

**HEBER PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS**

**1078 Dogwood Rd., Suite 104
Heber, CA, 92249**

Thursday, November 17, 2022 at 6:00 p.m.

MINUTES

Members of the public may attend this meeting in person or via the application Zoom.

THIS MEETING WILL BE HELD IN PERSON, AND IN ACCORDANCE WITH EXECUTIVE ORDER N-29-20 ISSUED BY CALIFORNIA GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020, THE RALPH M. BROWN ACT (*California Government Coe Section 5485950, et Seq.*), and the *Federal Americans with Disabilities Act.*

THE HEBER PUBLIC UTILITY DISTRICT ADOPTED RESOLUTION 2021-12 PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY PROCLAMATION DATED MARCH 4, 2021 AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE HEBER PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS FOR THE PERIOD OF THIRTY DAYS PURSUANT TO BROWN ACT PROVISIONS.

THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC. ALL MEMBERS OF THE PUBLIC MAY ATTEND THE BOARD MEETING IN PERSON OR VIA THE APPLICATION, ZOOM UNTIL FURTHER NOTICE. YOU MAY ALSO CALL INTO THE MEETING, FOR AUDIO ONLY PARTICIPATION, BY CALLING 1 (669) 900-6833 OR 1 (760) 336-1572.

ZOOM MEETING INFORMATION:

WEBSITE: <https://zoom.us/join>

MEETING ID: 796-978-5637

CALL IN PHONE NUMBER: 1 (669) 900-6833 or 1 (760) 336-1572

The District recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the District (760-482-2440) two working days prior to the meeting with any special requests for reasonable accommodation.

1. **CALL TO ORDER:** Meeting was called to order at 6:01pm by President Garcia.
2. **ROLL CALL:** Those attending the meeting included President Garcia, Vice-President Sandoval, Director Diaz-Molina, and Director Tabarez. Director Matus was excused absent. Also in attendance were General Manager, Laura Fischer, General Counsel, Steve Walker, Finance Manager, Adriana Amezcua, and Office Manager/Board Secretary, Moises Cardenas.
3. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by President Garcia.
4. **APPROVAL OF AGENDA:** Director Tabarez made a motion to approve the agenda, Director Diaz-Molina seconded the motion.

The motion was approved by a roll call vote of 3-1-1.

AYES: President Garcia, Director Diaz-Molina, Director Tabarez

NOES: Vice-President Sandoval

ABSENT: Director Matus

5. **PUBLIC COMMENTS:**

The Board may set time limits on the amount of time any speaker can use to address the Board. Members of the public are allowed to make comments about anything not listed on the agenda. If the comments concern an agenda item, they must wait until that item is up for discussion. If you wish to address the Board, please speak to the Board Clerk or General Manager during the meeting and when recognized by the President of the Board address the Board. The Board can't take action on any item not on the agenda.

1. **Isidro Cuen**, 6 Dove Ct.- Mr. Cuen brought up the issue of trash collection, he is concerned that he is paying for a service that at times can be up to a week late.
2. **Guillermo Verdugo**, 27 E Main St- Mr. Verdugo, a HPUD Employee, stated that employee retention at HPUD was low. He explained to the board that the NRTA would like to start negotiations with HPUD.

6. **CONSENT AGENDA:** Vice-President Sandoval made a motion to approve the Consent Agenda, Director Tabarez seconded that motion.

The motion was approved by a roll call vote of 4-0-1.

AYES: President Garcia, Vice-President Sandoval, Director Diaz-Molina, Director Tabarez

NOES:

ABSENT: Director Matus

- A. Ratify Resolution 2022-17 Proclaiming a local emergency, ratifying the proclamation of a State of Emergency by Proclamation Dated March 4, 2021 and authorizing remote teleconference meetings of the Heber Public Utility District Board of Directors for the period of thirty days pursuant to Brown Act.
- B. Approve the Minutes for the Regular Meeting of Regular Meeting on October 20, 2022 and the Special Meeting on November 8, 2022.
- C. Approve Current Demands for October 2022.

7. **REPORTS:**

A. President and Director's Comments

Vice President Sandoval thanked HPUD staff for an incredible Fall Fiesta. He also shared his concerns about trash hauling service issues that have been happening around the community.

B. Operations Report for October 2022

The Operations report was presented without additional comment.

C. General Manager's Report

The General Manager's Report was presented without additional comment.

D. Grants Update

General Manager, Laura Fischer added an updated on the Grant Update specifically regarding Children's Park and how the Board would have to decide next month on whether to fund the project or rebid it.

E. Fall Fiesta Update

The Fall Fiesta was presented without additional comment.

8. NEW BUSINESS: Discussion and Possible Action

A. **PUBLIC HEARING:** Heber Public Utility District Water Shortage Contingency Plan mandated by SB 552.

- **Open Public Hearing:** Receive public comments regarding mandated Water Shortage Contingency Plan.
- **Close Public Hearing:** After receiving comments from the public regarding the proposed Water Shortage Contingency Plan.

President Garcia Opened the Public Hearing at 6:11 pm. Members of the Public were asked to present comments in favor of or against the item.

Member of the public, Mr. Isidro Cuen asked questions to the board about Water Shortage Contingency Plan and if this plan would affect the water rates or would this Contingency Plan cause an increase in rates.

General Manager, Laura Fischer explained that in the years of recent drought the State of California is starting to monitor smaller water agencies. She explained that having this plan keeps HPUD in compliance with the state and will not cause a rate increase.

President Garcia asked if there were additional questions or comments in favor of or against the issue. Having heard no further questions, President Garcia closed the Public Hearing at 6:25pm.

B. Adopt Resolution 2022-22 to Approve the Water Shortage Contingency Plan as Required by SB 552 Drought Planning for Small Water Suppliers and Rural Communities – General Manager

There was a motion to adopt Resolution 2022-22 made by Vice-President Sandoval, seconded by Director Tabarez.

The motion was approved by a roll call vote of 4-0-1.

AYES: President Garcia, Vice-President Sandoval, Director Diaz-Molina, Director Tabarez

NOES:

ABSENT: Director Matus

- C. Approve a Budget Modification to the Water Fund to Include Payment of an Imperial Irrigation District Supplemental Water Supply Bill for Water Received Between July 2019 and June 2022 –Finance Manager

There was a motion to adopt the Budget Modification to the Water fund by Vice-President Sandoval, seconded by Director Diaz-Molina.

The motion was approved by a roll call vote of 4-0-1.

AYES: President Garcia, Vice-President Sandoval, Director Diaz-Molina, Director Tabarez

NOES:

ABSENT: Director Matus

- D. Adopt Resolution Number 2022-23 to modify the Administrative Services Fee Schedule to Adjust Fees for Late Payment, Service Connection / Reconnection, and Credit Card Processing – Finance Manager

There was a motion to table item 8-D by Director Tabarez, seconded by Director Diaz-Molina.

The motion was approved by a roll call vote of 4-0-1.

AYES: President Garcia, Vice-President Sandoval, Director Diaz-Molina, Director Tabarez

NOES:

ABSENT: Director Matus

- E. Adopt Resolution Number 2022-20 in support of the Imperial Irrigation District’s funding request to the U.S. Department of Interior, Bureau of Reclamation – General Manager

There was a motion to adopt Resolution 2022-20 by Vice-President Sandoval, seconded by Director Tabarez.

The motion was approved by a roll call vote of 4-0-1.

AYES: President Garcia, Vice-President Sandoval, Director Diaz-Molina, Director Tabarez

NOES:

ABSENT: Director Matus

9. OLD BUSINESS: Discussion and Possible Action

- A. Adopt Resolution 2022-19 Approving the Amended and Restated Agreement Between the Heber Public Utility District and CR&R Incorporated for Integrated Solid Waste Management Services as – General Manager

There was a motion to Table the contract with CR&R by Vice-President Sandoval, seconded by Director Tabarez.

The motion was approved by a roll call vote of 3-1-1.

AYES: Vice-President Sandoval, Director Diaz-Molina, Director Tabarez

NOES: President Garcia

ABSENT: Director Matus

- B. Direct Staff to Administer the Proposition 218 Process for Solid Waste Collection Rates and Set a Public Hearing on January 19, 2023 for the Heber PUD's Consideration of the Proposed Rate Schedule – General Manager

There was a motion to table item 9-B by Director Tabarez, seconded by Vice-President Sandoval.

The motion was approved by a roll call vote of 3-1-1.

AYES: Vice-President Sandoval, Director Diaz-Molina, Director Tabarez

NOES: President Garcia

ABSENT: Director Matus

- C. Information Only Regarding the Water Line Replacement Project – Juny Marmolejo, The Holt Group

Juny Marmolejo, Engineer with The Holt Group, presented an overview of the project to the BOD, he spoke about funding issues and how it is crucial that HPUD keep these projects moving forward to better serve the community of Heber.

- D. Adopt Resolution 2022-21 Approving the Grant Application to the U.S. Department of Agriculture-Rural Development Under the Community Facilities Program – General Manager

There was a motion to adopt Resolution 2022-21 by Director Tabarez, seconded by Vice-President Sandoval.

The motion was approved by a roll call vote of 4-0-1.

AYES: President Garcia, Vice-President Sandoval, Director Diaz-Molina, Director Tabarez

NOES:

ABSENT: Director Matus

- E. Authorize Staff to Prepare and Submit Request for Proposals for Equipment to be Purchased Under the USDA Rural Development Community Facilities Program – General Manager

There was a motion to authorize staff to Prepare and Submit a Request for Proposals by Vice-President Sandoval, seconded by Director Tabarez.

The motion was approved by a roll call vote of 4-0-1.

AYES: President Garcia, Vice-President Sandoval, Director Diaz-Molina, Director Tabarez

NOES:

ABSENT: Director Matus

10. ANNOUNCEMENTS:

Board of Supervisors meets every Tuesday. You can listen and watch the proceedings <https://imperialcounty.org/bosagendas>.

CSDA newsletter is available at www.csda.net

11. CLOSED SESSION: President Garcia entered Closed Session at 7:56pm.

To ensure privacy during Closed Session, we will observe the following procedures:

- A separate, private Zoom meeting for Closed Session will be created.
- Once a motion to move to Closed Session is approved, participants joining Closed Session will exit the public meeting and join the private Closed Session meeting.
- Once Closed Session is complete, participants will leave the private zoom meeting and re-join the public and adjournment.

A. Public Employee Performance Evaluation (Government Code Section §54957)
Title: General Manager

B. Potential Litigation – 1 Case: Empire Cat

There was no reportable action during Closed Session.

President Garcia ended Closed Session at 9:25pm.

12. ADJOURNMENT: President Garcia adjourned the meeting at 9:26pm.

Minutes of the Regular Meeting of November 17, 2022 were prepared by Moises G. Cardenas, Board Secretary.