

**HEBER PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS**

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

Thursday, September 15, 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 Code 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 called to order by Vice-President Sandoval at 6:02 pm.
2. **ROLL CALL:** Those attending the meeting included Vice-President Sandoval, Director Tabarez, Director Diaz-Molina. President Garcia walked in at 6:03pm. Director Matus was present via zoom. Also in attendance were General Manager, Laura Fischer, General Counsel, Steve Walker, Finance Manager, Adriana Amezcua, and Office Manager, Moises Cardenas.
3. **PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Vice President Sandoval.**
4. **APPROVAL OF AGENDA:** Motion to approve the agenda was made by Vice-President Sandoval, seconded by Director Tabarez.

The motion was approved by a roll call vote of 5-0.

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

NOES: None.

ABSENT: None.

5. **PUBLIC COMMENTS: NONE.**

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.

6. **CONSENT AGENDA:** There was a motion to modify and approve the consent agenda. Vice-President Sandoval made a motion that would move the entirety of New Business Item 8 A-J under Consent Agenda.
 - A. Adopt Resolution 2022-12 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.
 - B. Approve the Minutes for the Regular Meeting of July 21, 2022.
 - C. Approve Current Demands for July and August 2022.
 - D. Waive Ordinance 220 Section 4 Prohibiting the Sale and Consumption of Alcohol in the Park during the Heber Fall Fiesta on October 29, 2022.
 - E. Approve Change Order #1 to the Asphalt Paving Project at the Recreation Center in the Amount of \$2,090.00.
 - F. Authorize the Purchase of a Folding Machine and Modify the FY 2022-23 Operating Budget to Include the Cost of \$5,595.00 – Finance Manager
 - G. Information Only Regarding the Urban Greening Tree Planting Project.

H. Authorize the General Manager to Execute the Web Hosting Agreement (Geo Viewer) and the Imperial County Data Service Agreement.

8-A. Adopt Resolution 2022-11 to Update the Conflict-of-Interest Policy Number 1020 – General Manager

8-B. Introduction of Ordinance 2022-02 – First Reading of Ordinance 2022-02 to Resend Ordinance 220 – General Manager

8-C. Adopt Resolution 2022-13 to Modify the Heber Public Utility District Facility Use Policy Number 3750 – General Manager

8-D. Adopt Resolution 2022-14 to Amend the Investment of District Funds Policy Number 3035 – General Manager

8-E. Adopt Resolution 2022-15 Authorizing Investment of Monies in the Local Agency Investment Fund – General Manager

8-F. Authorize the Installation of a Flow Meter at the Water Treatment Plant and Modify the Reserve Budget Resolution to Include an Additional \$90,000 in the Water Fund – General Manager

8-G. Authorize the submittal of a Community Facilities Grant Application with USDA for Various Water and Wastewater Equipment and Modify the Reserve Budget Resolution to Include the Matching Grant Amount of \$71,314 – General Manager

8-H. Approve an Emergency Project to Repair a Sink Hole Adjacent to the Parkyns Lift Station and Authorize an Expenditure of \$25,586

8-I. Adopt Resolution 2022-16 to Modify the Reserve Budget Resolution to Include Additional Projects, Purchases and Matching Funds as Approved in Item 8.F, 8.G. and 8.H – General Manager

8-J. Approve a Change Order to the Manhole Repair Project with A&R Construction to Include the Emergency Repairs of a Sink Hole, the Parkyns Lift Station, two Adjacent Manholes and a Privately Owned Fence – General Manager

Motion to approve the Consent Agenda included with all the items from New Business Item 8 A-J was made by Vice- President Sandoval seconded by Director Diaz-Molina.

The motion was approved by a roll call vote of 5-0.

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

NOES: None.

ABSENT: None.

7. REPORTS:

A. President and Director’s Comments

Vice-President Sandoval thanked staff for quick response to a water outage. He also thanked staff for the social media presence that has been growing.

B. Operations Report for July and August 2022

Operations Report was presented with no additional comments.

C. General Manager’s Report

Vice-President Sandoval asked the General Manager if there were any legal implications regarding the IID water allotment. General Manager responded with information regarding the IID Water Allotment and explained that this issue is something that all cities are going through.

D. Grants Update

Grants Updated was presented with no additional comments.

E. Fall Fiesta Update

The Fall Fiesta Updated was presented with no additional comments.

8. NEW BUSINESS: Discussion and Possible Action

All the Items in NEW BUSINESS were approved under Item 6: Consent Agenda.

9. OLD BUSINESS: Discussion and Possible Action

A. Award Contract to A&N Construction to Design and Build a Patio Structure at the Recreation Center for an amount not to Exceed \$43,970.00 – General Manager

A motion to approve item 9-A was made by Vice-President Sandoval, and seconded by Director Tabarez.

The motion was approved by a roll call vote of 5-0.

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

NOES: None.

ABSENT: None.

B. Authorize the Extension of the Current Bid Proposals to construct the Children’s Park Improvement Project - General Manager

A motion to approve item 9-B was made by Vice-President Sandoval, and seconded by Director Tabarez.

The motion was approved by a roll call vote of 5-0.

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

NOES: None.

ABSENT: None.

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.csdanet.com

Upcoming Educational Opportunities:

2022 Special District Leadership Academy – Napa, CA

2022 Board Secretary / Clerk Conference – Seaside, CA

11. CLOSED SESSION: Motion to go into closed session was made by Director Tabarez, seconded by Director Diaz Molina.

The motion was approved by a roll call vote of 5-0.

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

NOES: None.

ABSENT: None.

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. Pending/Existing Litigation (Government Code Section §54956.9) 2 cases:
Name: Sandoval
Rojas

There was a motion to adjourn closed session by Vice-President Sandoval, seconded by Director Tabarez at 7:07pm.

The motion was approved by a roll call vote of 5-0.

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

NOES: None.

ABSENT: None.

Reportable Action taken in Closed Session:

Regarding the claim of Sandoval, the Board approved the claim.

Regarding the claim of Rojas, the Board denied the claim.

12. ADJOURNMENT: Motion to adjourn the meeting was made by Vice-President Sandoval, seconded by Director Diaz-Molina at 7:08pm.

The motion was approved by a roll call vote of 5-0.

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

NOES: None.

ABSENT: None.

**Minutes for the Regular Meeting for September 15, 2022 were prepared by Moises G. Cardenas,
Clerk of the Board.**

