



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

# Agenda

## Utility Commission Regular Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630

February 21, 2023

6:30 PM

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### REGULAR UTILITY COMMISSION AGENDA

#### *Notice Regarding Remote Participation*

*Effective July 7, 2022, the City of Folsom is returning to all in-person City Council, Commission, and Committee meetings. Remote participation for the public will no longer be offered. Everyone is invited and encouraged to attend and participate in City meetings in person.*

#### **CALL TO ORDER**

#### **ROLL CALL**

Utility Commission Members:

Tad Widby, Zaid Akhter, Aaron Silva, Lisa Ladd, Mark Menz, Amanda Ross, and Bhaskar Vempati

#### **REPORT ON POSTING OF AGENDA**

Agendas for the Utility Commission are posted at the Folsom City Hall and City website. (Pursuant to California Government Code Section 54954.2, the agenda for this meeting was properly posted on or before 6:30 p.m. on February 17, 2023).

#### **BUSINESS FROM THE FLOOR**

This item is intended for comments or suggestions from the public for presentation to the Utility Commission. Any matters discussed before the Utility Commission which are not on the agenda cannot be acted upon by the Commission.

#### **OATH OF OFFICE**

#### **ELECTION OF CHAIR AND VICE CHAIR**

#### **MINUTES**

1. Approval of the Minutes of the November 15, 2022 Regular Meeting

#### **DIRECTORS REPORT**

#### **NEW BUSINESS**

1. Ethics Training
2. Utility Commission Purpose and Functions

3. Brown Act
4. Utility Commission Roster
5. Topics for the Year
6. Public Works Department Overview
7. Environmental and Water Resources Department Overview

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Future Meetings

March 21, 2023	6:30 pm	Regular Meeting	City Hall
April 18, 2023	6:30 pm	Regular Meeting	City Hall
May 16, 2023	6:30 pm	Regular Meeting	City Hall

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*Copies of the written documentation relating to each item of business described above are on file in the Environmental and Water Resources Department, Folsom City Hall, 50 Natoma St., Folsom, California and are available for public inspection during regular office hours which are 8:00 a.m. to 5:00 p.m., Monday through Friday. We request advance notification to facilitate your requests. Copies of documents may be purchased for \$0.10 per page.*

*Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Folsom City offices, and City website. The City Hall phone number is 916-461-6000. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and an operator will assist you.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Environmental and Water Resources Department at 916-461-6162. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

***Please mute or turn off cellular phones, tablets, and other electronic devices during the meeting.***

Oath of Office  
Utility Commission  
Meeting Date: 2/17/23

DATE: February 17, 2023  
TO: Utility Commissioners  
FROM: Marcus Yasutake, Environmental and Water Resources Director  
SUBJECT: **UTILITY COMMISSION OATH OF OFFICE FOR NEW AND RE-APPOINTED UTILITY COMMISSIONERS**

**BACKGROUND**

New Utility Commissioners are required to take an oath of office prior to assuming official duties.

**DISCUSSION**

City staff will present the oath of office to the new and re-appointed Utility Commissioners. This dates also starts the 30-day window for each to file their statement of economic interests.

**ACTION**

Each new and re-appointed Utility Commissioner will complete the oath of office.

DATE: February 17, 2023  
TO: Utility Commissioners  
FROM: Marcus Yasutake, Environmental and Water Resources Director  
SUBJECT: **ELECTION OF CHAIR AND VICE-CHAIR**

**BACKGROUND**

Per Folsom Municipal Code Section 3.23.050 the officers of the commission shall be the chairperson and vice chairperson. The chairperson and the vice chairperson of the commission shall be elected by the commission every two years, following general election, at the first meeting in February by majority vote of the full commission.

**DISCUSSION**

The chairperson or, in the absence of the chairperson, the vice chairperson, shall take the chair at the hour appointed for the meeting and shall call the commission to order. In the absence of the chairperson, the vice chairperson shall perform the duties and obligations of the chairperson. In the absence of the chairperson and vice chairperson, the utilities director or his/her representative shall call the commission to order, whereupon a temporary chairperson will be elected from among the members present. Upon the arrival of the chairperson or vice chairperson, the temporary chairperson shall relinquish the chair upon the conclusion of the item before the commission.

**ACTION**

Utility Commission shall elect a chair and vice-chair.



CITY OF  
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# Utility Commission Regular Meeting Draft Minutes

City Council Chambers | 50 Natoma Street, Folsom CA 95630  
November 15, 2022  
6:30 PM

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## **Call to Order**

Chair Mutchler called the meeting to order at 6:30 p.m.

## **Roll Call**

PRESENT: B. Mutchler, D. Groat, M. Menz, T. Widby, A. Silva.

ABSENT: Z. Akhter, D. Kozlowski.

STAFF PRESENT: Marcus Yasutake: Environmental & Water Resources Director  
Brian Reed: Acting Public Works Director  
Emma Atkinson: Administrative Assistant, EWR

## **Business from the Floor**

None.

## **Minutes**

Approval of the Minutes of the October 18, 2022, Regular Meeting.

Commissioner Menz motioned to accept the minutes.

Commissioner Widby seconded the motion.

Motion carried with the following vote:

AYES: Commissioners Mutchler, Groat, Silva.

ABSENT: Commissioners Akhter, Kozlowski.

ABSTAIN: None.

## **Directors' Reports**

### **Brian Reed**

Mr. Reed informed the Commission that Director Rackovan is attending a conference. He also reported that there is no change in status for Solid Waste and Recycling.

### **Director Yasutake**

Director Yasutake informed the Commission that the City Council is holding a special meeting on December 12<sup>th</sup> to swear in council members for the next 4 years. The new Council will have their first meeting on December 13<sup>th</sup>.

Director Yasutake thanked all Commissioners for time served on the Commission and reminded all that there is no meeting for the Commission in December.

## **New Business**

### **Folsom Water Vision**

**Director Yasutake** provided a presentation regarding plans for a City-wide discussion and opportunity for public participation in Folsom's future water supply planning, to get initial feedback from the Utility Commission prior to taking it to City Council.

#### **Questions and Comments from the Commission:**

Commissioner Mutchler:

- Comment:
  - the idea of a stakeholder group makes sense, as this would include people with a focused area of expertise.

Commissioner Menz:

- Comments:
  - a 'free-for-all' is unlikely to be productive and not get much accomplished.
  - developers could talk about options for water storage in addition to Folsom Lake, that could be used to help get through an emergency situation.

Commissioner Widby:

- Comments:
  - background information that would be useful in this is the perspective of what is going on in the region and State; who has capacity that is not used, who runs out of water, what happens when water is needed elsewhere and when does the State step in.
- Question:
  - Does the City receive compensation when excess water is sent elsewhere? Can this be monetized? *Yes, 'Water Transfers' can be monetized, but this requires an agency working with DWR and the Bureau of Reclamation to show how it has achieved a water saving, that has made water available in the system to transfer. There is a significant regulatory process that the agency must go through.*

Commissioner Menz:

- Question:
  - What if we want to store any additional water? Wouldn't this make sense for any available water that is not used? *Director Yasutake explained possible opportunities for storage, and potential projects with other agencies.*

## **Adjournment**

Chair Mutchler thanked all members of the Utility Commission for their service. The meeting was adjourned at 7:11 pm.

### **Respectfully Submitted:**

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Emma Atkinson, Administrative Assistant.

### **Approved:**

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Utility Commissioner

NEW BUSINESS  
Item 1  
Utility Commission  
Meeting Date: 2/17/23

DATE: February 7, 2023  
TO: Utility Commissioners  
FROM: Marcus Yasutake, Environmental and Water Resources Director  
SUBJECT: **AB 1234 ETHICS TRAINING**

**BACKGROUND**

Each new or re-appointed Utility Commissioner is required to complete Ethics Training.

**DISCUSSION**

The City provided several different options to the Utility Commissioners, new and re-appointed, for completing the required Ethics Training as a Commissioner. The City Attorney's office will be in contact with each commissioner to complete the required Ethics Training.

**ACTION**

No action required. Informational update only.



DATE: February 17, 2023  
TO: Utility Commissioners  
FROM: Marcus Yasutake, Environmental and Water Resources Director  
SUBJECT: **UTILITY COMMISSION – PURPOSE AND FUNCTIONS**

**BACKGROUND**

The City of Folsom Municipal Code Section 3.23 describes the purpose and functions of the Utility Commission.

**DISCUSSION**

The purpose of the city utility commission is to establish a forum to provide advice to the city council and the city manager regarding utility rates; the necessity and function of city utilities; and the associated costs to operate and maintain these city functions. The city utility commission is created and shall study and make recommendations to the city council and city manager on matters related to the cost of utility service studies; the scope, costs, and nature of utility services provided by the city; and staff proposals for future rate changes. Staff support to the commission shall be provided as designated by the city manager or his or her designee. Staff designated to support the commission shall not be considered an officer or member of the commission.

**ACTION**

No action required. Informational update only.

**ATTACHMENT**

Section 3.23 of the Folsom Municipal Code.

## **Chapter 3.23 UTILITY COMMISSION**

Sections:

[3.23.010 Purpose.](#)

[3.23.020 Creation of the utility commission—Functions of the commission.](#)

[3.23.030 Membership qualifications and appointment.](#)

[3.23.040 Terms of membership—Vacancies and replacement.](#)

[3.23.050 Officers.](#)

[3.23.060 Meetings.](#)

[3.23.070 Agendas—Order of business—Voting.](#)

### **3.23.010 Purpose.**

The purpose of the city utility commission is to establish a forum to provide advice to the city council and the city manager regarding utility rates; the necessity and function of city utilities; and the associated costs to operate and maintain these city functions. (Ord. 1037 § 2 (part), 2005)

### **3.23.020 Creation of the utility commission—Functions of the commission.**

- A. The city utility commission (“the commission”) is created and shall study and make recommendations to the city council and city manager on matters related to the cost of utility service studies; the scope, costs, and nature of utility services provided by the city; and staff proposals for future rate changes.
- B. Staff support to the commission shall be provided as designated by the city manager or his or her designee. Staff designated to support the commission shall not be considered an officer or member of the commission. (Ord. 1037 § 2 (part), 2005)

### **3.23.030 Membership qualifications and appointment.**

- A. All members must be residents and registered voters of the city.
- B. Each council member shall appoint one commission member whose term shall run concurrently with that of the appointing council member. Two additional members shall be appointed at-large by a majority vote of the city council for two-year terms. (Ord. 1037 § 2 (part), 2005)

### **3.23.040 Terms of membership—Vacancies and replacement.**

The city council may remove any member of the commission at any time by majority vote of the members of the

city council. No public hearing shall be required prior to removal of any member of the commission and no cause for removal need be shown. A commission member is subject to disqualification and removal from the commission if he or she has three unexcused absences from any regularly scheduled meetings. A vacancy resulting from death, resignation, removal, disqualification or any other cause shall be filled either by an appointment from the council member appointing the commission member whose membership is being replaced or the city council in the case of an at-large position. (Ord. 1037 § 2 (part), 2005)

### **3.23.050 Officers.**

- A. The officers of the commission shall be the chairperson and vice chairperson.
- B. The chairperson and the vice chairperson of the commission shall be elected by the commission every two years, following general election, at the first meeting in February by majority vote of the full commission. If no successor is named by the conclusion of any officer's term, the officer shall continue in the office until a successor has been named. The chairperson or the vice chairperson can be replaced by majority vote of the full commission at any time. No public hearing shall be required prior to removal of the chairperson or the vice chairperson and no cause for removal need be shown.
- C. The chairperson and vice chairperson of the commission, or such other members as may be presiding in the aforementioned positions, shall not be deprived of any of the rights or privileges of any member by reason of his/her occupying the chair and may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members.
- D. In the absence of the chairperson, the vice chairperson shall perform the duties and obligations of the chairperson. (Ord. 1037 § 2 (part), 2005)

### **3.23.060 Meetings.**

- A. Regular meetings of the commission shall be held in City Hall, located at 50 Natoma Street, Folsom, California. Regular meetings shall be held on the third Tuesday of each month at 6:30 p.m. There shall be no minimum number of meetings per quarter. A regularly scheduled meeting may be canceled at any time. Special meetings may be called in the manner specified by applicable state law.
- B. Four members of the commission shall constitute a quorum. When there is no quorum at a regular meeting, the chairperson, or any member of said body, shall adjourn said meeting until the next regular meeting.
- C. The chairperson or, in the absence of the chairperson, the vice chairperson, shall take the chair at the hour appointed for the meeting and shall call the commission to order. In the absence of the chairperson and vice chairperson, the utilities director or his/her representative shall call the commission to order, whereupon a temporary chairperson will be elected from among the members present. Upon the arrival of the chairperson or vice chairperson, the temporary chairperson shall relinquish the chair upon the conclusion of the item before the commission. (Ord. 1037 § 2 (part), 2005)

**3.23.070 Agendas—Order of business—Voting.**

A. Commission members may place items on an agenda by contacting the chairperson or the utilities director. Agendas shall be approved by the chairperson prior to the start of the meeting. Citizens or interested parties may address the commission during public comment on agenda items or during the business from the floor portion of the meeting. Agendas shall be published as required by state law.

B. At the regular meetings of the commission, the following shall be the order of business:

1. Roll call;
2. Review of summary/minutes (if applicable);
3. Business from the floor/good of the order;
4. Agenda of the utility commission;
5. Adjournment.

C. On all matters acted upon by the commission, the voting shall be a roll-call vote of the members present. The “ayes” and “noes” of the members shall be recorded upon the summary of the meeting. Except for the election of the chairperson and vice chairperson, all actions of the commission shall require an affirmative vote of the majority of the commission present and eligible to vote at the particular meeting where action is to take place.

D. All rules of order not herein provided shall be determined in accordance with Robert’s Rules of Order, Revised.

E. The commission may adjourn any regular or special meeting to a time and place specified in the order of adjournment, whether or not a quorum has been established. If a quorum is not established, no business other than adjournment may be transacted. (Ord. 1037 § 2 (part), 2005)

DATE: February 17, 2023  
TO: Utility Commissioners  
FROM: Marcus Yasutake, Environmental and Water Resources Director  
SUBJECT: **BROWN ACT**

### **BACKGROUND**

The Brown Act states that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in the Brown Act. Attached is League of California Cities Guide to the Brown Act.

### **DISCUSSION**

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly-elected members of a legislative body, even before they take office. Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body discusses, deliberates or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions; some state legislatures have banned the practice.

The express purpose of the Brown Act is to assure that local government agencies conduct the public's business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.

The Brown Act, however, is limited to meetings among a majority of the members of multimember government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency's business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

**ACTION**

No action required. Informational update only.

NEW BUSINESS  
Item 4  
Utility Commission  
Meeting Date: 2/17/23

DATE: February 17, 2023  
TO: Utility Commissioners  
FROM: Marcus Yasutake, Environmental and Water Resources Director  
SUBJECT: **Utility Commission Roster and Contacts**

**BACKGROUND**

The Environmental and Water Resources Department maintains a roster and contact information for each of the Utility Commissioners.

**ACTION**

Staff requests each Utility Commissioner provides their contact information on the form that will be discussed during the meeting.

DATE: February 17, 2023  
TO: Utility Commissioners  
FROM: Marcus Yasutake, Environmental and Water Resources Director  
SUBJECT: **UTILITY COMMISSION CALENDAR OF TOPICS**

**BACKGROUND**

The Utility Commission chair and vice-chair meets with the Environmental and Water Resources Director to develop the annual Calendar of Topics. Utility Commissioners can reach out to the Director or the chair or vice-chair to add discussion items to the UC agenda.

**DISCUSSION**

Staff will receive feedback during this meeting, if any, on any topics of interest for upcoming UC meetings. Below are some tentative placeholders for 2023.

<b>UC Meeting</b>	<b>Topic</b>
March 21, 2023	EWR & PW Fiscal Year 2023/24 Operations and Maintenance Budget
April 18, 2023	EWR & PW Fiscal Year 2023/24 Capital Improvement Budget
May 16, 2023	Water Supply Outlook and Folsom's Water Vision
June 20, 2023	
July 18, 2023	EWR FY 2022/23 CIP Recap
<i>August</i>	<i>Recess to match City Council</i>
September 19, 2023	
October 17, 2023	
November 21, 2023	
December 19, 2023	

**ACTION**

Identify topics for future Utility Commission meetings for calendar year 2023.