

**HEBER PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS**

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

Thursday, March 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 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:

The meeting of the Heber Public Utility District was called to order at 6:09pm by President Garcia.

2. ROLL CALL:

Director's present: P. Tabarez, T. Sandoval, H. Molina-Diaz, K. Garcia

3. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by President Garcia.

4. APPROVAL OF AGENDA:

Motion to approve the agenda as presented was made by Director Tabarez, seconded by Director Diaz-Molina.

Motion approved by Roll Call: 4/0

AYES: P. Tabarez, T. Sandoval, H. Molina-Diaz, K. Garcia

NO: None

ABSENT: None

5. PUBLIC COMMENTS:

- County Supervisor District 2 Luis Plancarte approached the Board with update regarding the County's plans in the coming months.
- Heber resident Diahna Garcia approached the board thanking the candidates that applied for the Board vacancy and mentioned that the board had a great opportunity to select a new individual to replace the open spot.
- Southwest High School student Danitza Cruz from HOSA approached the Board telling them about HOSA program. Ms. Cruz asked for donations.

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:

- A. Ratify Resolution 2022-01 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 February 17, 2022 and the Special Meeting of March 3, 2022.
- C. Approve Current Demands for February 2022.
- D. Waive Ordinance 222 to allow the sale of alcohol at Margarito "Tito" Huerta Park for the following dates and events:
 - May 6th – Farmer's Market – Sponsor Proyecto Heber
 - May 7th – Mother's Day Free Community Event – Sponsor Wasupwu Productions

Director Tabarez asked if Item 6-A could be pulled and placed as Item 8-B.

Motion to pull Item 6-A and approved Items 6-B – 6-D was made by Director Sandoval, seconded by Diaz-Molina.

Motion approved by Roll Call: 4/0

AYES: P. Tabarez, T. Sandoval, H. Molina-Diaz, K. Garcia

NO: None

ABSENT: None

7. REPORTS:

A. President and Director's Comments.

Director Sandoval stated his desire to assign a Board a committee to establish and review policies. GM said that the Board can email and talk about what changes or policies he wants reviewed.

Director Sandoval also mentioned that he would like to start a search for a new GM within the next 45-60 days. Counsel Steve Walker mentioned that the Board can set a time for next Close Session to discuss this matter.

B. Operations Report for February 2022.

Director Sandoval mentioned that the Community Center had discontinued activities and wants to see if the activities can be done at Rec Center. Director Sandoval also mentioned if he can get a list of how many customers will be disconnected in March for nonpayment of January.

C. General Manager's Report.

CSDA Annual Conference is in SD this year.

D. Children's Park Improvement Project Report.

Director Sandoval asked if the meeting on April 7th is tentative. GM stated yes, no date has been established.

E. Grants Update.

8. NEW BUSINESS: Discussion and Possible Action

- A. Authorize an Increase in Purchase Price for Previously Approved Purchase of Backhoe from Empire Caterpillar and Approve Budget Adjustment – Finance Manager. Motion to approve the Increase in Purchase Price for Previously approved Backhoe from Empire Caterpillar in the amount of \$140,000

Motion to approve and authorize the increase in purchase price was made by Director Tabarez, seconded by Director Sandoval.

Motion approved by Roll Call: 4/0

AYES: P. Tabarez, T. Sandoval, H. Molina-Diaz, K. Garcia

NO: None
ABSENT: None

- B. This item 6.A. was pulled from the Consent Agenda and placed as item 8.B. under New Business.

Ratify Resolution 2022-01 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.

A motion to NOT approve the Resolution was made by Director Tabarez. There was no second to this motion and the motion died.

A motion to Ratify Resolution 2022-01 Proclaiming a local emergency was made by Director Sandoval, seconded by Director Diaz-Molina.

Motion approved by Roll Call: 4/0

AYES: P. Tabarez, T. Sandoval, H. Molina-Diaz, K. Garcia

NO: None

ABSENT: None

9. OLD BUSINESS: Discussion and Possible Action

- A. Presentation Regarding SB 1383 California's Short-Lived Climate Pollutant Reduction Law by Representatives from CalRecycle.

Item was informational only and a presentation was made by representatives from CalRecycle.

- B. Waive the Second Reading and Adopt Ordinance 2022-1 Establishing Mandatory Organic Waste Disposal Reduction Requirements Under Senate Bill 1383 Related to Short-Lived Climate Pollutants – General Manager.

Motion to Waive Second Reading and Adopt Ordinance 2022-1 Establishing Mandatory Organic Waste Disposal was made by Director Tabarez, seconded by Director Sandoval.

Motion approved by Roll Call: 4/0

AYES: P. Tabarez, T. Sandoval, H. Molina-Diaz, K. Garcia

NO: None

ABSENT: None

- C. Appoint a Member of the Public to Serve on the Heber Public Utility District Board of Directors to Serve the Unexpired Term Ending December 2022 – General Manager

- i. Qualified candidates who have submitted a Candidate Information Sheet by the deadline of December 10, 2022 will

- be given three (3) minutes to introduce themselves and present their qualifications to the Board.
- ii. The Board President will call for Nominations to fill the vacant Board seat. Upon a majority vote by the Board an appointment will be made.
 - iii. The newly appointed Board Member will schedule a meeting with the Board Clerk to be sworn in and to sign appropriate documents. The newly appointed Board Member will begin their service at the April 21, 2022, Board meeting.

The following candidates approached the Board and gave a brief introduction of a statement as to why they would like to be on the Board.

Christian Aguilar
Gilbert Delgado
Edgar Hernandez
Edgar Herrera
Marina Lozano
Delfina Matus
Raul Miramontes
Richard Silva

Director Garcia made a motion to nominate Gilbert Delgado, motion dies, for lack of second motion.

Director Sandoval asked for a 5-minute recess at 7:32pm, so the board can review applications, Board was called to order at 7:37 pm.

Director Garcia made a motion to nominated Gilbert Delgado, motion dies for lack of second motion.

Director Sandoval made a motion to nominate Edgar Herrera, seconded by Director Tabarez.

Motion Failed by Roll Call: 2/2
AYES: P. Tabarez, T. Sandoval,
NO: H. Molina-Diaz, K. Garcia
ABSENT: None

Director Tabarez made a motion to nominate Delfino Matus, seconded by Diaz-Molina.

Motion approved by Roll Call: 3/1
AYES: P. Tabarez, H. Diaz-Molina, K. Garcia
NAY: T. Sandoval
ABSENT: None

The General Manager welcomed Mr. Matus to the Heber PUD Board and asked that he come to the office to get sworn in with the Board Clerk.

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

11. CLOSED SESSION:

Motion to go into Close Session at 7:44 pm was made by Director Garcia, seconded by Director Tabarez.

Motion approved by Roll Call: 4/0

AYES: P. Tabarez, T. Sandoval, H. Molina-Diaz, K. Garcia

NO: None

ABSENT: None

A. Conference with Legal Counsel – Anticipated Litigation –
(Government Code Section §54956.9(b)) 1 matter

A Motion to reconvene to Open Session was made by Director Tabarez, seconded by Diaz-Molina. Motion was made at 8:05 pm.

Motion approved by Roll Call: 4/0

AYES: P. Tabarez, T. Sandoval, H. Molina-Diaz, K. Garcia

NO: None

ABSENT: None

The District Counsel stated that there was no reportable action was taken.

12. ADJOURNMENT:

Motion to adjourn the meeting at 8:06 pm, was made by Director Tabarez, seconded by Director Diaz-Molina.

Motion approved by Roll Call: 4/0

AYES: P. Tabarez, T. Sandoval, H. Molina-Diaz, K. Garcia

NO: None

ABSENT: None

