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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:
A. Miliband

Board Secretary:
Kait Knight

Director Seger attended the meeting remotely pursuant to AB 2449.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF DIABLO WATER DISTRICT HELD ON OCTOBER 25, 2023

The Regular Meeting of the Board of Directors of Diablo Water District was held on October 25, 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 October 25, 2023.

Directors Present:	Tiernan, Pastor, Seger, Kovalick, Shaw *Director Seger attended remotely under AB 2449 compliance*
Staff Present:	Dan Muelrath, 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.**

Molly Culton, Organizing Manager for Sierra Club, read a letter in opposition to funding the Delta Conveyance project to the Board of Directors. She asked that the District circulate the letter to other agencies prior to voting next year. Director Kovalick stated that the Board agrees with the position being taken against the tunnel and will bring the letter to the next meeting.

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 September 27, 2023.
Staff Recommendation: Approve.

B. Annual Review of Investment Policy.
Staff Recommendation: Receive.

It was moved by Director Shaw, 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 2023-9, ACH wire transactions for September 2023, and receive the monthly financial statements for August and September 2023.

It was moved by Director Kovalick, seconded by President Tiernan, and approved by the following vote to approve warrant register 2023-9, ACH wire transactions for September 2023, and receive the monthly financial statements for August and September 2023.

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

5. California Low Income Household Water Assistance Program (LIHWAP).

Staff Recommendation: Authorize Staff to sign the LIHWAP Modifications to the Direct Pay Agreement with HORNE.

Director Seger wanted to ensure Staff would equitably disperse the funding received, and Finance & Accounting Manager McCoy informed him that the District only agrees to participation in the program, and does not administer the funds.

It was moved by Director Kovalick, seconded by Vice President Pastor, and approved by the following vote to authorize Staff to sign the LIHWAP Modifications to the Direct Pay Agreement with HORNE.

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

6. Carbon Neutrality Update.

General Manager Muelrath updated the Board on current Carbon Neutrality District project statuses. Highlights included PG&E continued delays, and that these delays are considered "normal" per the vendor. He also touched on the lack of available electric vehicles and Director Kovalick would like the District to explore long-term options for hydrogen power. Director Seger agreed that this could be calculated into a long-term solar plan.

7. Recycled Water Update.

General Manager Muelrath shared the recycled water one-page flyer that is being finalized for informational purposes and Director Seger requested copies once it was finalized to distribute to interested parties.

8. General Manager's Reports.

- Water Supply Charts.
- CCWD Wholesale Pass-Through
- CSDA District Transparency Certificate of Excellence

General Manager Muelrath highlighted that 5 of the 7% proposed rate increase is due to increases from CCWD but are still less than what rates were last summer.

Director Seger said that the increases from CCWD are troubling as we are doing our best to keep rates low for our customers, but these increases are being passed on to the District. He requested the rate ad hoc committee meet to review how these rates will affect low-income customers.

President Tiernan added that this is one of the reasons why the District is looking into alternative water sources.

The rates will go into effect on the March bill, and customers will be notified prior to using water at the new rate amounts.

9. Engineer's Reports.

- Construction project updates.

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

10. General Counsel's Reports.

General Counsel Miliband followed up on SB 389 which had been signed by Governor Newsom. This water bill targets unlawful water users and includes a good-faith threshold for SWRCB investigations of water agencies.

11. Directors' Reports.

- Representative verbal reports.
- Other items as needed.

Director Kovalick attended meetings for the City of Oakley and mentioned that the bridge going over the canal on Main Street will be rehabilitated and may cause traffic delays. The City is also hiring an outside consultant to assist with code and compliance for plan review of Summer Lake North.

Vice President Pastor reported LAFCO meeting was canceled and had nothing to report.

Director Seger reported that CCWD has opened strategic planning meetings to Director's feedback rather than just hearing from staff.

President Tiernan had nothing to report for SGMA.

Director Kovalick also reported for the RBWTP ad hoc. The discussion of CCWD true-up bills is a focus, and what CCWD might be open to committing to the District regarding more involvement. President Tiernan asked if there was a possibility of a semi-annual true-up from CCWD. General Manager Muelrath informed the Board that the District receives an estimate in April, prior to the District's budget being finalized, but this can be very different come June when the final true-up is received. At the District's request, quarterly financials for RBWTP are being provided.

Director Shaw reported on the CSDA training that he and Vice President Pastor attended, and he thinks all new board members should attend this training when elected.

12. **Future Agenda Items.**

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

General Manager Muelrath shared that he would look into a suggestion from Director Seger on a training by CSDA that may be beneficial to the Board in engaging legislators.

President Tiernan would like the topic of PFAS and artificial lawns reviewed again and General Manager Muelrath said he would bring this back to the Board in a meeting or through a memo.

Director Seger mentioned the Contra Costa County general plan update is out, and the comment period is within three months. General Manager Muelrath said he would confirm the date and bring this to the Board.

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

- November 15, 2023 Special Meeting – 6:30 pm
- ~~November 22, 2023 Regular Meeting – 6:30 pm – canceled~~
- December 13, 2023 Special Meeting – 2:30 pm
- ~~December 27, 2023 Regular Meeting – 6:30 pm – canceled~~
- January 24, 2024 Regular Meeting – 6:30 pm

Closed Session

14. **Closed Session - Conference with Legal Counsel – Existing Litigation (Government Code sec. 54956.9)**
Name of Case: In re Aqueous Film-Forming Foams Product Liability Litigation, MDL No. 2:18-mn-02873 relating to City of Camden, et al., v. E.I. DuPont de Nemours and Company, et al.,
No. 2:23-cv-03230-RMG (United States District Court, District of South Carolina, Charleston Division) for litigation involving PFAs

Closed Session - Conference with Real Property Negotiations (Government Code sec. 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

15. Adjournment.

Director Tiernan adjourned the meeting at 9:55 p.m.

Kait Knight, Board Secretary