

FORESTHILL PUBLIC UTILITY DISTRICT

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BOARD OF DIRECTORS

Gregory L. Wells
Duane L. Frink
William L. Sadler, Jr.
Brett C. Grant
George S. Shaw

Kurt W. Reed, General Manager
Paul Chamberlain, District Counsel

DRAFT

OFFICIAL MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS FORESTHILL PUBLIC UTILITY DISTRICT HELD JANUARY 9, 2008

A. CALL TO ORDER AND ROLL CALL

The regular meeting of the Board of Directors was called to order at 7:02 p.m. by President George S. Shaw.

ROLL CALL:

Present

George S. Shaw, President
Gregory L. Wells, Vice President
Duane L. Frink, Treasurer
William L. Sadler, Jr., Director
Brett C. Grant, Director

Absent

Also present: Kurt Reed, General Manager; Pat Pappas, Business Manager; Members of the Public: John Laster; Roy West.

B. INTRODUCTIONS AND PRESENTATIONS

None.

C. PUBLIC COMMENT

Any member of the public may address the Board on any matter within the jurisdictional authority of the District, or any item on this agenda before or during the Board's consideration of that item. Such testimony shall be limited to three minutes per person, or such other time limit as may be imposed by the President in order to enable the Board to complete its agenda within a reasonable period of time.

Public Comment Reviewed By President.

D. COMMITTEE REPORTS

1. Finance Committee – None.
2. Planning Committee – None.

E. DIRECTOR'S COMMENTS

1. Duane Frink – Attended LAFCo meeting this date – Meadow Vista is annexing 23 acres; Director Frink is now the Region 3 Chairman for ACWA – there will be an Executive Directors meeting January 25, 2008.

F. CORRESPONDENCE / AGENDA CHANGES AND REVIEW

None.

G. CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and will be approved by one motion. There will be no separate discussion of these items unless a member of the Board, Audience, or Staff requests a specific item be removed from the Consent Calendar for separate action. Any item removed will be considered after the motion to approve the Consent Calendar.

1. Approve Minutes of Regular Board of Directors Meeting Held December 12, 2007.
2. Approve November 2007 Financial Report from LAIF.
3. Approve Balance Sheet, Revenue/Expense Report December 31, 2007.
4. Approve January 2008 A/P warrants for payment.

ACTION: Treasurer Duane Frink motioned to approve the Consent Calendar as presented. Director William Sadler, Jr. seconded the motion.

PASSED UNANIMOUSLY.

H. GENERAL ITEMS

1. New Business

- a. Action Item: Approve District Officers for Calendar Year 2008.

ACTION: President George Shaw motioned to rotate officers in ascending order (President: Gregory L. Wells, Vice President: Duane L. Frink, Treasurer: William L. Sadler, Jr.). Treasurer Duane Frink seconded the motion.

PASSED UNANIMOUSLY.

FORMER PRESIDENT SHAW PASSED THE GAVEL TO PRESIDENT WELLS.

- b. Action Item: President's Appointment of Standing Committees – Planning/Finance.

ACTION: President Gregory Wells appointed to the Finance Committee Treasurer William L. Sadler, Jr. as Chair and Vice President Duane L. Frink as Member; and, appointed to the Planning Committee Director Brett Grant as Chair and Director George Shaw as Member.

- c. Action Item: Approve Resolution No. 08-01 Updating Authorized Persons to Deposit and Withdrawal from Local Agency Investment Fund on Behalf of Foresthill Public Utility District.

ACTION: Vice President Duane L. Frink motioned to approve Resolution No. 08-01 as presented. Treasurer William L. Sadler, Jr. seconded the motion.

PASSED UNANIMOUSLY.

Staff advised the Board that they had received a communication from William Abbott, legal counsel for Forest Ranch, at 4:58 p.m. on January 9, 2008, the day of the board meeting, contending that any Board approval of the Water Master Plan agenda item for this meeting would violate CEQA. President Gregory Wells called for a motion to add a closed session item to the agenda to discuss a potential threat of litigation to the District as permitted by Government Code Section 54956.9(b). It was noted that the Brown Act permits the Board to discuss an item not previously placed upon the agenda when the Board determines that there is a need for immediate action which cannot reasonably wait until the next board meeting and the need for immediate action came to the attention of the District after the agenda had previously been posted pursuant to Government Code Section 54954.2(b)(2). Adding a closed session item to the agenda under these circumstances requires a 2/3 vote of the Board.

ACTION: Director George Shaw motioned to adjourn the open meeting, add to the agenda a closed session to discuss potential litigation against the District pursuant to Government Code Sections 54956.9(b) and 54954.2(b)(2), and to commence such closed session. Vice President Duane L. Frink seconded the motion.

PASSED UNANIMOUSLY.

Closed door session opened at 7:12 p.m.

Closed door session adjourned at 7:35 p.m.

NO ACTION TAKEN

President resumed regular meeting to order at 7:35 p.m. announcing to attending public no action had been taken in Closed Door Session.

2. Old Business

- a. Action Item: Approve Foresthill Public Utility District 2008 Water System Master Plan.
Director Brett Grant expressed some concerns that the calculations in Section 2 and Section 7 may be mistaken as the actual calculations for future connection fees and suggested the following edits be added: the top of Page 2-23 after (developed in this section) add the following sentence: "Any such calculations or formulations expressed in this section are for example purposes only." Same sentence to be added at the end of second paragraph on Page 7-1.
ACTION: Director George S. Shaw motioned to approve the Foresthill Public Utility District 2008 Master Plan with Director Grant's proposed edits to Section 2 and Section 7. Vice President Duane L. Frink seconded the motion.
PASSED UNANIMOUSLY.
- b. Action Item: Approve Preliminary Environmental Assessment and Authorize Filing of Notice of Exemption by General Manager.
ACTION: Vice President Duane L. Frink motioned to approve Preliminary Environmental Assessment and authorize the filing of the Notice of Exemption by the General Manager. Director Brett Grant seconded the motion.
PASSED UNANIMOUSLY.

I. REPORTS BY DIRECTORS, LEGAL COUNSEL AND GENERAL MANAGER

None.

J. ADJOURNMENT

Next Regular Meeting Date: Wednesday, February 13, 2008 at 7:00 p.m. in the District Office, 24540 Main Street, Foresthill, California 95631.

ACTION: There being no further business, at 8:30 p.m. Director George Shaw motioned the meeting be adjourned. Motion seconded by Vice President Duane Frink.

PASSED UNANIMOUSLY.

ATTEST:

Gregory L. Wells
President, Board of Directors

Kurt W. Reed
Clerk Thereof