

AGENDA
OLIVEHURST PUBLIC UTILITY DISTRICT (OPUD)
BOARD OF DIRECTORS REGULAR MEETING
7:00 p.m., Thursday, September 21, 2023
LOCATION: Hybrid Board Meeting Via Zoom and In-Person at the
Board Room Located at 1970 9th Avenue, Olivehurst, CA 95961

OPUD Board meetings will be conducted at its regular in-person meeting location in the Board Chambers, 1970 9th Avenue, Olivehurst, for the public to attend. Attendance will be limited to 50 percent of room capacity (no more than 20 persons), and it is strongly recommended that all in-person attendees wear face coverings and social distance as recommended by public health authorities.

All attendees are encouraged to be fully vaccinated.

Meetings will also continue to be streamed live and members of the public may participate remotely as described below.

Accordingly, on the day of the meeting you will have the option to:

- Attend via Zoom, using the procedure outlined below.
- Participate in person, as noted above.

If you anticipate wanting to speak during the meeting, please join in advance of public comment time.

To submit public comment during the meeting, please join us in person or on Zoom.

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 Hybrid 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 Board Clerk will select you from the meeting cue. Please be patient while waiting in the cue.

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*

**D/A - Discussion/Action

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 Nelson

2. Pledge of Allegiance

3. Roll Call

Directors Present: Director Floe, Director Perrault, and Director Nelson

Directors Absent: Director Burbank and Director Griego

Also Present: John Tillotson, General Manager; Karin Helvey, Financial Manager; Deirdre Joan Cox, Legal Counsel; Cindy Van Meter, Office Manager; Bri Anne Ritchie, Board Clerk; 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 the 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 to 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.

7 members of the public present

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 August 17, 2023, Regular Meeting.](#)

5.2. [Approve Minutes of the September 6, 2023, Special Meeting.](#)

5.3. [Approve August 2023 Claims for Payment.](#)

5.4. [Approve August 2023 Overtime Report.](#)

5.5. [Review Revenue and Expenditure Summary June 30, 2023, FY 2022-2023 \(Strategic Plan 5.3 & 5.4\).](#)

5.6. [Review Revenue and Expenditure Summary August 30, 2023, FY 2023-2024 \(Strategic Plan 5.3 & 5.4\).](#)

5.7. [Review Water Sales August 2016 to August 2023 \(Strategic Plan 5.1, 5.3\).](#)

5.8. [Review Service Water Account Analysis August 2023 \(Strategic Plan 5.1, 5.3\).](#)

- 5.9. [Review Invoice Cloud Activity through September 12, 2023 \(Strategic Plan 5.1, 5.3\).](#)
- 5.10. Approve merit increase for Jon Phillips, Engineering Technician, Step 2 to Step 3, retroactive to August 21, 2022.
- 5.11. Entertain motions for approval of consent agenda and take roll as appropriate.

A motion was made by Director Floe and seconded by Director approving the consent agenda. The motion passed as follows:

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

6. District Business

6.1. Public Hearin for the annexation of territory into CFD 2005-2 for Parks Maintenance – D/A

- 6.1.1. Open the Public Hearing – Opened at 7:02 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 – Closed at 7:03 p.m.

6.1.7. [Consider approving OPUD Resolution No. 2425, a resolution calling an election of territory into OPUD CFD 2005-2 for parks maintenance \(Annexation 11\) – 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 Perrault and seconded by Director Floe approving OPUD Resolution No. 2425, a resolution calling an election of territory into OPUD CFD 2005-2 for parks maintenance (Annexation 11). The motion passed as follows:

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

6.1.8. [Consider approving OPUD Resolution NO. 2426, a resolution declaring election results for vote on the annexation of territory into OPUD CFD 2005-2 for parks maintenance \(Annexation 11\) – D/A](#)

- 6.1.8.1. Public comment
- 6.1.8.2. Questions/comments from Directors
- 6.1.8.3. Entertain motions and take roll as appropriate

A motion was made by Director Perrault and seconded by Director Floe approving Resolution No. 2426, a resolution declaring election results for vote on the annexation of territory into OPUD CFD 2005-2 for parks maintenance (Annexation 11). The motion passed as follows:

Ayes: Directors Floe, Perrault, and Nelson
Noes: None

Absent: Directors Burbank and Griego

6.1.9. [Consider waiving the first and second reading and the adoption of OPUD Ordinance No. 216, levying the tax on territory for OPUD CFD 2005-2 for parks maintenance \(Annexation 11\) – D/A](#)

- 6.1.9.1. Public comment
- 6.1.9.2. Questions/comments from Directors
- 6.1.9.3. Entertain motions and take roll as appropriate

A motion was made by Director Floe and seconded by Director Perrault waiving the first and second reading and the adoption of OPUD Ordinance No. 216, levying the tax on territory for OPUD CFD 2005-2 for parks maintenance (Annexation 11). The motion passed as follows:

Ayes: Directors Floe, Perrault, and Nelson

Noes: None

Absent: Directors Burbank and Griego

6.2. [Consider approving the proposed changes to the working budget for FY 2023-24 – D/A](#)

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

A motion was made by Director Perrault and seconded by Director Floe approving the proposed changes to the working budget for FY 2023-24. The motion passed as follows:

Ayes: Directors Floe, Perrault, and Nelson

Noes: None

Absent: Directors Burbank and Griego

7. Public Works

Parks

7.1. [Consider approving the request for field use agreements with Elite FC Soccer – D/A](#)

- 7.1.1. Public comment
- 7.1.2. Questions/comments from Directors
- 7.1.3. Entertain motions and take roll as appropriate

A motion was made by Director Perrault and seconded by Director Floe approving the requested schedule for field use agreement with Elite FC Soccer. The motion passed as follows:

Ayes: Directors Floe, Perrault, and Nelson

Noes: None

Absent: Directors Burbank and Griego

Directors Burbank and Griego arrived to the meeting at 7:21 p.m.

7.2. [Discuss terminating Use Agreement with Plumas Lake Adult Softball League – D/A](#)

- 7.2.1. Public comment
- 7.2.2. Questions/comments from Directors

7.2.3. Entertain motions and take roll as appropriate

A motion was made by Director Burbank and seconded by Director Griego suspending the Plumas Lake Softball League's field use agreement through April 2024 or until all proper non-profit documents have been received and finalized through the California Secretary of State and the Internal Revenue Service. The motion was passed as follows:

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

Noes: None

Absent: None

Water/Wastewater

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

7.3.1. Public comment

7.3.2. Questions/comments from Directors

7.3.3. Entertain motions and take roll as appropriate

Directors received an update. No motion was made.

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

7.4.1. Public comment

7.4.2. Questions/comments from Directors

7.4.3. Entertain motions and take roll as appropriate

Directors received an update. No motion was made.

7.5. Consider approving the Capital Improvement Plan for OPUD Water and Wastewater – D/A

7.5.1. Public comment

7.5.2. Questions/comments from Directors

7.5.3. Entertain motions and take roll as appropriate

A motion was made by Director Griego and seconded by Director Floe approving the Capital Improvement Plan for OPUD Water and Wastewater. The motion passed as follows:

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

Noes: None

Absent: None

8. Board Committee Schedule

8.1. October 2023 Committee Meeting Schedule.

8.1.1. Fire & Safety Committee – Tuesday, October 3, 2023, at 4:00 p.m.

8.1.2. Parks & Recreation Committee – Tuesday, October 3, 2023, at 5:00 p.m.

8.1.3. Water & Wastewater Committee – Wednesday, October 4, 2023, at 3:30 p.m.

9. Reports (non-action items)

9.1. [September Fire Department Committee Report.](#)

9.2. [September Parks Department Committee Report.](#)

9.3. [September Water & Wastewater Department Committee Report.](#)

- 9.4. Report from the General Manager.
- 9.5. Report from Legal Counsel.
- 9.6. Reports from Directors.
- 9.7. Public comment.

10. Correspondence

11. Closed Session – Closed Session was convened at 7:50 pm.

11.1. CONFERENCE WITH LEGAL COUNSEL – Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2): Number of potential cases: two.

11.2. 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.

12. Meeting Reconvened – Closed session was adjourned at 8:03 p.m.

12.1. Announcement of reportable actions taken in closed session.

13. Adjourn

13.1. Entertain motion to adjourn.

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

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

Noes: None

Absent: None

The meeting adjourned at 8:03 p.m.