

**UNION PUBLIC UTILITY DISTRICT  
339 MAIN STREET  
MURPHYS, CA 95247**

**MINUTES OF FEBRUARY 20, 2019 REGULAR MEETING**

The Board of Directors of the Union Public Utility District met in Regular Session at the UPUD Office in Murphys, California, at approximately 7:00 PM.

Directors Present:	RALPH CHICK	President
	GREG RASMUSSEN	Vice President
	TOM QUINCY	Secretary
	DUANE ONETO	Treasurer
	ERIC BOTTOMLEY	Director

Also Present:	ELAINE URRUTY	Office Manager
	BILL ELTRINGHAM	District Manager
	MATT OSPITAL	District Engineer
	KAREN ROJAS	UWPA
	JOE FONTANA	CCWD
	NHU BERGSTROM	NHU DESIGN
	PUBLIC AT LARGE	

1. PLEDGE OF ALLEGIANCE. The Pledge was given.
2. PUBLIC COMMENT. There was no public comment.
3. APPROVAL OF MINUTES. The minutes of the January 16, 2019, regular meeting were included in the agenda packets for review.

Motion:	Director Rasmussen
Second:	Director Quincy
Ayes:	Directors Chick, Rasmussen, Quincy and Oneto
Nays:	None
Absent:	None
Abstain:	Director Bottomley

MINUTE ENTRY. THE MINUTES OF THE MEETING OF JANUARY 16, 2019 WERE APPROVED AS PRESENTED.

**RECURRING BUSINESS:**

- 4.a APPROVAL OF EXPENDITURES. The January 2019 Expenditures was included in the agenda packets for review. Elaine Urruty reviewed the January expenditures with the Board noting the payments to SWRCB for 2018-2019 water systems fees in the amount of \$3,200; Ken Airola payment of July-Dec 2018 legal services in the amount of \$900 and payment to

Weber, Ghio & Associates in the amount of \$11,118.21. Elaine reported that with our application being approved for disadvantage community, our SWRCB water fees charge has dropped from \$8,223 to \$3,200 for a savings of \$5,023. Elaine also reported that two checks were for refunds of credit balances to N & G Bastion = \$59.40 & D & B Washburn = \$734.78.

Motion: Director Rasmussen  
Second: Director Bottomley  
Ayes: Directors Chick, Rasmussen, Quincy, Oneto and Bottomley  
Nays: None  
Absent: None  
Abstain: None

MINUTE ENTRY. THE JANUARY 2019 EXPENDITURES WERE APPROVED AS PRESENTED.

- 4.b CASH RECEIPTS REPORT. The Cash Receipts report for the month of January 2019 was included in the agenda packets for review. Elaine reviewed the cash receipts report noting receipt of tax distribution check from Calaveras County in the amount of \$66,265.30.
- 4.c BALANCE OF FUNDS REPORT. The Balance of Funds report for the month of January 2019 was included in the agenda packet for review. Elaine Urruty reviewed the quarterly transfers and interest deposits with the Board. The current LAIF balance as of January 31, 2019 is \$1,681,944.58. Elaine reviewed the over-90 day accounts with the Board. Elaine recommended to the Board that we move some of the funds in our Union checking account to LAIF reserves in order to earn interest and leave a working capital in the checking of \$250,000. Elaine said the current balance in the Union checking as of January 31, 2019 is \$506,966.87 and the current LAIF interest is approximately 2.4%. Elaine asked for the Board's direction and what account they would like the funds transferred to, if they choose to transfer. Discussion ensued and it was the Board's consensus to direct Elaine to make a transfer from the Union checking account to the LAIF District Reserve account leaving a working capital in the checking of \$250,000.
- 4.d BALANCE SHEET & INCOME STATEMENT. The January 2019 Balance Sheet & Income Statement were included in the agenda packet for review. Elaine Urruty reviewed the reports and reported the year to-date net income as of January 31, 2019 is \$359,926.97. Elaine reported that we are at 58% of the year and our YTD Income is at 66% and our YTD Expenses are at 49% overall. Elaine also noted that the net difference of our cash and reserve accounts to our long term debts as of January 31, 2019 is a positive \$1,239,579.96. Director Rasmussen asked what expenses were included in Misc. Operating Expenses. Elaine reported that our general operating expenses other than those broken out on other line items are included here and there are a number of GLs included, one of those being contingencies. Elaine said she will bring a breakdown of these GL line items for the Board's review at the next meeting.

## **OLD BUSINESS:**

5.a REVIEW & UPDATE ON UPUD WEBSITE (Nhu Bergstrom, Nhu Design.); DISCUSSION/POSSIBLE ACTION Elaine Urruty introduced Nhu Bergstrom from Nhu Design. Nhu gave a presentation on the new UPUD website in progress and options that will be available with the website. Nhu reviewed the website pages and answered questions on the website. Nhu also reviewed her business qualifications and other agencies she serves, websites she has designed and what services she will be providing in the future. The new UPUD website domain will be upudwater.com, which Elaine purchased in 2011.

5.b REVISION TO WATER ORDINANCE #94-01 (ACCESSORY DWELLING UNITS & TRAILERS); DISCUSSION/POSSIBLE ACTION.....ORD. #94-01  
A copy of the draft revisions to Water Ordinance #94-01, Chapter 7 & Chapter 16, regarding accessory dwelling units, were included in the agenda packet for review. Director Chick asked Legal Counsel, Ken Airola, if he had time to review the proposed changes to the ordinance. Ken said he had & wasn't totally happy with some of the changes in regards to existing detached structures, but understands this follows the States exact wording in the ruling. Discussion ensued regarding the ordinance. Elaine reported that she had received a call, after the committee meeting, from Antonio at TUD regarding this new ruling. TUD is working on the same issue and their legal counsel recommended that they adopt any ordinance changes until they meet with their County regarding their rulings, as their legal counsel says that the County will supersede any ordinance they adopt. Also, there is a new SB 831 that is in process and could change this ruling again. Antonio said it looks like SB 831 may allow developers to add in-law quarters on blue prints to a new home and only collect one connection fee when there is really a residence and an accessory dwelling. Further discussion ensued and it was the Board's consensus to adopt the ordinance as written and make changes in the future if needed.

- Motion: Director Bottomley
- Second: Director Quincy
- Ayes: Directors Chick, Rasmussen, Quincy, Oneto and Bottomley
- Nays: None
- Absent: None
- Abstain: None

MINUTE ENTRY. TO APPROVE THE REVISIONS TO WATER ORDINANCE #94-01, CHAPTER 7 & CHAPTER 16, REGARDING ACCESSORY DWELLING UNITS, AS PRESENTED.

5.c ACCESSORY DWELLING CONNECTION FEES; DISCUSSION/POSSIBLE ACTION.....RES. #2019-02  
A copy of the draft Resolution #2019-02, Fixing Connection Fees – Update to Rate Schedule for Connection Fees adding Accessory Dwelling Units, was included in the agenda packet for review. Discussion ensued regarding the proposed accessory dwelling fees with questions in regards to how fixtures will be counted. Elaine noted that per Exhibit 'A' fixtures are to be counted per the "Water Supply Fixture Units (WSFU) in accordance with the current version of the California Plumbing Code." Matt Ospital concurred that this Exhibit 'A' was written to use

the plumbing code table to count your fixtures. Discussion ensued regarding the plumbing code table and how it is used, as different fixtures have different weights such as 1.2, 1.5, etc.

Motion: Director Quincy  
Second: Director Rasmussen  
Ayes: Directors Chick, Rasmussen, Quincy, Oneto and Bottomley  
Nays: None  
Absent: None  
Abstain: None

RESOLUTION #2019-02. MOTION TO APPROVE RESOLUTION #2019-02 FIXING CONNECTION FEES AND ADDING FEE CALCULATION FOR ACCESSORY DWELLING UNITS AS PRESENTED IN EXHIBIT 'A'.

### **NEW BUSINESS:**

6.a WEBER, GHIO & ASSOCIATES, DISTRICT ENGINEER FEE INCREASE; DISCUSSION/POSSIBLE ACTION A copy of the letter regarding notice of change to the rate schedule for engineering fees to Weber, Ghio & Associates January 2018 rates effective March 1, 2019, was included in the agenda packet for review. Matt Ospital reviewed the increase with the Board and that they are requesting moving from their March 2015 price schedule to their January 2018 price schedule effective March 1, 2019.

Motion: Director Rasmussen  
Second: Director Quincy  
Ayes: Directors Chick, Rasmussen, Quincy, Oneto and Bottomley  
Nays: None  
Absent: None  
Abstain: None

MINUTE ENTRY. TO APPROVE INCREASING DISTRICT ENGINEERING RATES TO WEBER, GHIO & ASSOCIATES JANUARY 2018 RATE SCHEDULE EFFECTIVE MARCH 1, 2019.

Matt also informed the Board that due to the 2 to 3 month delay in funding because of SWRCB installing new software, it was recommended by the SWRCB that Weber, Ghio & Associates check with UPUD to ask if UPUD can cover expenses during the delay in reimbursements; or, if UPUD chooses to stop work for that period until reimbursements can again be processed by SWRCB. Elaine Urruty reported that she had also been contacted by Bow Reilly from SWRCB regarding this issue and it was her feeling that UPUD has been covering expenses thus far, with very delayed reimbursements, and can cover costs during this delay also. It was the Board's consensus to direct Weber, Ghio & Associates to continue work on the project & cover expenses during the delay in reimbursements.

- 6.b APPROVAL OF UWPA PAYMENT OF \$10,000 FOR WATER CONTRACT, 3<sup>rd</sup> QUARTER FY 2018-2019; DISCUSSION/POSSIBLE ACTION. A copy of UWPA invoice #19-08 was included in the agenda packet for review.

Motion: Director Rasmussen  
Second: Director Bottomley  
Ayes: Directors Chick, Rasmussen, Quincy, Oneto and Bottomley  
Nays: None  
Absent: None  
Abstain: None

MINUTE ENTRY. TO APPROVE PAYMENT OF THE \$10,000 WATER CONTRACT PAYMENT FOR 3<sup>rd</sup> QUARTER OF FY 2018-2019.

- 6.c APPROVAL OF UWPA PAYMENT OF \$21,250 CONTRIBUTION FOR 3<sup>rd</sup> QUARTER FY 2018-2019; DISCUSSION/POSSIBLE ACTION A copy of UWPA invoice #19-10 was included in the agenda packet for review.

Motion: Director Quincy  
Second: Director Oneto  
Ayes: Directors Chick, Rasmussen, Quincy, Oneto and Bottomley  
Nays: None  
Absent: None

MINUTE ENTRY. TO APPROVE PAYMENT OF THE \$21,250 CONTRIBUTION PAYMENT FOR 3<sup>rd</sup> QUARTER OF FY 2018-2019.

**ANNOUNCEMENT OF CLOSED SESSION ITEM AND ADJOURNMENT TO CLOSED SESSION AT 8:10 PM**

7. CLOSED SESSION – Conference with Legal Counsel – Anticipated Litigation § 54956.9 (d) (2); 1 Potential Case.

**RECONVENED TO REGULAR SESSION AT**

8. REPORT OF ACTION TAKEN

It was the Board's consensus to develop new application forms for Accessory Dwelling Units per the ordinance revisions approved and send a letter to Mr. Wilson informing him of an additional minimum charge that will be added to his account effective March 1, 2019 and request he complete an Accessory Dwelling Application form so that the District can then calculate his connection fee due for his accessory dwelling per our ordinance. Director Quincy & Director Bottomley said they would meet with Elaine to develop a new application form.

**REPORTS:**

- 9.a HWY 4 CORRIDOR ADHOC COMMITTEE REPORT. Karen Rojas gave a report on the Hwy 4 Corridor Committee meeting and said it was mostly a catch up on what all the agencies are working on.

Next Hwy 4 Corridor meeting time is to be announced.

- 9.b UWPA REPORT. Director Rasmussen reported that UWPA is in the process of finding a new General Manager and deferred to Karen Rojas for any further report. Karen reported that during the storms they kept in close contact with the County OES regarding the water issues. For the safety of the infrastructure and citizens they worked to dump water safely and not contribute to any damages downstream. Karen said that because Taylor Creek was flowing into the afterbay that the community was reporting to the Sherriff's Department that there were issues with the forebay and the flooding on Hwy 4, but this was just caused by too much rain. Karen said they had everything wide open coming out of the afterbay and had to notify two residences below Hunters Reservoir to alert them of possible flooding. Karen said they also kept in close contact with Melissa at City of Angels and it was a good coordinated effort.

Karen said that they have recruited and accepted applications for interview for the General Manager position and should be scheduling interviews very soon in order to replace Michael Minkler. Karen said it will be hard to replace Michael and that Michael has been keeping in close contact with their office to assist as much as he can. Karen said they have a good water law attorney, Roger Masuda, who will be at the next UWPA meeting. Karen said she is trying to train Lori, the Office Secretary, as fast as possible on her duties and will be keeping her in the loop of everything that she, Frank & Kyle do. Karen said they are still working on the mini hydro project at the afterbay and will start working on the 2020 budget and the CalPERS application soon. Director Rasmussen reported that Karen is currently acting as interim General Manager along with Kyle Rasmussen & Frank Fields.

Next UWPA meeting is scheduled for Tuesday, February 26, 2019 at 5:30 PM at the UWPA office in Angels Camp.

- 9.c LAFCO REPORT. Director Quincy reported that he was unable to attend the meeting, but he called John Benoit since we were mentioned on the agenda in regards to our MSR. John said he would like to get together with UPUD to review updates to the MSR, so Elaine is going to contact John to schedule a meeting.

The next LAFCO meeting is scheduled for Monday, March 28, 2019 at 6:00 PM at the Calaveras County Board of Supervisors Chambers in San Andreas.

- 9.d DISTRICT MANAGER'S REPORT. Bill Eltringham reported that he recorded 15.2" of rain in 20 days at the treatment plant and he was dumping water out of Stephen's reservoir. Bill said the problem with Murphys Creek flooding is that the creek needs to be cleaned of all the debris and no one wants to take responsibility. Bill said they had 24" of snow total through the different snow days, but we came through it all pretty good. Bill said they will be cleaning and inspecting the filters this next month and then will begin the annual flushing of the mains. All the valves have been exercised, so the new guys got to see where all of the valves are located

and learned a lot by doing this. Bill reported that per the certificate program the crew has to get a minimum number of contact hours every three years by taking continuing education classes, which can get costly and time consuming. Troy informed Bill that CPUD contracts with a company called Target Solutions that does online courses and it costs a \$395 annual maintenance fee plus \$89 per employee per year and has all kinds of great classes to help obtain needed contact hours. Bill said there could be classes the office staff could take also. Discussion ensued regarding possible classes available and it was the Board's consensus to direct Bill to move forward with this company and recommended adding this cost to the future training budget. Director Oneto said we should be able to use contingency funds to pay this year's cost. Bill also told Karen to tell the UWPA crew that they did a great job during the storms and if they ever need assistance or resources to contact UPUD.

- 9.e OFFICE MANAGER'S REPORT. Elaine Urruty reported that in January the quarterly and end of year payroll taxes, W2's, etc. were all completed. Elaine said that she has also been working with Lan at Bryant Jolley's office on the audit and has received the GASB 68 CalPERS liability calculations from Lan and has posted them to the GL and sent completed financial reports to Lan to work on at their office. The auditors are scheduled to be at our office on Monday to complete the audit. Elaine said the Financial Report for the State Controller's office has been completed. Elaine reported that the Worker's Comp audit is scheduled for Tuesday, February 26<sup>th</sup>. Elaine said she also just finished gathering rate study data for Dave Bahr at Weber Ghio that is required for the grant. Dave will need more water numbers once the annual report is complete. Elaine said the 3<sup>rd</sup> Disbursement Request for the grant was just completed and sent in to SWRCB and it will be in a lineup because of the software delay. Elaine said she finished getting a list of documents to Nhu for the website and Nhu will be working on adding these to the website and fine tuning the look of the website. Elaine said she is scheduled off the start of March and will be in touch with Nhu when she returns to work further on the website. Elaine said that due to the weather she was unable to meet with the Personnel Committee to review our part-time employee hiring procedures to update our policies and bring them in compliance with State laws and our benefits contracts. Elaine said that she informed Mary of our intention, but that we need to finalize our hiring policies so that she knows exactly what we are offering Mary when it comes to benefits and to finalize an effective date. Discussion ensued regarding part-time employee laws and benefit contracts and Director Chick and Director Bottomley scheduled to meet with Elaine on Wednesday, February 27<sup>th</sup>. Director Chick will figure out a time in the morning and get back to Director Bottomley and Elaine. Elaine also reported that she just received notice from SWRCB that they changed the due date of our annual report from April 30<sup>th</sup> to April 19<sup>th</sup> and she will be beginning work on gathering data for the report.
- 9.f IRRIGATION COMMITTEE. There was nothing to report.
- 9.g PERSONNEL COMMITTEE. There was nothing to report.
- 9.h BUDGET/FINANCE COMMITTEE. There was nothing to report.
10. DIRECTORS COMMENTS. Director Rasmussen & Director Bottomley told Elaine good work on the website and they are excited to get it going.

11. NEXT MEETING: Next regular meeting is scheduled for Wednesday, March 20, 2019, at 7:00 PM.

12. ADJOURNMENT. The meeting was adjourned with no further business at 8:35 PM.

Submitted by: \_\_\_\_\_  
Thomas E. Quincy, Secretary

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Elaine M. Urruty  
Clerk to the UPUD Board of Directors