

# FORESTHILL PUBLIC UTILITY DISTRICT

## MINUTES

### Regular Business Meeting of the FORESTHILL PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS

Wednesday	January 12, 2022	3:00 P.M.
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This meeting is being held via teleconference pursuant to Government Code section 54953(e)(1)(B) and in compliance with the Brown Act. Section 54953(e)(1)(B) permits the District Board of Directors to hold a meeting during a proclaimed state of emergency via teleconference in order to determine whether as a result of the emergency, meeting in person would present an imminent risk to attendees' health or safety. To do so, the District is required (1) to post notice and agendas as otherwise provided by the Brown Act and applicable law, (2) allow members of the public to access the meeting via call-in line or internet-based service line, (3) provide details on the agenda on how to access the meeting and give public comment, (4) provide an opportunity to comment pursuant to Government Code section 54954.3 and allow a reasonable amount of time during public comment for a person to register, login, and comment, and (5) monitor the call-in line and/or internet-based service line to ensure no disruption hinders access or ability to comment, if there is, take no action until public access is restored. The District is not required to provide a location to attend in-person.

The Governor proclaimed a state of emergency due to the COVID-19 virus pandemic on March 4, 2020. The proclamation remains active and applies statewide. The District is meeting pursuant to Section 54953(e)(1)(B) to determine if the emergency conditions pose a threat to attendees' health and safety, warranting teleconference meetings. The District is complying with other public access and participation obligations, as required and to ensure that any member of the public may attend, participate, and watch the District's Board of Directors conduct its business.

Any person may access and comment during the meeting by doing the following:

Join Zoom Meeting: <https://us06web.zoom.us/j/81545540126> Meeting ID: 815 4554 0126

Dial by your location: 408 638 0968 or 669 900 6833

Find your local number: <https://us06web.zoom.us/u/kdaufpdxLd>

**A. CALL TO ORDER: 3:00 PM** *President Bell called the meeting to order at 3:03 PM*

**B. OPEN SESSION - ROLL CALL (3 minutes):**

_____ President Mark Bell	<i>Present</i>
_____ Vice President Patty Wade	<i>Present</i>
_____ Treasurer Jane Stahler	<i>Present</i>
_____ Director Robert Palmeri	<i>Present</i>
_____ Director Tyler Hunter	<i>Present</i>

**C. PUBLIC COMMENT: (20 minutes)**

- This is the time for the Board to hear from the public. We welcome and encourage your comments as the Board takes them into consideration in our deliberations.

- Speakers are limited to a maximum of three minutes.
- The Board may not respond to, discuss, or engage in any type of dialog regarding any public comment, however the President may direct questions to staff for a later response or future consideration by the Board.
- Appropriate and respectful language and behavior is vital to the functioning of a public meeting. We ask Board, staff, and members of the public to speak courteously and respectfully. Therefore, the Board prohibits disruptive behavior. *An opportunity for the public to provide comment was provided. No public comments were offered.*

**D. ACTION ITEMS: (10 minutes)**

1. Consider making findings pursuant to Government Code Section 54953(e), as amended by Assembly Bill 361, authorizing the continued use of virtual meetings - Adopt Resolution 2022-01, finding a proclamation of state of emergency to apply within the District, conditions of which pose an imminent threat to the health and safety to attendees of in-person public meetings, and authorizing teleconference meetings of District legislative bodies pursuant to Government Code section 54953(e)  
Recommended Action: Discuss issue and consider adopting Resolution 2022-01  
Public comment: *No public comments were offered.*

***Board Action:*** *Director Hunter made a motion to approve Resolution 2022-01 – A resolution of the Board of Directors of the Foresthill Public Utility District ratifying the proclamation of a state of emergency by Governor Gavin Newsom (March 4, 2020) as applicable in the District’s jurisdiction and authorizing teleconference meetings of legislative bodies of the District pursuant to the Ralph M. Brown Act. The motion was seconded by Vice President Wade. The motion carried unanimously (5-0).*

**E. CLOSED SESSION: (2 hours) *President Bell announced the Board was going into closed session at 3:08 PM***

1. Conference with Legal Counsel – Existing Litigation Subdivision (a) of Government Code Section 54956.9. Name of Case: Miner’s Camp vs. Foresthill Public Utility District
2. Conference with Legal Counsel – Existing Litigation Subdivision (a) of Government Code Section 54956.9. Name of Case: Foresthill Public Utility District Petition to State Water Resources Control Board for Extension of Water Right Permit No. 15375.
3. Conference with legal counsel - Anticipated litigation - pursuant to subdivision (b) of Section 54956.9 of the Government Code. Potential cases: One

**F. OPEN SESSION - (Starting at 6:00 PM): *President Bell called the meeting to order at 6:06 PM.***

**G. OPEN SESSION - ROLL CALL (3 minutes):**

_____ President Mark Bell	<b><i>Present</i></b>
_____ Vice President Patty Wade	<b><i>Present</i></b>
_____ Treasurer Jane Stahler	<b><i>Present</i></b>
_____ Director Robert Palmeri	<b><i>Present</i></b>
_____ Director Tyler Hunter	<b><i>Present</i></b>

H. ANNOUNCEMENT FROM CLOSED SESSION (5 minutes) *At 6:06 PM, President Bell announced that no reportable action was taken during closed session.*

I. PUBLIC COMMENT: (20 minutes)

- This is the time for the Board to hear from the public. We welcome and encourage your comments as the Board takes them into consideration in our deliberations.
- Speakers are limited to a maximum of three minutes.
- The Board may not respond to, discuss, or engage in any type of dialog regarding any public comment, however the President may direct questions to staff for a later response or future consideration by the Board.
- Appropriate and respectful language and behavior is vital to the functioning of a public meeting. We ask Board, staff, and members of the public to speak courteously and respectfully. Therefore, the Board prohibits disruptive behavior. *Public comments were received.*

J. CONSENT AGENDA: (5 minutes) All items listed under the Consent Agenda are considered to be routine in nature and may be approved by one motion.

1. Minutes of the December 8, 2021 Regular Meeting
2. Cash Disbursements Register, November 2021
3. Statement of Net Position, November 2021
4. Statement of Activity Budget vs. Actual, November 2021
5. Investment Policy Compliance, November 2021
6. Quality Analysis Report, November 2021
7. Activity Detail November 2021
8. Portfolio Graphically Presented, November 2021

Board Action: *Director Hunter made a motion to approve the consent agenda. The motion was seconded by Vice President Wade and carried unanimously. (5-0)*

K. ACTION ITEMS: (30 minutes)

1. Organizational Meeting and election of officers per Policy 5010.50  
Recommended Action: Elect a President, Vice President, Treasurer and appoint the Board Clerk and Ex-Officio Secretary  
Public comment:

Board Action: *Vice President Wade nominated President Bell for the office of President. Director Hunter nominated Director Palmeri for the office of President. A roll call vote on the nomination of President Bell failed with Directors Bell and Wade voting yes and Directors Stahler, Palmeri and Hunter voting no.*

Board Action: *A roll call vote on the nomination of Director Palmeri for the office of President was successful with Directors Stahler, Palmeri and Hunter voting yes and Directors Bell and Wade voting No.*

*Newly elected President Palmeri took the gavel and control of the meeting.*

Board Action: Treasurer Stahler nominated Vice President Wade for the office of Vice President. Vice President Wade nominated Director Bell for Vice President. A roll call vote on the nomination of Vice President Wade was approved unanimously.

Board Action: A roll call vote on the nomination of Director Bell for the office of Vice President failed with Directors Bell and Wade voting yes and Directors Palmeri, Stahler and Hunter voting no.

President Palmeri appointed Henry N. White as Board Clerk and Ex-Officio Secretary.

2. Board President to appoint Standing Committee members and Chairpersons

Recommended Action: Direct staff accordingly

Public comment:

President Palmeri appointed Treasurer Stahler (Chair) and Director Bell (member) to the Finance Committee.

President Palmeri appointed Director Hunter (Chair) and Vice President Wade (member) to the Planning Committee.

**L. DISCUSSION ITEMS: (20 minutes)**

1. General Manager Report
2. Remarks/reports by Directors

**M. ADJOURNMENT:**

Board Action: At 6:35 PM, Director Bell made a motion to adjourn the meeting. The motion was seconded by Director Hunter and carried unanimously.

Submitted by:

  
\_\_\_\_\_  
Robert Palmeri, Board President

Attest:

  
\_\_\_\_\_  
Henry N. White, Clerk and Ex-Officio Secretary