



BOARD OF 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

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF  
DIABLO WATER DISTRICT  
HELD ON APRIL 24, 2024

The Regular Meeting of the Board of Directors of Diablo Water District was held on April 24, 2024 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 and Pledge of Allegiance.**

The regular meeting of the Board of Directors of Diablo Water District (District) was called to order by Director Tiernan at 6:34 p.m. on April 24, 2024.

Directors Present: Tiernan, Pastor, Seger, Kovalick, Shaw  
Staff Present: Dan Muelrath, Kait Knight, Wayne Weaver, Jennifer McCoy, Jim Smith  
General Counsel: Wes Miliband (AARLL)  
Others Present: Bill Brick (CDM Smith), Angela Lowrey (Ironhouse)

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.

Action Items

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 March 27, 2024.**

Staff Recommendation: Approve.

It was moved by Director Kovalick, seconded by Director Shaw 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 2024-3, ACH wire transactions for March 2024, and receive the monthly financial statement for February 2024.

President Tiernan asked Staff to follow up with what the Global Power Supply payment was for and to provide information on the number of additional connections the District has made in February compared to previous years.

General Manager Muelrath reported that the average usage per connection is still decreasing while fixed rates are increasing.

Director Kovalick inquired about the rate error from Contra Costa Water District (CCWD). Finance & Accounting Manager McCoy explained that she identified the error while reviewing the March statement and notified CCWD. The error involved a rate increase meant solely for the City of Antioch that was applied to multiple agencies in error. The District recovered the overcharge with interest from CCWD.

It was moved by Director Seger, seconded by President Tiernan, and approved by the following vote to approve warrant register 2024-3, ACH wire transactions for March 2024, and receive the monthly financial statement for February 2024.

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

**5. Bethel Island Water Main Extension CEQA Exemption.**

Staff Recommendation: Adopt Resolution No. 2024-03 determine this project to be Categorical Exempt based on CEQA Class 3 and 4 Categorical Exemptions and

authorize Staff to file the Notice of Exemption with the County Clerk.

It was moved by Director Kovalick, seconded by Director Seger, and approved by the following vote to adopt Resolution No. 2024-03 determining this project to be Categorically Exempt based on CEQA Class 3 and 4 Categorical Exemptions and authorize Staff to file the Notice of Exemption with the County Clerk.

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

### Discussion Items

**6. Fiscal Year 2024/25 Budget Planning Workshop.**

The Board discussed budget implications, highlighting decreasing average usage per connection alongside increasing fixed rates. Additionally, there was discussion of rising costs from CCWD for water purchases, including capital expenses for the Randall-Bold Water Treatment Plant. Although the District held off on implementing a rate adjustment during the pandemic, General Manager Muelrath recommended either conducting a rate study or considering a passthrough, or potentially both, moving forward.

General Manager Muelrath emphasized that the District is currently operating below full capacity due to staffing shortages across all departments, and to remain an industry-leading agency, true staffing needs should be assessed.

The Board requested that Staff explore both options for rate adjustment and provide a plan for meeting the staffing needs of the District.

**7. General Manager's Reports.**

- Water Supply Charts
- Senator Padilla LIHWAP Bill

General Manager Muelrath provided a report on the current water supply to the Board. Additionally, he offered to arrange a meeting with Senator Padilla to advocate for the LIHWAP bill, asking if any Board members were interested. President Tiernan expressed her interest in meeting with Senator Padilla.

**8. Engineer's Reports.**

- Construction project updates.

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

**9. General Counsel's Reports.**

General Counsel Miliband announced that the protest period for the Delta Conveyance Project has been extended by two weeks until May 13<sup>th</sup>.

He also reported that the State Water Resources Control Board was receiving input to support the Agreements to Support Healthy Rivers and Landscapes, through a 3-day workshop that began today.

**10. Directors' Reports.**

- Representative verbal reports.
- Other items as needed.

President Tiernan provided updates from the City of Oakley meeting, noting that 27 acres on East Cypress & Knightsen were sold to KB Homes. She inquired whether the waterworks and fountains for these developments use recirculating pumps or pump additional groundwater. She added that Bud Chaddick spoke about salmon poaching and the littering from the homeless, and that the East Bay Regional Parks has moved to action on this. General Manager Muelrath informed that the parcel on East Cypress has already been subdivided and, regarding pumping, during the summer, additional groundwater is likely to be pumped to meet water needs. Regarding salmon poaching, the District requested Bud Chaddick to present to the Board at a future meeting, and as an acting GSA, the District could keep in touch with enforcement agencies on addressing poaching and littering issues affecting the groundwater.

Vice President Pastor attended the April 2<sup>nd</sup> Ironhouse meeting and reported that there was a PR Presentation and that their public education trailer would soon be completed, serving as a great resource for public education on their agency. At the April 16<sup>th</sup> meeting, the board received an informative presentation on AB 32, and he recommended a similar presentation for the District. He also mentioned that an interim General Manager is currently overseeing Ironhouse until a permanent replacement is found. Additionally, Ironhouse Director Zirkle raised concerns about salmon poaching, and Ironhouse Director Lawrence advised that Fish & Game are aware of the concerns.

Vice President Pastor provided updates from LAFCO, highlighting concerns about a proposal for 1,500 homes outside of Pittsburg. There are ongoing discussions

regarding the management of the Alamo Cemetery, including the possibility of turning it over to a private firm.

Director Seger was unable to attend the Contra Costa Water District meetings and had nothing to report at this time.

Director Kovalick shared that the Cybersecurity Ad Hoc received a presentation from MyPC Partners. General Manager Muelrath noted that there are roughly seven updates a week due to constant threats and that the District utilizes a 3<sup>rd</sup> party company to monitor and notify the District of potential threats.

President Tiernan discussed the ACWA Symposium in Sacramento, highlighting a productive meeting with Assemblywoman Lori Wilson. Director Seger noted the symposium was focused on SGMA updates and legislative forums. General Manager Muelrath proposed the possibility of separating out SGMA expenses currently being absorbed by the District.

**11. 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 Staff has contacted Bud Chaddick regarding a salmon presentation. He also informed the board that the sub awardee draft for the Recycled Water Grant with Ironhouse was received yesterday, and he plans to meet with legal counsel to discuss it.

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

- May 22, 2024 Regular Meeting – 6:30 pm
- June 12, 2024 Special Meeting - 2:30 pm
- ~~June 26, 2024 Regular Meeting – 6:30 pm – canceled~~
- July 24, 2024 Regular Meeting – 6:30 pm

**Closed Session**

**13. Closed Session – Conference with Real Property Negotiations  
(Government Code § 54956.8)**

Property Description: Jersey Island located in Contra Costa County

Negotiation: Diablo Water District General Manager Dan Muelrath and  
Ironhouse/Reclamation District 830 Representative TBD  
Under Negotiation: Terms and Price

**No reportable action.**

**Open Session**

**14. Adjournment.**

Director Tiernan adjourned the meeting at 8:58 p.m.

  
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Kait Knight, Board Secretary