

**LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS REGULAR MEETING  
MAY 12, 2009**

**SALUTE TO THE FLAG**

President Fraser asked Director Ball to open the meeting with the salute to the flag.

**MOMENT OF SILENCE**

President Fraser asks for a moment of silence.

**CALL TO ORDER**

President Fraser called the meeting to order at 2:00 P.M. Directors present were Ball, Dennis, and Kiely. Representing the District were Manager Brown, Field Operations Supervisor Magliocca, Foreman Sanders and Clerk Rustenhoven. Also representing the District was Engineer Knibb. Director Onken was absent.

**BOARD MEETING MINUTES**

The Board reviewed the minutes of the Regular Board Meeting of April 14, 2009. After discussion, it was moved by Director Ball and seconded by Director Dennis that the minutes of the Regular Board Meeting of April 14, 2009 be approved as presented. The motion passed with a majority affirmative vote.

**FINANCIAL REPORT AND AUTHORIZATION OF WARRANTS**

The Board reviewed the Financial Report for the month of April 2009. After discussion it was moved by Director Kiely and seconded by Director Dennis that the Financial Report ending April 30, 2009 be approved and that bank transfers No. 63639, 12537 and 56411 (Account #11697-80000) totaling \$9797.40 and Warrants No. 11734 through 11811 (Account #191047059) totaling \$121,596.59 and Warrant No. 1007 through Warrant No. 1008 (Account #191047035) totaling \$100.00 and Warrant No. 1020 through Warrant No. 1024 (Account #191047047) totaling \$1351.62 and be approved for payment. The motion passed with a majority affirmative vote.

**ADOPTION OF RESOLUTION NO. 1-09 APPROPRIATIONS LIMIT FOR THE 2009/2010 FISCAL YEAR**

Manager Brown identified the Adoption of Resolution No. 1-09 Appropriations Limit for the 2009/2010 fiscal year as the formula for mandated percentages provided by the State of California for the purpose of determining exactly how much money the District could receive in taxes from Butte County.

After discussion it was moved by Director Ball and seconded by Director Kiely for the Adoption of Resolution No. 1-09 setting the Appropriations Limit in the amount of \$479,282.15. The motion was passed with a majority affirmative vote.

AYES: President Fraser, Director Ball, Dennis and Kiely

ABSENT: Director Onken

**ADOPTION OF RESOLUTION NO. 2-09 AUTHORIZING SUBMITTING KELLY RIDGE ESTATES MAINTENANCE/OPERATION CHARGE TO THE BUTTE COUNTY 2009/10 TAX ROLL**

Manager Brown stated the following resolution is a standard document required by Butte County, which authorizes the District to submit service charges for Maintenance and Operation charges as direct assessments of the Butte County 2009/2010 Tax Rolls.

After discussion it was moved by Director Dennis and seconded by Director Ball for the Approval of Resolution No. 2-09 Authoring Submission of Kelly Ridge Estates Maintenance/Operation Charges to the Butte County 2009/2010 Tax Roll. The motion was passed with a majority affirmative vote.

AYES: President Fraser, Director Ball, Dennis and Kiely

ABSENT: Director Onken

**ADOPTION OF RESOLUTION NO. 3-09 AUTHORIZING SUBMITTING DELINQUENT SERVICE ACCOUNTS TO THE BUTTE COUNTY 2009/10 TAX ROLL**

Manager Brown advised the following resolution is a standard document required by Butte County, which authorizes the District to submit service charges for delinquent service accounts as direct assessments of the Butte County 2009/2010 Tax Rolls.

After discussion it was moved by Director Ball and seconded by Director Kiely for the Approval of Resolution No. 3-09 Authoring Submission of Delinquent Service Accounts to the Butte County 2009/2010 Tax Roll. The motion was passed with a majority affirmative vote.

AYES: President Fraser, Director Ball, Dennis and Kiely

ABSENT: Director Onken

**AMENDMENT OF BILLING STATEMENT LANGUAGE**

Manager Brown stated he would like to introduce new language which appears on the District Billing Statement, in an effort to clarify the District's payment policy.

After discussion it was moved by Director Kiely and seconded by Director Ball to Amend the Billing Statement Language as proposed by Manager Brown. The motion was passed with a majority affirmative vote.

AYES: President Fraser, Director Ball, Dennis and Kiely

ABSENT: Director Onken

**CONSIDERATION AND ADOPTION OF ORDINANCE NO. 1-09**

Manager Brown stated as a follow up to the Special Board Meeting of March 10, 2009, the revisions have been included in the Ordinance No. 1-09 document brought before the Board today for consideration and adoption.

After discussion it was moved by Director Dennis and seconded by Director Ball Adopt Ordinance No. 1-09, Rules, Regulations, Rates and Charges Governing the Use, Operation and Management of the District's Sewer System Facilities. The motion was passed with a majority affirmative vote.

AYES: President Fraser, Director Ball, Dennis and Kiely

ABSENT: Director Onken

## **APPROVAL OF ROMAGUERA LINE EXTENSION REIMBURSEMENT AGREEMENT**

Manager Brown stated this matter was not ready for Board discussion at this time. Adding, the matter would be brought before the Board at a later date.

## **PROPOSED CSDA BYLAWS ADMENDMENTS**

Manager Brown reported the CSDA Elections and Bylaws Committee and the CSDA Board have been working on updates to the CSDA Bylaws. Manager Brown continued, a summary of the proposed revisions had been included in the Board Packet, also stating a full revision could be viewed online. Manager Brown recommended the District cast a favorable vote for the CSDA Bylaws Amendments.

After discussion it was moved by Director Ball and seconded by Director Dennis for the District to Cast a Favorable Vote for the CSDA Bylaws Amendments and return the Ballot via standard mail. The motion was passed with a majority affirmative vote.

AYES: President Fraser, Director Ball, Dennis and Kiely

ABSENT: Director Onken

## **APPROVAL OF WITHDRAWAL OF FUNDS FROM DEFERRED COMPENSATION PLAN 457 FOR EMPLOYEE DAN NUSS**

Manager Brown stated that Utility Worker Daniel S. Nuss has the opportunity to purchase the house he is living in, and to do so he has requested to withdrawal the funds needed for the associated costs.

After discussion it was moved by Director Kiely and seconded by Director Ball to Approve the Withdrawal of Funds from Deferred Compensation Plan 457 for Employee Daniel S. Nuss in the amount of \$3,000.00. The motion was passed with a majority affirmative vote.

AYES: President Fraser, Director Ball, Dennis and Kiely

ABSENT: Director Onken

## **BUTTE COUNTY INDIAN GAMING LOCAL COMMUNITY BENEFIT GRANT FUNDS**

Manager Brown reported the County of Butte Indian Gaming Local Community Benefit Committee funded \$138,895.76 of the District's F/Y 2008-09 Grant Application. The District Project was funded by the Feather Falls Casino Account. The approved projects have been submitted to the State Controller for payment, and the District received the funds on May 11, 2009. Manager Brown stated the Board needs to formally accept these funds, and provide notice to the public of the source of the funding, both as part of the condition of the grant.

After discussion it was moved by Director Dennis and seconded by Director Kiely to Accept the Fiscal Year 2008-09 Indian Gaming Special Distribution Fund Grant in the amount of \$138,895.76 as Funded by Feather Falls Casino. The motion was passed with a majority affirmative vote.

AYES: President Fraser, Director Ball, Dennis and Kiely

ABSENT: Director Onken

## **AUTHORIZATION TO ADVERTISE FOR BIDS AND TO SET OPENING DATE FOR THE STATE LINE REPLACEMENT PROJECT 2009 PHASE 2**

Manager Brown reported the State Line Replacement Project 2009 Phase 2, will be funded by the Indian Gaming Special Distribution Fund Grant. Engineer Knibb provided a project summary to the Board. Manager Brown stated the next step to proceed with the project would to advertise the work for bidding.

After discussion it was moved by Director Ball and seconded by Director Dennis to Authorize Advertising the State Line Replacement Project 2009 Phase 2 for Bid and Set the Bid Opening for June 24, 2009. The motion was passed with a majority affirmative vote.

AYES: President Fraser, Director Ball, Dennis and Kiely

ABSENT: Director Onken

### **SDRMA NOTICE OF NOMINATIONS**

Manager Brown stated SDRMA is requesting nomination for their Board of Directors. No member of the District Board expressed interest.

### **CLEAN WATER STATE REVOLVING FUND – PROJECT PRIORITY LIST**

Manager Brown provided an update. Due to the increased interest in the American Recovery and Reinvestment Act, the Clean Water State Revolving Fund Program has extended the period of time for review, and the preliminary Project Priority List will not be posted until June 1, 2009.

### **DRAFT AMENDMENT POLICIES**

**2310 JOB DESCRIPTION FIELD OPERATIONS SUPERVISOR**

**2340 JOB DESCRIPTION UTILITY WORKER**

Manager Brown submitted these draft Board Policy Amendments to the Board for review. This coincides with the changes made within the Budgetary process. Manager Brown stated he would bring the Amendments for consideration/approval at the June 9, 2009 Board Meeting.

### **DRAFT FOREMAN/FIELD OPERATIONS TECHNICIAN BOARD POLICY**

Manager Brown submitted this draft Board Policy to the Board for review. This coincides with the changes made within the Budgetary process. Manager Brown stated he would bring the Draft Policy for consideration/approval at the June 9, 2009 Board Meeting.

### **DRAFT BOOKKEEPER/CLERK OF THE BOARD POLICY**

Manager Brown submitted this draft Board Policy to the Board for review. This coincides with the changes made within the Budgetary process. Manager Brown stated he would bring the Draft Policy for consideration/approval at the June 9, 2009 Board Meeting.

### **DRAFT UTILITY WORKER II BOARD POLICY**

Manager Brown submitted this draft Board Policy to the Board for review. This coincides with the changes made within the Budgetary process. Manager Brown stated he would bring the Draft Policy for consideration/approval at the June 9, 2009 Board Meeting.

### **SEWER SYSTEM MANAGEMENT PLAN**

Manager Brown reported on May 1, 2009 Sections 3, 4, 6 & 7 of the Sewer System Management Plan were certified with the State Water Resources Control Board. Manager Brown further reported there are five Sections remaining to complete the process.

### **COUNTY INVESTMENT POOL**

Manager Brown reported the Butte County Assistant Treasurer contacted the District regarding the District joining the Investment Pool. Manager Brown stated he did not recommend the District deposit their entire cash fund with the County as stipulated, in order to join the County Investment Pool. The consensus of the Board Agreed with Manager Brown's recommendation.

**SC-OR COMMISSIONER'S REPORT**

Manager Brown summarized the meeting of the City of Oroville's Executive Committee on April 23, 2009 as non-productive. As noted Superintendent Sousa, President Fraser, and Manager Brown along with representatives from the SC-OR's Engineering Consultants and Legal Counsel were many who attended the meeting.

**BCSDA REPRESENTATIVES' AND LAFCO REPORT**

Manager Brown announced the next BCSDA General Membership Meeting was held on May 7, 2009, adding many of the District Directors attended. Manager Brown continued reporting Dr. Al Beck spoke about the history of Special Districts.

**BOARD MEMBER'S, MANAGER AND STAFF COMMENTS**

There were no further comments.

**ADJOURNMENT**

There being no further business to come before the Board the meeting was adjourned at 2:45 P.M.

Respectfully submitted,

Janette Rustenhoven,  
Clerk of the Board