

# FORESTHILL PUBLIC UTILITY DISTRICT

## AGENDA

### Special Business Meeting of the FORESTHILL PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS

Thursday	January 19, 2023	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 October 12, 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

#### B. OPEN SESSION - ROLL CALL:

\_\_\_\_\_ President Robert Palmeri  
\_\_\_\_\_ Treasurer Jane Stahler  
\_\_\_\_\_ Director Mark Bell  
\_\_\_\_\_ Director Roger Pruett  
\_\_\_\_\_ Director Ron Thompson

#### C. ACTION ITEM:

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. 2022-07 – 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. 2022-07 and authorize teleconference meetings of legislative bodies of the District

Public comment:

**D. PUBLIC COMMENT:**

- 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.

**E. CLOSED SESSION:**

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

**F. OPEN SESSION - ROLL CALL (Starting at 4:00 PM):**

\_\_\_\_\_ President Robert Palmeri  
\_\_\_\_\_ Treasurer Jane Stahler  
\_\_\_\_\_ Director Mark Bell  
\_\_\_\_\_ Director Roger Pruett  
\_\_\_\_\_ Director Ron Thompson

**G. ANNOUNCEMENT FROM CLOSED SESSION:**

**H. ACTION ITEMS:**

1. Annual Organizational Meeting – Pursuant to Policy #5010.50, the Board will elect a President, Vice President and Treasurer from among its members  
Recommended Action: Elect a President, Vice President, Treasurer and appoint the Board Clerk and Ex-Officio Secretary  
Public comment:
2. Appointment of standing committee members – Pursuant to Policy #4060.30, the Board President shall appoint members of the Planning Committee and Finance Committee  
Recommended Action: Board President to appoint committee members and chair  
Public comment:

**I. DISCUSSION ITEMS:**

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

## **J. ADJOURNMENT**

In accordance with Government Code Section 54954.2(a) this notice and agenda were posted in the District's front window at the Foresthill Public Utility District office, 24540 Main Street, Foresthill, CA 95631 on or before 3:00 PM., January 18, 2023.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the General Manager at (530)367-2511. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

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Henry N. White, Board Clerk & Ex-Officio Secretary

**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**

**WHEREAS**, the Foresthill Public Utility District ("the District") is committed to preserving and nurturing public access and participation at meetings of its Board of Directors other legislative bodies; and

**WHEREAS**, all meetings of the District's legislative bodies are open and public, as required by the Ralph M. Brown Act, Government Code section 54950 et seq. ("Brown Act"), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

**WHEREAS**, long-established Brown Act provisions, Government Code section 54953(b)(3), provides a legislative body may meet via teleconference if each teleconference location is listed on the agenda, open to the public with an opportunity to participate and comment, and notice is given at the location, plus a quorum of the legislative body is present in the jurisdiction; and

**WHEREAS**, on September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361, which, effective immediately, added Government Code section 54953(e) to the Brown Act, providing a legislative body may meet via teleconference without complying with Section 54953(b)(3) if certain conditions exist and specified procedures are followed; and

**WHEREAS**, Section 54953(e)(1) provides a legislative body may meet via teleconference if the Governor has proclaimed a state of emergency pursuant to Government Code section 8625 and either (i) state or local officials have imposed or recommended measures to promote social distancing, (ii) the legislative body meets to determine by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (iii) the legislative body has voted as such and is meeting pursuant to that vote; and

**WHEREAS**, a legislative body's decision to meet pursuant to Section 54953(e) must be reevaluated and renewed at least every thirty (30) days, or else the body will be required to adopt new initial findings; and

**WHEREAS**, while a legislative body meets via teleconference pursuant to Section 54953(e), it must take actions to preserve public access and public participation and give notice of the meeting and post agendas as otherwise required, allow members of the public to access the meeting via call-in line or internet-based service line, provide details on the agenda on how to



access the meeting and give public comment, give 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 monitor the call-in line and 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; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency pertaining to the threat to human health and safety posed by the COVID-19 virus pandemic and that proclamation remains in effect to this day in Placer County and statewide; and

**WHEREAS**, individuals infected with the virus may experience short- and long-term effects – fever and chills, cough, shortness of breath and difficulty breathing, fatigue, headache, nausea, vomiting, gastrointestinal issues, loss of taste and smell, death – and the spread of the virus is impacting the health care system, affecting care for COVID-19 symptoms and other ailments; and

**WHEREAS**, while being vaccinated may decrease the likelihood of contracting or dying from the virus, vaccinated and unvaccinated people alike can carry, transmit, and be affected by the virus; and

**WHEREAS**, the COVID-19 virus, and its variants, is spread through the air when a person who is carrying the virus, whether he or she is showing symptoms or not, is in close proximity to another person; and

**WHEREAS**, while the COVID-19 virus remains present in the community, allowing members of the District legislative bodies and members of the public to meet in-person would present an imminent risk to attendee health and safety beyond the control of District services, personnel, equipment, and facilities; and

**WHEREAS**, the District desires to ratify the Governor's March 4, 2020, proclamation of state of emergency related to the COVID-19 virus pandemic as it applies to the jurisdiction of the District and authorize teleconference meetings of District legislative bodies pursuant to Section 54953(e) so long as all provisions of that section are followed to provide public access and opportunity for public comment; and

**WHEREAS**, the District has taken and will continue to take measures to ensure access for the public, including by providing the public a call-in option and/or internet-based service option for all meetings of District legislative bodies.

**WHEREAS**, pursuant to Government Code section 8635 et seq., the Board of Directors has the authority during a state of emergency to take all actions necessary to perform its functions in the preservation of law and order, preservation of the furnishing of local services, and protection of life and property, which includes the authority to direct meetings of all District legislative bodies to be held via teleconference pursuant to this Resolution; and

**NOW, THE BOARD OF DIRECTORS OF THE FORESTHILL PUBLIC UTILITY DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

1. The recitals set forth above are true and correct and are incorporated herein by reference as if set forth in full.
2. The Governor's March 4, 2020, proclamation of state of emergency related to the COVID-19 virus pandemic applies to the jurisdiction of the District and is ratified by the District Board of Directors.
3. All meetings of District legislative bodies shall be conducted in accordance with Government Code section 54953(e) and staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Section 54953(e) and other applicable provisions of the Brown Act.
4. This Resolution shall take effect immediately upon its adoption and be effective for thirty (30) days, unless the Board of Directors takes action to rescind the Resolution. On or before the 30th day since adoption, the Board of Directors may take action to extend the Resolution's permissions pursuant to Government Code section 54953(e)(3).

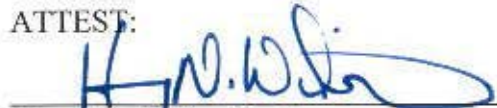
**APPROVED, PASSED AND ADOPTED** by the Board of Directors of the Foresthill Public Utility District on October 12, 2022 by the following vote:

AYES	5
NOES	0
ABSENT	0
ABSTAIN	0



Robert Palmeri, President,  
Foresthill Public Utility District

ATTEST:

  
Henry N. White, Clerk  
Foresthill Public Utility District

# FORESTHILL PUBLIC UTILITY DISTRICT POLICY HANDBOOK

**POLICY TITLE:** Board Meetings  
**POLICY NUMBER:** 5010

**5010.10** Regular meetings are meetings held virtually in circumstances permitted by AB 361 on the second Wednesday of each month with a closed session at 3:00 PM and an open session at 6:00 PM. An agenda advising the public of the regular meeting and matters to be transacted or discussed must be posted in a location freely accessible to members of the public at least 72 hours before the meeting. The agenda must provide a brief general description of each item of business to be transacted or discussed at the meeting. The Board President may cancel a Regular meeting as necessary.

**5010.20** Special meetings are meetings called by the President and held virtually in circumstances permitted by AB 361 to discuss discrete items listed on the meeting notice. A notice advising the public of the special meeting, the time and location of the meeting and all business to be transacted or discussed must be delivered to the Board of Directors and posted in a location freely accessible to members of the public at least 24 hours before the meeting. The agenda must provide a brief general description of each item of business to be transacted or discussed at the meeting.

**5010.30** Emergency meetings are a limited class of meetings held virtually in circumstances permitted by AB 361. Emergency meetings are held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.

**5010.40** Adjourned Meetings are regular or special meetings held virtually in circumstances permitted by AB 361 that have been adjourned or re-adjourned to a time specified in the order of adjournment. A copy of the order of adjournment must be posted within 24 hours after the adjournment. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.

**5010.50** Annual Organizational Meeting. The Board of Directors shall hold an annual organizational meeting at its regular meeting in January. The Board will elect a President, Vice President and Treasurer from among its members. Selection of officers will be based on experience or seniority on the Board, and will appoint the General Manager or other designee as the Board's Clerk and Ex-Officio Secretary.

**5010.60** The President of the Board may adjust the order in which an item appearing on the posted agenda shall be considered for discussion and/or action by the Board.

**5010.70** Responding to the public. The public can comment about anything within the jurisdiction of the Board of Directors during any type of meeting. The Board cannot act on or discuss an item not on the meeting agenda.

# FORESTHILL PUBLIC UTILITY DISTRICT POLICY HANDBOOK

**POLICY TITLE:** Committees of the Board of Directors  
**POLICY NUMBER:** 4060

**4060.10** The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

**4060.20** The following shall be standing committees of the Board:

**4060.21** Planning Committee;

**4060.22** Finance Committee;

**4060.30** The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in January.

**4060.40** The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

**4060.41** All meetings of standing committees shall conform to all open meeting laws (e.g., Brown Act) that pertain to regular meetings of the Board of Directors.

**4060.50** The Board's standing Planning Committee shall be concerned with the formulation of plans for arranging, realizing, and/or achieving District goals.

**4060.60** The Board's standing Finance Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.