

AGENDA
SPECIAL BOARD MEETING
LASSEN MUNICIPAL UTILITY DISTRICT
65 S. ROOP ST
SUSANVILLE, CALIFORNIA
December 8, 2004
5:30 P.M.

BOARD DISCUSSION AND POSSIBLE ACTION ON ANY OR ALL OF THE FOLLOWING AGENDA ITEMS UNLESS OTHERWISE INDICATED:

1. CALL TO ORDER, FLAG SALUTE AND ROLL CALL
2. APPROVAL OF AGENDA, WITH POSSIBLE ADDITIONS OR DELETIONS
3. INVITATION FOR PUBLIC COMMENT. All COMMENTS ARE SUBJECT TO THE RULES OF PUBLIC COMMENT AND DECORUM SET FORTH BELOW AND AT THE END OF THIS AGENDA.

- **GENERAL COMMENT PERIOD:** FOR ITEMS NOT ON THIS AGENDA AND ANY ITEMS ON THIS AGENDA **EXCEPT FOR THE “ACTION ITEMS”:** *At this time any person (“Speaker”) may address the Board on both (1) any item on this Agenda except for the “ACTION ITEMS” and (2) any subject germane to the District not on this Agenda.*

If this is a Special Meeting, however, comments may be limited to Agenda items only.

- **SPECIFIC COMMENT PERIOD.** FOR “ACTION ITEMS” ON THIS AGENDA: *Speakers will have the opportunity to comment on this Agenda’s “ACTION ITEMS” after such ACTION ITEMS introduction and staff report.*

4 INFORMATION ITEMS

A. Board and Staff Response (if any) to Public Comment

B. Report on insurance contracts by Jim Hay, broker for Lucini/Parish.

C. Board/Staff Items:

1. Un-agendized Board Members Reports pursuant to Government Code §54954.2(a) regarding (a) clarification questions; (b) activity announcements; (c) report announcements; (d) reference to staff for information; (e) request for staff to report back at later meeting; or (f) direction to place matter on future agenda. Any of these can be done by a Board member at this time or at any other time during the meeting.

D. General Manager's Reports:

1. Report on Operations Update.
2. Report on Meetings Attended.
3. Base Rate Report regarding the Susanville Indian Rancheria (may add ratification items for appropriate agreements).

E. Financial Reports:

1. Report on Financial Report.

5. ACTION ITEMS

A. CONSENT AGENDA: *(These items are routine in nature and usually approved by a single vote). Prior to action of the Board, the public will be given the opportunity to comment. Any Board Member can pull any consent item for detailed discussion*

1. Approval of Minutes: November 4, 2004 Regular Board Meeting; and November 8 and 22, 2004 Special Board Meetings.
- B. Consideration of ratification of insurance contracts with Tennessee Valley Public Power Association.
- C. Consideration of ratification of legal services agreement with the Law Firm of Jay Allen Eisen for appellate services in Spencer/KWH vs. LMUD.
- D. Consideration of Exhibit B to the CVP Corporation Membership Agreement; and authorization for General Manager to sign.
- E. Consideration of Ratification of FERC Intervention (1) ER-05-155; (2) ER-05-151; and ER-05-229.
- F. Consideration of (1) Ratification of Agreements from which Demands arose; (2) Receipt of Certification from Controller and General Manager regarding Propriety of Payment of Demands; and (3) Approval of Payment of Demands.
- G. Consideration of approval of Exhibits C (Revision 1) and Exhibit D (Revision 1) to Western Contract No. 00-SNR-00326 regarding Base Resource; and authorization for General Manager to sign and/or take appropriate action as directed.
- H. Consideration of approval of Training Agreement with NWPPA for The Nuts & Bolts of Work Orders; and authorization for General Manager to sign.
- I. Consideration of authorization to General Counsel to provide response to Pezzullo & McKenzie for auditor's FY 03/04 audit.
- J. Selection of special meeting date for payment of bills; and for presentation of 2003/04 audit by Pezzullo & McKenzie.

- K. Consideration of engaging an auditor for evaluation of accounting systems and controls of LMUD.
- L. Consideration of Ratification of WAPA Contract 02-SNR-00472 – Request of Assignment of the Susanville Indian Rancheria’s Base Resource Percentage to the Lassen Municipal Utility District.
- M. Consideration of Ratification of an agreement with the Susanville Indian Rancheria for the allocation, administration and SIR account discount as it relates to Western Area Power Administration Contract No. 00-SNR-00372.
- N. Consideration of Ratification of WAPA Contract 00-SNR-00326, Exhibit A, Revision 2 for Base Resource Percentage and Points of Delivery.

6. CLOSED SESSION

A. Conference with Legal Counsel:

- (1) Significant exposure to litigation pursuant to §54956.9(b): (4 cases).
- (2) Existing litigation Government Code §54956.9(a): Lassen County Superior Court Case No. 38946, Forbes et ux, vs. Feather Publishing, LMUD, et al.
- (3) Existing litigation Government Code §54956.9(a): Lassen County Superior Court Case No. 36791, Spencer vs. LMUD.
- (4) Existing litigation, Government Code §54956.9(a): IBEW 1245 vs. Lassen Municipal Utility District, Unfair Practices Charge No. SA-CE-290-M.

7. REPORT OF ACTION TAKEN (IF ANY) IN CLOSED SESSION

- 1) Significant exposure to litigation pursuant to §54956.9(b): (4 cases).
- (2) Existing litigation Government Code §54956.9(a): Lassen County Superior Court Case No. 38946, Forbes et ux, vs. Feather Publishing, LMUD, et al.
- (3) Existing litigation Government Code §54956.9(a): Lassen County Superior Court Case No. 36791, Spencer vs. LMUD.
- (4) Existing litigation, Government Code §54956.9(a): IBEW 1245 vs. Lassen Municipal Utility District, Unfair Practices Charge No. SA-CE-290-M.

8. ADJOURN

FUTURE MEETING SCHEDULE:

Regular Board Meeting January 6, 2005

Special Board Meetings TBA

CLOSED SESSION:

At any time during this meeting, the Board may adjourn to a closed session pursuant to the Brown Act.

ADDITIONS TO AGENDA:

At any time during this meeting, additional items may be added to this agenda pursuant to the provisions of the Brown Act.

INDIVIDUALS NEEDING ACCOMODATIONS:

If requested, agendas shall be made available in appropriate, alternative formats to persons with a qualified disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132), and the federal rules and regulations adopted in implementation thereof. Any person with a qualified disability who requires a modification or accommodation including an assisted listening device in order to participate in a board meeting of the Lassen Municipal Utility District shall submit a request to the Board Secretary either in writing, in person, or by telephone. All such requests shall be made at least 48 hours before the scheduled meeting so that appropriate arrangements may be made. LMUD will utilize its best efforts to make the arrangements prior to the scheduled meeting.

**RULES OF PUBLIC COMMENT AND DECORUM:
(Fundamental Robert's Rules of Order as Modified by California
Law Presented as a Courtesy to those Unfamiliar with
Parliamentary Procedure)**

1. *For items not on this Agenda, and for "INFORMATION" items on this Agenda, comments shall be limited to 5 minutes per Speaker unless otherwise noted by the Chair.*
2. *For items that are on this agenda, (other than "INFORMATION" items, comments will be limited to 5 minutes per Speaker unless otherwise noted by the Chair.*
3. *As a matter of parliamentary procedure and common courtesy, the District requests that each Speaker please state their name at the beginning of their comment.*
4. *Any Speaker wishing to address the Board may do so only after being recognized by the Chair.*
5. *Privileges of the Chair and Members, i.e., Boardmembers:*
 - *At any time the Chair can unilaterally retake the floor from any Speaker in which case the Speaker must immediately yield the floor by sitting down or stepping back from the podium until the floor is returned to the Speaker by the Chair. If the Speaker does not yield, he or she is out of order and subject to being removed. The Chair retakes the floor by interrupting the Speaker in any manner the Chair chooses (e.g. by questions, calling the Speaker to order, rapping of the gavel, or otherwise).*
 - *Further, any Speaker immediately loses the floor when any Member interrupts the Speaker with a Motion for a Point of Order, Calling the Speaker to Order, Point of Information, Orders of the Day, or a Parliamentary Inquiry.*
6. *All comments must be germane to the specific items of business before the Board, except for comments during the General Comment Period during which such comments must be germane to matters within the jurisdiction of the District.*
7. *All comments shall be directed solely and exclusively to the Chair.*
8. *All comments during the Specific Comment Period shall be confined to the pending question.*
9. *No Speaker may yield his/her time to another Speaker.*
10. *As a matter of parliamentary procedure and common courtesy, Speakers should refrain from attacking personal motives.*
11. *As a matter of parliamentary procedure and common courtesy, Speakers should avoid the use of Members' names.*
12. *As a matter of parliamentary procedure and common courtesy, Speakers should refrain from reading from reports and quotations unless they have first obtained the permission of the Chair.*
13. *As a matter of parliamentary procedure and common courtesy, a Speaker, as well as all members of the public, shall refrain from disturbing the orderly conduct of the District's meeting.*
14. *Any Comment Period questions or matters that require response or action may be referred to a committee or staff for subsequent determination of relevance, report, discussion, and/or action at a future board meeting.*
15. *No Speaker may comment more than once on any item.*