



87 Carol Lane  
P.O. Box 127  
Oakley, CA 94561-0127  
925-625-3798  
Fax 925-625-0814  
www.diablowater.org

Directors:  
Paul Seger  
President

Scott R. Pastor  
Vice President

Kenneth L. Crockett  
Marilyn Tiernan  
Joe Kovalick

General Manager  
& Secretary:  
Daniel Muelrath

General Counsel:  
Wesley A. Miliband

MINUTES OF THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF  
DIABLO WATER DISTRICT  
HELD ON JUNE 28, 2021

**Due to the current COVID-19 Pandemic, Local Health Orders, and the Governor's Health Orders, the Special Meeting of the Board of Directors of Diablo Water District was held on June 28, 2021 at 12:00 pm via conference call / web as noticed in the posted agenda.**

**1. Call to Order and Roll Call**

The special meeting of the Board of Directors of Diablo Water District (District) was called to order by President Seger at 12:04 p.m. on June 28, 2021.

Directors Present: Seger, Pastor, Crockett, Tiernan, Kovalick  
Staff Present: Dan Muelrath, Kait Knight, Nacho Mendoza  
General Counsel: Wes Miliband (AARLL)  
District Engineer: Bill Brick (CDM Smith)  
Others Present: Angela Lowery (ISD Liaison), Andria Loutsch (CDM Smith)

**2. Public Input.** (Anyone present may address the Board of Directors on any subject within the jurisdiction of Diablo Water District. If the subject item is on this Agenda, please hold public comment until the appropriate item).

None

**3. Update Regulation 8 Water-Use Efficiency.**

Staff Recommendation: Adopt Resolution No. 2021-16 approving amendments to Regulation 8.

Director Kovalick requested General Counsel Miliband make a verbal comment regarding the potential ban of residential turf. General Counsel Miliband advised

that he had sent Directors an attorney-client privileged memo, and short answer was “no”, there could not be a District ban on turf. However, the State and land use permit authorities could do so. The District is not in a position to have an outright ban, nor could they use a drought as means of reason for this action either. There is case law that further states that doing so could end up causing legal issues for the District.

Director Tiernan encouraged public education through workshops and including information in District monthly newsletters on what the target gallons of usage are for new customers of the District.

President Seger suggested that when we declare a drought, it would be a good time to tell developers that it is not a good time to be putting in new lawn.

General Manager Muelrath recommended including ACWA in the conversation and proposed amending the language to include outreach to ACWA and the land use authorities on prohibiting non-functional turf.

It was moved by Director Kovalick, seconded by Director Tiernan, and approved by the following 3-2 vote to adopt Resolution No. 2021-16 approving amendments to Regulation 8, with amendments to language to include outreach to ACWA, the State legislature, and the land use authorities on prohibiting non-functional turf.

AYES: Kovalick, Tiernan, Seger  
NOES: Pastor, Crockett  
ABSTAIN: None

**4. Adoption of the District’s 2020 Urban Water Management Plan and Water Shortage Contingency Plan.**

Staff Recommendation: Approve Resolution No. 2021-17 adopting the District’s 2020 Urban Water Management Plan;  
and  
Approve Resolution No. 2021-18 adopting the District’s 2020 Water Shortage Contingency Plan.

Director Kovalick wanted to note that we have never been able to pump the stated amount of well water during an emergency or drought as is proposed in the UWMP.

General Manager Muelrath responded that the water supply is annually calculated, so although we agree, the goal is to get to that level. Regardless, the Board must declare a drought before hardness levels could be changed.

It was moved by Director Pastor, seconded by Director Crockett, and approved by the following 4-1 vote to approve Resolution No. 2021-17 adopting the District's 2020 Urban Water Management Plan and approve Resolution No. 2021-18 adopting the District's 2020 Water Shortage Contingency Plan

AYES: Pastor, Crockett, Kovalick, Seger

NOES: Tiernan

ABSTAIN: None

**5. Next Meetings of the Board of Directors.**

- July 28, 2021
- August 25, 2021
- September 22, 2021

General Manager Muelrath proposed that a special meeting may be called in August to follow-up on where the District is at with the efforts from the January strategic planning and how all of the District's new planning documents relate to each other.

**6. Adjournment.**

It was moved by Director Crockett to adjourn at 12:37 pm.

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**Dan Muelrath, General Manager/Secretary**