

AGENDA
OLIVEHURST PUBLIC UTILITY DISTRICT (OPUD)
BOARD OF DIRECTORS REGULAR MEETING
7:00 p.m., Thursday, April 20, 2023
LOCATION: Hybrid Board Meeting

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 Perrault

2. Pledge of Allegiance

3. Roll Call

Directors Present: Director Burbank, Director Floe, and Director Perrault
Directors Absent: Director Griego and Director Nelson

Also Present: John Tillotson, General Manager; Karin Helvey, Financial Manager; Cindy Van Meter, Office Manager/HR Coordinator; Deirdre Joan Cox, Legal Counsel; 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.

5 Members of the Public were 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 March 16, 2023, Regular Meeting.](#)

5.2. [Approve March 2023 Claims for Payment.](#)

5.3. [Approve March 2023 Overtime Report.](#)

5.4. [Review Revenue and Expenditure Summary March 27, 2023, FY 2022-2023 \(Strategic Plan 5.3 & 5.4\).](#)

- 5.5. [Review Water Sales March 2016 to March 2023 \(Strategic Plan 5.1, 5.3\).](#)
- 5.6. [Review Service Water Account Analysis March 2023 \(Strategic Plan 5.1, 5.3\).](#)
- 5.7. [Review Invoice Cloud Activity through April 11, 2023 \(Strategic Plan 5.1, 5.3\).](#)
- 5.8. [Review March 2023 Treasurer Report \(Strategic Plan 5.1, 5.3\).](#)
- 5.9. Approve merit increase for Brett MacDonald, Utility Worker I, Step 3 to Step 4, retroactive to April 8, 2022.
- 5.10. Approve merit increase for Andrew Rodriguez, Park Maintenance Worker I, Step 1 to Step 2, retroactive to April 3, 2023.
- 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 Burbank approving the consent agenda. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson.

6. District Business

- 6.1. Public Hearing for the proposed project of the South Yuba County Water and Wastewater Infrastructure Project and the Mitigated Negative Declaration – D/A
 - 6.1.1. Staff Presentation of Project
 - 6.1.1.1. Introduction – John Tillotson
 - 6.1.1.2. Project Description – Steve DeCou
 - 6.1.1.3. Staff Recommendations – John Tillotson
 - 6.1.1.3.1. Findings on Amendments to Mitigation Measures
 - 6.1.1.3.2. CEQA Determination
 - 6.1.1.3.3. Project Approval
 - 6.1.1.4. Questions/comments from Directors
 - 6.1.2. Board Consideration of Project
 - 6.1.2.1. Board Discussion of Staff Presentation – Staff to Answer Questions from Board
 - 6.1.2.2. Open the Public Hearing – Public Hearing opened at 7:23 p.m.
 - 6.1.2.3. Close Public Hearing – Public Hearing closed at 7:24 p.m.
 - 6.1.2.4. Board Discussion – Confirmation of publishing of Public Hearing on March 10th in the Appeal Democrat Newspaper
 - 6.1.2.5. Board Action
 - 6.1.2.5.1. [Consider approving Resolution 2418 for the South Yuba County Water and Wastewater Infrastructure Improvements Project – D/A](#)
 - 6.1.2.5.1.1. Public comment
 - 6.1.2.5.1.2. Questions/comments from Directors
 - 6.1.2.5.1.3. Entertain motions and take roll as appropriate

A motion was made by Director Floe and seconded by Director Burbank approving Resolution 2418 for the South Yuba County Water and Wastewater Infrastructure Improvements Projects. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

6.1.2.5.2. Find that amendments to Mitigation Measures AQ-1, AQ-3, BIO-5, and BIO-7 are more effective and protective of the environment than the Measures set forth in the Circulation Draft Initial Study/Mitigated Negative Declaration; – D/A

6.1.2.5.2.1. Public comment

6.1.2.5.2.2. Questions/comments from Directors

6.1.2.5.2.3. Entertain motions and take roll as appropriate

A motion was made by Director Floe and seconded by Director Burbank finding that amendments to Mitigation Measures AQ-1, AQ-3, BIO-5, and BIO-7 are more effective and protective of the environment than the Measures set forth in the Circulation Draft Initial Study/Mitigated Negative Declaration. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

6.1.2.5.3. Make Findings on the District's Compliance with CEQA Requirements and Procedures and the Environment Impacts of the proposed Project – D/A

6.1.2.5.3.1. Public comment

6.1.2.5.3.2. Questions/comments from Directors

6.1.2.5.3.3. Entertain motions and take roll as appropriate

A motion was made by Director Burbank and seconded by Director Floe finding the District's Compliance with CEQA Requirements and Procedures and the Environment Impacts of the proposed Project. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

6.1.2.5.4. Certify and adopt the Initial Study/Mitigated Negative Declaration for the Project – D/A

6.1.2.5.4.1. Public comment

6.1.2.5.4.2. Questions/comments from Directors

6.1.2.5.4.3. Entertain motions and take roll as appropriate

A motion was made by Director Burbank and seconded by Director Floe certifying and adopting the Initial Study/Mitigated Negative Declaration for the Project. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

6.1.2.5.5. Adopt the Mitigation Monitoring and Reporting Program – D/A

**D/A - Discussion/Action

- 6.1.2.5.5.1. Public comment
- 6.1.2.5.5.2. Questions/comments from Directors
- 6.1.2.5.5.3. Entertain motions and take roll as appropriate

A motion was made by Director Burbank and seconded by Director Floe to adopt the Mitigation Monitoring and Reporting Program. The motion passed as follows:

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

- 6.1.2.5.6. Accept the proposed Project; and authorize staff to complete project design and initiate permit applications and studies necessary to initiate construction of the Project – D/A
 - 6.1.2.5.6.1. Public comment
 - 6.1.2.5.6.2. Questions/comments from Directors
 - 6.1.2.5.6.3. Entertain motions and take roll as appropriate

A motion was made by Director Burbank and seconded by Director Floe accepting the proposed Project; and authorizing staff to complete project design and initiate permit applications and studies necessary to initiate construction of the Project. The motion passed as follows:

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

- 6.1.2.5.7. Direct Staff to file a Notice of Determination – D/A
 - 6.1.2.5.7.1. Public comment
 - 6.1.2.5.7.2. Questions/comments from Directors
 - 6.1.2.5.7.3. Entertain motions and take roll as appropriate

Directors reviewed this item. No motion was made.

Moved to Item 7.1

- 6.2. [Consider approving the updated Exhibit A to Resolution No. 2104, a resolution establishing charges for special services of the District, including turn-off/turn-on of services – 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 Burbank and seconded by Director Floe approving the updated Exhibit A to Resolution No. 2104, a resolution establishing charges for special services of the District, including turn-off/turn-on of services. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

6.3. [Consider certifying the 2022 SSMP Update, Audit, and Audit report – D/A](#)

6.3.1. Public comment

6.3.2. Questions/comments from Directors

6.3.3. Entertain motions and take roll as appropriate

A motion was made by Director Burbank and seconded by Director Floe certifying the 2022 SSMP Update, Audit, and Audit Report. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

6.4. Receive an update on water shutoffs – 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

Parks

7.1. [Consider approving the proposed changes to the Special Event Policy and Application process – 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 Burbank and seconded by Director Floe approving the proposed changes to the Special Event Policy and Application process. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

7.2. [Consider approving the special event request made by SactoMoFo, Inc. for the 2nd Saturday Picnic in the Park events at Eufay Woods, Sr. Park – 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 Floe approving the special event request made by SactoMoFo, Inc. for the 2nd Saturday Picnic in the Park events at Eufay Woods Sr. Park. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

7.3. [Consider approving the special event request made by South Yuba County Sunrise Rotary Club for the Plumas Lake Block Party – 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 Floe and seconded by Director Burbank approving the special event request made by South Yuba County Sunrise Rotary Club for the Plumas Lake Block Party. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

Moved to item 6.2

Water/Wastewater

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

7.5.1. Public comment

7.5.2. Questions/comments from Directors

7.5.3. Entertain motions and take roll as appropriate

Directors received an update. No motion was made.

8. Fire

8.1. [Consider approving Fire Assessment Development Impact fee inflation chart to reflect year 2023 – 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 Floe and seconded by Director Burbank approving Fire Assessment Development Impact fee inflation chart to reflect year 2023. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

9. Human Resources

- 9.1. Consider approving merit increase for Madison Russell, Account Clerk I, Step 3 to Step 5, retroactive to April 4, 2023 - D/A
 - 9.1.1. Public comment
 - 9.1.2. Questions/comments from Directors
 - 9.1.3. Entertain motions and take roll as appropriate

A motion was made by Director Burbank and seconded by Director Floe approving merit increase for Madison Russell, Account Clerk I, Step 3 to Step 5, retroactive to April 4, 2023. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

- 9.2. Consider approving merit increase for Diana Dearth, Account Clerk I, Step 2 to Step 4, retroactive to April 4, 2023 - D/A
 - 9.2.1. Public comment
 - 9.2.2. Questions/comments from Directors
 - 9.2.3. Entertain motions and take roll as appropriate

A motion was made by Director Floe and seconded by Director Burbank approving the merit increase for Diana Dearth, Account Clerk 1, Step 2 to Step 4, retroactive to April 4, 2023. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

- 9.3. [Consider approving the Chief Plant Operator eligibility list and authorize the General Manager to hire per OPUD policies and procedures – D/A](#)
 - 9.3.1. Public comment
 - 9.3.2. Questions/comments from Directors
 - 9.3.3. Entertain motions and take roll as appropriate

A motion was made by Director Floe and seconded by Director Burbank approving the Chief Plant Operator eligibility list and authorizing the General Manager to hire per OPUD policies and procedures. The motion passed as follows:

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

10. Board Committee Schedule

- 10.1. May 2023 Committee Meeting Schedule.
 - 10.1.1. Fire & Safety Committee – Tuesday, May 2, 2023, at 4:00 p.m.
 - 10.1.2. Parks & Recreation Committee – May 2, 2023, at 5:00 p.m.
 - 10.1.3. Water & Wastewater Committee – Wednesday, May 3, 2023, at 5:45 p.m.

11. Reports (non-action items)

- 11.1. [April Fire Department Committee Report.](#)

- 11.2. [April Parks Department Committee Report.](#)
- 11.3. [April 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

13. Closed Session – Closed Session was convened at 8:15 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: one.

- 13.2. 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.

14. Meeting Reconvened – Closed session was adjourned at 8:35 p.m.

- 14.1. Announcement of reportable actions taken in closed session.

No reportable actions to report.

15. Adjourn

- 15.1. Entertain motion to adjourn.

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

Ayes: Directors Burbank, Floe, and Perrault

Noes: None

Absent: Directors Griego and Nelson

The meeting adjourned at 8:35 p.m.