

# FORESTHILL PUBLIC UTILITY DISTRICT

## MINUTES

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

|           |                  |           |
|-----------|------------------|-----------|
| Wednesday | October 12, 2022 | 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/82837681166> Meeting ID: 828 3768 1166

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

Find your local number: <https://us06web.zoom.us/j/kcy3Vjg2hB>

**A. CALL TO ORDER: 3:00 PM** *President Palmeri called the meeting to order at 3:06 PM*

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

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

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

- Members of the public may provide comments to the Board on items not on the agenda. 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.*

**D. ACTION ITEM: (5 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 2022-07, 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 2022-07  
Public comment:

*Board Action: Director Hunter made a motion to approve Resolution 2022-07 and authorize teleconference meetings of the District. The motion was seconded by Director Wade and carried unanimously (5-0).*

**E. CLOSED SESSION: (2 hours)**

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
4. Conference with Legal Counsel – Public Employee Performance Evaluation. Title: General Manager regarding staff performance

**F. OPEN SESSION - ROLL CALL (Starting at 6:00 PM): *President Palmeri called the meeting to order at 6:02 PM***

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

**G. ANNOUNCEMENT FROM CLOSED SESSION (5 minutes)** *At 6:03 PM, President Palmeri announced in open session that no reportable action was taken during closed session.*

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

- Members of the public may provide comments to the Board on items not on the agenda. 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.

*No public comments were offered*

**I. 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 for the August 10, 2022 Regular Board Meeting
2. Cash Disbursements Register, July 2022 and August 2022
3. Statement of Net Position, July 2022 and August 2022
4. Statement of Activity Budget vs. Actual, July 2022 and August 2022
5. Investment Policy Compliance, July 2022 and August 2022
6. Quality Analysis Report, July 2022 and August 2022
7. Activity Detail, July 2022 and August 2022
8. Portfolio Graphically Presented, July 2022 and August 2022

**Board Action:** *Director Bell made a motion to approve the consent agenda items 1,2,3,5,6,7 and 8. The motion was seconded by Director Hunter and carried unanimously (5-0).*

**J. ACTION ITEMS: (1 hour)**

1. Board to consider approval of proposal from Blackburn Consulting to prepare Sugar Pine Reservoir Instrumentation Reports for 2022/2023, 2023/2024, and 2024/2025 for an amount not to exceed \$22,130.84.

**Recommended Action:** Approve proposal and direct staff to execute an appropriate agreement

**Public comment:**

**Board Action:** *Director Bell made a motion to approve a proposal from Blackburn Consulting to prepare Sugar Pine Reservoir Instrumentation Reports for 2022/2023, 2023/2024 and 2024/2025 for an amount not to exceed \$22,130.84 and to recommend obtaining proposals from additional consulting firms for the next contract period. The motion was seconded by Director Wade and carried 4-1 with President Palmeri voting no.*

2. Board to consider approval of proposal from Blackburn Consulting to perform materials testing required by Placer County Community Development Resource Agency for the

Foresthill Road Pipeline Replacement Project (Mosquito Ridge Road to Thomas Street) for an amount not to exceed \$35,000 and authorize the use of Repair and Replacement Funds

Recommended Action: Approve the proposal, authorize staff to execute an agreement with Blackburn Consulting not to exceed \$35,000 and authorize the use of Repair and Replacement Funds

Public comment:

***Board Action:*** Director Bell made a motion to approve the proposal from Blackburn Consulting to perform materials testing for the Foresthill Road Pipeline Replacement Project in an amount not to exceed \$35,000. The motion was seconded by Director Wade and carried 3-2 with President Palmeri and Treasurer Stahler voting no.

3. Consideration and approval of Resolution 2022 - 08 to certify Final Environmental Impact Statement/Environmental Impact Report for the Sugar Pine Project: Water Right Permit 15375 Extension and Radial Gate Installation

Recommended Action: Approve Resolution 2022 – 08 and certify the EIR/EIS for the extension of Water Right Permit 15375.

Public comment:

***Board Action:*** Director Bell made a motion to approve Resolution 2022-08 to certify the Final Environmental Impact Statement/Environmental Impact Report for the Sugar Pine Project Water Right Permit 15375 Extension and Radial Gate Installation. The motion was seconded by Director Hunter and carried unanimously (5-0).

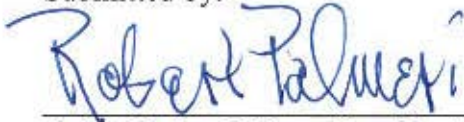
#### K. DISCUSSION ITEMS: (20 minutes)

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

#### L. ADJOURNMENT


***Board Action:*** At 7:30 PM, Director Bell made a motion to adjourn the meeting. The motion was seconded by Director Wade and carried unanimously (5-0).

Submitted by:



Robert Palmeri, Board President

Attest:



Henry N. White, Clerk and Ex-Officio Secretary