



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

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF  
DIABLO WATER DISTRICT  
HELD ON SEPTEMBER 28, 2022

Directors:  
Paul Seger  
President

Scott R. Pastor  
Vice President

Kenneth L. Crockett  
Marilyn Tiernan  
Joe Kovalick

General Manager:  
Daniel Muelrath

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 September 28, 2022 at 6:30 pm at the District's office, 87 Carol Lane, Oakley, California and 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 6:34 p.m. on September 28, 2022.

Directors Present: Seger, Pastor, Crockett, Tiernan, Kovalick  
Staff Present: Dan Muelrath, Kait Knight, Jennifer McCoy, Nacho Mendoza  
General Counsel: Wes Miliband (AARLL)  
District Engineer: Bill Brick (CDM Smith)  
Others Present: Pete Zirkle (ISD Liaison), Kelly Van Baalen (Climate Central), Paul Hernández (WELL), Members of the 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.**

Pete Zirkle, ISD, commented on the Special Joint Meeting on September 26, 2022 and expressed his gratitude for finally seeing the City, Diablo Water District, and Ironhouse Sanitary District come together.

General Counsel:  
Wesley A. Miliband

Secretary:  
Kait Knight

**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 August 24, 2022.**

Staff Recommendation: Approve.

**C. Minutes of the Special Meeting of August 31, 2022.**

Staff Recommendation: Approve.

**D. Minutes of the Special Meeting of September 14, 2022.**

Staff Recommendation: Approve.

President Seger removed item 3C from the consent calendar as he would like to wait until the minutes for the Special Meeting on August 31, 2022 from Contra Costa Water District are posted and reviewed.

It was moved by Director Kovalick, seconded by Director Crockett, and approved by the following vote to approve items 3A, 3B, and 3D on the Consent Calendar.

AYES: Tiernan, Kovalick, Crockett, Pastor, Seger

NOES: None

ABSTAIN: None

**Pending the attendance of Paul Hernandez (WELL), Item 4 was moved and handled after item 5.**

**4. Water Education for Latino Leaders (WELL) Overview.**

Paul Hernández (WELL)

A presentation on the Water Education for Latino Leaders program was received by the Board.

**5. Climate Change and Sea Level Rise Models Presentation.**

Kelly Van Baalen (Climate Central)

A presentation on Climate Central’s tools and resources was received by the Board. Climatecentral.org hosts tools to educate about how climate change and sea level rise could directly impact our water and community futures.

**6. District Principles.**

Staff Recommendation: Adopt and promote the updated District Principles.

Director Tiernan requested that the word order of “policy” and “financial” be reversed under the “Integrity” principle.

It was moved by Director Tiernan, seconded by Vice President Pastor, and approved by the following vote to adopt and promote the updated District Principles as amended.

AYES: Tiernan, Kovalick, Crockett, Pastor, Seger

NOES: None

ABSTAIN: None

**7. Delta Conveyance Project.**

Staff Recommendation: 1.) Approve Resolution Number 2022-23 in support of ensuring the health and sustainability of the Sacramento-San Joaquin Delta.  
2.) Establish a Delta Conveyance Project ad hoc subcommittee of the Board.

Director Tiernan and President Seger self-nominated for the ad hoc committee positions.

It was moved by Director Tiernan, seconded by Director Crockett, and approved by the following vote to approve Resolution Number 2022-23 in support of ensuring the health and sustainability of the Sacramento-San Joaquin Delta.

AYES: Tiernan, Kovalick, Crockett, Pastor, Seger

NOES: None

ABSTAIN: None

It was moved by Vice President Pastor, seconded by Director Kovalick, and approved by the following vote to establish Director Tiernan and President Seger as the Delta Conveyance Project ad hoc subcommittee of the Board.

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

**8. R2 Seismic Retrofit Timing.**

Staff Recommendation: Delay releasing the request for bids until Fall 2023.

The Board extensively discussed the timing of this project and voiced concerns of delaying the project should grant funds not be awarded next year. The Board requested Staff explore parsing the project out so that components of the project that will not be offset by potential grant funds move forward now. If foundation work is deemed viable, the District may move forward with the request for bids in October with hopes of awarding the contract at the Special Board Meeting in November.

No action was taken on this item.

**9. Financial Reports.**

Staff Recommendation: Approve warrant register 2022-08, ACH and wire transactions for August 2022, 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 2022-08, ACH and wire transactions for August 2022, and receive the monthly financial statements.

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

**10. Cost of Living Adjustment Review.**

General Manager Muelrath updated the Board and advised that Staff will continue to track CPI data and bring this item back to the Board if inflation continues to climb and the (April to April) CPI increases to 5%.

**11. ESG Investment Policy Update.**

The Board requested that Staff continue to move forward with an ESG Investment Policy and bring back a final regulation to the next regular board meeting.

**12. Drought Budget Impacts.**

General Manager Muelrath informed the Board that CCWD's 15% Drought Surcharge is being absorbed by the District. The Board may apply revenue stabilization multipliers at any time and remove the multipliers as applicable. The District will need to recoup these overages; however, the Board will continue to monitor as to when and how the District will pass-through the surcharge to our customers.

**13. Conservation Program Overview.**

The Board received an update on District conservation efforts and reviewed additional future conservation measures and their cost-saving benefits vs. cost-effectiveness.

Pete Zirkle asked if the District could identify customers with high usage to target messaging and was informed that the District is able to pull those reports and currently calls customers with abnormal water usage.

**14. General Manager's Reports.**

- Water Supply Charts.
- Corporation Yard Project.

General Manager Muelrath shared that the District is down 9% in usage as of September despite 12% more customers. He also informed the Board that scheduling with PG&E was delaying construction on the corporation yard project.

**15. Engineer's Reports.**

- Construction project updates.

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

**16. General Counsel's Reports.**

General Counsel Miliband provided information to the Board on AB2449, addressing teleconferencing and the Brown Act, that was signed on September 13, 2022, and will become effective on January 1, 2023. This will extend flexibility for remote attendance options for the Board.

**17. Directors' Reports.**

- Representative verbal reports.
- Other items as needed.

President Seger reported on recent City of Oakley Council meetings. Topics discussed included a variance with the Golden Oak subdivision that would implement traffic-calming measures. The City also approved the formation of a new Special Tax Community Facilities District for East Cypress corridor area, which will also help fund the habitat conservancy. He also mentioned that Council Member Fuller requested that all conditional use permits be heard by Council after the Planning Commission.

Vice President Pastor attended the ISD meeting and said that the earmark funds for recycled water are not moving along very fast. He also said that ISD is looking into new equipment that will condense bio-solids down from 200 truckloads a week to 20 truckloads.

Director Tiernan reported that funding for SGMA has become available and the application date is in either November or December. She mentioned that \$235m is the total pot available for the state. She also shared that other agencies who were not present at the Special Meeting on September 26<sup>th</sup> spoke up about their opposition to the Delta Conveyance project.

Director Kovalick attended the WaterReuse conference and learned how different agencies are using recycled water sources. General Manager Muelrath added that it was a great conference, and he was able to meet top firms, contractors, and consultants in the recycled water industry. President Seger agreed that it was worth the expense for the invaluable advice received.

**18. Future Agenda Items.**

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

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

- 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
- ~~December 28, 2022 Regular Meeting – 6:30 pm canceled~~
- December 14, 2022 Special Meeting – 6:30 pm

**Closed Session**

**20. Closed Session - 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)

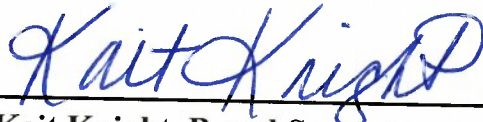
Under Negotiation: Terms and Price

**No reportable action.**

**Open Session**

**21. Adjournment.**

Director Crockett adjourned the meeting at 10:13 p.m.

  
\_\_\_\_\_

**Kait Knight, Board Secretary**