

# FORESTHILL PUBLIC UTILITY DISTRICT

## MINUTES

### Special Business Meeting of FORESTHILL PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS

Wednesday	October 13, 2021	3:00 P.M.
-----------	------------------	-----------

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/82841914353> Meeting ID: 828 4191 4353

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

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

#### **A. CALL TO ORDER: *President Bell called the meeting to order at 3:04 PM***

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

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

**Agenda Amendment:** *President Bell amended the agenda to consider Action Item 11 in order to make the findings necessary to continue the virtual meeting.*

*Item I 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 2021-08, 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)*

***Board Action:** Director Stahler made a motion to approve Resolution 2021-08 – 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. President Bell called for public comments on the item and motion. No public comments were offered. The motion carried unanimously (5-0).*

**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 comments was provided. No public comments were offered.*

**D. CLOSED SESSION: (1 hour) President Bell announced the Board was going into closed session at 3:15 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 – Anticipated litigation – pursuant to subdivision (b) of Section 54956.9 of the Government Code. Potential cases: one

**E. OPEN SESSION - (Starting at 6:00 PM):**

*President Bell opened the public session at 6:09 PM. A roll call was taken. President Bell, Directors Stahler, Palmeri and Hunter were present. Vice President Wade was absent.*

**F. ANNOUNCEMENT FROM CLOSED SESSION (5 minutes) At 6:09 PM, President Bell announced that no reportable action was taken during closed session.**

**G. 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 comments was provided. No public comments were offered.*

**H. 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 September 8, 2021 Special Meeting
2. Minutes of the September 22, 2021 Special Meeting
3. Minutes of the September 29, 2021 Planning Committee Meeting
4. Cash Disbursements Register, August 2021
5. Statement of Net Position, August 2021
6. Statement of Activity Budget vs. Actual, August 2021
7. Investment Policy Compliance, August 2021
8. Quality Analysis Report, August 2021
9. Activity Detail August 2021
10. Portfolio Graphically Presented, August 2021

**Board Action:** *Director Hunter made a motion to approve the consent agenda. The motion was seconded by Director Stahler and carried unanimously (4-0).*

**I. ACTION ITEMS: (30 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 2021-08, 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 2021-08  
Public comment: *President Bell provided an introduction to the item, explained that the item was heard prior to the closed session and asked for public comment on the item and the Board’s approval of Resolution 2021-08. No public comments were offered.*
2. Board to consider amending Policy 5010 – Board Meetings: set time and place for regular Board meetings  
Recommended Action: Discuss policy and direct staff accordingly  
Public comment: *An opportunity for public comment was provided*

**Board Action:** *No Board action was taken. The Board discussed the item and the consensus of the Board was to direct staff to schedule future in-person Board meetings at 4:30 PM (closed session) and 6:30 (open session). The Board directed staff to schedule any short-notice special meetings for 6:00 PM.*

3. Board to consider appointing a Treasurer pursuant to Policy 5010  
Recommended Action: Discuss policy and direct staff accordingly  
Public comment: *An opportunity for public comment was provided*

***Board Action:*** *Director Hunter nominated Director Stahler to serve as Treasurer. Director Palmeri seconded the nomination. Director Stahler was selected as Treasurer with a unanimous vote (4-0).*

4. Board President to appoint standing committee members (Policy 4060)  
Recommended Action: Board President to make appointment  
Public comment: *An opportunity for public comment was provided*

***President Bell appointed Treasurer Stahler (Chair) and Director Palmeri (Member) to the Finance Committee. President Bell appointed Vice President Wade (Chair) and Director Hunter (Member) to the Planning Committee.***

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

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

**K. ADJOURNMENT: *President Bell adjourned the meeting at 7:13 PM.***

Submitted by:



Mark Bell, Board President

Attest:



Henry N. White, Clerk and Ex-Officio Secretary