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MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
DIABLO WATER DISTRICT
HELD ON SEPTEMBER 27, 2023

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

Board Secretary:
Kait Knight

The Regular Meeting of the Board of Directors of Diablo Water District was held on September 27, 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 6:29 p.m. on September 27, 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: 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.**

General Manager Muelrath shared the 2023 Leadership in Sustainability award presented to the District at the Sustainable Contra Costa Gala earlier in the month.

Board Secretary Knight updated the Board on the success of the water station Staff had set up for the public to have access to drinking water at the Heart of Oakley Festival. The station was well received and will be at summer events in the future.

3. Grand Prize Winner of “Lose the Leaks” Conservation Contest

Staff Recommendation: Issue “Lose the Leaks” Conservation Contest Winner Proclamation.

Walter Martinez, contest winner, received the proclamation from the Board.

4. 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 August 23, 2023.

Staff Recommendation: Approve.

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

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

5. Financial Reports.

Staff Recommendation: Approve warrant register 2023-8, ACH wire transactions for August 2023, and receive the monthly financial statements for June and July.

It was moved by Director Seger, seconded by Director Shaw, and approved by the following vote to approve warrant register 2023-8, ACH wire transactions for August 2023, and receive the monthly financial statements for June and July.

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

6. Groundwater Protection from Natural Gas and Oil Wells.

Staff Recommendation: Adopt Resolution No. 2023-11, amending Regulation 10 to enhance aquifer protection.

Director Seger thanked General Manager Muelrath for including language to protect the aquifer.

President Tiernan requested additional language be included for District approval of outside firms engaged if a leak is confirmed.

It was moved as amended by President Tiernan, seconded by Vice President Pastor, and approved by the following vote to adopt Resolution No. 2023-11, amending Regulation 10 to enhance aquifer protection.

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

7. Purchase Backhoe.

Staff Recommendation: Authorize the General Manger to execute the purchase order with Pape Machinery, Inc. for \$187,590.96 to procure a John Deere 320P Backhoe.

General Manager Muelrath informed the Board that the company the District utilizes as a backup for emergency repair work has closed shop. This makes the purchase of additional equipment more pertinent. President Tiernan requested that Staff check in to see if they are selling equipment due to the closure of their business.

Director Shaw inquired if the backhoe has the capability to add attachments. General Manager Muelrath confirmed that it will have this capability.

Director Seger asked how many hours per year that the District is putting on our backhoe. General Manager Muelrath estimated 500 hours per year. He also mentioned that there is no alternative backhoe option for carbon neutrality; however, there is the possibility of using biodiesel.

It was moved by Director Kovalick, seconded by President Tiernan, and approved by the following vote to authorize the General Manger to execute the purchase

order with Pape Machinery, Inc. for \$187,590.96 to procure a John Deere 320P Backhoe.

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

8. Water Mutual Consolidations.

Staff Recommendation: Authorize Staff to communicate with the SWRCB and elected officials to garner their attention with the goal of gaining approval to initiate the feasibility study on Bethel Island.

General Manager Muelrath advised the Board that if elected officials or SWRCB employees are engaged, Staff will include one or two Board members in the conversation.

It was moved by President Tiernan, seconded by Director Kovalick, and approved by the following vote to authorize Staff to communicate with the SWRCB and elected officials to garner their attention with the goal of gaining approval to initiate the feasibility study on Bethel Island.

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

9. General Manager's Reports.

- Water Supply Charts.

General Manager Muelrath advised the Board that water demands remain lower than previous years, and with new regulations coming down from the State, these levels will not return to previous water use levels of the past.

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 brought up a SWRCB regulation process for the Water Quality Control Plan Update, which has a significant impact on water rights. A staff report for environmental documentation is expected to propose action to either impair flow or hybrid releases for the San Joaquin and Sacramento rivers. There will be a public comment period, and he will bring this back to the Board once the report is released and reviewed.

12. Directors' Reports.

- Representative verbal reports.
- Other items as needed.

Director Kovalick listened in on the September 12th City Council meeting. He commended General Manager Muelrath for the great presentation at the meeting.

Vice President Pastor was unable to attend the ISD meeting as it was the same evening as the Sustainable Contra Costa Gala.

Director Seger attended both meetings for CCWD. At the September 6th meeting, CCWD authorized the purchase of a network equipment upgrade, which will also benefit Randall-Bold Water Treatment Plant. There was a discussion on their compliance with various drinking water regulations and proactiveness for the lead and copper rule revisions. At the September 20th meeting, they discussed short-term water storage agreements with two other agencies as part of their reliability planning.

President Tiernan had no report for SGMA. Director Seger asked what the outcome was for our participation in the State data gap information request. General Manager Muelrath advised that only partial data was shared until the state confirmed what it would do with the data.

Director Seger reported out for the RBWTP Ad Hoc committee meeting. The ad hoc discusses strategies to garner engagement from CCWD in the decision-making process.

General Manager Muelrath noted the Recycled Water Ad Hoc meeting was moved to the following day. He also mentioned that Vice President Pastor and Director Shaw will be attending the CSDA Special District Leadership Academy.

13. Future Agenda Items.

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

Director Seger mentioned that a community member contacted him to see what can be done when a tenant is not using water efficiently. General Manager Muelrath advised that they reach out to us directly so the District can support them where we can.

General Manager Muelrath note that the FEMA Local Hazard Mitigation Plan Overview had been removed from the agenda as there has been progress made by the County. He will reach out to the County Supervisor's office to inquire why there has been no movement on the plan.

14. Next Meetings of the Board of Directors.

- 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~~
- December 13, 2023 Special Meeting – 6:30 pm
- ~~December 27, 2023 Regular Meeting – 6:30 pm canceled~~

General Manager Muelrath asked the Board if they would like to move the special meetings in November and December to an afternoon meeting. Board Secretary Knight will follow up with the Board outside of the meeting.

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 8:14 p.m.



Kait Knight, Board Secretary