

AGENDA
OLIVEHURST PUBLIC UTILITY DISTRICT (OPUD)
BOARD OF DIRECTORS REGULAR MEETING
7:00 p.m., Thursday, August 18, 2022
LOCATION: Virtual Board Meeting

CORONAVIRUS (COVID-19) ADVISORY NOTICE

PUBLIC ADVISORY: THE OPUD BOARD ROOM WILL NOT BE OPEN TO THE PUBLIC

To ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Board chambers will not be open for the meeting. To maintain transparency and public access, Board members and the public will be participating virtually or telephonically and will not be physically present in the Board Room.

If you would like to speak on an agenda item, you can access the meeting remotely:

Join from a PC, MAC, iPad, iPhone, or Android device. Although your image will not be shown on the video conference, you will be able to listen and view the meeting on Zoom.

Link and password for Virtual Board Meeting will be available on our website at www.opud.org or contact the OPUD Business Office at (530) 743-4657

Note: Your phone number will appear on the screen unless you first dial *67 before dialing the numbers provided on our website.

If you want to comment during the public comment portion of the Agenda, you can use the "Raise Hand" function in Zoom or you can Press *9 if you are calling in. The acting Board Clerk will select you from the meeting cue. Please be patient while waiting in the cue.

If you do not want to speak during the public comment portion of the Agenda, you are also encouraged to submit email correspondence to britchie@opud.org.

Email comments will be accepted up until 6:00 PM the day of the meeting and forwarded to the Board of Directors, posted to the OPUD website, and placed in OPUD's permanent records.

Email messages should be sent to britchie@opud.org. If you choose to submit an email, please note in the Subject Line the part of the Agenda your email pertains to.

For example, you can type in the Subject Line,
"Agenda Item 6 – District Business" or "Agenda Item 8 – Business Office".

In compliance with AB 361:

1. Consistent with all OPUD meetings, this meeting will be conducted in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative party.
2. If there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment, no further action can be taken on agenda items until the issue is resolved.
3. OPUD will not require comments to be submitted before the start of the meeting. Each member of the public will be allowed to make "real time" public comment.

**D/A - Discussion/Action

4. As is its practice, OPUD will provide a reasonable time for public comment. As is its customary practice for public comment, OPUD's public comment period will be left open until the time expires.
5. All votes in OPUD meetings will be taken by roll call.

Our Mission is to provide superior, environmentally sensitive services to responsibly enhance our community.

We will do this by focusing on:

- *District growth,*
- *Maintaining a positive public image*
- *Recreation and parks*
- *Sustainable long-term fire protection*
- *Fully depreciating our facilities*
- *Ensuring organizational stability*

Materials related to an item on this agenda submitted to the Olivehurst Public Utility District Board of Directors after distribution of the agenda packet are available for public inspection in the Olivehurst Public Utility District Office, 1970 9th Avenue in Olivehurst during normal business hours or online at <http://www.opud.net>. These proceedings may be recorded by a person or persons other than the District Clerk and as such, are not controlled by Olivehurst Public Utility District. Effort will be made to address the agenda items in the order shown. However, the Board President has the discretion to address items out of sequence for the convenience of the public and/or the Board Members. In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board at (530) 743-0317 or (530) 743-3023 (fax). Requests must be made one full business day before the start of the meeting. To place an item on the agenda, contact the contact the Clerk of the Board at (530) 743-0317.

1. Call to Order – The meeting was called to order at 7:00 p.m. by Director Griego
2. Pledge of Allegiance
3. Roll Call

Directors Present: Director Burbank, Director Floe, Director Nelson, Director Perrault, and Director Griego
Directors Absent: None

Also Present: John Tillotson, General Manager; Karin Helvey, Financial Manager; Deirdre Joan Cox, Legal Counsel; Cindy Van Meter, Office Manager; Randy York, Fire Chief; Bri Anne Ritchie, and other interested parties.

4. Public Participation

Items appearing on this agenda: When your item(s) is called, the Board Clerk will announce your opportunity to address the Board. Comments should be limited to 3 minutes per speaker.

Items not appearing on this agenda: members of the public may address the Board on any matter within the Board's jurisdiction that does not appear on posted agenda. No action may be taken on any matter that is not on the posted agenda. Members of the public wishing to address the OPUD Board at this time are requested use the raise hand feature, state your

name and residency for the record, and begin your address to the Board. Comments should be limited to 3 minutes per speaker.

No members of the public were present.

Legal Counsel recommended that an item be added pursuant to Government Code §54954.2(b)(2) due to the need to take immediate action and the need for action came to the attention of the agency subsequent to the agenda being posted and the 72-hour agenda deadline.

A motion was made by Director Floe and seconded by Director Perrault to add a closed session item: CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9(d). Name of Case: Olivehurst Public Utility District v. The Dow Chemical Company; Shell Oil Company; Occidental Chemical Corporation; FMC Corporation; Wilbur-Ellis Company LLC, et al to the agenda pursuant to Government Code §54954.2(b)(2) due to the need to take immediate action and that the need for action came to the attention of the agency subsequent to the agenda being posted and the 72-hour agenda deadline. The motion passed as follows:

Ayes: Directors Burbank, Floe, Nelson, and Perrault

Noes: None

Absent: None

The item was added to the agenda after item 13.3. See the Emergency Item for outcome.

5. Consent Agenda – The Consent Agenda groups together those items which are considered routine and noncontroversial, or for which prior policy direction has been given to staff. Items in this category are typically adopted in total by one motion, though the Board may, upon the request of Directors, Staff, or any member of the public, consider any matter separately–D/A

5.1. [Approve Minutes of the July 21, 2022 Regular Meeting.](#)

5.2. [Approve Minutes of the July 29, 2022 Special Board Meeting – Notice of Adjournment for Regular Meeting held on July 21, 2022.](#)

5.3. [Approve July 2022 Claims for Payment.](#)

5.4. [Approve July 2022 Overtime Report.](#)

5.5. [Review Revenue and Expenditure Summary July 29, 2022 FY 2021 \(Strategic Plan 5.3 & 5.4\).](#)

5.6. [Review Water Sales July 2016 to July 2022 \(Strategic Plan 5.1, 5.3\).](#)

5.7. [Review Service Water Account Analysis July 2022 \(Strategic Plan 5.1, 5.3\).](#)

5.8. [Review Invoice Cloud Activity through August 10, 2022 \(Strategic Plan 5.1, 5.3\).](#)

5.9. [Approve OPUD Resolution No. 2403 - A Resolution Authorizing Teleconference Meetings in Compliance with AB 361.](#)

5.10. Approve merit increase for Carson Chubb, Firefighter, Step 2 to Step 3, retroactive to July 04, 2022.

5.11. Approve merit increase for Alex Carpineta, Firefighter, Step 4 to Step 5, retroactive to August 04, 2022.

5.12. Entertain motions for approval of consent agenda and take roll as appropriate.

A motion was made by Director Burbank and seconded by Director Perrault to approve the consent agenda. The motion passed as follows:

Ayes: Directors Burbank, Floe, Nelson, Perrault, and Griego
Noes: None
Absent: None

6. District Business

6.1. Public Hearing for the consideration of participating in the Statewide Community Infrastructure Program (SCIP) of the California Statewide Communities Development Authority - D/A

- 6.1.1. Open the Public Hearing – Hearing was opened at 7:05 p.m.
- 6.1.2. Confirmation of required notice by law.
- 6.1.3. Confirmation of written comments/protests.
- 6.1.4. Staff Presentation
- 6.1.5. Public comment
- 6.1.6. Close Public Hearing – Hearing was closed at 7:49 p.m.

6.1.7. [Consider approving Resolution No. 2402 – a Resolution Authorizing OPUD to become a CSCDA Program Participant and Join the Statewide Community Infrastructure Program \(SCIP\) – D/A](#)

- 6.1.7.1. Public comment
- 6.1.7.2. Questions/comments from Directors
- 6.1.7.3. Entertain motions and take roll as appropriate

A motion was made by Director Floe and seconded by Director Burbank approving Resolution No. 2402 – a Resolution Authorizing OPUD to become a CSCDA Program Participant and Join the Statewide Community Infrastructure Program (SCIP) subject to legal counsel’s revisions and edits. The motion passed as follows:

Ayes: Directors Burbank, Floe, Nelson, and Griego
Noes: Director Perrault
Absent: None

6.2. [Receive a presentation update on the Olivehurst Education Program from Katie Burdick – D/A](#)

- 6.2.1. Public comment
- 6.2.2. Questions/comments from Directors
- 6.2.3. Entertain motions and take roll as appropriate

Directors received a presentation update. No motion was made.

6.3. [Receive an update on water shutoffs – D/A](#)

- 6.3.1. Public comment
- 6.3.2. Questions/comments from Directors
- 6.3.3. Entertain motions and take roll as appropriate

Directors received an update. No motion was made.

6.4. [Receive an update on water conservation analysis - D/A](#)

- 6.4.1. Public comment
- 6.4.2. Questions/comments from Directors

6.4.3. Entertain motions and take roll as appropriate

Directors received an update. No motion was made.

7. Public Works

Water/Wastewater

7.1. Receive update on South County infrastructure – D/A

7.1.1. Public comment

7.1.2. Questions/comments from Directors

7.1.3. Entertain motions and take roll as appropriate

Directors received an update. No motion was made.

7.2. Receive an update on the lift station at River Oaks and Zanes in Plumas Lake – D/A

7.2.1. Public comment

7.2.2. Questions/comments from Directors

7.2.3. Entertain motions and take roll as appropriate

Directors received an update. No motion was made.

7.3. [Consider approving the Energy Resource Agreement with Voltus, Inc.- D/A](#)

7.3.1. Public comment

7.3.2. Questions/comments from Directors

7.3.3. Entertain motions and take roll as appropriate

A motion was made by Director Nelson and seconded by Director Burbank approving the Energy Resource Agreement with Voltus, Inc. The motion passed as follows:

Ayes: Directors Burbank, Floe, Nelson, Perrault, and Griego

Noes: None

Absent: None

7.4. [Consider approving the fifth reservation agreement amendment for water and wastewater infrastructure upgrades – D/A](#)

7.4.1. Public comment

7.4.2. Questions/comments from Directors

7.4.3. Entertain motions and take roll as appropriate

A motion was made by Director Burbank and seconded by Director Floe approving the fifth reservation agreement amendment for water and wastewater infrastructure upgrades. The motion passed as follows:

Ayes: Directors Burbank, Floe, Nelson, Perrault, and Griego

Noes: None

Absent: None

8. Fire Department

8.1. [Consider approving the OPUD Fire Department Extension Design Assist Project to Truitt Group, Inc, not to exceed \\$310,000.00 – D/A](#)

8.1.1. Public comment

- 8.1.2. Questions/comments from Directors
- 8.1.3. Entertain motions and take roll as appropriate

A motion was made by Director Perrault and seconded by Director Burbank awarding the OPUD Fire Department Extension Design Assist Project to Truitt Group, Inc, not to exceed \$310,000.00. The motion passed as follows:

Ayes: Directors Burbank, Floe, Nelson, Perrault, and Griego
Noes: None
Absent: None

9. Human Resources

- 9.1. Consider hiring third firefighter based off MOU Proposal – D/A
 - 9.1.1. Public comment
 - 9.1.2. Questions/comments from Directors
 - 9.1.3. Entertain motions and take roll as appropriate

Directors received an update. No motion was made.

10. Board Committee Schedule

- 10.1. September 2022 Committee Meeting Schedule.
 - 10.1.1. Fire & Safety Committee – Tuesday, August 30, 2022 at 4:00 p.m.
 - 10.1.2. Parks & Recreation Committee – Tuesday, August 30, 2022 at 5:00 p.m.
 - 10.1.3. Water & Wastewater Committee – Wednesday, August 31, 2022 at 5:45 p.m.

11. Reports (non-action items)

- 11.1. [August Fire Department Committee Report.](#)
- 11.2. [August Parks Department Committee Report.](#)
- 11.3. [August Water & Wastewater Department Committee Report.](#)
- 11.4. Report from the General Manager.
- 11.5. Report from Legal Counsel.
- 11.6. Reports from Directors.
- 11.7. Public comment.

12. Correspondence

Director Perrault lost internet connection and logged out at 8:52 p.m.
Director Perrault regained internet connection and logged in at 8:56 p.m.

13. Closed Session – Closed session was convened at 8:58 p.m.

- 13.1. CONFERENCE WITH LEGAL COUNSEL – Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2): Number of potential cases: two.
- 13.2. Conference with Labor Negotiator (Gov. Code § 54957.6) – It is the intention of the Board to meet in closed session to review its position and to instruct its designated representatives:
 - Agency Designated Representative: To be determined
 - Name of Employee Organization: Operating Engineers Local Union No. 3 Public Employees Division, on Behalf of the Business and Utility Unit

- 13.3. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9(d)
Name of Case: Operating Engineers Local Union No. 3 v. Olivehurst Public Utility District

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9(d)

Name of Case: Olivehurst Public Utility District v. The Dow Chemical Company; Shell Oil Company; Occidental Chemical Corporation; FMC Corporation; Wilbur-Ellis Company LLC, et al.

14. Meeting Reconvened – Closed session was adjourned at 9:23 p.m.
14.1. Announcement of reportable actions taken in closed session.

Reportable action on item 13.2 – Conference with Labor Negotiator (Gov. Code § 54957.6) – It is the intention of the Board to meet in closed session to review its position and to instruct its designated representatives:

Agency Designated Representative: To be determined
Name of Employee Organization: Operating Engineers Local Union No. 3 Public Employees Division, on Behalf of the Business and Utility Unit

Per Director Griego, Agency Designated Representative is assigned to the General Manager, John Tillotson. The motion passed as follows:

Ayes: Directors Burbank, Floe, Nelson, Perrault, and Griego
Noes: None
Absent: None

15. Adjourn
15.1. Entertain motion to adjourn.

A motion was made by Director Floe and seconded by Director Nelson to adjourn the meeting. The motion passed as follows:

Ayes: Directors Burbank, Floe, Nelson, Perrault, and Griego
Noes: None
Absent: None

The meeting adjourned at 9:24 p.m.