



MINUTES OF THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF  
DIABLO WATER DISTRICT  
HELD ON JUNE 1, 2022

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 Mueirath

General Counsel:  
A. Miliband

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 1, 2022 at 2:30 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 2:30 p.m. on June 1, 2022.

Directors Present: Seger, Pastor, Crockett, Tiernan, Kovalick  
Staff Present: Dan Muelrath, Kait Knight, Jennifer McCoy, Nacho Mendoza, Lauren Posada  
General Counsel: Wes Miliband (AARLL)  
District Engineer: Bill Brick (CDM Smith)  
Others Present: Pete Zirkle (ISD Liaison)

**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).

**3. 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. Remote Meeting Access Approval.**

Staff Recommendation: Approve remote meeting access for the current agenda.

It was moved by Director Kovalick, seconded by Director Crockett, and approved by the following vote to approve the Consent Calendar.

AYES: Tiernan, Kovalick, Crockett, Pastor, Seger

NOES: None

ABSTAIN: None

**4. Fiscal Year 2022/23 Budget Approval.**

Staff Recommendation: Adopt the Fiscal Year 2022/23 Budget.

The Board requested additional information on the new HR Program Analyst position in the proposed budget. Staff conveyed the importance of a full time Human Resources employee, especially for confidentiality purposes, backlog of current HR needs, as well as keeping the District's safety, training, and DEI initiative in house. General Counsel concurred that the function and size of the District supports hiring in this role. The Board also requested additional research into R1 regarding a possible seismic retrofit.

It was moved by Director Tiernan, seconded by Vice President Pastor, and approved by the following vote to adopt the Fiscal Year 2022/23 Budget.

AYES: Tiernan, Kovalick, Crockett, Pastor, Seger

NOES: None

ABSTAIN: None

**5. Miscellaneous Fee Updates.**

Staff Recommendation: Adopt Resolution Number 2022-15, authorizing the update of existing miscellaneous fees and the establishment of new miscellaneous fees.

The Board discussed the proposed After Hours Turn on Fee and what this would entail. Staff clarified that currently, customers turned off for non-payment do not have the option to have water turned on after hours. This would allow customers the opportunity to pay for this service should they need it.

It was moved by Director Tiernan, seconded by Director Crockett, and approved by the following vote to adopt Resolution Number 2022-15, authorizing the update of existing miscellaneous fees and the establishment of new miscellaneous fees.

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

**6. Low Income, Senior, and Disabled Assistance Program Modifications.**

Staff Recommendation: Adopt Resolution Number 2022-16 authorizing staff to modify the District's assistance program in Regulation Number 1.

It was moved by Director Kovalick, seconded by Vice President Pastor, and approved by the following vote to adopt Resolution Number 2022-16 authorizing staff to modify the District's assistance program in Regulation Number 1.

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

**7. Ordering Even-Year Board of Directors Election; Consolidation of Elections; and Specifications of the Election Order.**

Staff Recommendation: Adopt Resolution 2022-17.

Director Kovalick requested that our resolution be updated to match the County's standards for statement word limits.

It was moved by Director Kovalick, seconded by Director Tiernan, and approved by the following vote to adopt Resolution 2022-17 as amended.

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

**8. Drought Response.**

Staff Recommendation: Adopt Resolution 2022-18 determining a Stage 1 water shortage and implementation of the requirements listed in the State Water Resources Control Board's Emergency Conservation Regulations dated May 24, 2022.

The Board concurred that a Stage 1 drought response was responsible, with implementation of Stage 2 response actions per the emergency regulation from the State Water Resources Control Board.

It was moved by Director Kovalick, seconded by Director Tiernan, and approved by the following vote to adopt Resolution 2022-18 determining a Stage 1 water shortage and implementation of the requirements listed in the State Water Resources Control Board's Emergency Conservation Regulations dated May 24, 2022.

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

**9. Future Agenda Items.**

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

Staff informed the Board that the Special Meeting for the adoption of FRC/MERA rates would be scheduled by late summer, if not at the regular board meeting in July. Director Tiernan requested that Staff bring back a review of COLA at the regular meeting in August. President Seger would like a presentation on levees and insurance. General Manager Muelrath recommended we bring in Delta Stewardship Council for a high-level presentation.

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

- ~~June 22, 2022 Regular Meeting - canceled~~
- July 27, 2022 Regular Meeting
- August 24, 2022 Regular Meeting

**Closed Session**

11. **Closed Session – Conference with Legal Counsel – Anticipated Litigation.**  
(Government Code section 54956.9(b): One potential case)

**No reportable action.**

**Open Session**

12. **Adjournment.**

Director Crockett adjourned the meeting at 5:53 p.m.



---

**Dan Muelrath, General Manager/Secretary**