



MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
DIABLO WATER DISTRICT
HELD ON AUGUST 24, 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:
Daniel Muelrath

General Counsel:
Wesley A. Miliband

Executive Secretary:
Kait Knight

Due to the current COVID-19 Pandemic, Local Health Orders, and the Governor's Health Orders, the Regular Meeting of the Board of Directors of Diablo Water District was held on August 24, 2022 at 6:30 pm via conference call / web as noticed in the posted agenda.

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 6:30 p.m. on August 24, 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), Members of General Public

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). **All virtual attendees will remain on mute until called upon to address the Board.**

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.

B. Minutes of the Regular Meeting of July 27, 2022.

Staff Recommendation: Approve.

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

AYES: Tiernan, Kovalick, Crockett, Pastor, Seger

NOES: None

ABSTAIN: None

4. Recycled Water Memorandum of Understanding.

Staff Recommendation: Authorize the General Manager, on behalf of the District, to execute the Memorandum of Understanding for recycled water opportunities between Diablo Water District and Ironhouse Sanitary District.

The Board discussed sending out a survey to gather information from the public on future recycled water projects. This project will likely be 75% grant-funded, and the cost share portion can be money already spent on other projects.

It was moved by Director Kovalick, seconded by Vice President Pastor, and approved by the following vote to authorize the General Manager, on behalf of the District, to execute the Memorandum of Understanding for recycled water opportunities between Diablo Water District and Ironhouse Sanitary District.

AYES: Tiernan, Kovalick, Crockett, Pastor, Seger

NOES: None

ABSTAIN: None

5. Creation of Public Information Subcommittee Ad Hoc.

Staff Recommendation: Establish a public information ad hoc subcommittee and select two directors to serve on the subcommittee.

Director Tiernan and President Seger both expressed interest in serving on this ad hoc committee.

It was moved by Director Kovalick, seconded by Director Tiernan, and approved by the following vote to establish a public information ad hoc subcommittee and selected President Seger and Director Tiernan to serve on the subcommittee.

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

6. Financial Reports.

Staff Recommendation: Approve warrant register 2022-07, ACH and wire transactions, and receive the monthly financial statements.

It was moved by Director Crockett, seconded by Director Tiernan, and approved by the following vote to approve warrant register 2022-07, ACH and wire transactions, and receive the monthly financial statements.

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

7. District Principles.

The Board reviewed the draft District Principles and asked that they be brought forward for adoption at the next regular board meeting.

8. Delta Conveyance Project EIR.

The Board was unanimous in their stance of opposing the Delta Conveyance Project and discussed sending a letter in opposition. The Board will bring this to the attention of ECMA and the GSP working group before making comments.

9. General Manager's Reports.

- Water Supply Charts.
- Land and Aquifer Preservation Slide Deck Review.

General Manager Muelrath reported on our local water demand and that the District is looking at how we can ramp up maximizing our groundwater production in the upcoming year. He also discussed the additional water purchasing expense from the CCWD 15% drought surcharge, and the District is keeping an eye on this to review for a possible pass-through to our customers in February 2023.

The Board was presented with a draft Land and Aquifer Preservation slide deck focusing on a one water message.

Director Tiernan requested the slides include more information on how important the Delta and surrounding area contribute to the overall health of the State of California. She also thought including the local wildlife in the slides may be beneficial; however, this should not be too heavy of a slide deck.

President Seger wanted to ensure those viewing the slides connect how close we are to our water supply and how important it is to protect it. He also thought it would be great to use these slides in front of environmental groups that have ties to grant opportunities.

General Manager Muelrath said he can run this through the public information ad hoc and then back to the full Board through the director update.

10. Engineer's Reports.

- Construction project updates.

Bill Brick, CDM Smith, reported on the status and progress of active projects.

11. General Counsel's Reports.

General Counsel Miliband gave an update on a recent ruling pertaining to social media. Key points included the use of personal devices, social media platforms, and how these may be subject to public records request.

Director Tiernan clarified these instances did not have a disclaimer saying they were not the views of the school district. General Counsel Miliband confirmed this; however, disclaimer or not, it was a lack of access to information that was the focus of the litigation.

General Manager Muelrath reiterated the public information ad hoc committee should work on a strong social media policy (i.e., profanity, violence, etc.) so it is very clear to the public what will not be tolerated by the District.

12. Directors' Reports.

- Representative verbal reports.
- Other items as needed.

General Manager Muelrath updated the Board on the East County Water Managers association.

President Seger reported on recent City of Oakley Council meetings. Topics discussed included the authorization for the GM to send a letter of support for the Marsh Creek Historic State Park, the approval of affordable housing through the Yellow Roof Foundation, and the approval of a temporary moratorium on oil and gas drilling (not a full ban). Director Tieman asked if water aquifers were addressed in response to the drilling moratorium and suggested bringing this up to SGMA. President Seger mentioned that great comments were made at the meeting and noted moratoriums can always be lifted.

Vice President Pastor attended the ISD meeting and mentioned they were happy with the Recycled Water MOU and talked about early development plans for Jersey Island with the developer Montezuma Water.

Director Kovalick was unable to attend the CCWD Board meeting but reported there was a closed session item for the new GM negotiations. He also mentioned they discussed AMI grants and moving forward with the Los Vaqueros project.

13. Future Agenda Items.

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

14. Next Meetings of the Board of Directors.

- September 28, 2022 Regular Meeting – 6:30 pm
- October 26, 2022 Regular Meeting – 6:30 pm
- ~~November 23 2022 Regular Meeting – 6:30 pm canceled~~
- November 16, 2022 Special Meeting – 6:30 pm

Closed Session

15. **Closed Session – Conference with Legal Counsel – Anticipated Litigation.**
(Government Code section 54956.9(d)(2): Two potential cases)

Conference with Real Property Negotiations (§ 54956.8)

Property: 3760 Neroly Road, Oakley CA 94561

Negotiation: Diablo Water District General Manager Dan Muelrath and Contra
Costa Water District Representative (to be determined)

Under Negotiation: Terms and Price

No reportable action.

Open Session

16. **Adjournment.**

Director Crockett adjourned the meeting at 10:27 p.m.



Kait Knight, Board Secretary