

FORESTHILL PUBLIC UTILITY DISTRICT

MINUTES

Special Meeting of the FORESTHILL PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS

Wednesday	July 6, 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/j/82837681166>

A. CALL TO ORDER / ROLL CALL: 3:00 PM *President Palmeri called the meeting to order at 3:10 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>

B. PUBLIC COMMENT: (20 Minutes)

- The public may provide comments to the Board. 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.

C. ACTION ITEMS:

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.

Board Action: Director Bell made a motion to confirm findings contained in Resolution 2022-02 and authorize teleconference meetings of the District. The motion was seconded by Treasurer Stahler and carried unanimously (5-0).

D. 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 – Anticipated litigation – pursuant to subdivision (b) of Section 54956.9 of the Government Code. Potential cases: One

E. ANNOUNCEMENT FROM CLOSED SESSION

1. With respect to Agenda Item D 1, Eric Robinson reported pursuant to Government Code section 54956.9, the Board of Directors unanimously decided 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 D 2, General Manager Hank White reported the Board of Directors unanimously 1.) affirmed their June 14, 2022 decision to waive as a minor irregularity Lund Construction Company, Inc.’s obtaining all project plans from District consultant Peterson Brustad Inc. rather than from the ARC Document Planroom, and 2.) declared the bid from Flowline Construction to be non-responsive as Flowline Construction did not submit required financial disclosure information, and 3.) declared the protest period closed. The Board directed staff to award a construction contract for the

Foresthill Road Pipeline Replacement Project (Mosquito Ridge Road to Thomas Street) to Lund Construction Company, Inc. as the lowest responsive and responsible bidder

F. ACTION ITEMS:

The actions reported from closed session eliminated the need for further action on the items under Agenda item F.

1. Reject bid protest received for the Foresthill Road Pipeline Replacement Project (Mosquito Ridge Road to Thomas Street) and authorize the execution of a contract with the lowest responsive bidder, direct staff to issue a Notice to Proceed and authorize the use of Repair and Replacement Funds for the project.
Recommended Action: Authorize the execution of a contract with the lowest responsive bidder, direct staff to issue an Notice to Proceed and authorize the use of Repair and Replacement Funds for the project.
Public Comment:
2. Discuss options associated with the Miner's Camp litigation
Recommended Action: discuss issue and direct staff accordingly
Public Comment:

G. ADJOURNMENT

Board Action: At 5:14 PM, Director Bell made a motion to adjourn the meeting. The motion was seconded by Treasurer Stahler and carried unanimously (5-0).

Submitted by:



Robert Palmeri, Board President

Attest:



Henry N. White, Clerk and Ex-Officio Secretary