



## **SPECIAL BOARD MEETING AGENDA**

10:00 AM Tuesday, November 21, 2023  
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.*

**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**

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 232 849 591 728

Passcode: VwGXXc

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**Or call in (audio only)**

[+1 209-729-7215,,481545662#](#)

Phone Conference ID: 481 545 662#

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) Members of the public may address the Board on items not agendized. The public is encouraged to contact the General Manager or Board of Directors for consideration of items to be placed on the agenda. No action will be taken by the Board unless an item is agendized

### 4. NEW BUSINESS:

- a. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNION PUBLIC UTILITY DISTRICT, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE UNION PUBLIC UTILITY DISTRICT AN INITIATIVE MEASURE REDUCING THE RATES FOR WATER SERVICE, AT THE DISTRICT GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024.....RES NO. 2023-014
- b. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNION PUBLIC UTILITY DISTRICT, CALAVERAS COUNTY, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF CALAVERAS TO CONSOLIDATE A DISTRICT GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE FOR THE DISTRICT'S VOTERS TO CONSIDER AN INITIATIVE BALLOT MEASURE REPEALING AND REDUCING THE DISTRICT'S WATER RATES.....RES NO. 2023-015
- c. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNION PUBLIC UTILITY DISTRICT, CALAVERAS COUNTY, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A DISTRICT INITIATIVE MEASURE TO BE SUBMITTED AT THE NOVEMBER 5, 2024 DISTRICT GENERAL ELECTION.....RES NO. 2023-016

### 5. DIRECTORS COMMENTS

### 6. NEXT BOARD MEETINGS & EVENTS

- Wednesday, December 20, 2023 at 5:30 PM - Regular Meeting
- Wednesday, January 24, 2024 at 5:30 PM - Regular Meeting

### 7. AJOURNMENT

**RESOLUTION NO. 2023-014**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNION PUBLIC UTILITY DISTRICT, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE UNION PUBLIC UTILITY DISTRICT AN INITIATIVE MEASURE REDUCING THE RATES FOR WATER SERVICE, AT THE DISTRICT GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024.**

**WHEREAS**, on December 22, 2022, the District Board of Directors adopted Resolution No. 2022-17, setting current rates for water service to residents and customers of the District; and

**WHEREAS**, pursuant to authority provided by statute, a petition has been filed with the Board of Directors of the Union Public Utility District, seeking to enact an initiative measure/ordinance which would repeal the water rates adopted in Resolution No. 2022-17 and reduce water rates to those in effect on November 1, 2022 (the “Measure” or “Ordinance”); and

**WHEREAS**, notwithstanding California Elections Code Section 9310, California Proposition 218, a provision of the State Constitution relating to local taxes, assessments and property-related fees (Calif. Const. Art. XIII C, Sec. 3), provides that an initiative measure that repeals, reduces or otherwise affects a local property-related fee (such as a water rate) may qualify for the ballot if a petition is filed with the District containing the signatures of at least five percent (5%) of the number of the District’s registered voters who voted for any candidate for Governor at the last Statewide election (November, 2022); and

**WHEREAS**, application of Proposition 218 results in a minimum petition signature requirement of 123 voters (5% x 2,449 voters) in order to qualify the Measure; and

**WHEREAS**, the Calaveras County Registrar of Voters/County Clerk, has certified that the form of the petition complies with California law and, based upon an examination of voter registration records, has ascertained that the petition is signed by the requisite number of voters to qualify the Measure for the ballot under Proposition 218; and

**WHEREAS**, the Board of Directors has not voted in favor of adoption of the Measure; and

**WHEREAS**, the Board of Directors is therefore authorized and required by California Elections Code Sections 1405 and 9310 to either (a) submit the proposed Measure to the voters at its “next regularly scheduled election occurring not less than 88 days after the date of the order of election” or (b) submit the proposed Measure to the voters at an earlier special election occurring between 88 and 103 days after the date of the order of election; and

**WHEREAS**, the Board of Directors desires to place the Measure on the next “regularly scheduled election” which is the District’s General Election to be held on Tuesday, November 5, 2024; and

**WHEREAS**, the specific terms of the Measure are attached hereto as Exhibit “A” and by this reference made an operative part hereof, and in accordance with all applicable laws.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE UNION PUBLIC UTILITY DISTRICT, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1. Recitals.** The Board of Directors of the District hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

**SECTION 2. Submission of Ballot Measure.** The Board of Directors of the District, pursuant to its right and authority as contained in California Elections Code Sections 1405 and 9310, hereby orders the Measure attached hereto as Exhibit “A” to be submitted to the qualified voters of the District at the District General Election to be held on Tuesday, November 5, 2024. The proposed Measure shall be in the form attached hereto as Exhibit “A” to this Resolution and is incorporated by this reference as if fully set forth herein.

**SECTION 3. Ballot Question.** The Board of Directors, pursuant to its right and authority, does hereby order that the ballot question for the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the District General Election on Tuesday, November 5, 2024, in addition to any other matters required by law, there shall be printed substantially the following:

“Shall the measure repealing District Resolution No. 2022-17 setting water rates for the Year 2023 and going forward, and reducing the District’s water rates to those in effect as of November 1, 2022, reducing water rate revenue by a minimum of \$650,000 annually, be adopted?”	<b>YES</b>	
	<b>NO</b>	

**SECTION 4. Election Procedures.** The District Secretary, through the County Registrar of Voters/County Clerk, is authorized, instructed, and directed to procure and furnish, or cause to be procured and furnished, any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding special district elections.

**SECTION 5. Impartial Analysis.** Pursuant to California Elections Code section 9314, the Board of Directors hereby directs the Elections Official to transmit a copy of the Measure as set forth herein to the District Legal Counsel's Office. The District Legal Counsel's Office shall prepare an impartial analysis of the Measure, subject to review and revision by the Calaveras County Counsel's Office, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the Registrar of Voters/County Clerk not later than the date set by the Registrar of Voters/County Clerk, who shall cause the analysis to be published in the voter information guide along with the Measure as provided by law. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the Board of Directors. In the event the entire text of the Measure is not printed on the ballot, or in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **"The above statement is an impartial analysis of the Measure. If you desire a copy of the measure, please call the election official's office at (209) 754-6376 and a copy will be mailed at no cost to you."**

**SECTION 6. Notice of Election.** Notice of the election is hereby given and the District Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 7. Placement on the Ballot.** The full text of the Measure shall not be printed in the voter information guide, and a statement shall be printed on the ballot pursuant to Elections Code section 9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the District Clerk.

**SECTION 8. Filing with County.** The District Clerk shall, not later than the 88th day prior to the District General Election to be held on Tuesday, November 5, 2024, file with the Board of Supervisors and the County Registrar of Voters/County Clerk of the County of Calaveras, State of California, a certified copy of this Resolution.

**SECTION 9. Public Examination.** Pursuant to Elections Code section 9295, this Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide.

**SECTION 10. CEQA.** The Board of Directors hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

**SECTION 11. Severability.** The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

**SECTION 12. Effective Date of Resolution.** This Resolution shall become effective upon its adoption.

**SECTION 13. Certification of Resolution.** The District Secretary shall certify to the adoption of this Resolution.

**APPROVED** and **ADOPTED** by the Board of Directors and signed by the President and attested by the District Secretary this 21<sup>st</sup> day of November, 2023.

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Eric Bottomley, Board President  
Union Public Utility District

Attest:

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Jenna Mayo, Clerk to the Board

Approved as to form:

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Andrew Ramos, District Legal Counsel

STATE OF CALIFORNIA  
COUNTY OF CALAVERAS  
UNION PUBLIC UTILITY DISTRICT

**I HEREBY CERTIFY** that the foregoing Resolution No. 2023-014 was duly adopted by the Board of Directors of the Union Public Utility District at a regular meeting thereof, held on the 21<sup>st</sup> day of November, 2023, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Tom Quincy, District Secretary

**EXHIBIT "A"**

**TEXT OF ORDINANCE INITIATIVE MEASURE/ORDINANCE REPEALING  
RESOLUTION NO. 2022-17 AND REDUCING THE RATE FOR WATER SERVICE  
WITHIN THE UNION PUBLIC UTILITY DISTRICT**

**[attached behind this page]**



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE PEOPLE OF THE UNION PUBLIC UTILITY DISTRICT, CALIFORNIA, REPEALING RESOLUTION NO. 2022-17 AND REDUCING THE RATE FOR WATER SERVICE WITHIN THE UNION PUBLIC UTILITY DISTRICT**

**THE PEOPLE OF THE UNION PUBLIC UTILITY DISTRICT DO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1: PURPOSE.** Increasing water rates faster than the annual Social Security cost-of-living increase disproportionately causes financial suffering to our elderly and disabled friends, family, and neighbors. The purpose of this ordinance is to repeal the recent water rate increase as those rates increase faster than increases to Social Security payments.

**Section 2. REPEAL OF RECENT WATER RATE INCREASE.** The People of the Union Public Utility District hereby repeal resolution 2022-17 adopted by the Union Public Utility District Board of Directors at its December 22, 2022 meeting.

**Section 3. WATER RATE SCHEDULE.** The water rate schedule in effect on November 1, 2022 is the amount Union Public Utility District customers will be charged for water service.

**Section 4. MODIFICATION.** The Union Public Utility District Board of Directors may amend Section 3 of this ordinance.

**Section 5. SEVERABILITY.** If any portion of this ordinance is determined to be invalid or unconstitutional by a court of competent jurisdiction, all remaining portions of this ordinance will remain in full force and effect. Each section, subsection, sentence, phrase, part, or portion of this ordinance would have been adopted and passed regardless of the fact that any one or more sections, subsections, sentences, phrases, parts, or portions would be declared invalid or unconstitutional.

**Section 6. LIMITATIONS.** This ordinance does not prohibit the Board of Directors from adopting any new, or modifying or amending any existing, taxes, charges, assessments, or fees.

**Section 7. SPECIAL ELECTION.** The People of the Union Public Utility District request a special election to submit this ordinance to the voters.

**Section 8. EFFECTIVE DATE AND SUBMISSION TO VOTERS.** Pursuant to California Elections Code section 9320, this Ordinance shall be deemed adopted and take effect only if approved by a majority of the eligible voters of the Union Public Utility District voting at the District General Election of November 5, 2024. It shall be deemed adopted when the Board of Directors has certified the results of that election by resolution and shall take effect ten (10) days thereafter.

I hereby certify that this Water Rate Repeal and Reduction Ordinance was PASSED, APPROVED, AND ADOPTED by the People of the Union Public Utility District on the 5th day of November, 2024.

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Eric Bottomley, President  
Union Public Utility District

Attest:

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Tom Quincy, District Secretary

Approved as to form:

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Andrew Ramos, District Legal Counsel

**RESOLUTION NO. 2023-015**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNION PUBLIC UTILITY DISTRICT, CALAVERAS COUNTY, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF CALAVERAS TO CONSOLIDATE A DISTRICT GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE FOR THE DISTRICT’S VOTERS TO CONSIDER AN INITIATIVE BALLOT MEASURE REPEALING AND REDUCING THE DISTRICT’S WATER RATES**

**WHEREAS**, by adoption of Resolution No. 2023-015 on November 21, 2023, the Board of Directors (“Board”) of the Union Public Utility District (“District”) has called and given notice of a District General Election to be held on Tuesday, November 5, 2024 in the Union Public Utility District, County of Calaveras, for the purpose of submitting to the qualified voters of the District at said District General Election the following Ballot Measure:

“Shall the measure repealing District Resolution No. 2022-17 setting water rates for the Year 2023 and going forward, and reducing the District’s water rates to those in effect as of November 1, 2022, reducing water rate revenue by a minimum of \$650,000 annually, be adopted?”	YES
	NO

**WHEREAS**, it is desirable that the District General Election be consolidated with the Statewide General Election to be held on the same date and that within the District the precincts, polling places, voting centers and election officers of the two elections be the same, and that the Calaveras County Elections Official canvass the returns of the District General Election and that the election be held in all respects as if there were only one election.

**NOW, THEREFORE, BE IT RESOLVED BY** the Board of Directors of the Union Public Utility District as follows:

1. Request for Consolidation. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Calaveras is hereby requested to consent and agree to the consolidation of a District General Election with the Statewide General Election on November 5, 2024, for the purpose of submitting to the voters the question relating to the repeal and reduction of the District’s water rates.
2. Canvass of Returns. The County elections official is authorized to canvass the returns and perform all other proceedings incidental to and connected with the

District General Election. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to California Elections Code Sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

- 3. The District shall reimburse the County for services performed when the work is completed and upon presentation to the District of a properly approved bill.
- 4. The District's Board Secretary shall certify to the adoption of this Resolution and is directed to forward without delay to said Board of Supervisors and to the County Registrar of Voters/lections Official each a certified copy of this Resolution.

**PASSED AND ADOPTED** by the Board of Directors of the Union Public Utility District at a special meeting of the Board held on the 21<sup>st</sup> day of November, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Eric Bottomley, President  
Union Public Utility District

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Jenna Mayo, Clerk to the Board

STATE OF CALIFORNIA  
COUNTY OF CALAVERAS  
UNION PUBLIC UTILITY DISTRICT

**I HEREBY CERTIFY** that the foregoing Resolution No. 2023-015 was duly adopted by the Board of Directors of the Union Public Utility District at a regular meeting thereof, held on the 21<sup>st</sup> day of November, 2023, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Tom Quincy, District Secretary

**RESOLUTION NO. 2023-016**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNION  
PUBLIC UTILITY DISTRICT, CALAVERAS COUNTY, CALIFORNIA,  
PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL  
ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN  
ARGUMENTS REGARDING A DISTRICT INITIATIVE MEASURE TO  
BE SUBMITTED AT THE NOVEMBER 5, 2024 DISTRICT GENERAL  
ELECTION**

**WHEREAS**, a District General Election is to be held in the Union Public Utility District, California on November 5, 2024, at which there will be submitted to the voters the following measure:

“Shall the measure repealing District Resolution No. 2022-17 setting water rates for the Year 2023 and going forward, and reducing the District’s water rates to those in effect as of November 1, 2022, reducing water rate revenue by a minimum of \$650,000 annually, be adopted?”	Yes
	No

**NOW, THEREFORE, BE IT RESOLVED BY** the Board of Directors of the Union Public Utility District as follows:

**1. Primary Arguments.** That the Board of Directors authorizes (i) all or any member(s) of the Board of Directors, (ii) any individual voter eligible to vote on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination thereof, to file a written argument in favor of or against the District Measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 1, Chapter 4, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the Registrar of Voters/Elections Official, after which no arguments for or against the District measure may be submitted to the Registrar of Voters/Elections Official.

The deadline to submit primary arguments for or against the District Measure pursuant to this Resolution shall be the date set by the Registrar of Voters/Elections Official. Each argument shall be filed with the District’s Board Secretary and the County Registrar of Voters/Elections Official, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

**2. Rebuttal Arguments.** Pursuant to Section 9317 of the Elections Code of the State of California, when the Elections Official has selected the primary arguments for and against the District Measure(s) which will be printed and distributed to the voters, the Elections Official shall send copies of the primary argument in favor of the Measure(s) to the authors of the primary argument against, and copies of the primary argument against to the authors of the primary argument in favor. The authors or persons designated by them may prepare and submit

rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the District's Board Secretary and County Registrar of Voters/Elections Official not later than the date set by the elections official. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

**3. November 5, 2024 Election.** That the provisions of Sections 1 and 2 shall apply only to the election to be held on November 5, 2024, and shall then be repealed.

**4. Certification.** The District's Board Secretary shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** by the Board of Directors of the Union Public Utility District at a meeting of the Board held on the 21<sup>st</sup> day of November, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Eric Bottomley, President  
Union Public Utility District

ATTEST:

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Jenna Mayo, Clerk to the Board

STATE OF CALIFORNIA  
COUNTY OF CALAVERAS  
UNION PUBLIC UTILITY DISTRICT

**I HEREBY CERTIFY** that the foregoing Resolution No. 2023-016 was duly adopted by the Board of Directors of the Union Public Utility District at a regular meeting thereof, held on the 21<sup>st</sup> day of November, 2023, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Tom Quincy, District Secretary