,627 | 707,565 | 776,792 | 1,093,311 |
| Revenue | | | | | | | | | | | |
| Ad valorem & special tax | 807,250 | 823,297 | - | 468,191 | - | 383,066 | 851,257 | 876,794 | 903,098 | 930,191 | 958,097 |
| Other | 218 | 8,136 | 350 | 400 | 400 | 350 | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 |
| Total Income | 807,468 | 831,433 | 350 | 468,591 | 400 | 383,416 | 852,757 | 878,294 | 904,598 | 931,691 | 959,597 |
| Expenses | | | | | | | | | | | |
| Security | 306,628 | 356,027 | 113,746 | 90,946 | 90,946 | 96,146 | 391,785 | 399,392 | 423,356 | 448,757 | 475,682 |
| Roads/bridges/culverts | 710,160 | 535,708 | 25,000 | 177,000 | 2,000 | 80,000 | 284,000 | 214,000 | 289,000 | 39,000 | 439,000 |
| Professional | 80,701 | 69,093 | 19,352 | 17,000 | 25,010 | 15,140 | 76,502 | 73,250 | 76,300 | 80,100 | 83,212 |
| Insurance | 48,961 | 41,015 | 41,015 | - | - | - | 41,015 | 41,015 | 41,015 | 41,015 | 41,015 |
| Administrative | 534 | 2,186 | 1,550 | 2,750 | 15,450 | 110 | 19,860 | 5,700 | 5,700 | 6,300 | 6,300 |
| Total Expenses | 1,146,984 | 1,004,029 | 200,663 | 287,696 | 133,406 | 191,396 | 813,162 | 733,357 | 835,371 | 615,172 | 1,045,209 |
| Net Income | (339,516) | (172,596) | (200,313) | 180,895 | (133,006) | 192,019 | 39,595 | 144,937 | 69,228 | 316,519 | (85,613) |
| Incr/(decr) in AP/prepays | 39,028 | 49,107 | | | | | | | | | |
| Ending Cash | 646,522 | 523,033 | 322,719 | 503,614 | 370,608 | 562,627 | 562,627 | 707,565 | 776,792 | 1,093,311 | 1,007,699 |
| Other Financial Data | | | | | | | | | | | |
| Reserves (bridge/culvert) (Unfunded) | | 667,600 | | | | | 761,929 | 857,287 | 953,705 | 1,051,216 | 1,149,853 |

* Actual & May, June Budget

RESOLUTION NO. 2022-03

**RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT APPROVING
THE FISCAL YEAR 2022-23 BUDGET**

WHEREAS, The Diablo Community Services District (District) on May 31, 2022 caused to be published in the News Register of Contra Costa County, a newspaper of general circulation, a notice that the General Manager had prepared a proposed final budget for fiscal year 2022-2023, which was available for inspection, and that a public meeting would be held on June 14, 2022 at 7:30 p.m. at which time any person could appear and be heard regarding any item in the budget or regarding the addition of any other items, and;

WHEREAS, this District did hold a public meeting on June 14, 2022 at 7:30 p.m. at which time any person could appear and be heard regarding any item in the fiscal year 2022-2023 budget or regarding the addition of any other items;

NOW THEREFORE BE IT RESOLVED, that the District Board of Directors adopts the instrument attached as its final budget for fiscal year 2022-2023.

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

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

* * * * *

THE FOREGOING RESOLUTION WAS ADOPTED at a regular meeting of the Board of Directors of the Diablo Community Services District on the 14th day of June 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeff Eorio, Secretary

Attest:

Kathy Torru, General Manager

RESOLUTION NO. 2022-04

BEFORE THE BOARD OF DIRECTORS OF THE DIABLO COMMUNITY SERVICES DISTRICT CONTRA COSTA COUNTY, STATE OF CALIFORNIA

RESOLUTION ORDERING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, California Elections Code requires a general District election be held in each District to choose a successor for each elective officer whose term will expire on the first Friday in December following the election to be held on the first Tuesday after the first Monday in November in each even numbered year; and

WHEREAS, other Elections may be held in whole or in part of the territory of the District and it is to the advantage of the District to consolidate pursuant to Elections Code Section 10400; and

WHEREAS, Elections Code Section 10520 requires each District involved in a general election to reimburse the county for the actual costs incurred by the county elections official in conducting the election for that District; and

WHEREAS, Elections Code Section 13307 requires that before the nominating period opens, the District Board must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters, may establish the cost, and determine whether the costs be paid in advance; and

WHEREAS, Elections Code Section 12112 requires the election official of the principal county to publish a notice of the election once in a newspaper of general circulation in the District;

NOW THEREFORE IT IS ORDERED that an election be held within the territory included in this District on the **8th day of November 2022**, for the purpose of electing members to the Board of Directors of said District in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held Tuesday, **the 8th day of November 2022**. The purpose of the election is to choose members of the Board of Directors for the following seats:

| | |
|-----------------|-----------|
| Director Becker | Full term |
| Director Eorio | Full term |
| Director Isom | Full term |
2. The District has determined that the candidate will pay for the Candidate's Statement. As a condition of having the Candidates' Statements published, the candidate shall pay the estimate cost of filing. The District accepts the Elections District's estimate of cost.

3. The District directs that the County Registrar of Voters of Contra Costa County publish the Notice of Election in a newspaper of general circulation that is regularly circulated in the territory.
4. The Board hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the District, pursuant to Elections Code 10400.
5. The District will reimburse the county for the actual cost incurred by the county elections official in conducting the general District election upon receipt of a bill stating the amount due as determined by the elections official.
6. The General Manager of this Board is ordered to deliver copies of this Resolution, to the County Registrar of Voters, and to the Board of Supervisors of Contra Costa County.

* * * * *

THE FOREGOING RESOLUTION WAS ADOPTED at a regular meeting of the Board of Directors of the Diablo Community Services District on the 14th day of June 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeff Eorio, Secretary

Attest:

Kathy Torru, General Manager

STAFF REPORT

DATE: June 14, 2022
TO: DCSD Board Members
FROM: Kathy Torru, General Manager
RE: Study session on potential records retention policy

Background

The Diablo Community Services District (District) generates and receives records in paper and digital format in its normal course of business. To provide for the identification, maintenance, and safeguarding of these 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, the District Board of Directors is studying the adoption of a records retention resolution and policy.

Over the next several months the District, working with General Counsel, will develop a records retention policy that will be available for review by the public and considered by the Board of Directors for adoption. Once a records retention policy is adopted, the District anticipates choosing a vendor to catalog and digitize certain existing records, and to properly destroy non-records and paper records no longer needed.

Below is a sampling of the general guidelines the District will follow to establish a records retention policy. In forming the policy, these will be carefully evaluated and reviewed with counsel, and specific guidelines will be added to ensure clarity.

General State Law Requirements for Record Retention

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 Government Code Section [60201](#).

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 unless 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.

Development of District Policy - Next Steps

General Manager Kathy Torru, Kathy Urbelis (who has experience in Records & Information Management), and Jeff Eorio (who is familiar with government records retention policies) will be drafting the policy for presentation to the Board. Board members are encouraged to provide comments on these preliminary plans to the General Manager.

The goal is to have a records retention policy available for review and potential adoption within the next few months.

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
MAY 10, 2022, 7:30 p.m.**

CALL TO ORDER: President Kathy Urbelis called the meeting to order at 7:30 p.m.
ROLL CALL: Secretary Jeff Eorio called the roll as follows:

Directors present: Urbelis, Becker, Eorio, Isom
Directors absent: Cox

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

PUBLIC COMMENTS:

Nicola Place expressed safety concerns about the weeds located at the corner of Avenida Nueva and Diablo Road and the condition of the road at that same intersection but on the opposite side of the road. The District is aware of both issues and is working to address them.

BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE:

General Manager Torru presented the 2022-23 Draft Budget. The Final 2022-23 Budget with the Director recommended changes will be presented at the June 14, 2022, DCSD meeting for adoption.

General Manager Torru presented the March 31, 2022, District Financial Reports. Revenue and expense figures for the first 9 months of FY 2022 are in line with the budget, with few exceptions. At the end of March, the District had \$662k in cash. A copy of the report is attached as Exhibit A and available on the District's website under the Meetings & Financials tab.

General Manager Torru presented the 4-year audit proposal from Richardson & Company LLP for FY 2022–2025.

On motion by Director Eorio, second By President Urbelis, the Directors in attendance unanimously authorized the General Manager to proceed with the engagement of Richardson & Company LLP under the terms of the proposal.

General Manager Torru presented Resolution 2022-02, authorizing the FY 2022-23 Special Tax rate of \$745.39 for improved lots, \$144.14 for unimproved lots, and \$26,387.20 for the Diablo Country Club. A copy of Resolution 2022-02 is attached as Exhibit B.

On motion by Director Eorio, second Director Isom, the Directors in attendance unanimously approved Resolution 2022-02, authorizing the Special Tax rate for FY 2022-23.

ROADS:

General Manager Torru reported that the 2022 Pavement Maintenance Project (Upper Alameda Diablo) has been completed on budget and to hers and Director Cox's satisfaction and recommended that the Board accept the project as complete.

On motion by Director Eorio, second by President Urbelis, the Directors in attendance unanimously accepted the 2022 Pavement Maintenance Project and authorized the General Manage to execute the necessary notices and issue final payment.

SECURITY:

Deputy Buergi reported that there were a few minor incidents last month, including a computer fraud incident, a few medical emergencies, and a cyclist-auto accident at the corner of Alameda Diablo and Calle Los Callados. Deputy Buergi is increasing his presence at that intersection to slow traffic down and monitor the traffic flow at the intersection.

CONSENT CALENDAR:

On motion of Director Eorio, second by Director Isom, the Directors in attendance unanimously approved the consent calendar.

REPORTS:

CONTRA COSTA COUNTY: None

DIABLO PROPERTY OWNERS REPORT: None

DIABLO COUNTRY CLUB: None

DIRECTOR COMMENTS:

None

FUTURE AGENDA ITEMS:

President Urbelis announced that the Board will be asked to adopt the 2022-23 Budget at the June 14 meeting.

Presentation and discussion of a draft Records Retention Policy and Schedule is also planned for the June 14 meeting. Adoption of a Records Retention Policy and Schedule will occur at a future date.

CALL OF NEXT MEETING/ADJOURNMENT:

The President called the next meeting for June 14, 2022. The meeting will be conducted via Zoom. There being no further business, the President adjourned the meeting at 8:20 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

Exhibit A

Diablo Community Services District Financial Report March 31, 2022

| | July | August | September | October | November | December | January | February | March | Actual YTD | Budget YTD | Act vs Bud Variance |
|--------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------------|
| Beginning Cash | 646,522 | 614,747 | 588,199 | 529,504 | 506,074 | 360,308 | 771,885 | 735,495 | 695,487 | 646,522 | 646,522 | |
| Revenue | | | | | | | | | | | | |
| Tax Revenue | - | - | - | 10,982 | - | 447,994 | - | - | - | 458,976 | 450,148 | 8,828 |
| Other Revenue | 5 | 7,034 | 4 | 3 | 479 | 207 | 6 | 5 | 5 | 7,748 | 2,000 | 5,748 a |
| Total Income | 5 | 7,034 | 4 | 10,985 | 479 | 448,201 | 6 | 5 | 5 | 466,724 | 452,148 | 14,576 |
| Expenses | | | | | | | | | | | | |
| Sheriff services* | 29,377 | 29,070 | 31,667 | 29,626 | 31,848 | 28,039 | 28,367 | 28,069 | 28,241 | 264,304 | 260,616 | 3,688 |
| Road/bridge/culvert/trail | - | 127,008 | 1,260 | 2,880 | 1,728 | 1,728 | 5,530 | 3,625 | 34,521 | 178,280 | 140,000 | 38,280 b |
| Professional services | 6,276 | 12,722 | 4,085 | 2,790 | 5,270 | 2,822 | 4,648 | 2,866 | 14,020 | 55,499 | 69,225 | (13,726) c |
| Insurance | 41,015 | - | - | - | - | - | - | - | - | 41,015 | 41,087 | (72) |
| Administrative | 1,759 | (16) | - | - | - | - | 443 | - | - | 2,186 | 13,250 | (11,064) d |
| Total Expenses | 78,427 | 168,784 | 37,012 | 35,296 | 38,846 | 32,589 | 38,988 | 34,560 | 76,782 | 541,284 | 524,178 | 17,106 |
| Net Income | (78,422) | (161,750) | (37,008) | (24,311) | (38,367) | 415,612 | (38,982) | (34,555) | (76,777) | (74,560) | (72,030) | (2,530) |
| Incr/(decr) in payable/prepaid | 46,647 | 135,202 | (21,687) | 881 | (107,399) | (4,035) | 2,592 | (5,453) | 43,278 | 90,026 | | |
| Ending Cash | 614,747 | 588,199 | 529,504 | 506,074 | 360,308 | 771,885 | 735,495 | 695,487 | 661,988 | 661,988 | 574,492 | |
| Other Financial Data | | | | | | | | | | | | |
| Prepaid/Deposit | - | - | - | - | - | - | - | - | - | | | |
| Reserves (bridge/culvert)* | 579,272 | 584,272 | 589,272 | 594,272 | 599,272 | 636,629 | 641,629 | 646,629 | 651,629 | | | |
| Accounts payable | 62,975 | 208,777 | 187,090 | 187,971 | 80,571 | 76,536 | 79,125 | 73,673 | 116,951 | | | |
| Accrued Exp | 10,600 | - | - | - | - | - | - | - | - | | | |

Notes

- a - 7k monument survey reimbursement from County
- b - Increased storm patrol and 30k Club House culvert repair.
- c - 10k less on legal. Time delay on trail maint.
- d - 10k records retention budget not spent

* reserves are unfunded

RESOLUTION NO. 2022-02

**RESOLUTION OF THE DIABLO COMMUNITY SERVICES DISTRICT
CONFIRMING RESULTS OF MEASURE B SPECIAL TAX ELECTION AND
DIRECTING COUNTY AUDITOR TO LEVY VOTER-APPROVED TAX**

WHEREAS, at an election held on March 6, 2018, the Diablo Community Services District (“District”) was successful in obtaining more than two-thirds voter approval to levy a qualified special tax known as Measure B (the “Tax”), as evidenced by the letter from the Contra Costa County Clerk dated March 14, 2018 containing the Certificate of Election Results; and

WHEREAS, the Tax set the initial rates for Improved Parcels, Unimproved Parcels, and the Diablo Country Club at \$662.26, \$128.06, and \$23,444.68, respectively; and

WHEREAS, the Tax allows for an annual inflation adjustment, and the District has calculated the rates for Fiscal Year 2022-2023 to be \$745.39, \$144.14, and \$26,387.20 for Improved Parcels, Unimproved Parcels, and the Diablo Country Club, respectively; and

WHEREAS, the District desires at this time to request that the Contra Costa County Auditor enter the Tax on the tax roll for collection and distribution by the Contra Costa County Tax Collector for Fiscal Year 2022-23;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. **Recitals.** The foregoing recitals are true and correct.

Section 2. **Direction to County Auditor to Levy and Collect Tax for Fiscal Year 2022-23.** It is hereby certified that the proceedings in connection with the March 6, 2018 Tax election have been accomplished in accordance with law. As such, the Contra Costa County Auditor is directed to include the Tax on the tax rolls for Fiscal Year 2022-23 as follows: **\$745.39** for Improved Parcels, **\$144.14** for Unimproved Parcels, and **\$26,387.20** for the Diablo Country Club.

Section 3. **Not Special Benefit Assessment; No New Taxing Area.** The Tax is a special tax approved by more than two-thirds of the voters of the District voting on the measure, as authorized by California Constitution Article XIII A and 50075. The procedures applicable to special benefit assessments, fees and charges set forth in California Constitution Article XIII D do not apply to the Tax. In addition, the Tax shall be levied within the boundaries of the existing District. No new taxing area will be formed for purposes of the levy of the Tax.

Section 4. **Actions to Facilitate Levy of Tax.** The President of the Board of Directors is hereby authorized to take, for each fiscal year following 2022-2023, any such further actions as may be required to facilitate the successful levy and collection of the Tax in the District including, but not limited to, each year providing the County Auditor with a list of parcels upon which the Tax shall be levied, and to respond to any further requests of the County Auditor with respect to such Tax.

Section 5. **Collection.** The Tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes, and the County

Auditory is hereby authorized to deduct reasonable administrative costs incurred in collecting any such special tax.

Section 6. **Effective Date.** This Resolution shall take effect on and after its adoption.

* * * * *

The foregoing Resolution was adopted by the Board of Directors of the Diablo Community Services District on May 10, 2022.

Adopted by the following votes:

AYES: Urbelis, Becker, Eorio, Isom

NOES:

ABSENT: Cox

ABSTAIN:

Kathy Urbelis, President of the Board

Attest:

Kathy Torru, General Manager