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MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF  
DIABLO WATER DISTRICT  
HELD ON OCTOBER 26, 2022

Directors:  
Paul Seger  
President

Scott R. Pastor  
Vice President

Kenneth L. Crockett  
Marilyn Tieman  
Joe Kovalick

General Manager:  
Daniel Muelrath

General Counsel:  
Wesley A. Miliband

Board 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 October 26, 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 October 26, 2022.

Directors Present: Seger, Pastor, Crockett, Tieman, 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), Erin Mullin (Delta Stewardship Council), Mike Alvarez (RD799), 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 Special Meeting of September 26, 2022.**

Staff Recommendation: Approve.

**C. Minutes of the Regular Meeting of September 28, 2022.**

Staff Recommendation: Approve.

**D. Correction to Field Services Technician CalPERS Salary Schedule.**

Staff Recommendation: Approve.

**E. Acceptance of Facilities – Subdivision 9498 Acacia – Offsite Improvements.**

Staff Recommendation: Adopt Resolution 2022-24.

**F. Acceptance of Facilities – Subdivision 9498 Acacia – In-Tract Improvements.**

Staff Recommendation: Adopt Resolution 2022-25.

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

AYES: Tiernan, Kovalick, Crockett, Pastor, Seger

NOES: None

ABSTAIN: None

**4. Presentations.**

**A. Delta Stewardship Council.**

Erin Mullin (Supervising Water Resources Engineer)

**B. RD799**

Mike Alvarez (District Manager)

A presentation was received from Erin Mullin (Delta Stewardship Council) on the Delta Levees. The Board engaged in a conversation around the assessments of the Delta levees and the differences between the types of levees being built by local developers.

Mike Alvarez (RD799) explained to the Board the role of RD799 and what levees are maintained and inspected by RD799. The Board asked many questions regarding the involvement that RD799 has in the new development process in regard to the safety and surety of the levees being built.

Pete Zirkle, ISD, inquired about catastrophic failure in relation to Spinnaker Cove flooding and how it would affect the water district. Mr. Alvarez explained that no one truly knows the conditions of the levees and sea level rise and climate change will also play a role in their conditions. General Manager Muelrath responded to how the District would fare during a catastrophic event stating that it would take our system is pressurized so we would far ok, unless there are pipe breaks.

**5. ESG Investment Policy Regulation No. 111 Update.**

Staff Recommendation: Adopt resolution number 2022-26 updating and amending Regulation No. 111 for inclusion of environmental, social, and governance practices.

President Seger requested he be included in the next few investments to see the process and asked to establish an ad hoc. Director Kovalick and Director Tiernan both added they would also like to participate.

It was moved by Director Kovalick, seconded by Director Tiernan, and approved by the following vote to adopt resolution number 2022-26 updating and amending Regulation No. 111 for inclusion of environmental, social, and governance practices and to establish an ad hoc committee with President Seger and Director Kovalick.

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

**6. Water Supply Resiliency Study.**

Staff Recommendation: Authorize the General Manager to execute a water supply resiliency study contract with CDM Smith for \$124,998.

It was moved by Director Crockett, seconded by Director Kovalick, and approved by the following vote to authorize the General Manager to execute a water supply resiliency study contract with CDM Smith for \$124,998.

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

**7. ACWA Bylaws Update.**

Staff Recommendation: Authorize the General Manager to be the District's voting delegate and to approve the recommended bylaw amendments.

It was moved by Director Kovalick, seconded by Vice President Pastor, and approved by the following vote to authorize the General Manager to be the District's voting delegate and to approve the recommended bylaw amendments.

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

**8. Financial Reports.**

Staff Recommendation: Approve warrant register 2022-09, ACH and wire transactions for September 2022, and receive the monthly financial statements.

Staff noted that water charges from Contra Costa Water District's drought surcharge were already \$215k more this fiscal year than budgeted for.

It was moved by Director Crockett, seconded by Vice President Pastor, and approved by the following vote to approve warrant register 2022-09, ACH and wire transactions for September 2022, and receive the monthly financial statements.

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

**9. Drought Budget Impacts Update.**

General Manager Muelrath presented the Board with three policy options regarding expense overages due to the drought surcharge of 15% from CCWD.

Director Tiernan expressed that she would like the CCWD surcharge passed on to customers immediately, with the scheduled 4% rate increase to be noticed separately in February 2023. Director Kovalick shared his agreement with this recommendation.

Vice President Pastor thought that the option adopted should address all tiers since the drought surcharge from CCWD is being applied to all water purchased.

Director Crockett said that we should not upset customers twice with two rate increases.

Pete Zirkle, ISD, provided public input that only one rate increase should go through and that the District could message through the newsletter.

Staff shared concerns with the Board regarding messaging to the customer and the confusion that two rate increases back-to-back would cause. General Manager Muelrath advised the Board that Staff would bring back options at the Special Board Meeting in November.

**10. General Manager's Reports.**

- Water Supply Charts.
- Fall 2022 Groundwater Levels.
- FY 2022/23 Project and Program Updates.

General Manager Muelrath touched on the water quality concerns the District has received due to MIBs in the water coming from CCWD and that Staff had reached out to customers who had posted on Facebook about their concerns.

General Manager highlighted the District's major projects, specifically commending ISD for working with the District to get two new groundwater

monitoring wells. It was also mentioned that the contract for the feasibility study for Sandmound had been executed and the study would kickoff soon.

**11. Engineer's Reports.**

- Construction project updates.

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

**12. General Counsel's Reports.**

General Counsel Miliband informed the Board that the Governor's State of Emergency would end as of February 28, 2023. AB361 would segue into AB2449 and he advised that he would speak more on this topic at the Special Board Meeting in November.

**13. Directors' Reports.**

- Representative verbal reports.
- Other items as needed.

General Manager Muelrath informed the Board that the East County Water Manager's Association will be meeting on November 3<sup>rd</sup>.

President Seger attended the City of Oakley meeting. He reported that the engineering services for Laurel were approved and asked if there was any way to include purple pipe while the construction was going. General Manager Muelrath advised that it was too far west from the planned alternative water network. Additionally, the District won't know what preferred path recycled water will take until the public opinion survey comes back.

President Seger reported that the DEIR ad hoc met briefly and there was nothing to report.

Director Kovalick did not attend the Contra Costa Water District meeting but did mention that their agenda focused on canal repairs and upgrades. He did say that the recycled water ad hoc met and that they are currently looking for a PR firm to conduct the public opinion survey, and that they are pending an update on the study by EKI that was done a few years ago. General Manager Muelrath added that an

RFP has been issued for the study, and that the District will be the contracting agency with an award at the November meeting.

**14. Future Agenda Items.**

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

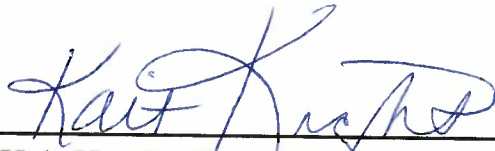
General Manager Muelrath mentioned that LSCE will be drafting groundwater protection comments for the Draft EIR.

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

- November 9, 2022 Special Meeting – 12:00 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

**16. Adjournment.**

Director Crockett adjourned the meeting at 10:04 p.m.

  
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**Kait Knight, Board Secretary**