

OLIVEHURST PUBLIC UTILITY DISTRICT

RESOLUTION NO. 1194

A RESOLUTION OF CENSURE BY THE BOARD OF DIRECTORS OF THE OLIVEHURST PUBLIC UTILITY DISTRICT

WHEREAS, Olivehurst Public Utility District (hereinafter OPUD) is a Public Utility District formed pursuant to the Public Utility District Law, Public Utility Code Section 15501 et seq.; and

WHEREAS, the OPUD Board of Directors consists of five (5) members elected by the community which they serve; and

WHEREAS, it has come to the attention of the Board members that one of the members of the Board is acting in excess of her authority as a Board member and that this Board member is undermining the ability of the District's Fire Chief to do his job and is interfering with the operations of the District; and

WHEREAS, it is the desire of the majority of the members of the Board of Directors that the Board member that is acting outside of the member's authority be censured for such conduct and urged to limit such member's conduct to matters as may properly come before the Board at a properly scheduled Board meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of OLIVEHURST PUBLIC UTILITY DISTRICT that it finds and determines and hereby declares as follows:

1. The above recitals are true.
2. The Board finds that Director Debra Wakefield is acting outside of her authority as an elected member of the governing body of OPUD and in so doing is interfering with the operations of the District.
3. The Board intends by this Resolution to censure Director Wakefield for conduct which the Board feels is detrimental to the operations of the District.
4. The Board makes the following findings in support of censure of Director Wakefield:
 - a. Director Wakefield appears to believe that the Board exists to "run" the District. The Board finds that it is not the Board's charge to "run" the District. It is the Board's charge to set policy for the District's General Manager, to see that the Board's policies are carried out, and to establish budgetary and monetary policies for the District.
 - b. Director Wakefield has, in public and outside of a regularly scheduled Board meeting, criticized the performance and character of the District's Fire Chief.

- c. Director Wakefield has, without Board knowledge or approval and without the knowledge of the General Manager and Fire Chief, appeared at the District's fire station and requested that one of the firemen open the station so that Director Wakefield could inspect it. The Board finds that this occurred after hours when the Chief was not on site and that the Chief was not given a courtesy call. The Board finds that this type of conduct has occurred on more than one occasion. The Board finds that this conduct is improper when undertaken by an individual Board member without approval of a majority of the Board and that it undermined the authority of the Fire Chief.
 - d. The Board finds that morale within the Fire Department is declining due to the fact that Director Wakefield has presented herself at the fire station and not only directed loud and abusive language at the Chief but has also used profanity that is inappropriate at the Fire Department.
 - e. The Board further finds that Director Wakefield has a habit of using profanity during Board meetings and while in the district offices. Such conduct is inappropriate and does not convey the professional image that OPUD desires to portray to the community it serves. Director Wakefield is urged in the strongest terms to refrain from using profanity on district property as well as at any function where she is readily recognized as a member of OPUD's governing Board.
 - f. The Board finds that in the District's recent past, three(3) members of the Board were recalled due to the fact that those involved in the recall effort believed that these Board members were trying to micro manage the District's Fire Department. The Board of the District is sensitive to such allegations and we urge Director Wakefield to not participate in the same sort of conduct that was criticized during the recall.
 - g. The Board finds that the District's Fire Chief has been evaluated by the Board, including Director Wakefield, on several occasions and on each such occasion the Chief's evaluation has been positive. Notwithstanding, Director Wakefield, outside of regularly scheduled Board meetings, and in public, has openly criticized the Fire Chief's performance, contrary to such positive evaluations.
5. The Board of Directors of OPUD further finds that it is important for members of the Board to act in the best interest of the community which they serve. The Board finds that the conduct of Director Wakefield as outlined herein is not in the best interests of the District or the community of Olivehurst.
 6. The Board of Directors of OPUD hereby censures Director Wakefield individually for her conduct which the Board believes is detrimental to the operations of the District and the District's Fire Department, and which reflects negatively on the professional image that OPUD desires to portray to the community it serves.
 7. The Board urges Director Wakefield to confine her activity as a Board member of OPUD to setting policy for the District's management to follow, to ensuring that the District's policies are followed and to establishing monetary and budgetary constraints for the District and all other matters necessary for the conduct of the District that are properly brought before the Board at a regularly scheduled Board meeting or workshop.

PASSED AND ADOPTED by the Board of Directors of the Olivehurst Public Utility District at a regular meeting of said Board, held on the ____ day of _____, 2000.

PRESIDENT, BOARD OF DIRECTORS

ATTEST:

Deputy Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

Jeffrey A. Meith, Legal Counsel

I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the _____ day of _____, 2000, by the following vote:

AYES, AND IN FAVOR THEREOF:

NOES, :

ABSTAIN :

ABSENT :

Deputy Clerk and ex-officio Secretary