

FORESTHILL PUBLIC UTILITY DISTRICT

MINUTES

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

Wednesday	July 13, 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 Resolution 2022-02 and in compliance with the Brown Act. On May 11, 2022, the Foresthill Public Utility District Board of Directors determined pursuant to Government Code section 54953(e)(1)(B) that emergency conditions caused by the COVID-19 virus pose a threat to meeting attendees' health and safety and elected to meet via teleconference. 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 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/u/kcy3Vjg2hB>

A. CALL TO ORDER: 3:00 PM *President Palmeri called the meeting to order at 3:03 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. Make findings pursuant to Government Code section 54953(e) that a state of emergency remains active and continues to directly impact the ability of attendees to meet safely in person, such that the Board hereby renews its findings contained in Resolution No. 2022-02 - 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 and will continue utilizing teleconference meetings pursuant to Government Code section 54953 (e).

Recommended Action: Make findings contained in Resolution No. 2022-02 and authorize teleconference meetings of legislative bodies of the District

Public comment:

Board Action: Director Hunter made a motion to confirm findings contained in Resolution 2022-02 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

F. OPEN SESSION - ROLL CALL (Starting at 6:00 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 6:01 PM, General Manager Hank White provided the following announcement from closed session:

1. *With respect to Agenda Item E 1, and as publicly reported during the meeting on July 6, 2022, the Board of Directors, pursuant to Government Code section 54956.9, reaffirmed their unanimous decision not to seek rehearing or state Supreme Court review of the June 23, 2022, Court of Appeal opinion in Miner’s Camp LLC v. Foresthill Public Utility District, Case No. C088828 (Placer County Superior Court Case No. SCV0039661).*

2. *With respect to Agenda Item E 3, As publicly reported during the June 8, 2022 meeting, the Board reports that Foresthill Public Utility District has reached agreement with Placer Union High School District that the Foresthill High School will drop its opposition to Foresthill’s 2021 water service ratemaking approval and pay the applicable water service rates, as set forth in a written agreement. The Board further reports that the agreement is fully executed and in force.*

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 of the June 8, 2022 Regular Meeting and June 14, 2022 Special Meeting
2. Minutes of the May 27, 2022 Finance Committee Meeting
3. Cash Disbursements Register, May 2022
4. Statement of Net Position, May 2022
5. Statement of Activity Budget vs. Actual, May 2022
6. Investment Policy Compliance, May 2022
7. Quality Analysis Report, May 2022
8. Activity Detail, May 2022
9. Portfolio Graphically Presented, May 2022

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

J. ACTION ITEMS: (1 hour)

1. Consider Resolution 2022-05 requesting collection of charges on tax roll for tax year 2022/2023 for Assessment District #2
Recommended Action: Adopt Resolution 2022-05
Public comment:

Board Action: *Treasurer Stahler made a motion to approve Resolution 2022-05 requesting collection of charges on the Placer County tax roll for tax year 2022/2023 for Assessment District #2. The motion was seconded by Director Wade and carried unanimously (5-0).*

2. Consider Resolution 2022-06 requesting collection of delinquent charges on tax roll for tax year 2022/2023

Recommended Action: Adopt Resolution 2022-06

Public comment:

Board Action: *Director Hunter made a motion to approve Resolution 2022-06 requesting collection of delinquent charges on the Placer County tax roll for tax year 2022/2023. The motion was seconded by Treasurer Stahler and carried 4-1 with President Palmeri voting no.*

3. Board discussion of recording open session meetings

Recommended Action: Direct staff with regard to a procedure for recording meetings

Public comment:

Board Action: *Treasurer Stahler made a motion to set the virtual meeting parameters to allow participants to record the open sessions of the Board meetings. The motion was seconded by Director Hunter and carried unanimously (5-0).*

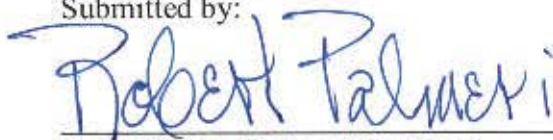
K. DISCUSSION ITEMS: (20 minutes)

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

L. ADJOURNMENT

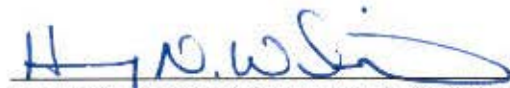
Board Action: *At 6:29 PM, Treasurer Stahler made a motion to adjourn the meeting. The motion was seconded by Director Wade and carried unanimously (5-0).*

Submitted by:



Robert Palmeri, Board President

Attest:



Henry N. White, Clerk and Ex-Officio Secretary