

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING AGENDA¹
TELECONFERENCE VIA THE APPLICATION ZOOM
TUESDAY, OCTOBER 11, 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**

Directors: 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 Torru to present for Director approval the Regular meeting schedule for 2023: The second Tuesday of the month at 7:30 pm except for July and December.
- b) GM Torru to present for first reading the Conflict of Interest Ordinance Code 2022-01. See Attachment A

SECURITY: Deputy Sheriff Buergi

- a) Present security report for September.

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

2. **CONSENT CALENDAR:**

- a) Approve the minutes of the September 13, 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, for another 30 days.

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:**

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

The next DCSD Regular Board meeting is scheduled for November 8, 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>.

Attachment A

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 ____ day of _____ by the following vote:

AYES:

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: [DATE]

**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.

*

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.

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES
TELECONFERENCE VIA THE APPLICATION ZOOM
SEPTEMBER 13, 2022, 7:30 p.m.**

CALL TO ORDER: Vice President Leonard Becker called the meeting to order at 7:30 p.m.

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

ROLL CALL: Secretary Jeff Eorio called the roll as follows:

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

PUBLIC COMMENTS:

Four residents expressed concern over the destruction of District documents that have reached their destruction date under the proposed records retention policy, and the importance of preserving the District's history.

BOARD/STAFF COMMUNICATION AND ACTIONS:

ADMINISTRATIVE:

Vice President Becker presented the proposed records retention policy for discussion. The Directors affirmed the importance of preserving the District's history and stressed the need to identify, digitize and catalog the District's records so that the important elements of the District's history and operations can be safeguarded and easily retrieved. To address the concerns expressed during public comment Director Becker requested that the proposed Destruction Process section of the records retention policy be modified to require Board approval of documents identified for destruction prior to any destruction. Board approval would occur as an action item on a regular meeting agenda.

General Manager Torru presented the District's fiscal year 2021-22 financial report. As June 30, 2022 the District had a cash balance of \$467,000. A copy of the report is available on the District's website at www.diablocsd.org.

ROADS:

Director Cox reported that a large tree branch fell over lower Alameda Diablo last week closing the road to all vehicular and pedestrian traffic until a tree crew could be brought in to clear the debris. Director Cox requested that the October agenda include for discussion and possible action a review of the District's emergency tree removal policy.

SECURITY:

Deputy Buergi reported that the multiple construction projects on Avenida Nueva are creating traffic issues and that he is patrolling that area with greater frequency to minimize those disruptions. The school buses are running through Diablo again and Deputy Buergi is making himself visible at the school bus stops daily to enforce traffic laws and keep everyone safe.

CONSENT CALENDAR:

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

REPORTS:

CONTRA COSTA COUNTY: No report

DIABLO PROPERTY OWNERS REPORT: Dana Pingatore, DPOA President, reported that the DPOA is working on its fall Devil’s Advocate newsletter for publication in October, and is working on the Halloween celebration social details. The DPOA is reviewing the front entrance landscape design to reduce water usage.

DIABLO COUNTRY CLUB: No report

DIRECTOR COMMENTS: None

FUTURE AGENDA ITEMS:

President Urbelis to present a records retention policy for adoption at the October 11, 2022, meeting.

CALL OF NEXT MEETING/ADJOURNMENT:

Vice President Becker called the next meeting for October 11, 2022. The meeting will be conducted via Zoom. There being no further business, the meeting was adjourned the at 8:40 p.m.

Diablo Community Services District by

Kathy Torru, General Manager