

**HEBER PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS  
And The  
Heber Meadows CFD 2005-1 Board of Directors**

**MINUTES**

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

**Thursday, December 15, 2022 at 6:00 p.m.**

**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 6:02pm 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 present via Zoom. Also in attendance were General Manager, Laura Fischer, General Counsel, Steve Walker, and Finance Manager, Adriana Amezcua.
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 5-0.**  
**AYES:** President Garica, Vice-President Sandoval, Director Diaz-Molina, Director Matus, Director Tabarez  
**NOES:** None.  
**ABSTAIN:** None.

5. **PUBLIC COMMENTS:**

**Diahna Garcia-Ruiz, 23 E Main St-** Mrs. Garcia-Ruiz provided an update with the Fall Fiesta and Car Show. She mentioned how the event was a great success and how she hopes it will continue for years to come.

**Bea Mora, 1102 Valley Blvd-** Mrs. Mora spoke about a water leak on her property and how it has been worsening. The problem will be taken care of by HPUD Staff.

**Gildardo Delgado, 14 Pheasant Ct-** Mr. Delgado presented to the board the documents that were sent to him regarding the Public Records Request he made at the Regular Board meeting of October 2022.

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 approve the Consent Agenda by Vice-President Sandoval, seconded by Director Diaz-Molina.  
**The motion was approved by a roll call vote of 5-0.**  
**AYES:** President Garica, Vice-President Sandoval, Director Diaz-Molina, Director Matus, Director Tabarez  
**NOES:** None.  
**ABSTAIN:** None.

- 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 November 17, 2022 and the Special Meeting on December 1, 2022.
- C. Approve Current Demands for November 2022.
- D. Ratify the Employment Contract with Madeline Dessert as General Manager.
- E. Approve and Adopt the Amended Temporary Part-Time Salary Schedule for FY 2022-23 and Appoint to the Position of Temporary Part-Time Assistant General Manager.
- F. Repeal Current COVID Leave Compensation Policy and Procedures.
- G. Adopt the Heber Public Utility District Board Meeting Calendar for 2023.

After the approval of the agenda, Board and Staff welcomed the incoming General Manager, Madeline Dessert. Madeline then gave a short speech to everyone attending the meeting sharing how excited she was to start working with HPUD.

## **7. REPORTS:**

- A. President and Director's Comments

Vice-President Sandoval stated that the Heber Fall Fiesta was a great success. Director Diaz-Molina echoed the same sentiments with Vice-President Sandoval.

- B. Operations Report for November 2022

The Operations Report for November 2022 was presented with no additional comments.

- C. General Manager's Report

The General Manager's Report was presented with no additional comments.

- D. Grants Update

The Grants Update was presented with no additional comments.

## **8. NEW BUSINESS: Discussion and Possible Action**

- A. Presentation to Outgoing President – Kaine Garcia

There was a small presentation to President Garcia, and he stated he was grateful for the opportunity.

B. Nominate and Elect a Board Member to the Office of President.

President Garcia nominated Vice-President Sandoval to the Office of President, Director Tabarez seconded the nomination.

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

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

**NOES:** None.

**ABSTAIN:** None.

C. Nominate and Elect a Board Member to the Office of Vice-President

President Sandoval nominated Director Diaz-Molina to the Office of Vice-President, Director Garcia seconded the nomination.

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

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

**NOES:** None.

**ABSTAIN:** None.

D. Nominate and Elect a Board Member to the Office of Treasurer

President Sandoval nominated Director Diaz-Molina to the Office of Treasurer, Director Garcia seconded the nomination.

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

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

**NOES:** None.

**ABSTAIN:** None.

**The Board will have a five-minute break to take photos. Refreshments will be available.**

E. Information Only Regarding the Community Facilities District 2005-1 Annual Report Prepared by Willdan Financial Services – General Manager

Item 6-E was presented with no additional comments.

F. Authorize the General Manager Solicit Proposals for a Water and Sewer Rate Study – General Manager

There was a motion to approve Item 8-F Authorize the General Manager Solicit Proposals for a Water and Sewer Rate Study by President Sandoval, seconded by Vice-President Diaz-Molina.

**The motion failed by a roll call vote of 2-3.**

**AYES:** Director Garcia, Director Matus

**NOES:** President Sandoval, Vice-President Diaz-Molina, Director Tabarez

**ABSTAIN:** None.

There was an additional motion to reconsider item 8-F at the next regularly scheduled board meeting by Director Matus, seconded by Director Tabarez.

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

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

**NOES:** None.

**ABSTAIN:** None.

G. Information Regarding Employee Medical Benefit Cost Increase – General Manager.

Item 8-G was presented with no additional comments.

**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 approve Item 9-A Option 2 to Amended and Restated Agreement Between the Heber Public Utility District and CR&R Incorporated for Integrated Solid Waste Management Services by Director Garcia, seconded by Director Tabarez.

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

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

**NOES:** None.

**ABSTAIN:** None.

B. Direct Staff to Administer the Proposition 218 Process for Solid Waste Collection Rates and Set a Public Hearing on February 16, 2023 for the Heber PUD’s Consideration of the Proposed Rate Schedule – General Manager

There was a motion to Administer the Proposition 218 Process for Solid Waste Collection Rates and Set a Public Hearing on February 16, 2023 for the Heber PUD’s Consideration of the Proposed Rate Schedule by Director Tabarez, seconded by Director Garcia.

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

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

**NOES:** None.

**ABSTAIN:** None.

C. 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 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 by Director Garica, seconded by Director Diaz-Molina.

**The motion was approved by a roll call vote of 3-2.**

**AYES:** Vice-President Diaz-Molina, Director Matus, Director Garcia

**NOES:** President Sandoval, Director Tabarez

**ABSTAIN:** None.

- D. Authorize the General Manager to Execute the Contract for the Construction of Children's Park Improvement Project to Three Peaks in the Amount of \$1,565,899 – General Manager

There was a motion to Authorize the General Manager to Execute the Contract for the Construction of Children's Park Improvement Project to Three Peaks in the Amount of \$1,565,899 by President Sandoval, seconded by Director Tabarez.

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

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

**NOES:** None.

**ABSTAIN:** 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.csda.net](http://www.csda.net)

11. **CLOSED SESSION:** President Sandoval entered closed session at 8:12 pm.

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. Employee Performance Evaluation (Government Code Section §54957 (b))

Title: General Manager

- B. Labor Negotiations (Government Code Section §54957.6)

Title: Natural Resources Technical Association

- C. Potential Litigation (Government Code Section § 54956.9(d)(1))

1 Case: Empire Cat

**Direction to staff was given during Closed Session, no reportable action was taken.**

**President Sandoval exited Closed Session at 8:44pm.**

**12. ADJOURNMENT:** There was a motion to adjourn the meeting at 8:45pm by Director Garcia, seconded by Vice-President Diaz Molina.

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

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

**NOES: None.**

**ABSTAIN: None**

Minutes of the Regular Meeting of December 15, 2022 were prepared by Moises G. Cardenas, Board Secretary via Zoom Recording.