

SPECIAL BOARD MEETING AGENDA

10:00 AM Friday January 24, 2025
UPUD Headquarters | 339 Main Street, Murphys, CA 95247

OUR MISSION

Union Public Utility District is dedicated to protecting, enhancing, and developing our water resources to the highest beneficial use for our customers, while maintaining cost-conscious, reliable service and providing gainful employment through responsible management.

The Board Chambers are open to the public

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administration Office at 209-728-3651. Notification in advance of the meeting will enable UPUD to make reasonable arrangements to ensure accessibility to this meeting. Any documents that are made available to the Board before or at the meeting, not privileged or otherwise protected from disclosure, and related to agenda items, will be made available at UPUD for review by the public.

ORDER OF BUSINESS

CALL TO ORDER/THE PLEDGE OF ALLEGIANCE

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT:**

(Limit 5 minutes per person.) At a special meeting, members of the public may address the board regarding items on the agenda only.

4. CLOSED SESSION:

a. Conference with Legal Counsel – Anticipated Litigation – Significant

Exposure to Litigation Pursuant to Government Code, §54956.9(d)(2): One (1) case regarding written demand threatening litigation alleging violation of the Brown Act at the December 11, 2024 Board Meeting. See attached demand letter for further information.

5. NEXT BOARD MEETINGS & EVENTS

- Wednesday, February 26, 2025 at 5:30 PM – Regular Board Meeting
- Wednesday, March 26, 2025 at 5:30 PM – Regular Board Meeting
- Wednesday, April 23, 2025 at 5:30 PM – Regular Board Meeting

6. ADJOURNMENT

PROCEDURAL NOTICES

LEVINE ACT PUBLIC PARTY/APPLICANT DISCLOSURE OBLIGATIONS: Applicants, parties, and their agents who have made campaign contributions totaling more than \$250 (aggregated) to a Board Member over the past 12 months must publicly disclose that fact for the official record of that agenda item. Disclosures must include the amount of the campaign contribution aggregated, and the name(s) of the campaign contributor(s) and Board member(s). The disclosure may be made either in writing to the Clerk prior to the agenda item consideration, or by verbal disclosure at the time of the agenda item consideration. The foregoing statements do not constitute legal advice, nor a recitation of all legal requirements and obligations of parties/applicants and their agents. Parties and agents are urged to consult with their own legal counsel regarding the requirements of the law.

STACY TYLER
Partner



665 NEW YORK RANCH ROAD
SUITE 3
JACKSON, CA 95642
Telephone: (209) 217-8170
E-mail: styler@goldcountrylegalgroup.com

December 29, 2024

Union Public Utility District
Attn: Board of Directors
339 Main Street
Murphys, CA 95247

Re: Demand to Cure or Correct Brown Act Violation

Dear UPUD Board of Directors:

I am writing about a violation of the Ralph M. Brown Act on December 11, 2024. On that date, members of the public attending the UPUD Board of Directors meeting via teleconferencing were prohibited from participating as set forth below.

1. The Public Was Invited to Participate Via Teleconferencing Through Microsoft Teams

The agenda for the December 11, 2024 UPUD Board of Directors meeting stated, “Board Chambers are open to the public and the following alternative is available to members of the public *who wish to participate in the meeting virtually*: Microsoft Teams meeting.” (emphasis added.) My client, Michael Hatfield, a ratepayer in the UPUD District, attended the December 11, 2024 UPUD Board of Directors meeting via teleconferencing through Microsoft Teams, intending to participate virtually on agenda item number 4. It appears at least one other member of the public attended via Microsoft Teams.

2. Members of the Public Attending Via Teleconferencing Were Prohibited from Commenting

During agenda item number 4, entitled “Public Hearing,” the UPUD Board of Directors announced this rule:

Item 4. If you wish to speak on this item, please fill out the speaker slip with your name and address or affiliation and provide it to the Secretary of the Board—

which is Jenna right over here. The Board will read your name, your speaker slip, and ask that you come forward to speak from the podium, at which time each speaker will be allotted five minutes to speak. To facilitate the discussion, questions from the speakers will be acknowledged after the close of the public hearing.

Only those members of the public physically present were allowed to speak, and only if they supplied their names and addresses and spoke from the podium. Obviously, it was physically impossible for members of the public attending via teleconferencing, like my client, to fill out a speaker slip or speak from the podium. As a result, my client and any other members of the public attending via teleconferencing were foreclosed from speaking, and thus from meaningful participation in the meeting. No members of the public who were allowed to speak provided the information my client was going to provide. Therefore, the Board of Directors was denied the opportunity to consider meaningful opposition to the proposed rate increase. After the UPUD Board of Directors heard comments from only those members of the public physically present, the UPUD Board of Directors took action on the item.

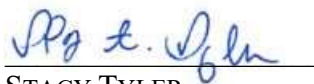
This interference with the public's right to address its elected officials was a violation of the Brown Act.

Pursuant to Government Code section 54960.1(b), Mr. Hatfield demands the UPUD Board of Directors cure or correct this action taken in violation of the Brown Act. He contends that in order to cure or correct the violative action, the District is required to rescind the action taken on agenda item number 4 of the December 11, 2024 UPUD Board of Directors meeting, place this item on a properly noticed agenda, allow for each member of the public—including those attending via teleconference—who wishes to speak on the item to be given that opportunity, consider all comments provided by the public, and only then take action on the item.

The UPUD Board of Directors must cure or correct the violative action within 30 days of receiving this letter, and inform my client in writing of its curative action. Alternatively, the UPUD Board of Directors may inform my client in writing of its decision not to cure or correct the disputed action. If the UPUD Board does not cure or correct the violative action, my client intends to seek a judicial decree that the action violated the Brown Act and is void. Any such lawsuit would also include a request for payment of costs and reasonable attorneys' fees pursuant to Government Code section 54960.5.

You may provide your written response by e-mailing me at styler@goldcountrylegalgroup.com. I look forward to hearing from you.

Very Truly Yours,



STACY TYLER

Partner

GOLD COUNTRY LEGAL GROUP LLP