

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
OLIVEHURST PUBLIC UTILITY DISTRICT**

February 18, 2010

President Morrison called the regular meeting of the Board of Directors of the Olivehurst Public Utility District (OPUD) to order at 7:00 p.m., at 1970 9<sup>th</sup> Avenue, Olivehurst.

**PLEDGE OF ALLEGIANCE**

Everyone was asked to stand and give the Pledge of Allegiance to the Flag of the United States of America.

**ROLL CALL**

Responding to roll call was: Director Parry, Morrison, Hollis, and Dougherty. Others present were:

Timothy R. Shaw	General Manager
Cindy Van Meter	District Clerk/Resource Coordinator
John Tillotson	Director of Public Works
Glen Phillips	Accountant/Officer Manager
Karl Cozad	Operations Manager
Greg Axline	WWTF Chief Plant Operator
Jeff Meith	Legal Counsel
Jamie Gomes	Economic & Planning Systems (EPS)
Larry Flynn	Olivehurst Resident
Tim Tragabaugh	Plumas Lake Resident
Ben van der Meer	Appeal Democrat

And other interested people.

**RECOGNITION OF AUDIENCE**

In response to President Morrison's invitation for comments from the audience, Tim Tragabaugh (Plumas Lake Resident) expressed support for the District Wide Water Capacity Fees.

President Morrison read a letter from Gary Bradford, Plumas Lake resident, expressing his opinion of how the District should address the recent Board vacancy.

## **CONSENT AGENDA**

A MOTION WAS MADE BY DIRECTOR HOLLIS, SECONDED BY DIRECTOR DOUGHERTY, AND PASSED UNANIMOUSLY TO APPROVE ITEMS ON THE CONSENT AGENDA, INCLUDING: (a) APPROVE MINUTES OF NOVEMBER 24, 2009, SPECIAL MEETING; (b) APPROVE MINUTES OF DECEMBER 17, 2009, SPECIAL MEETING; (c) APPROVE MINUTES OF DECEMBER 17, 2009, REGULAR MEETING; and (d) APPROVE CLAIMS FOR PAYMENTS FOR JANUARY 2010 IN THE AMOUNT OF \$426,680.56.

## **DISTRICT DEVELOPMENT**

Mr. Shaw stated that Mr. Larry Flynn is requesting a waiver of Resolution No. 2081 requirements

Mr. Flynn explained that prior to purchasing the property adjacent to his existing residence on 6<sup>th</sup> Street in early 2000, he spoke with the former General Manager and was told he would not have to pay capacity fees on this property as it already had water/sewer connections. Mr. Flynn took out a building permit in 2007 and began the building permit process. It was not until he attempted to obtain an occupancy permit that the County informed him of OPUD's water/sewer capacity fees requirement.

Mr. Shaw stated that Mr. Flynn purchased his property prior to the adoption of Resolution 2081 in 2005, addressing the 10 years of no service limit. Staff has verified that there is an existing water/sewer connection at this property.

A MOTION WAS MADE BY DIRECTOR PATTY, SECONDED BY DIRECTOR HOLLIS, AND PASSED UNANIMOUSLY TO WAIVE THE 10 YEAR LIMIT REQUIREMENT ADDRESSED IN RESOLUTION 2081 FOR MR. LARRY FLYNN'S RESIDENCE LOCATED AT 1834 6<sup>TH</sup> AVENUE.

Dave Beauchamp, explained the latest developments from the Department of Water Resources (DWR) regarding updates to the Urban Water Management Plan. When asked by Mr. Shaw about the conservation element, Mr. Beauchamp responded that the scope and the budget reflects the existing conservation guidelines. The District would just need to develop them further per DWR updates.

A MOTION WAS MADE BY DIRECTOR PATTY, SECONDED BY DIRECTOR DOUGHERTY AND PASSED UNANIMOUSLY TO APPROVE PROPOSAL FROM PBSJ FOR URBAN WATER MANAGEMENT PLAN, SUBJECT TO CONFIRMATION OF FUNDING IDENTIFICATION.

A MOTION WAS MADE BY DIRECTOR HOLLIS, SECONDED BY DIRECTOR PATTY, AND APPROVED UNANIMOUSLY TO APPROVE PROPOSAL FOR PLUMAS LAKE SPECIFIC PLAN NORTH ZONE SEWR CAPACITY CHARGE STUDY UPDATE (EPS #20412).

A MOTION WAS MADE BY DIRECTOR HOLLIS, SECONDED PATTY, AND PASSED UNANIMOUSLY TO APPROVE PROPOSAL FOR OPUD/PLUMAS LAKE OWNERS GROUP WATER CAPACITY CHARGE CREDIT AGREEMENT TECHNICAL SUPPORT (EPS #20406).

### **PUBLIC WORKS ENGINEER'S REPORT**

A written report on the status of development and other District projects was submitted to the Board.

Mr. Tillotson reported that originally he was taking the lead on the Notice of Exemption associated with fluoridation of the Olivehurst and Plumas Lake water system. The State has now taken over this process, as they need to decide what type of notice is the proper fit. No action needs to be taken at this time.

Mr. Shaw explained that the existing Sewer Collection System fee for Historic Olivehurst does not have an administrative component. This resolution is rectifying that oversight.

A MOTION WAS MADE BY DIRECTOR DOUGHERTY, SECONDED BY DIRECTOR HOLLIS, AND PASSED UNANIMOUSLY TO APPROVE RESOLUTION NO. 2215, A RESOLUTION ADOPTING A SEWER COLLECTION SYSTEM FEE FOR HISTORIC OLIVEHURST.

Jamie Gomes, EPS, gave a brief synopsis of the proposed District Wide Water Capacity Fees.

President Morrison open the public hearing regarding District Wide Water Capacity Fees.

During the "Recognition of Audience" portion of the meeting, Mr. Tim Tragabagh (Plumas Lake Resident) expressed support for the District Wide Water Capacity Fees.

As there were no additional comments, President Morrison closed the public hearing.

A MOTION WAS MADE BY DIRECTOR PATTY, SECONDED BY DIRECTOR HOLLIS, AND PASSED UNANIMOUSLY TO APPROVE RESOLUTION NO. 2216, A RESOLUTION AUTHORIZING CONSOLIDATION AND INCREASE IN WATER SYSTEM CAPACITY FEES.

A MOTION WAS MADE BY DIRECTOR PATTY, SECONDED BY DIRECTOR DOUGHERTY, AND PASSED UNANIMOUSLY TO APPROVE ANNUAL CCI RATE INCREASE UNDER THE FOLLOWING RESOLUTIONS:

*RESOLUTION NO. 2065 EXHIBIT A & SUBSEQUENT RESOLUTION NO. 2110 EXHIBIT A, PLUMAS LAKE SPECIFIC PLAN SOUTH ZONE SEWER COLLECTION FEE; RESOLUTION NO. 2067 EXHIBIT A & SUBSEQUENT RESOLUTION NO. 2112 EXHIBIT A WWTF CAPACITY FEE; AND RESOLUTION NO. 2119 EXHIBIT A, SEWER COLLECTION SYSTEM CAPACITY FEE PLUMAS LAKE SPECIFIC PLAN NORTH ZONE AND NORTH ARBOGA STUDY AREA.*

### **FIRE DEPARTMENT**

A written report on the status of the Fire Department was submitted to the Board.

A written District Safety Report was submitted to the Board.

Mr. Shaw explained that the Board was provided with some information regarding the definition of an employee for FMLA purposes. The proposed position description is for backfill coverage of full-time staff. Volunteers receive a per call stipend except when covering for the full-time staff. This position description would facilitate the difference between a stipend paid volunteer and an hourly rated employee as needed for backfill.

A MOTION WAS MADE BY DIRECTOR HOLLIS, SECONDED BY DIRECTOR PATTY, AND PASSED UNANIMOUSLY TO APPROVE THE INTERMITTENT/SEASONAL ACTING ENGINEER POSITION DESCRIPTION.

A written committee report was submitted to the Board.

### **WASTEWATER COLLECTION AND TREATMENT FACILITIES**

A written report on the status of the WWTF was submitted to the Board.

The District received 8 proposals for the WWTF roof replacement. The lowest proposal was from Alpine for a composition roof with lifetime composition shingles.

A MOTION WAS MADE BY DIRECTOR DOUGHERTY, SECONDED BY DIRECTOR HOLLIS, AND PASSED UNANIMOUSLY TO APPROVE THE PROPOSAL FROM ALPINE FOR A COMPOSTION ROOF WITH LIFETIME COMPOSITION SHINGLES FOR THE WWTF ROOF REPLACEMENT.

A written committee report was submitted to the Board.

### **PARKS AND PUBLIC FACILITIES**

A written report on the status of the parks and district facilities was submitted to the Board.

Mr. Shaw stated that the District has a contract with the MTW for the Wheeler Ranch parks design. The theory is, that there could be a savings to the District if two parks are built at once. Right now there is only one park 100% designed.

Staff will continue to work with MTW to have a bid specification ready for Wheeler Ranch park(s).

Mr. Tillotson commented that in the board packet is an email from John Mason, State Parks, explaining the payment process for the Spray Park Funding.

**A MOTION WAS MADE BY DIRECTOR HOLLIS, SECONDED BY DIRECTOR PATTY TO APPROVE THE BID SPECIFICATION FOR THE TENNIS COURT REHABILITATION PROJECT.**

A written committee report was submitted to the Board.

### **OPERATIONS AND MAINTENANCE DEPARTMENT**

A written report was submitted to the Board concerning the activities in the Operations Department.

A written committee report was submitted to the Board.

### **BUSINESS OFFICE**

A written report was submitted to the Board concerning the activities in the Business Office.

A written report was submitted to the Board from the temporary Accountant.

### **RESOURCES COORDINATOR REPORT**

**A MOTION WAS MADE BY DIRECTOR DOUGHERTY, SECONDED BY DIRECTOR HOLLIS, AND PASSED UNANIMOUSLY TO APPROVE THE MERIT INCREASE FOR CHRISTINA MENCHACA, ACCOUNT CLERK II, STEP 4 TO STEP 5, EFFECTIVE FEBRUARY 14, 2010.**

**A MOTION WAS MADE BY DIRECTOR PATTY, SECONDED BY DIRECTOR HOLLIS, AND PASSED UNANIMOUSLY TO APPROVE THE MERIT INCREASE**

FOR DAVID DUNCAN, UTILITY OPERATOR I, STEP 3 TO STEP 4, EFFECTIVE FEBRUARY 26, 2010.

A Staff report was presented to the Board regarding the hiring of Intermittent/Seasonal Parks Maintenance Worker positions.

A MOTION WAS MADE BY DIRECTOR PATTY, SECONDED BY DIRECTOR HOLLIS, AND PASSED UNANIMOUSLY TO AUTHORIZE HIRING INTERMITTENT/SEASONAL PARKS MAINTENANCE WORKERS THAT HAVE PREVIOUSLY BEEN EMPLOYED BY DISTRICT FOR UP TO 5 YEARS, SUBJECT TO APPLICATION REVIEW AND BACKGROUND CHECK.

A MOTION WAS MADE BY DIRECTOR DOUGHERTY, SECONDED BY DIRECTOR HOLLIS AND PASSED UNANIMOUSLY TO AUTHORIZE THE GENERAL MANAGER TO ADVERTISE, INTERVIEW, AND ESTABLISH AN ELIGIBILITY LIST FOR UP TO 4 INTERMITTENT/SEASONAL PARK MAINTENANCE WORKERS AND ONE INTERMITTENT/SEASONAL POOL MANAGER.

There was no action taken on item 14(e) "Consider authorizing legal counsel review costs associated with paying stipends via 1099's".

It was recently suggested that Directors should be covered under the Districts Worker's Compensation. Legal counsel recommended tabling this item until further research can be done.

A MOTION WAS MADE BY DIRECTOR DOUGHERTY, SECONDED BY DIRECTOR HOLLIS, AND PASSED UNANIMOUSLY TO APPROVE THE JANUARY 2010 OVERTIME REPORT, AS PRESENTED.

The Board established the dates and times for the February committee meetings as follows:

Fire Department Committee Meeting – Tuesday, March 2, 2010 @ 2:00 pm  
Parks & Recreation Committee Meeting – Wednesday, March 3, 2010 @ 2:00 pm  
Water/Sewer Committee Meeting – Friday, March 5, 2010 @ 2:00 pm

## **GENERAL MANAGER'S REPORT**

Mr. Shaw updated that Board on some water quality issues at the Wheeler Ranch Water Treatment Plant. There was a broken chlorine line which was replaced and staff went out and flushed the lines as needed.

Mr. Shaw reported that Director Peebles resigned from the Board as of February 9<sup>th</sup>, 2010. The Board will need to make some decisions on how to address this vacancy either with a special election or appointment by the Board. The deadline for the June election was January 29, 2010. If a Special Election is done, the candidate would only hold the seat until the regular election in November. The District would have to pay for the entire cost of the Special Election.

In the board packet is an excerpt from the Yuba County Elections Office Guide on "How to Fill a Local Vacancy".

Jeff Phinney, Plumas Lake resident, expressed his opinion regarding the upcoming appointment to the Board of Directors.

**A MOTION WAS MADE BY DIRECTOR PATTY, SECONDED BY DIRECTOR DOUGHERTY, AND PASSED UNANIMOUSLY TO APPOINT A DIRECTOR TO FILL THE SEAT VACATED BY DIRECTOR PEEPLES UNTIL THE NOVEMBER 2010 ELECTION AND AUTHORIZE STAFF TO POST FOR THE VACANT SEAT.**

Mr. Shaw stated that at last month's meeting the Board requested that he attempt to obtain additional proposals for a professional labor negotiator. In the board packet is three proposals from three professional labor negotiators (Steve Nord, Blanning & Baker, and Patrick Clark).

**A MOTION WAS MADE BY DIRECTOR PATTY, SECONDED BY DIRECTOR DOUGHERTY, AND PASSED UNANIMOUSLY TO APPROVE PROPOSAL FROM PATRICK CLARK, PROFESSIONAL LABOR NEGOTIATOR.**

## **ADJOURNMENT**

As there was no further business to come before the Board at this time, the meeting was adjourned at 9:07 p.m.