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Directors:
Marilyn M. Tiernan
President

Scott R. Pastor
Vice President

Paul Seger
Joe Kovalick
Jason Shaw

General Manager:
Daniel Muelrath

General Counsel:
Wesley A. Miliband

Secretary:
Kait Knight

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
DIABLO WATER DISTRICT
HELD ON AUGUST 23, 2023

The Regular Meeting of the Board of Directors of Diablo Water District was held on August 23, 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 6:30 p.m. on August 23, 2023.

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

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

General Counsel: Wes Miliband (AARLL)

District Engineer: Bill Brick (CDM Smith)

Others Present: 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 Regular Meeting of July 26, 2023

Staff Recommendation: Approve.

Director Seger requested Staff correct a typo in the minutes referring to him as president.

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

AYES: Pastor, Seger, Kovalick, Shaw, Tiernan

NOES: None

ABSTAIN: None

4. Financial Reports.

Staff Recommendation: Approve warrant register 2023-7, ACH wire transactions for July 2023, and receive the monthly financial statements.

It was moved by Director Seger, seconded by Director Kovalick, and approved by the following vote to approve warrant register 2023-7, ACH wire transactions for July 2023, and receive the monthly financial statements.

AYES: Pastor, Seger, Kovalick, Shaw, Tiernan

NOES: None

ABSTAIN: None

5. 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 an opposing position on the California Business Roundtable 2024 Ballot Initiative.

The consensus of the Board was to oppose the initiative. Director Kovalick requested that Staff use discretion in operational decisions involving companies supporting the initiative.

It was moved by Director Seger, seconded by Director Shaw, and approved by the following vote to take an opposing position on the California Business Roundtable 2024 Ballot Initiative.

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

6. ACWA Region 5 Board Election.

Staff Recommendation: Provide the General Manager voting instructions for the ACWA Region 5 Board Ballot and ACWA President and Vice President.

Director Seger moved to pass the slate as proposed by ACWA. Further discussion was requested, and Director Seger withdrew his motion.

Director Kovalick expressed concern supporting a candidate from CCWD since other District requests have not been met by CCWD. He stated that his vote would be a vote of faith in President Avila and that he would like to improve the relationship with CCWD and that we are working to do that.

It was moved by Director Seger, seconded by Director Kovalick, and approved by the following vote to approve a vote for the slate of candidates as presented by ACWA for the Region 5 Board Ballot and ACWA President, including a vote for President Avila from CCWD for Vice President.

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

7. Bethel Island Fire Flow Improvement Grant Project.

Staff Recommendation: Authorize the General Manager to execute the Local Project Sponsor Agreement and implement the project.

Director Seger expressed excitement that this project will be handled in-house.

General Manager Muelrath advised that this project is scheduled to begin late winter or early spring of next year.

It was moved by Director Shaw, seconded by President Tiernan, and approved by the following vote to authorize the General Manager to execute the Local Project Sponsor Agreement and implement the project.

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

8. Groundwater Protection from Natural Gas and Oil Wells.

Director Seger asked for a requirement for monitoring wells to be drilled prior to excavation of the production well to establish a baseline level of contaminants in the soil. Also, if contamination is detected, operations cease until the mitigation and clean-up of the contaminants are complete. This should be done by an outside company, not at the discretion of the driller. He also stated he would like District policy to highlight and reference our environmental proactiveness and primary concern for protecting groundwater.

President Tiernan expressed concern for the frequency of testing the groundwater and monitoring wells. General Manager Muelrath advised that this needs to be discussed separately, as this discussion item is specific to natural gas and oil wells.

9. General Manager's Reports.

- Water Supply Charts.
- Drought Surcharge Ending.

General Manager Muelrath advised that customers will be communicated with regarding the removal of the drought surcharge and that future increases may still be necessary, as noticed in the Prop 218.

10. Engineer's Reports.

- Construction project updates.

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

11. General Counsel's Reports.

General Counsel Miliband highlighted the update to the agreement CCWD entered regarding the Delta Conveyance project protecting CCWD facilities. He advised the board that he would provide a full memo upon review of the agreement.

12. Directors' Reports.

- Representative verbal reports.
- Other items as needed.

General Manager Muelrath attended the ECC Groundwater Sustainability meeting and reported that LSCE can use grant funding from the project for consultation and planning costs of identifying where monitoring wells are needed in Diablo's service area. He also mentioned the press release for the adoption of the GSP being picked up by local news outlets.

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 27, 2023 Regular Meeting – 6:30 pm
- October 25, 2023 Regular Meeting – 6:30 pm
- November 15, 2023 Special Meeting – 6:30 pm
- ~~November 22, 2023 Regular Meeting – 6:30 pm - canceled~~

Closed Session

15. Closed Session - Conference with Real Property Negotiations (§ 54956.8)

Property Description: Jersey Island located in Contra Costa County
Negotiation: Diablo Water District General Manager Dan Muelrath and
Ironhouse Sanitary District/Reclamation District 830 Representative TBD
Under Negotiation: Terms and Price

No reportable action.

Open Session

16. Adjournment.

Director Tiernan adjourned the meeting at 9:23 p.m.



Kait Knight, Board Secretary