



MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
DIABLO WATER DISTRICT
HELD ON JULY 28, 2021

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:
Wes Miliband

Due to the current COVID-19 Pandemic, Local Health Orders, and the Governor's Health Orders, the Workshop was held on July 28, 2021 with the Regular Meeting of the Board of Directors of Diablo Water District held after at 6:30 pm via conference call / web as noticed in the posted agenda.

Workshop – Local Groundwater Quality

The workshop began at 5:30 p.m. on July 28, 2021.

1. Call to Order and Roll Call

The regular meeting of the Board of Directors of Diablo Water District (District) was called to order by President Seger at 6:34 p.m. on July 28, 2021.

Directors Present: Seger, Pastor, Crockett, Tiernan, Kovalick

Staff Present: Dan Muelrath, Kait Knight, Nacho Mendoza,
Jennifer McCoy

General Counsel: Wes Miliband (AARLL)

District Engineer: Bill Brick (CDM Smith)

Others Present: Angela Lowery (ISD Liaison), Mike Zafer (CDM Smith),
Laura Izon (AALRR)

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).

Public Comment: Angela Lowery, ISD Liaison, thanked the District for the workshop stating it was well done.

3. Public Hearing Regarding Proposed Increase in Water Charges for County Well System M-27, Willow Park Marina and Removing M-26, Beacon West.

President Seger opened the public hearing at 6:36 pm.

Director Kovalick noted that the numbers speak for themselves, and we need to cover the costs.

President Seger closed the public hearing at 6:40 pm.

4. Adopt Resolution 2021-19 Amending Regulation Number 1, Water Charges for County Well System M-27, Willow Park Marina; and Removing M-26, Beacon West.

Staff Recommendation: Adopt Resolution Number 2021-19 amending Regulation Number 1, Water Charges for County Well System M-27, Willow Park Marina; and Removing M-26, Beacon West.

It was moved by Director Kovalick, seconded by Director Crockett, and approved by the following vote to adopt resolution number 2021-19 amending Regulation Number 1, Water Charges for County Well System M-27, Willow Park Marina; and Removing M-26, Beacon West.

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

5. Consent Calendar.

It is recommended by the General Manager that these items, which are expected to be routine in nature and without controversy, be received and acted upon by the Board without discussion. If any Board member or interested party requests that an item be removed from the Consent Calendar for discussion, it will be considered separately. *The consent calendar may be approved by a single motion to approve, followed by a second and then a call for vote.*

A. Minutes of the Regular Meeting of June 23, 2021.

Staff Recommendation: Approve.

B. Minutes of the Special Meeting of June 28, 2021.

Staff Recommendation: Approve.

C. Amend Regulation 106 – Personnel Rules to Reflect Current CalPERS Requirements for Holiday On Call Pay.

Staff Recommendation: Approve Resolution No. 2021-20 amending and updating Regulation 106.

D. Amend Regulation 123 – Drug and Alcohol.

Staff Recommendation: Approve Resolution No. 2021-21 amending and updating Regulation 123.

E. Authorization to Execute Facilities Installation Agreement with Forecast Land Investment, LLC for Subdivisions 8736 Pheasant Meadows & 8836 Vintner View.

Staff Recommendation: Authorize the General Manager to Execute the Agreement.

It was moved by President Seger, to pull item 5.E for discussion.

It was moved by Director Tiernan, seconded by Vice President Pastor, and approved by the following vote to approve the Consent Calendar items 5.A through 5.D.

AYES: Pastor, Crockett, Tiernan, Kovalick, Seger

NOES: None

ABSTAIN: None

President Seger wanted to know if the recently adopted policies were implemented in these plans. General Manager Muelrath explained these plans were almost completely through plan review at the time of the adoption of the policies, so the policies did not apply. The City is still able to instill a no-turf policy if they desire. Staff will update the construction project list to show which projects the new policies apply to.

After further discussion of item 5.E, it was moved by Director Tiernan, seconded by Director Kovalick, and approved by the following vote to approve Consent Calendar item 5.E.

AYES: Pastor, Crockett, Tiernan, Kovalick, Seger

NOES: None

ABSTAIN: None

6. Establish New Corporation Yard Bid Review Ad Hoc.

Staff Recommendation: Establish an ad hoc of the Board to review the new corporation yard bids.

Director Kovalick expressed interest in serving on this ad hoc and inquired if there was a time crunch to move forward on this project and if the delay would hinder staff. General Manager Muelrath explained that due to COVID, we may have some leeway regarding timing the use of Bond proceeds; however, this may prove problematic and there is a lack of office space for current staff, but the ad hoc will explore all options.

Director Tiernan also expressed interest in serving as did Director Crockett.

It was moved by Director Kovalick, seconded by Vice President Pastor, and approved by the following vote to establish an ad hoc of the Board to review the new corporation yard bids and appoint Director Crockett and Director Kovalick to serve on the ad hoc subcommittee.

AYES: Pastor, Crockett, Tiernan, Kovalick, Seger

NOES: None

ABSTAIN: None

7. Updated Regulation 126 Cybersecurity.

Staff Recommendation: Approve Resolution No. 2021-22 approving the updated Regulation 126.

Director Kovalick amended the staff recommendation by adding the following to the end of Section II.A, "Diablo Water District will follow all applicable cyber security recommendations from those agencies." Director Tiernan also expressed that she would like language included that the District would consider all recommendations.

It was moved by Director Kovalick, seconded by Director Tiernan, and approved by the following vote to approve resolution No. 2021-22 approving the updated Regulation 126 as amended.

AYES: Pastor, Crockett, Tiernan, Kovalick, Seger

NOES: None

ABSTAIN: None

8. Drought Response.

Staff Recommendation: Increase water-use efficiency outreach and promotion of the lawn-to-garden rebate.

Director Kovalick said he would like to see the District's conservation garden have more variety and to possibly partner with a nursery.

President Seger shared that the public loves the conservation kits. He also expressed he would like to see more public interaction with the conservation garden, with the possibility of including a community garden group.

General Manager Muelrath informed the Board that the District would be upgrading the roadside infiltration swale and revamping the signs for the plants to be more descriptive. We were also partnering with ISD to promote the use of Recycled Water by creating tailgate stickers for the District's trucks.

It was moved by Director Tiernan, seconded by Director Kovalick, and approved by the following to vote increase water-use efficiency outreach and promotion of the lawn-to-garden rebate.

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

9. Financial Reports.

Staff Recommendation: Approve warrant register 2021-6, ACH and wire transactions, and receive the monthly financial statements.

It was moved by Director Tiernan, seconded by Director Crockett, and approved by the following vote to approve warrant register 2021-6, ACH and wire transactions, and receive the monthly financial statements.

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

10. Diversity, Equity, and Inclusion Policy.

Laura Izon (AALRR) started the conversation by explaining what DEI meant to the District and that she was available for any questions.

President Seger appreciated the initiatives and wanted the opportunity to share this with other groups he is involved with before giving his feedback and asked if there was a deadline.

Director Tiernan wanted to make sure the delay in policy adoption would not hold up the hiring process and that the current staff seems very compliant with the DEI initiative.

General Manager Muelrath said that the DEI initiatives would begin immediately, and the hiring process would commence thereafter. An August 14th deadline for comments was suggested so the policy adoption can be brought back to the Board at the next regular board meeting.

11. Draft Recycled Water Regulation.

Public Comment: Angela Lowery, ISD Liaison, loved the feedback and thinks this is a strong partnership.

Director Kovalick and Vice President Pastor agree that it is moving in the right direction and there are many issues that still need to be worked out. Best to get it on paper and work through it.

General Manager Muelrath requested that any feedback is received prior to the next regular board meeting.

12. General Manager's Reports.

- Water Supply Charts
- Groundwater Sustainability Agency / Groundwater Sustainability Plan Update.
- PSPS – Office Solar Update.

13. General Counsel's Reports.

13. General Counsel's Reports.

- General Counsel gave an overview of Prop 218.

14. Engineer's Reports.

- Construction project updates were provided on projects that made significant progress since the previous Board meeting.

President Seger requested that a highlighted version of the construction project updates be available at the special board meeting in August to reflect where policies have been implemented.

15. Director's Reports.

- Representatives presented verbal reports on meetings they attended.

Director Kovalick suggested the possibility of finding new water-saving devices for our customers, like a high-speed pump to recirculate and pull hot water faster.

Director Tiernan and President Seger are concerned that some Districts have no idea what is going on with the GSP and General Manager Muelrath explained that we are ramping up outreach for the next Public Workshop.

Vice President Pastor announced that Tyson at ISD put in a request for the federal budget to earmark \$3 million for recycled water.

16. Future Agenda Items.

- Preliminary list of items for the next two months.
- Other items being tracked and awaiting a scheduled date.

President Seger suggested that General Manager Muelrath add a future presentation on the grant fund process and more involvement with ECWMA to the list.

Closed Session

Entered closed session at: 9:44 pm

- 17. Public Employee Appointment.**
(Government Code Section 54957)
Title: General Manager (Discussion Only).

No reportable action.

- 18. Conference with Legal Counsel - Anticipated Litigation.**
(Government Code 54956.9(d)(2))
One Potential Case.

No reportable action.

Open Session

Reconvened open session at: 11:12 pm

- 19. Public Employee Appointment – General Manager.**

Staff Recommendation: Approve the public employee contract – General Manager.

Director Kovalick stated satisfaction with the General Manager's performance but could not support the proposed salary.

It was moved by Director Tiernan, seconded by Vice President Pastor, and approved by the following 4-1 vote to approve the public employee contract for the General Manager.

AYES: Pastor, Crockett, Tiernan, Seger

NOES: Kovalick


ABSTAIN: None

- 20. Next Meetings of the Board of Directors.**

- August 5, 2021 @ 2pm – Strategy Update & Looking Forward
- August 25, 2021
- September 22, 2021

21. Adjournment.

Director Crockett adjourned the meeting at 11:19 p.m.



Dan Muelrath, General Manager/Secretary