FORESTHILL PUBLIC UTILITY DISTRICT
MINUTES
Regular Business Meeting of the
FORESTHILL PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS
Foresthill Elementary School, 24750 Main Street, Foresthill, CA 95631
www.foresthillpud.com

Wednesday	May 13, 2026	6:00 P.M.

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

1. CALL TO ORDER: 6 P.M. by President Dowling

2. ROLL CALL

_______President Chase Dowling	Present
_______Vice President Mark Bell	Present
_______Treasurer Ron Thompson	Present
_______Director Roger Pruett	Present
_______Director Dianne Foster	Present

General Manager White was in attendance. District Council Eric Robinson was in attendance. Secretary Sally Hicks was in attendance.

3. PLEDGE OF ALLEGIANCE *President Dowling led the Pledge of Allegiance.*

4. PUBLIC COMMENT:

- Members of the public may provide comments to the Board on items that are 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 the Board, staff, and members of the public to speak courteously and respectfully. Therefore, the Board prohibits disruptive behavior.

Public Comment: None given

5. CONSENT AGENDA: All items listed under the Consent Agenda are routine in nature and may be approved in one motion:

1. Approval of Agenda.

2. Approval of April 8, 2026, Regular Board Meeting minute.
3. Receive and file combined financial reports for March 2026.

Board Action: Minutes were pulled until next meeting when corrections can be made. “Agenda” should be changed to “Minutes.” President Dowling made a motion to approve without minutes. Mark Bell second motion. Passed unanimously (5-0).

6. OPERATIONS ACTION ITEMS:

1. Consideration of Resolution Authorizing Submission of Assessment District No. 2 Charges to Placer County for Collection on the 2026/27 Property Tax Rolls.
   <u>Recommended Action</u>: Adopt the attached resolution authorizing the placement of Assessment District No. 2 charges on the 2026/27 Placer County property tax rolls and authorize the General Manager to submit all required documentation to Placer County for collection.

<u>Discussion:</u> The District approved a $46 annual charge on property tax which went into affect in 1997 to fund water system improvements via a 30-year loan.

<u>Public Comment:</u> None given.

<u>Board Action:</u> President Dowling made a motion to authorize the GM to submit the required documentation to Placer County for inclusion of Assessment District No. 2 charges in the 2026/27 tax rolls. Director Pruett second the motion. The motion passed unanimously (5-0).

2. Consideration of Resolution Authorizing Submission of Delinquency Utility Accounts to Placer County for Collection on the 2026/27 Property Rolls.
   <u>Recommended Action:</u> Adopt the attached resolution authorizing the placement of delinquent utility account charges on the 2026/27 Placer County property tax rolls and authorize the General Manager to submit all required documentation to Placer County for collection.

<u>Discussion:</u> Currently there are 182 delinquent accounts totaling $172,851, an 8% increase from last year. Accounts must be over 90 days delinquent; customers receive 12 notices and a final warning before being placed on the tax roll. Director Foster had concerns over placing these liens without knowing individual circumstances.

<u>Public Comment:</u> None Given.

<u>Board Action:</u> Director Bell made a motion to adopt the attached resolution authorizing 2026/27 property tax of delinquent accounts. Director Pruett second the motion. The motion carried (4-1) with Director Foster voting no.

3. Adopt CEQA Categorical Exemption for Generator Replacement Project (Water Treatment Plant and Pumping Plant)

Recommended Action: Adopt categorical exemption.

Discussion: GM White wants to request the State accept an exemption regarding CEQA (California Environmental Quality Act) when replacing a generator at the water treatment plant. The project qualifies for exemption (Class 1 and 2) as it is an in-kind replacement in an already developed industrial area. The exemption protects the district if challenged on environmental compliance.

Public comment: None given.

Board Action: Vice President Mark Bell made a motion to approve a CEQA categorical exemption for replacing a generator at the water treatment plant. President Chase Dowling second the motion. The motion passed unanimously (5-0).

4. Adopt Plans and Specifications for Generator Replacement Project and authorize staff to proceed with Public Bidding.

Recommended Action: Adopt plans and specifications and authorize public bidding.

Discussion: The 275 kW generator was purchased from Cummins via Peters Engineering for $132,788, plus $4,300 for ATS; a $140,000 payment was confirmed. Peters Engineering Inc. conducted a feasibility study ($3,500) and prepared plans/specs (14,000).The bid process will follow California public works law (not RFP); advertising will occur via Sacramento Builders Exchange and a newspaper of general circulation. Peters Engineering will assist in bid review, but will not manage the process. Concerns were raised about whether or not the generator was new or rebuilt. GM White confirmed it is a newly built generator.

Public Comment: None Given.

Board Action: President Dowling made a motion to approve Generator Replacement Project –Adoption of Plans and Specifications and authorize to proceed with public bid. Director Foster second the motion. The motion passed unanimously (5-0).

5. Approval of Conflict Waiver for potential 2026 Foresthill Public Utility District water transfer to Westlands Water District.

Recommended Action: Approve Conflict Waiver and authorize General Manager to sign the waiver letter.

Discussion: GM White recommends approval of conflict waiver for Attorney Eric Robinson, whose firm (KRONIC) represents Westlands Water District, to legally represent Foresthill PUD in a potential water sale of up to 2,000 acre-feet. Attorney Robinson clarified that he will represent only Foresthill, not Westlands. Past waivers were referenced (most recent from 2024).

Public Comment: None Given.

Board Action: Vice President Mark Bell made a motion to approve a conflict waiver for potential 2026 FPUD water transfer to Westlands Water District. President Chase second the motion. The motion passed (3-2) with Director's Foster and Thompson voting no.

7. BOARD MEMBER ACTIONS ITEMS:

1. Title**:** "Board approval of Attorney Kyler Rayden's employment contract to perform an assessment of the GM's contract."

At April's board meeting the board decided to use BBK as special council for the Review process surrounding the negotiation and approval of the GM's contract in 2024. The Board also decided to bring back the contract from BBK for approval. This is the Contract." (Submitted by Chase Dowling).

"The Board is divided as to the existence of a "negotiation team" appointed in 2024 to bargain the GM's five-year contract. They are divided on the legitimacy of one Board member voting via zoom on the contract while on vacation based as defined Gov. Code 54953 & AB 2449. Therefore, there is a need for outside counsel to restore the conflict." (Submitted by Dianne Foster.)

Recommended Action: Approve BBK Contract.

Supporting documentation: Contract with BBK in packet.

Discussion: Discussion on limiting the assessment to no more than $5,000, defining the scope of work, and conflict waiver. It was agreed that the contract should be amended with 1) the assessment not to exceed the $5,000 limit, and with 2) (the language in the April minutes) --"The scope shall include evaluation of whether the process followed and were consistent with the applicable law, including the Ralph M. Brown Act, 54950-54963, AB 2302 and AB 2449, District policies, and accepted public agency governance practices, and to provide recommendations for future compliance transparency.

Director Foster pointed out that "...to provide recommendations for future compliance transparency." was never discussed or approved in April meeting, and should be deleted in motion. She also emphasized the need for all people interviewed as part of the assessment to be concise in their responses so not to extend the billing hours.

Public Comment: None given.

Board Action: President Dowling made a motion to amend the contract with independent counsel not to exceed $5,000 and to limit the scope of evaluation to whether the process followed was consistent with the applicable law, including the Ralph M. Brown Act, 54950-54963, AB 2302 and AB 2449, District policies, and accepted public agency governance practices and delete "provide recommendations for future compliance transparency." Director Dianne Foster seconded the motion. Motion carries (3-2) with Directors Pruett and Bell voting no.

President Dowling made a motion that he be appointed to negotiate with BBK, and sign a contract once amended to include scope of work approved at April 8, 2026 Board Meeting minus quote for further "transparency and compliance", and not to exceed five thousand dollars. Director Bell second the motion. Motion passed (3-2) with Directors Pruett and Bell voting no.

2. Title: The Board explore hiring another Attorney Firm.

The time has come to consider hiring a different Attorney firm to represent the FPUD. The current firm has been the FPUD counsel for approximately 15 years. During this time, there has been costly decisions made which was against the financial well-being of the FPUD and the ratepayers. The District would benefit in seeking another attorney firm with a new and fresh perspective on legal matters and advice.

Recommended Action: Publish a RFP (aka Request For Proposal) in search of a new Attorney firm to represent the FPUD.

Supporting documentation: Attached.

Discussion: Director Foster sited several reasons why she supported hiring a new Attorney firm to represent the FPUD which included the expensive six-year, half a million dollar lawsuit with Miners Camp, and over a million dollars cost to support a 49 year extension to raise Sugar Pine dam all under the leadership of the current legal firm. Although billing cost were kept at a minimum, the extensive billing hours made up for the lower rates at an advantage to the firm. Director Bell provided an extensive rebuttal, siting a new firm would need to bill us more to be familiar with the FPUD operation, and he providing details on the Miners Camp costs.

Public Comment: None Given.

Board Action:

Director Bell motioned to confirm the current attorney firm (KRONIC) for the next two years, citing their strong financial performance. Director Pruett seconded it. Motion failed (3-2) with Directors Bell and Pruett voting yes.

Director Foster proposed issuing a Request For Proposal (RFP) to find a new attorney firm, but later withdrew the motion, agreeing to delay any decision until BBK completes an assessment of the current legal representation.

President Dowling made a motion to not see this agenda item for new legal counsel for at least four months or until the BBK assessment is complete. V.P. Bell second the motion. *Motion* passed (3-2) with Directors Foster and Thompson voting no.

8. BOARD MEMBER POLICY ACTION ITEMS:

1. Consider revised job description for the Treatment Plant/Distribution Operator IV position.

Recommended Action: Approve revised job description.

Discussion: GM White presented a revised job description for the Treatment Plan Distribution Operator IV position. The rewrite was done from scratch to improve clarity and reflect operational needs, moving closer to a journey-level operator role. The previous version was criticized as overly wordy. Four operators are now employed at the treatment plant. The newest hire is classified as an Operator II and is described as extremely skilled. A new full-time Customer Service Representative (position II) has been hired.

Public Comment: None Given.

Board Action: President Dowling made a motion to approve revision of Operator 4 position. Director Dianne Foster second the motion. The motion passed unanimously (5-0).

2. Title: Revise Policy #5025. I am submitting Revisions to Policy 5025 because after a few months of its implementation I have found that it needs some adjustment for better understanding and work flow. I am submitting revisions to 5025.22, 5025.23, 5025.24.1, 5025.24.2, 5025.25.

Recommended Action: Approve revisions.

Supporting documentation: A copy of the existing Policy 5025 and the proposed revisions in strikeout.

Submitted by Chase Dowling.

Discussion: Key changes include limiting agenda items to two per category (previously three) to prevent overload. It is suggested that future revisions include clear labels such as Strike-through version to improve transparency. Restrict 2 hour limit on meetings unless a vote of the Board to continue with 5 minute break. Director's Thompson and Foster oppose Policy 5025 entirely, arguing it censors board members by restricting their agenda items thereby slowing progress and undermining fiduciary responsibilities.

Public Comment: None Given.

Board Action: President Dowling made a motion to approve revised agenda with edits to 5025.6.1 striking clean version of submittal requirements for policy action items. Correct 5025 4.1 (1A max of 3—should be 2). Director Pruett second the motion. Motion carried (4-0), with Director Foster abstaining.

9. DISCUSSION ITEMS: None.

10. FUTURE AGENDA ITEMS – Future agenda items are to help the General Manager and Board President craft the next month's agenda. Unless otherwise voted upon, the future agenda will comprise of no more than one new board member action item and no more than one new policy action item. Now is the time to discuss which items the board would like to see first to help prioritize efficiency.

1. **FUTURE BOARD MEMBER ACTIONS ITEMS --** None.

2. **FUTURE POLICY ACTION ITEMS –** None.

3. **FUTURE DISCUSSION ITEMS** – None.

11. GENERAL MANAGER REPORT

GM White gave a report on 1) Safety meeting update, 2) 2025 Consumer Confidence Report (CCR) – reliability of District drinking water supply, and 3)Finance Manager Report to be found in the June Agenda Packet.

Questions arise about the status of SCADA Program Phase 6. GM White clarifies that Phase 6 —related to the pump house—is complete and operational, despite earlier uncertainty expressed in a memo by Nathan Longly, who had questioned whether the implementation should wait for a new generator. GM confirms no connection between Phase 6 and the generator.

Public Comment: Sue Kiesling had a concern that the OWL video recorder was not working properly as it failed to focus on each Director when they spoke. She suggested an adjustment.

12. DIRECTOR ITEMS/INFORMATION ONLY

Director Bell presented a year-long financial analysis of accounting services, show costs consistently below 100K annually and account hours generally below the historical benchmark.

Director Foster made a complaint that at the April Board meeting a vote was taken to cancel her future agenda item with two Board members voting to cancel. President Dowling admitted this was a mistake, and assured it will not happen again, clarifying that the B.P. 5025 does not authorize such suppression.

13. CLOSED SESSION

Conference with real property negotiators (Gov't Code Section 54956.8). Property: Up to 2,000 acre feet of stored Sugar Pine Reservoir water; District Negotiators: Chase Dowling and Henry N. White; Negotiating Parties: Prospective water users in the American River Basin, Central Valley or elsewhere in the federal Central Valley Project or State Water Project service areas, including but not limited to; U.S. Bureau of Reclamation, City of Folsom, City of

Sacramento Suburban Water District, San Luis and Delta-Mendota Water Authority and member agencies (e.g. Westlands Water District), State Water Contractors and member agencies (e.g. Santa Clara Valley Water District); Under Negotiation: Price and terms of payment for the sale of surplus stored water from Sugar Pine Reservoir.

14. REPORT OUT OF CLOSED SESSION – Attorney Eric Robinson reporting out of closed session.

The meeting concludes with a motion to enter closed session under Government Code Section 54956.8 to discuss negotiations over the sale of of up to 2,000 acre-feet of stored water from Sugar Pine Reservoir. Negotiations include President Chase Dowling and GM White, with multiple water agencies involved. The discussion covers price and payment terms. Recording is stopped.

15. ADJOURNMENT: Motion to adjourn by President Chase Dowling at 9:30 p.m.

In accordance with Government Code Section 54954.2(a) this notice and agenda were posted in the district front window at the Foresthill Public Utility District office, 24540 Main Street, Foresthill, CA 95631 on or before 4:30 PM, Date

Minutes submitted by Board Secretary Sally Hicks

[redacted] Board President Chase Dowling