



Director Kovalick attended the meeting remotely pursuant to AB 2449.

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MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
DIABLO WATER DISTRICT
HELD ON JULY 26, 2023

Directors:
Marilyn M. Tiernan
President

Scott R. Pastor
Vice President

Paul Seger
Joe Kovalick
Jason Shaw

General Manager:
Daniel Muelrath

General Counsel:
Wes Miliband

Board Secretary:
Kait Knight

The Regular Meeting of the Board of Directors of Diablo Water District was held on July 26, 2023 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 regular meeting of the Board of Directors of Diablo Water District (District) was called to order by President Tiernan at 6:31 p.m. on July 26, 2023.

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

Staff Present: Dan Muelrath, Kait Knight, Nacho Mendoza, Wayne Weaver

General Counsel: Wes Miliband (AARLL)

District Engineer: Bill Brick (CDM Smith)

Others Present: Regina Espinoza (BIMID), 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. Minutes of the Special Meeting of June 14, 2023.

Staff Recommendation: Approve.

B. Minutes of the Special Meeting of July 13, 2023.

Staff Recommendation: Approve.

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

AYES: Pastor, Seger, Shaw, Tiernan

NOES: None

ABSTAIN: None

4. BIMID Overview.

Regina Espinoza, BIMID, gave a presentation on the Bethel Island Municipal Improvement District. The presentation highlighted the importance of BIMID and touched on multi-benefit projects that focused on maintenance, rehabilitation and repair of the levees. The Directors inquired about grant funding for the projects. She explained that grant funding has less to do with water quality and based more on structural stability.

Angela Lowery, ISD, asked when the current prop 218 was set to expire and timelines of noticing. Regina responded that the current prop 218 sunsets in September 2025 and they expect a draft feasibility study mid – 2024.

Director Kovalick joined the meeting during the presentation (6:51 pm). He announced he was attending remotely under AB 2449 for emergency care for his grandchild. He announced that no one over the age of 18 was in the room with him.

5. Public Hearing Regarding Proposed Increase in Water Charges for County Well Systems M-24 Southpark, M-25 Knightsen, and M-27 Willow Park Marina.

Staff Recommendation: Conduct public hearing by opening the hearing and receiving Staff presentation and comments from Directors and the public, and then close the hearing.

Director Kovalick requested that Staff investigate any feasible temporary fixes for drinking water filtration while the consolidation process is ongoing.

The hearing was closed by President Tiernan.

6. Proposed Water Rate Adoption for County Well Systems M-24 Southpark, M-25 Knightsen, and M-27 Willow Park Marina.

Staff Recommendation: Adopt Resolution Number 2023-10, determining compliance with procedural requirements, making findings and determinations, revising rates for M-24, M-25, and M-27 potable and non-potable water services, and amending the corresponding rate and charge schedules of the Diablo Water District, and taking related actions.

It was moved by Director Seger, seconded by Vice President Pastor, and approved by the following vote to adopt Resolution Number 2023-10, determining compliance with procedural requirements, making findings and determinations, revising rates for M-24, M-25, and M-27 potable and non-potable water services, and amending the corresponding rate and charge schedules of the Diablo Water District, and taking related actions.

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

7. Creation of RBWTP Subcommittee Ad Hoc.

Staff Recommendation: Establish an RBWTP ad hoc subcommittee and select two directors to serve on the subcommittee.

Director Seger said that he would like to serve on the ad hoc. Director Shaw and Vice President Pastor said that they thought this ad hoc was a good idea but declined serving on it. President Tiernan also declined serving on the ad hoc. Director Kovalick volunteered to be the second director for the ad hoc.

It was moved by Director Shaw, seconded by Vice President Pastor, and approved by the following vote to establish an RBWTP ad hoc subcommittee and selected Director Seger and Director Kovalick as the two directors to serve on the subcommittee.

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

8. 2024 Ballot Initiative: Limits Ability of Voters and State and Local Governments to Raise Revenues for Government Services (aka Taxpayer Protection and Government Accountability Act).

Staff Recommendation: Take a policy position on the California Business Roundtable 2024 Ballot Initiative.

Susan Morgan, ISD, provided the board with information for a CCSDA meeting that was to be held on Monday, July 31st to discuss the ballot initiative. She advised that there would be four speakers at the meeting who would speak on both sides of the proposed initiative. She encouraged the Board to attend the meeting and asked that no action be taken on policy position before the meeting.

The Board was supportive of waiting and took no action.

9. Financial Reports.

Staff Recommendation: Approve warrant register 2023-05, 2023-06, ACH wire transactions for May and June 2023, and receive the monthly financial statements.

President Tiernan inquired what the check for \$172k was for to the City of Oakley. General Manager Muelrath advised it was the Corporation Yard Permit Fees.

The Board took action on this item after item 10.

It was moved by Director Seger, seconded by Director Shaw, and approved by the following vote to approve warrant register 2023-05, 2023-06, ACH wire transactions for May and June 2023, and receive the monthly financial statements.

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

10. Water Mutual Consolidation Update.

General Manager Muelrath explained that each connection for Sandmound Blvd was over \$80k per connection. The District is still striving for the consolidation to be 100% grant funded.

Board Secretary Knight handed out flyers for the Public Outreach Meeting to be held on September 7, 2023, and reminded the Board that they can direct inquiries on where the project is act to the website at www.diablowater.org/consolidation.

Director Kovalick again shared concerns around the arsenic in the water and requested Staff to come up with solutions. General Manager Muelrath advised that the District can run the numbers on point of use, but anything that is offered cannot be recouped from the mutuals or funded by ratepayer funds.

11. General Manager's Reports.

- Water Supply Charts.
- Levee Financial Protection.

General Manager Muelrath highlighted that current water usage is staying on trend with less gallons per connection being used.

12. Engineer's Reports.

- Construction project updates.

Bill Brick, CDM Smith, reported on the status of construction projects.

13. General Counsel's Reports.

General Counsel Miliband reported on the three bills that have been discussed previously. Technically, they are all still in committee and on a two-year track. He shared that we will not see them pass in this legislative session. These bills are focused on identifying unlawful water user diverters and would expand the jurisdictional authority from SWRCB on lawful diverters.

SB 1423 is a bill moving quickly through legislature and would phase out the selling and installation of artificial turf containing PFAS.

14. Directors' Reports.

- Representative verbal reports.
- Other items as needed.

Director Kovalick did not attend the City of Oakley meetings and had nothing to report.

Vice President Pastor reported that ISD was working on a landscape project on their side of the road that would compliment the design of the landscape for the District's future corporation yard.

Director Seger attended the Contra Costa Water District board meetings. He reported that CCWD had awarded a contract funding server room improvements that would be secure and have an airconditioned enclosure. The costs came in at roughly \$338k-\$405,600k. He also mentioned that there were other projects and contracts where funding was awarded. CCWD also presented an update on their partnership with Bay Area Regional Reliability (BARR), which was established for drought resiliency throughout the region. At the second meeting, the JPA approved several items, one of which was considering support for Senator Diane Feinstein's STREAM Act. The STREAM Act expedites non-Federal storage projects, water recycling and desalination projects with less than \$250m in Federal funding.

15. Future Agenda Items.

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

President Tiernan provided a local fisherman's information to Staff for a potential future presentation to the Board.

General Manager Muelrath recapped deliverables from this meeting which were to take policy position on the California Business Roundtable 2024 Ballot Initiative and bring additional information forward on temporary solutions for M27, which might end up being a memo to directors.

Director Kovalick requested Staff work with the City of Oakley on providing drinking water at city sponsored events and reduce the use of single-use plastics. General Manager Muelrath advised that he had already discussed this with the City Manager, and they would be happy to have the District sponsor a drinking water station. He advised the Board that Staff would work with them on cost and signage.

16. Next Meetings of the Board of Directors.

- August 23, 2023 Regular Meeting – 6:30 pm
- September 27, 2023 Regular Meeting – 6:30 pm
- October 25, 2023 Regular Meeting – 6:30 pm

17. Adjournment.

Director Tiernan adjourned the meeting at 8:19 p.m.



Kait Knight, Board Secretary