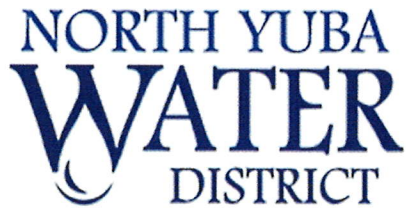


Mike Mayo  
Director  
Division 1

Steve Ronneberg  
Director  
Division 2

Gloria Bozza  
Director  
Division 3



Marieke Furnee  
President  
Division 4

Ann Plumb  
Vice President  
Division 5

Leona Harris  
General Manager

## AGENDA

### REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE NORTH YUBA WATER DISTRICT

5:30 PM ♦ THURSDAY ♦ JULY 25, 2024

**NOTICE: THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC AT THE DISTRICT OFFICE LOCATED AT 8691 LA PORTE RD, BROWNSVILLE, CA 95919. HOWEVER, THE MEETING WILL ALSO TAKE PLACE VIA ZOOM. MEMBERS OF THE PUBLIC MAY ATTEND AND PARTICIPATE IN THE MEETING VIA VIDEOCONFERENCE AT:**

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NYWD BoardRoom is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81835936274?pwd=om12eocaW7GQHMo1OlPsgQleF2Nnjj.1>

Meeting ID: 818 3593 6274

Passcode: 420694

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One tap mobile

+16694449171,,81835936274#,,,,\*420694# US

+16699009128,,81835936274#,,,,\*420694# US (San Jose)

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Dial by your location

• +1 669 444 9171 US

• +1 669 900 9128 US (San Jose)

• +1 386 347 5053 US

• +1 507 473 4847 US

Meeting ID: 818 3593 6274

Passcode: 420694

Find your local number: <https://us02web.zoom.us/j/81835936274?pwd=om12eocaW7GQHMo1OlPsgQleF2Nnjj.1>

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### COMMENCEMENT OF MEETING

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact North

Yuba Water District office staff at 530-675-2567 or fax 530-675-0462. Requests must be made as early as possible and at least one-full business day before the start of the meeting.

The Board of Directors will provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the Board. Please contact District office staff at 530-675-2567 or fax 530-675-0462 at least 24 hours prior to the board meeting so a translator can be provided. Non-English speakers are welcomed to provide their own translator.

**A. CALL TO ORDER/ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. OPPORTUNITY FOR PUBLIC COMMENT – Topics Not on the Agenda:**

At the beginning of a regular meeting, the public has the opportunities to address the District Board of Directors about matters not on the agenda that are within the jurisdiction of the Board of Directors. Public comment is limited to no more than four (4) minutes per person, twenty (20) minutes total for all speakers.

**D. OPPORTUNITY FOR PUBLIC COMMENT – Topics on the Agenda:**

The public has the opportunities to address the District Board of Directors about matters on the agenda, including closed session items. Public comment is limited to no more than four (4) minutes per person, twenty (20) minutes total for all speakers.

<b>CLOSED SESSION</b>
-----------------------

**E. Conference with Legal Counsel — Anticipated litigation (2 cases) – pursuant to Government Code section 54956.9, subdivision (d) (2):**

The Board will meet in closed session to discuss two anticipated/potential legal actions.

**F. Conference with Legal Counsel — Anticipated litigation (1 case) – pursuant to Government Code section 54956.9, subdivision (d) (2) and (e) (3):**

1. Letter from Peter Jansen, representing Charles Sharp, threatening to sue the District.

**G. Conference with Legal Counsel — existing litigation (3 Cases) – pursuant to Government Code section 54956.9, subdivision (d) (1):**

1. *In the Matter of North Yuba Water District*; FPPC No. 20/917
2. *South Feather Water & Power Agency v. North Yuba Water District*, Sutter County Superior Court Case No. CVCS21-0002073
3. *North Yuba Water District v. South Feather Water and Power District*, Yuba County Superior Court Case No. Case No. CVCS21-0001857

<b>RETURN TO OPEN SESSION</b>
-------------------------------

**H. REPORT OF CLOSED SESSION ACTIONS**

## OPEN SESSION ACTION CALENDAR

### I. CONSENT ITEMS

1. Approval of **Minutes for Regular Board Meeting of June, 28 2024**
2. Approval of **Payroll for the Month of June 2024:**       **\$ 46,302.71**
3. Approval of **Bills for the Month of June 2024:**       **\$ 188,677.50**

### J. STAFF REPORTS AND RECOMMENDATION

The Board will hear reports by District staff and receive their recommendations for future Board action, including but not necessarily limited to:

#### Financial Manager's Report

#### General Managers' Report/Requests

The General Manager will update the board on District operations, including the status of an Operations Memorandum.

Foothills Food and Water Festival: The Board will discuss and possibly act upon the General Manager's recommendation to sponsor the Foothills Food and Water Festival: Request approval for a sponsorship.

#### Legal Counsel's Report

General Counsel will update the Board on the status of two lawsuits between the North Yuba Water District and the South Feather Water and Power Agency.

The Board will discuss and possibly act upon General Counsel's recommendations to pay a fine imposed by the Fair Political Practices Commission for mass mailings before the last election that violated the Political Reform Act.

Charles Sharp has threatened to sue the North Yuba Water District for defamation. The Board will discuss and possibly act upon General Counsel's recommendations to deny Mr. Sharp's demand.

### K. DIRECTORS REPORTS

## ADJOURNMENT

**REGULAR MEETING MINUTES OF THE BOARD OF DIRECTORS OF THE  
NORTH YUBA WATER DISTRICT  
Held at the District Office and Zoom  
8691 LaPorte Road, Brownsville  
Thursday, June 27, 2024**

NYWD boardroom is inviting you to a scheduled Zoom meeting.

Topic: NYWD Boardroom's Zoom Meeting  
 Time: May 28, 2024 05:30 PM Pacific Time (US and Canada)  
 Join Zoom Meeting  
<https://us02web.zoom.us/j/87174848046?pwd=PW3AHZgJXHPemzkBoHXtbfHQ2ccUrS.1>  
 Meeting ID: 871 7484 8046  
 Passcode: 096093  
 One tap mobile  
 +16694449171,,87174848046#,,,,096093# US  
 Dial by your location  
 +1 669 900 9128 US (San Jose)  
 Meeting ID: 871 7484 8046  
 Passcode: 096093  
 Find your local number: <https://us02web.zoom.us/j/87174848046?pwd=PW3AHZgJXHPemzkBoHXtbfHQ2ccUrS.1>

**COMMENCEMENT OF MEETING**

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in the meeting, please contact North Yuba Water district office staff at 530-675-2567 or fax 530-675-0462. Requests must be made as early as possible and at least one-full day before the start of the meeting. The Board of Directors shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the Board. Please contact District office staff at 530-675-2567 or fax 530-675-0462 at least 24 hours prior to the board meeting so a translator can be provided. Non-English speakers are welcome to provide their own translator. By law, every member of the public has the right to address the Board two times on any matter within the jurisdiction of the Board of directors. However, this right is subject to reasonable time, place, and limits, the Board reserves the right to instruct a speaker to step away from the podium, and to mute the audio and video of any speaker appearing remotely.

**A. CALL TO ORDER/ROLL CALL**

President Furnee called the meeting to order at 5:30 PM, at the District Office in Brownsville, CA.

<i>NAME</i>	<i>PRESENT</i>	<i>ABSENT</i>	<i>VISITORS INCLUDING:</i>
<i>PRESIDENT</i>	Marieke Furnee		Kawanza Vinje, Charles
<i>VICE PRESIDENT</i>		Ann Plumb	Sharp, John Messick
<i>DIRECTORS:</i>	Gloria Bozza Steven Ronneberg Mike Mayo		
<i>GENERAL MANGER</i>	Leona Harris		
<i>ATTORNEY</i>	Paul Boylan		

**B. PLEDGE OF ALLEGIANCE:**

President Furnee led the Pledge of Allegiance.

**C. OPPORTUNITY FOR PUBLIC COMMENT ON NON AGENDIZED ITEMS:**

The public has the opportunity to address the District Board of Directors about matters not on the agenda. Public comment is limited to no more than four (4) minutes per person, twenty (20) minutes total for all speakers. **NOTE: ALL PUBLIC PARTICIPANTS WILL BE MUTED UPON ENTRY INTO THE MEETING AND WILL ONLY BE UNMUTED TO ALLOW THEIR COMMENT. TO PROVIDE PUBLIC COMMENT BY TELECONFERENCE PRESS \*9.**

**PUBLIC COMMENT:** Comments from Members of the Public included thank you, culture always trumps policy, zoom meetings are a distraction, glad to see irrigation water, thank you for supporting the mountain fair and the 5k run.

**D. OPPRTUNITY FOR PUBLIC COMMENT – Topics on the Agenda**

Members of the public may address the Board concerning any item on the agenda. No other comments will be allowed. Any member of the public wishing to make comment shall identify the agenda item they intend to address, and they will be provided an opportunity to make comment on that item only. Public comment is limited to no more than two (4) minutes per person, twenty (20) minutes total for all speakers.

**NOTE: ALL PUBLIC PARTICIPANTS WILL BE MUTED UPON ENTRY INTO THE MEETING AND WILL ONLY BE UNMUTED TO ALLOW THEIR COMMENT. TO PROVIDE PUBLIC COMMENT BY TELECONFERENCE PRESS \*9.**

**PUBLIC COMMENT:** No comments.

<b>OPEN SESSION CALENDAR</b>
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**E. CONSENT ITEMS:**

1. Approval of Minutes for Regular Board Meeting of May 28, 2024
2. Approval of Payroll for the Month of May 2024: \$64,254.05
3. Approval of Bills for the Month of May 2024: \$649,132,01

**Director Mayo made a motion to approve consent items 1,2 and 3. Director Bozza seconded the motion. The motion was approved with a unanimous vote.**

**F. STAFF REPORTS AND RECOMMENDATION:** The Board will hear reports by Districts staff and receive their recommendations for future Board action, including but not necessarily limited to:

**Financial Manager's Report:**

Review of Cash on Hand and Income Statements for the period ending January 22, 2024, May 31, 2024

Heidi Naether read the financial report. Cash on Hand and Income Statements for the period ending May 31 .2024. Total cash on hand in all accounts including reserves was \$5,290,206.05. Total income for the fiscal year to date (July 01, 2023 – May 31, 2024) was \$3,511,861.20. Total expenses were \$1,722,459.05, leaving a net revenue over expenses of \$1,789,402.15. Expenses out of Reserves/Savings year to date totaled \$1,155,886.08.

**General Manager's Report/Requests:**

1. The General Manager will update the board on District operations, including the status of an Operations Memorandum.

General Manager Leona Harris reported that irrigation is running at 6 CFS to all customers, thanks to all the work done on the canals, upper and lower. Director Mayo asked about last year losses, Leona reported that it was 9 CFS, dropped down to 8 CFS. Running full deliveries on 6 CFS. Gannett Flemming will be coming up the week of July 15<sup>th</sup> and walking both ditches completing an alternative analysis. The report should be done by November. Leona also reported that a check was received from South Feather for \$6,705,065.00 for our 50% of net power revenue for 2023.

**Legal Counsel's Report:**

Paul Nicholas Boylan, District Legal Counsel, updated the Board on two remaining lawsuits, one of which (CEQA) may be decided by the Judge on July 19th, and the second (Accounting Errors/Breach of Contract) will continue as a settlement conference on the same day with the Judge's participation.

**G. DIRECTORS REPORTS:**

Director Mayo acknowledged the outside crew. Director Bozza shared the Fourth of July celebration at the Fire Department. President Furnee shared two important dates, July 15<sup>th</sup> for filing of three openings on the board and August 9<sup>th</sup>, when the period for filing closes.

**CLOSED SESSION**

The Board entered into closed session at 5:50 P.M.

- H. CONFERENCE WITH LEGAL COUNSEL -Anticipated litigation (1 case) – pursuant to Government Code section 54956.9, subdivision (d), paragraph (2)** The Board will meet in closed session to discuss one anticipated/potential legal action.

**RETURN TO OPEN SESSION**

The Board returned to open session at 6: 47 PM.

- L. REPORT OF CLOSED SESSION ACTIONS:**

For Item H. Met with council and gave instruction.

- M. ADJOURNMENT**

The meeting was adjourned at 6:48 P.M.

North Yuba Water District  
Monthly Net Payroll Report

TOTAL MONTHLY NET PAYROLL FOR THE MONTH OF JUNE, 2024

TOTAL JUNE, 2024            \$ 46,302.71

**North Yuba Water District  
Monthly Check Listing  
JUNE 2024**

	<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
<b>1000A · Cash - GC Seperate Accounts</b>					
<b>Paypal</b>					
PayPal Fees	Check	06/30/2024	FEES	PayPal	-57.02
Total Paypal					<u>-57.02</u>
<b>11007 · River Valley Bank Checking</b>					
Employee Paid Insurance	Liability Check	06/01/2024	27136	AFLAC	-395.76
Phone Service	Bill Pmt -Check	06/01/2024	27137	CALNET3	-290.17
Public Outreach	Bill Pmt -Check	06/01/2024	27138	Elevate Public Relations & Marketing, LLC	-1,999.50
Vision Insurance	Bill Pmt -Check	06/01/2024	27139	Eye Med	-150.00
Alarm Service	Bill Pmt -Check	06/01/2024	27140	Golden Bear Alarms	-96.00
Electricity	Bill Pmt -Check	06/01/2024	27141	Pacific Gas & Electric	-4,818.54
Employee Pension Fund	Bill Pmt -Check	06/03/2024	27142	LIU of NA Nat'l Pension Fund	-3,975.75
Propane Gas Tank Annual Rent	Bill Pmt -Check	06/03/2024	27143	Brown's Gas Co.	-72.00
Line Trimer, Glue	Bill Pmt -Check	06/03/2024	27144	Foothill Hardware	-27.89
Roundup	Bill Pmt -Check	06/03/2024	27145	Helena Specialty Products	-849.42
Annual P.O. Box Fee	Bill Pmt -Check	06/03/2024	27146	Postmaster	-154.00
Ant Spray, Safety Glasses, Chain Link, Tape Rule, 2 Hats, Extension Pole, Bar Oil, Gloves, Lopper Bypass, Readymix, Plastic	Bill Pmt -Check	06/03/2024	27147	Ray's General Hardware	-295.26
Water Treatment Plant Chemicals	Bill Pmt -Check	06/03/2024	27148	SCP DISTRIBUTORS LLC	-3,166.91
Injection Valve Assembly	Bill Pmt -Check	06/03/2024	27149	USA Bluebook	-385.44
Cellphone Service	Bill Pmt -Check	06/03/2024	27150	VERIZON WIRELESS	-214.87
FT Ditch current condition walkdown	Bill Pmt -Check	06/03/2024	27151	Gannett Fleming, Inc.	-30,198.89
Credit Card Fees	Check	06/03/2024	BANKC	MSI Electronic Payments	-173.70
Health Insurance	Bill Pmt -Check	06/04/2024	27152	ACWA/Jt Powers Ins Authority	-12,893.03
Domestic Customer Deposit Refund	Check	06/04/2024	27153	Hancock, Michael	-112.17
Dental Insurance	Bill Pmt -Check	06/04/2024	27154	Premier Access Insurance Co.	-1,018.79
Domestic Customer Deposit Refund	Check	06/07/2024	27155	Youngberg, Gustavus	-77.25
Legal	Bill Pmt -Check	06/07/2024	27156	BoutinJones Inc	-27,757.00
Phone Service, Internet	Bill Pmt -Check	06/07/2024	27157	CALNET3	-556.52
Legal	Bill Pmt -Check	06/07/2024	27159	The Water Group	-13,214.70
Direct Deposit Fees	Liability Check	06/12/2024	DirD	QuickBooks Payroll Service	-52.00



# North Yuba Water District Monthly Check Listing JUNE 2024

	Type	Date	Num	Name	Amount
Clover Credit Card Fees	Check	06/12/2024	CLOVER	Clover	-44.95
Employee Retirement Fund	Liability Check	06/13/2024	27176	ICMA-457	-1,469.60
State Payroll Taxes	Liability Check	06/13/2024	E-pay	EDD	-1,112.91
Federal Payroll Taxes	Liability Check	06/13/2024	E-pay	United States Treasury	-6,653.94
Digital Path (\$110.95), Adobe (\$39.98), Wix Website (\$34.00), 1099 Tax Service (\$15.00), Bottled Water (\$37.14), 2 Bags Toilet Tissue (\$59.49), Copy Paper, Calculator Ribbon, 6 Boxes Kleenex (\$79.08), Scan Disks (\$115.80), Employee Appreciation Meals (\$118.58), 2 Battery Chargers (\$53.03), Boots, Boot Insert (\$305.64), 2 Handy Mats (\$83.50), 2 Fuel Filters (\$60.04), Meals (Conference, Tour) (\$128.92), Parking (Conference) (\$48.00), 8 First Aid Kits, Neosporin (\$250.86), 3 Boxes Coffee (\$109.44), Shop Towels (\$22.71)	Bill Pmt -Check	06/14/2024	27177	Mechanics Bank	-1,672.16
Copier Lease	Bill Pmt -Check	06/14/2024	27178	Wells Fargo Vendor Financial Services, LL	-129.90
Pest Control	Bill Pmt -Check	06/17/2024	27179	CAL KING PEST CONTROL	-176.00
Trash Pick-up	Bill Pmt -Check	06/17/2024	27180	Recology - Yuba Sutter	-243.01
Postage	Bill Pmt -Check	06/17/2024	27181	Reserve Account	-500.00
Annual Membership	Bill Pmt -Check	06/24/2024	27182	American Water Works Assoc.	-501.00
Water Testing	Bill Pmt -Check	06/24/2024	27183	Cranmer Engineering Inc	-525.00
Oregon Peak Rent (Radio Tower use for Radio's)	Bill Pmt -Check	06/24/2024	27184	EIP Holdings II, LLC	-491.00
Minutes	Bill Pmt -Check	06/24/2024	27185	Fonseca, Catherine L.	-200.00
Legal	Bill Pmt -Check	06/24/2024	27186	Herr Pederson & Berglund LLP	-12,798.38
Fuel, Diesel	Bill Pmt -Check	06/24/2024	27187	Ramos Oil Company Inc.	-2,579.84
24 Caps	Bill Pmt -Check	06/24/2024	27188	Sierra Embroidery Works	-515.48
Direct Deposit Fees	Liability Check	06/26/2024	DirD	QuickBooks Payroll Service	-56.00
Employee Paid Union Dues	Liability Check	06/27/2024	27203	UPEC	-404.00
Employee Retirement Fund	Liability Check	06/27/2024	27204	ICMA-457	-1,588.40
Water Right Accounting	Bill Pmt -Check	06/27/2024	27205	MBK Engineers	-518.00
State Payroll Taxes	Liability Check	06/27/2024	E-pay	EDD	-1,427.45
Federal Payroll Taxes	Liability Check	06/27/2024	E-pay	United States Treasury	-8,305.58
State Payroll Taxes	Liability Check	06/27/2024	E-pay	EDD	-143.33
Federal Payroll Taxes	Liability Check	06/27/2024	E-pay	United States Treasury	-23.24
Cleaning Service	Bill Pmt -Check	06/27/2024	27207	Shelton's Janitorial	-500.00

North Yuba Water District  
 Monthly Check Listing  
 JUNE 2024

	Type	Date	Num	Name	Amount
Eclipse Mapping and GIS Kit	Bill Pmt -Check	06/27/2024	27209	Mechanics Bank	-9,980.65
Legal	Bill Pmt -Check	06/27/2024	27215	Paul Nicolas Boylan, Esq.	-33,115.10
Total 11007 - River Valley Bank Checking					-188,620.48
Total 1000A - Cash - GC Seperate Accounts					-188,677.50
<b>TOTAL</b>					<b>-188,677.50</b>

Checks 27206, 27208 for Bank Transfers for Certified Deposits

**Finance Report for July 25, 2024 Board Meeting:**

As of June 30, 2024 total cash in all accounts including reserves was \$11,964,239.99.

Total income for the fiscal year to date (July 1<sup>st</sup>, 2023 to June 30, 2024) was \$10,430,786.24. Total expenses were \$1,853,326.29

Net revenue over expenses were \$8,577,459.95

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Expenses out of Reserves/Savings total \$1,258,466.39 for this fiscal year.

**North Yuba Water District  
UNAUDITED FINANCIAL REPORT  
July 2023 - June 2024**

Accrual Basis

	Jul '23 - Jun 24	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
4000A · Irrigation	47,785.24	7,996.09	39,789.15	597.61%	7,996.09
4050A · Domestic	267,244.93	271,111.89	-3,866.96	98.57%	271,111.89
4100.10 · Power Revenue SFPP	709,000.00	709,000.00	0.00	100.0%	709,000.00
4100.11 · SFPW Net Revenues 50% Distr.	8,410,563.00	1,600,000.00	6,810,563.00	525.66%	1,600,000.00
4150.10 · Younglife-Water Sales	2,161.00	2,161.00	0.00	100.0%	2,161.00
4200.10 · Yuba City-Water Sales	435,555.00	435,555.00	0.00	100.0%	435,555.00
4215.13 · Other Revenue	7,027.54	500.00	6,527.54	1,405.51%	500.00
4250.10 · Taxes - General	245,343.29	266,404.20	-21,060.91	92.09%	266,404.20
4250D · Taxes - Domestic	76,578.17	77,069.11	-490.94	99.36%	77,069.11
4250I · Taxes - Irrigation	110,172.07	110,370.37	-198.30	99.82%	110,370.37
4300A · Interest	119,356.00	40,000.00	79,356.00	298.39%	40,000.00
<b>Total Income</b>	<b>10,430,786.24</b>	<b>3,520,167.66</b>	<b>6,910,618.58</b>	<b>296.32%</b>	<b>3,520,167.66</b>
<b>Gross Profit</b>	<b>10,430,786.24</b>	<b>3,520,167.66</b>	<b>6,910,618.58</b>	<b>296.32%</b>	<b>3,520,167.66</b>
<b>Expense</b>					
5050.30 · FT Ditch	109,771.30	129,935.33	-20,164.03	84.48%	129,935.33
5050.95 · Yuba City Water Sale (1/2)	217,777.50	217,777.50	0.00	100.0%	217,777.50
5100.00 · Water Treatment Plant (WTP)	286,400.58	368,978.45	-82,577.87	77.62%	368,978.45
5200.00 · Irrigation Expense	136,786.51	161,970.00	-25,183.49	84.45%	161,970.00
5251 · Domestic Expenses	284,606.80	241,462.00	43,144.80	117.87%	241,462.00
5400 · Board of Dir	13,929.17	29,400.00	-15,470.83	47.38%	29,400.00
5500 · Admin	455,854.95	563,756.10	-107,901.15	80.86%	563,756.10
5500U · Admin-Utilities	29,414.06	36,635.53	-7,221.47	80.29%	36,635.53
5600R · Regulator Driven	130,725.72	171,883.59	-41,157.87	76.06%	171,883.59
5700 · General	154,937.39	166,427.85	-11,490.46	93.1%	166,427.85
5700F · Fuel	25,439.89	28,805.94	-3,366.05	88.32%	28,805.94
5800 · OSHA/Safety	7,682.42	10,000.00	-2,317.58	76.82%	10,000.00
<b>Total Expense</b>	<b>1,853,326.29</b>	<b>2,127,032.29</b>	<b>-273,706.00</b>	<b>87.13%</b>	<b>2,127,032.29</b>
<b>Net Ordinary Income</b>	<b>8,577,459.95</b>	<b>1,393,135.37</b>	<b>7,184,324.58</b>	<b>615.7%</b>	<b>1,393,135.37</b>
<b>Net Income</b>	<b>8,577,459.95</b>	<b>1,393,135.37</b>	<b>7,184,324.58</b>	<b>615.7%</b>	<b>1,393,135.37</b>

# North Yuba Water District

## 2022-23 EXPENSES OUT OF RESERVES/SAVINGS (July 01, 2023 - June 30, 2024)

MEMO	AMOUNT BILLED/PAID UP TO DATE	GRANT FUNDS RECEIVED UP TO DATE	NET AMOUNT BILLED/PAID UP TO DATE	ANNUAL BUDGET
L.U.I. Union Retirement Stabilization Fund	\$24,312.86		\$24,312.86	\$29,120.00
Additional Legal	\$418,209.39		\$418,209.39	\$720,000.00
Public Relations	\$21,231.00		\$21,231.00	\$20,000.00
Grant Pursuits			\$0.00	\$50,000.00
<b>Special Projects/Emergency Repairs</b>				
Water Conservation/Feasibility Study (Grant Income from Yuba Water Agency) for Water Conservation/Feasibility Study		-\$4,155.30		
		-\$87,179.97		
Flood Damage Repair (Forsythe Rd)	\$5,435.45			
Median Household Income Study	\$4,000.00			
Stove	\$748.11			
Vermeer Vac Trailer	\$112,814.90			
Oroleve Creek Siphon Valve	\$12,297.00			
Eclipse GIS Mapping Kit	\$9,980.65			
<b>Total Special Projects/Emergency Repairs to date</b>			<b>\$53,940.84</b>	<b>\$200,000.00</b>
Water Treatment Plant Improvements/Repairs			\$0.00	\$350,000.00
<b>FT Ditch</b>				
Halversterm Flume (Grant Income from Yuba Water Agency) for Halversterm Flume)	\$1,133,825.79	-\$1,016,314.00		
Shortcrete-Gunite-Cribbing - FT Ditch (Grant Income from Yuba Water Agency) for FT Ditch Shortcrete)	\$1,024,689.45	-\$1,021,291.00		
Canal Stabilization FT Ditch	\$30,198.89			
<b>Total FT Ditch</b>			<b>\$151,109.13</b>	<b>\$500,000.00</b>
Office Maintenance/Shop			\$0.00	\$50,000.00
Radio Read Meters	\$1,465.00		\$1,465.00	\$250,000.00
Tanks (Grant Income from Yuba Water Agency and DWR) for Tanks)	\$1,216,252.64	-\$792,236.90		
<b>Total Tanks</b>			<b>\$424,015.74</b>	<b>\$400,000.00</b>
Flow Meters	\$16,578.50		\$16,578.50	\$16,578.50
Water Losses	\$8,677.33		\$8,677.33	\$100,000.00
<b>Irrigation Ditch</b>				
Shotcrete  (Grant Income from Yuba Water Agency) for Irrigation Ditch Shortcrete)	\$1,179,067.60	-\$1,040,141.00		
<b>Total Irrigation Ditch</b>			<b>\$138,926.60</b>	<b>\$500,000.00</b>
	<b>\$5,219,784.56</b>	<b>-\$3,961,318.17</b>	<b>\$1,258,466.39</b>	<b>\$3,185,698.50</b>

## North Yuba Water District

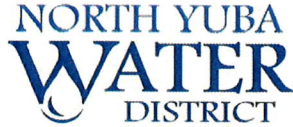
### Cash In Accounts prior Month Comparison

#### June 2024 compared to May 2024

	06/30/2024	05/31/2024	Increase/Decrease
	Amount	Amount	
River Valley Bank Checking	\$633,439.64	\$702,633.53	(\$69,193.89)
Savings Money Market Account (River Valley Bank)	\$3,152,855.14	\$151,577.92	\$3,001,277.22
PayPal Account	\$1,246.60	\$2,393.20	(\$1,146.60)
Petty & Register Cash	\$830.00	\$830.00	\$0.00
Tri Counties Bank (5 Month CD-matures 07/07/24-4.92%)	\$500,000.00	\$500,000.00	\$0.00
Tri Counties Bank (6 Month CD-matures 09/06/24-4.91%)	\$510,461.66	\$510,461.66	\$0.00
Tri Counties Bank (6 Month CD-matures 12/28/24-4.5%)	\$1,000,000.00	\$0.00	\$1,000,000.00
River Valley Bank (6 Month CD-matures 12/28/24-4.5%)	\$1,000,000.00	\$0.00	\$1,000,000.00
YC Treas Fund #637 (Gen Dist)	\$784,314.71	\$783,961.49	\$353.22
YC Treas Fund #641 (ID #1)	\$604,086.54	\$603,942.38	\$144.16
YC Treas Fund #642 (ID #2)	\$132,449.66	\$132,344.70	\$104.96
YC Treas Fund #639 (Fac Fee Domestic)	\$7,755.82	\$7,755.82	\$0.00
YC Treas Fund #640 (Savings)	\$533,315.16	\$533,315.16	\$0.00
YC Treas Fund #644 (Equip Res)	\$3,157.98	\$3,157.98	\$0.00
YC Treas Fund #646 (ID #6)	\$11,993.83	\$11,993.83	\$0.00
YC Treas Fund #647 (Annex Irr)	\$11.76	\$11.76	\$0.00
YC Treas Fund #648 (Annex Dom)	\$92.71	\$92.71	\$0.00
YC Treas Fund #649 (Off Equip Res)	\$5,768.48	\$5,768.48	\$0.00
YC Treas Fund #650 (Reserve)	\$2,257,050.05	\$516,037.05	\$1,741,013.00
YC Treas Fund #393 (Trmt Plnt)	\$2,882.64	\$2,882.64	\$0.00
<b>Total Cash on Hand</b>	<b>\$11,141,712.38</b>	<b>\$4,469,160.31</b>	<b>\$6,672,552.07</b>
Reserve Accounts			
Reserve Savings Money Market (River Valley Bank)	\$99,365.92	\$99,186.90	\$179.02
CIP Money Market Account (River Valley Bank)	\$536,771.85	\$535,804.80	\$967.05
<b>Total in Reserve</b>	<b>\$636,137.77</b>	<b>\$634,991.70</b>	<b>\$1,146.07</b>
<b>Total in All Accounts not including FT Tank and YC Water Sale Account</b>	<b>\$11,777,850.15</b>	<b>\$5,104,152.01</b>	<b>\$6,673,698.14</b>
FT Tank Money Market Account (River Valley Bank)	\$112,594.08	\$112,391.23	\$202.85
YC Water sale Account (River Valley Bank)	\$73,795.76	\$73,662.81	\$132.95
<b>Total in All Accounts</b>	<b>\$11,964,239.99</b>	<b>\$5,290,206.05</b>	<b>\$6,674,033.94</b>

**North Yuba Water District**  
**Statement of Cash Flows**  
June 2024

	Jun 24
<b>OPERATING ACTIVITIES</b>	
Net Income	6,788,057.80
Adjustments to reconcile Net Income	
to net cash provided by operations:	
A/R:A/R Domestic Water	-7,719.82
A/R:A/R Irrigation	-2,508.49
1300.00 · Inventory-001	14,580.55
1400.03 · Prepaid Worker's Comp Insurance	2,223.56
2000.00 · Accounts Payable	-42,213.05
Payroll Liabilities	-2.68
2150.30 · PR Tax-State Unemployment Tax	-112.56
2150.50 · PR -Aflac Ins	-131.92
2250.10 · Deposits-Customers	128.00
Net cash provided by Operating Activities	6,752,301.39
Expenses/Income from Reserves/Savings	
Eclipse GIS Mapping Kit	-9,980.65
Additional Legal	-68,286.80
Net Expenses/Income from Reserves/Savings	-78,267.45
Net cash increase for period	6,674,033.94
Cash at beginning of period	5,290,206.05
Cash at end of period	11,964,239.99



# Memorandum

Date: July 19th, 2024

To: Leona Harris

From: Operations

Subject: Monthly work production/ Schedule of Maintenance review

The following is an overview of the work performed this month by operations staff.

***Transmission:***

1. Forbestown ditch is now in its summer cycle, delivering water to south feather the treatment plant and North Yuba's Irrigation. South Feather is receiving 7 cfs for their irrigation. North Yuba is receiving 5.7 cfs for its irrigation, the water is being diverted at the Costa creek turnout. The ditch is being patrolled; trash racks cleaned, fallen trees removed, leaks plugged as they are found, along with daily inspections for new losses. Problem spots are being documented for off season repairs.

***Distribution:***

1. Domestic meter reads for Forbestown and Challenge were completed on time.
2. There was 1 service line leak for the last month. Job # 749.
3. There were 0 main line leaks for the last month.
4. All blow offs were inspected, no problems were found.
5. All air releases were inspected, no problems were found.
6. All dead-end main were flushed.



***Water Treatment Plant:***

1. With the new upgrades mentioned in previous reports, the treatment plant is functioning normal at this time with no issues. The aerators in the reservoir at the treatment plant are in use and operating normally.

***Backflow:***

1. All backflows are current, there were 10 backflow tests required within the last 4 weeks.

***Regulators:***

1. All CDPH (Cal. Dept. of Public Health) and NPDES (Nat. Pollution Discharge Elimination System) tests and samples were taken and performed on time. These include 3 bacteriological distribution samples for the CDPH, which came back as non-detect.

***DOH Canal:***

1. The 2024 irrigation season was started on 4/17/24. Currently 5.7 cfs in being diverted to run irrigation. At this time district staff is cleaning debris, and maintaining the canal. All customers are balanced and receiving water. The ditch is being patrolled; trash racks cleaned, fallen trees removed. Problem spots are being documented for future repairs.

***Schedule of Maintenance:***

1. The SOM (schedule of maintenance) for the treatment plant, regulators (local, state and federal) and UFC were completed for the previous month. All regulatory (local, state and federal) reports for the current month were completed or are in process.

***Safety Meetings:***

1. Safety meetings are held weekly, all field employees are required to attend. The following is a list of completed safety meetings in the last 4 weeks.
2. #1 Power saw safety.
3. #2 Working at altitude.
4. #3 Open canal safety.
5. #4 Eye protection.



## 2024 Sponsors

It's time to dust off your dancing shoes (and maybe some gardening gloves) because the Yuba Foothills Food & Water Festival is back for its second round – and it's gonna be even tastier than last year! Mark your calendars for [September 28th & 29th](#), because the heart of the Yuba Foothills is about to explode with deliciousness.

Day 1 at the [Alcouffe Center](#) is all about supporting your local heroes: farmers, chefs, artisans, wellness gurus, and even some amazing non-profits. Think booths overflowing with fresh produce, homemade goodies, and enough good vibes to fuel a bonfire. Local vendors apply [here](#) today!

But wait, there's more! Day 2 takes things to the next level with workshops and tours at [YES Charter Academy](#). Dive into the world of permaculture,



WildCat Rub LLC



Pain Relief for People



sustainable landscaping, water-saving magic, and even fireproofing your backyard (because nobody wants a crispy lawn!). Plus, tastings with master producers? Sign us up!



**Renaissance**  
Vineyard & Winery

This festival is all about celebrating the incredible community we have here in the Yuba Foothills. It's a chance to connect with your neighbors, discover hidden gems, and, of course, stuff your face with delicious, locally-sourced food and drinks.

So, what are you waiting for? Grab your reusable tote bag, your thirst for knowledge, and your appetite for adventure. We can't wait to see you there!

**P.S.** Don't forget to share this post and spread the word! The more the merrier (and the more food we can all share). And if you wish to be a sponsor of the event, take a look at the packages available [here](#) – your support is ever appreciated! **Like and follow the official Facebook Page for updates!**



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HOME > SPONSORS

# SPONSORS

Sponsorship Packages are available to community-minded businesses looking to support our Food and Water Festival. All sponsorship packages include a booth and can be expanded to fit your budget and needs to highlight your business as a vibrant part of foothill living. The two-day event on September 28th and 29th, 2024 is expected to attract over 500 attendees. Here are just a few of the benefits of sponsoring the Food and Water Festival:

- Increased local awareness
- Recognition of community support
- Opportunity to connect with potential customers
- Access to a captive audience
- Recognition at the event

We believe the Food and Water Festival is a great opportunity for sponsors to support the community while reaching a new audience to promote their

## 2024 Sponsors



WildCat Rub LLC



Pain Relief for People



brand. We would be honored to have you as a sponsor. Please contact us at [hello@foodandwaterfestival.com](mailto:hello@foodandwaterfestival.com) to learn more about sponsorship opportunities.

**Sponsor today by filling out this [brief questionnaire!](#)**







## Sponsorship Packages

Sponsorship Package	Ocean	Lake	River	Pond
Price	\$1,000+	\$400	\$200	\$100
Full day Workshop Passes	5	3	2	1
Logo and live link from Festival Home page	💧	💧	💧	
Logo and live link from all Festival Workshop pages	💧	💧	💧	💧
Logo and live link from Festival Sponsors page	💧	💧	💧	💧
Logo on local print banners	💧			
Double Booth	💧	💧		
Single Booth			💧	💧
Sponsored Activity – Caltucky band	💧	💧		



**Renaissance**  
Vineyard & Winery

On stage Sponsor Callout				
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Booths can also be reserved as part of our [sponsorship packages](#), or by sending payment directly to the Alcouffe center:

### PayPal

Pay with Debit or Credit Card on [this page](#), clicking the “Donate” button (see below). Make sure to leave a note about what sponsorship/vendor package you are paying for!



### CHECK

Send your tax-deductible donation to:

#### **DOHIF**

*PO Box 302*

*Oregon House, CA 95962*

You will receive a signed Thank You that can also be retained for your tax records.



**FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street • Suite 3050 • Sacramento, CA 95811

July 12, 2024

**North Yuba Water District**  
c/o Paul Boylan, Esq  
Via email: [PNBoylan@gmail.com](mailto:PNBoylan@gmail.com)

**Re: In the Matter of North Yuba Water District; FPPC No. 20/917**

Dear Paul Boylan:

The Enforcement Division of the Fair Political Practices Commission is proceeding with an enforcement action against your client, North Yuba Water District. Based on our review and investigation, we determined your client produced and distributed mass mailings at public expense, in violation of Government Code Sections 89001 and 89002 of the Political Reform Act (the "Act").<sup>1</sup>

Having determined your client violated the Act, the Enforcement Division is authorized to bring an enforcement action against them and may obtain an order that they pay a monetary penalty to the State of California of up to \$5,000 per violation. Before commencing an enforcement action, however, it is our practice in the Enforcement Division to give respondents an opportunity to reach an early resolution of the matter through a stipulated agreement.

We therefore propose a settlement in which your client admits to seven violations of the Act and agrees to pay an administrative penalty of **\$22,000**. Reaching a stipulated agreement carries the advantage of providing respondents with a relatively swift resolution of the matter.

**To take advantage of this settlement offer, your client must:**

1. Sign and return the enclosed Stipulation, Decision and Order (Stipulation); and
2. Pay the **\$22,000** monetary penalty either by cashier's check/money order – OR – by debit/credit card on the FPPC's website by no later than **July 31, 2024**.
  - a. If you wish to pay by cashier's check/money order, please make the check payable to the "General Fund of the State of California." Please note that this cannot be a personal check.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

- b. If you wish to pay by debit/credit card, you will need to use the Enforcement Division's electronic payment system available by following this link: <http://www.fppc.ca.gov/enforcement/pay-enforcement-penalty.html>. Please note that if you wish to pay the enforcement monetary penalty by debit/credit card, there is a 3% transaction fee that will be added to the full penalty amount at the end of the transaction.

If your client enters into this proposed mainline stipulated agreement, the signed stipulation will be presented at the next regularly-scheduled public meeting of the Fair Political Practices Commission. Please be advised that the settlement of this case is subject to approval by a majority of the members of the Commission.

If your client declines to accept our settlement offer by **July 31, 2024**, the Enforcement Division will proceed with an enforcement action to obtain an order, which may require your client pay the maximum fine of \$5,000 per violation. The enforcement action begins with the filing of a Probable Cause Report. This report will detail the violations and ask the Executive Director of this agency to find that probable cause exists to file an accusation against your client with the Office of Administrative Hearings.

If you have any questions regarding this settlement offer, please feel free to contact me at (279) 237-5910 or [JRinehart@fppc.ca.gov](mailto:JRinehart@fppc.ca.gov).

Sincerely,

*Jenna Rinehart*

Jenna C. Rinehart  
Senior Commission Counsel  
Enforcement Division

*Enclosures: Mainline Stipulation, Decision and Order*



1 JAMES M. LINDSAY  
Chief of Enforcement  
2 JENNA C. RINEHART  
Senior Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3050  
4 Sacramento, CA 95811  
Telephone: (279) 237-5910  
5 Email: JRinehart@fppc.ca.gov

6 Attorneys for Complainant  
7 Enforcement Division of the Fair Political Practices Commission

8  
9 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

10 **STATE OF CALIFORNIA**

11 In the Matter of

12 NORTH YUBA WATER DISTRICT,  
13 Respondent.  
14

FPPC Case No. 20/917

**STIPULATION, DECISION AND ORDER**

Date Submitted to Commission: August 2024

15 **INTRODUCTION**

16 Respondent North Yuba Water District (the "NYWD") is located in Yuba County and services  
17 approximately 2,300 people with 839 service connections.

18 This case was opened in response to a sworn complaint.

19 The Political Reform Act (the "Act")<sup>1</sup> prohibits the sending of a mass mailing featuring an  
20 elected official at public expense. The NYWD violated the Act by producing and distributing mass  
21 mailings, which featured an elected official, at public expense.

22 **SUMMARY OF THE LAW**

23 The Act and its regulations are amended from time to time. The violations in this case occurred  
24 in 2019 through 2021. For this reason, all legal references and discussions of law pertain to the Act's  
25 provisions as they existed at that time.

26 ///

27 \_\_\_\_\_  
28 <sup>1</sup> The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

1 **Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act**

2 When enacting the Act, the people of California found and declared that previous laws regulating  
3 political practices suffered from inadequate enforcement by state and local authorities.<sup>2</sup> For this reason,  
4 the Act is to be construed liberally to accomplish its purposes.<sup>3</sup>

5 One stated purpose of the Act is to abolish laws and practices that unfairly favor incumbents so  
6 that elections may be conducted more fairly.<sup>4</sup> Another purpose of the Act is to provide adequate  
7 enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>5</sup>

8 **Mass Mailing at Public Expense**

9 No newsletter or other mass mailing shall be sent at public expense.<sup>6</sup> Specifically, a mailing is  
10 prohibited if all of the following criteria are met:<sup>7</sup>

- 11 (1) An item sent is delivered, by any means, to the recipient at their residence, place of employment  
12 or business, or post office box. The item delivered to the recipient must be a tangible item, such  
13 as a written document.
- 14 (2) The item sent features an elected officer<sup>8</sup> affiliated with the agency that produces or sends the  
15 mailing. An item “features an elected officer” when it includes the elected officer’s photograph  
16 or signature or singles out the elected officer by the manner of display of their name or office in  
17 the layout of the document, such as by headlines, captions, type size, typeface, or type color.<sup>9</sup> A  
18 mailing containing the name, office, photograph, or other reference to an elected officer who  
19 consults or acts in concert with the agency to prepare or send the mailing also fulfills the second  
20 criteria.
- 21 (3) Any of the costs of distribution are paid for with public moneys or the costs of design,  
22 production, and printing exceeding \$50 are paid with public moneys, and is done with the intent  
23 of sending the item other than as permitted by this section.
- 24 (4) More than 200 substantially similar items are sent in a single calendar month, excluding any item  
25 sent in response to an unsolicited request.

22 ///

23 ///

24 \_\_\_\_\_  
25 <sup>2</sup> Section 81001, subd. (h).

26 <sup>3</sup> Section 81003.

27 <sup>4</sup> Section 81002, subd. (e).

28 <sup>5</sup> Section 81002, subd. (f).

<sup>6</sup> Section 89001.

<sup>7</sup> Section 89002, subd. (a).

<sup>8</sup> “Elected officer” means any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer. (Section 82020.)

<sup>9</sup> Section 89002, subd. (c)(2).

1 **SUMMARY OF THE FACTS**

2 Between 2019 and 2022, the NYWD produced at least 10 different Newsletters that provided a  
3 variety of information to residents including notices of Board meetings, contact information for each  
4 Board member, expenses to the agency, and project updates.

5 Four of the Newsletters (sent September 2019, October 2019, November 2019, and January  
6 2020) included a section titled “Chairman’s Update.” The Chairman’s Update included a statement from  
7 Eric Hansard, who at that time was President of the NYWD Board of Directors, along with Hansard’s  
8 picture and signature.

9 The Newsletter sent in April 2020 also included a section titled “Chairman’s Update.” The  
10 Chairman’s Update included a statement from Eric Hansard, along with Hansard’s signature.  
11 Additionally, the April 2020 Newsletter included a section titled “Election of Officers” which included a  
12 congratulatory statement to Eric Hansard and Doug Neilson for their success in getting elected to Board  
13 Chairman and Vice-Chair respectively.

14 The Newsletter sent during the Summer of 2020 included pictures and other references to four  
15 NYWD Board members including Gary Hawthorne, Doug Neilson, Eric Hansard, and Fred Mitchell.  
16 The Newsletter sent in October 2021 included a section titled “Director News Welcome Back Donald  
17 Forguson.” The article states, in part, that District 4 Director, Gretchen Flohr, resigned and Donald  
18 Forguson was appointed by the board. The article goes on to state how Forguson had previously served  
19 on the NYWD Board of Directors and is a local volunteer fire fighter with the rank of Captain.

20 As a result, seven of the Newsletters produced by the NYWD featured an elected officer. The  
21 NYWD contracted with Crystal Martin of Smart Marketing & Public Affairs to design, print, and mail  
22 the NYWD Newsletters. Prior to printing and mailing, each of the Newsletters were reviewed and  
23 approved by the NYWD General Manager at the time, Jeff Maupin, and the Newsletters would  
24 occasionally be reviewed and approved by the NYWD Directors.

25 ///

26 ///

27 ///

28 ///

1 The NYWD confirmed that public moneys were used to design, print, and mail each of the  
2 Newsletters at issue here as follows:

3 <b>Newsletter</b>	<b>Costs</b>	<b>Amount Mailed</b>
4 September 2019	\$6,265.52	2000
5 October 2019	\$4,133.16	1000
6 November 2019	\$3,526.57	1000
7 January 2020	\$1,553.15	1000
8 April 2020	\$1,478.50	1000
9 Summer 2020	\$7,744.13	3500
October 2021	\$3,879.00	2000
<b>Totals:</b>	<b>\$28,580.03</b>	<b>11,500</b>

10 In summary, between 2019 and 2022, the NYWD produced at least 10 different Newsletters,  
11 seven of which were determined to be a prohibited mass mailing at public expense that featured an  
12 elected officer.

### 13 **VIOLATIONS**

#### 14 **Count 1: Mass Mailing at Public Expense**

15 In or around September of 2019, the NYWD produced the September 2019 Newsletter that  
16 featured an elected officer and spent approximately \$6,265 to design, print, and mail this Newsletter to  
17 2,000 residents, in violation of Government Code Sections 89001 and 89002.

#### 18 **Count 2: Mass Mailing at Public Expense**

19 In or around October of 2019, the NYWD produced the October 2019 Newsletter that featured  
20 an elected officer and spent approximately \$4,133 to design, print, and mail this Newsletter to 1,000  
21 residents, in violation of Government Code Sections 89001 and 89002.

#### 22 **Count 3: Mass Mailing at Public Expense**

23 In or around November of 2019, the NYWD produced the November 2019 Newsletter that  
24 featured an elected officer and spent approximately \$3,526 to design, print, and mail this Newsletter to  
25 1,000 residents, in violation of Government Code Sections 89001 and 89002.

26 ///

27 ///

28 ///

1 **Count 4: Mass Mailing at Public Expense**

2 In or around January of 2020, the NYWD produced the January 2020 Newsletter that featured an  
3 elected officer and spent approximately \$1,553 to design, print, and mail this Newsletter to 1,000  
4 residents, in violation of Government Code Sections 89001 and 89002.

5 **Count 5: Mass Mailing at Public Expense**

6 In or around April of 2020, the NYWD produced the April 2020 Newsletter that featured elected  
7 officers and spent approximately \$1,478 to design, print, and mail this Newsletter to 1,000 residents, in  
8 violation of Government Code Sections 89001 and 89002.

9 **Count 6: Mass Mailing at Public Expense**

10 In or around August of 2020 and October of 2020, the NYWD produced the Summer 2020  
11 Newsletter that featured elected officers and spent approximately \$7,744 to design, print, and mail this  
12 Newsletter to 3,500 residents, in violation of Government Code Sections 89001 and 89002.

13 **Count 7: Mass Mailing at Public Expense**

14 In or around October of 2021, the NYWD produced the October 2021 Newsletter that featured  
15 an elected officer and spent approximately \$3,879 to design, print, and mail this Newsletter to 2,000  
16 residents, in violation of Government Code Sections 89001 and 89002.

17 **PROPOSED PENALTY**

18 This matter consists of seven proposed counts. The maximum penalty that may be imposed is  
19 \$5,000 per count. Thus, the maximum penalty that may be imposed for the counts charged here is  
20 \$35,000.<sup>10</sup>

21 Violations of mass mailings at public expense are not eligible for the Streamline Program.<sup>11</sup>

22 In determining the appropriate penalty for a particular violation of the Act, the Enforcement  
23 Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an  
24 emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division  
25 considers the facts and circumstances of the violation in the context of the following factors set forth in  
26 Regulation 18361.5 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused  
27

28 <sup>10</sup> Section 83116, subd. (c).

<sup>11</sup> Regulations 18360.1, subd. (b), and 18360.2, subd. (b).

1 by the specific violation; (2) The level of experience of the violator with the requirements of the  
2 Political Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The  
3 presence or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was  
4 deliberate, negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the  
5 Commission staff or any other governmental agency in a manner not constituting complete defense  
6 under Government Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern  
7 and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and  
8 (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide  
9 full disclosure.<sup>12</sup>

10 The public harm inherent in mass mailing at public expense violations is that the mailings may  
11 unfairly favor the featured elected officer. These types of violations cause a high degree of public harm  
12 when the featured elected officer appears on the ballot for an upcoming election. The violation at issue  
13 in Count 6 carries a high degree of public harm because three of the featured elected officers appeared  
14 on the November 3, 2020 General Election ballot and were re-elected to their positions. The public harm  
15 for the remaining violations were mitigated as none of the featured elected officers were up for re-  
16 election.

17 There was no evidence to support an intent to conceal, deceive or mislead the public. The  
18 Enforcement Division found that the violations here were negligent. It was clear that the Newsletters  
19 were produced and mailed by the NYWD. The NYWD General Manager reviewed and approved each  
20 of the Newsletters before they were printed and distributed to the public. On occasion, the Newsletters  
21 were also reviewed and approved by the NYWD Directors. However, there is insufficient evidence to  
22 determine which Newsletters were approved by which NYWD Directors.

23 The NYWD cooperated with the Enforcement Division throughout its investigation and provided  
24 the relevant information and supporting records. The evidence shows a pattern of violations as the  
25 majority of the Newsletters produced by the NYWD featured an elected officer. However, the NYWD  
26 does not have a prior record of violating the Act. There was no evidence that the NYWD consulted with  
27 Commission staff or any other governmental agency prior to producing the Newsletters at issue here.

28 \_\_\_\_\_  
<sup>12</sup> Regulation 18361.5, subd. (e).

1 The Commission considers penalties in prior cases with the same or similar violations and  
2 comparable facts. Recent similar cases involving prohibited mass mailings at public expense include:

3 *In the Matter of Tuolumne Utilities District*; FPPC Case No. 19/781 (approved March 21, 2024).  
4 The Commission imposed a penalty in the amount of \$2,000 against the District for producing and  
5 sending a prohibited mass mailing at public expense. In January and February of 2019, the District  
6 produced a printed newsletter and included a copy in the water bills mailed to residents. The newsletter  
7 included a photograph of the District’s Board of Directors with a caption under the photograph listing  
8 the names of the five board members. The text “TUD Board of Directors 2019” was superimposed on  
9 the photograph. Approximately 14,250 copies of the newsletter were produced and mailed for a total  
10 cost of \$2,198. The District’s board members were not aware of the photograph being included in the  
11 newsletter and did not approve the newsletter. Additionally, none of the District’s board members were  
12 up for re-election in 2019.

13 *In the Matter of Compton Community College District*; FPPC Case No. 22/795 (approved  
14 September 21, 2023). The Commission imposed a penalty in the amount of \$4,000 against the District  
15 for producing and sending a prohibited mass mailing at public expense. In October of 2022, the District  
16 produced and mailed an informational newsletter to students and residents. The newsletter included a  
17 photograph of the District’s Board President along with their name and title. The newsletter included  
18 other references to the District’s Board President including a message from the President and the use of  
19 pronouns (“I”) in the message. Also, the newsletter included photographs with captions of all of the  
20 District’s five Board of Trustees. Approximately 33,276 copies of the newsletter was produced and  
21 mailed for a total cost of \$36,767. The District’s board members were not aware of the photograph being  
22 included in the newsletter and did not approve the newsletter. Three of the District’s Board of Trustees  
23 who appeared in the photographs also appeared on the November 8, 2022 General Election ballot for re-  
24 election to their District positions, each were successful.

25 Here, between September of 2019 and October of 2021, the NYWD produced and sent seven  
26 prohibited Newsletters that featured an elected officer. In total, the Newsletters were produced, printed,  
27 and mailed to residents at an approximate cost of \$28,580, a significantly higher amount than that at  
28 issue in *Tuolumne Utilities District* and a slightly lower amount than that at issue in *Compton*

1 *Community College District*. Unlike *Tuolumne Utilities District* and *Compton Community College*  
 2 *District* who produced 14,250 copies and 33,276 copies of the prohibited mailer respectively, the  
 3 NYWD only produced approximately 11,500 Newsletters. Similar to *Compton Community College*  
 4 *District*, the NYWD produced and mailed the Summer 2020 Newsletter the month prior to an election  
 5 where the featured elected officers also successfully appeared on the ballot for re-election to their  
 6 positions. Therefore, a total penalty of \$22,000 is recommended; \$3,000 per count for Counts 1-5 and 7,  
 7 and \$4,000 for Count 6.

8 Under these circumstances, it is respectfully submitted that imposition of an agreed upon penalty  
 9 in the amount of \$22,000 is justified, as reflected in the chart below:

Count	Violation	Penalty
1	Mass Mailing Sent at Public Expense	\$3,000
2	Mass Mailing Sent at Public Expense	\$3,000
3	Mass Mailing Sent at Public Expense	\$3,000
4	Mass Mailing Sent at Public Expense	\$3,000
5	Mass Mailing Sent at Public Expense	\$3,000
6	Mass Mailing Sent at Public Expense	\$4,000
7	Mass Mailing Sent at Public Expense	\$3,000
	<b>Total:</b>	<b>\$22,000</b>

### CONCLUSION

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, and  
 19 Respondent, North Yuba Water District, hereby agree as follows:

- 20 1. Respondent violated the Act as described in the foregoing pages, which are a true and accurate  
 21 summary of the facts in this matter.
- 22 2. This stipulation will be submitted for consideration by the Fair Political Practices Commission  
 23 at its next regularly scheduled meeting – or as soon thereafter as the matter may be heard.
- 24 3. This stipulation resolves all factual and legal issues raised in this matter – for the purpose of  
 25 reaching a final disposition without the necessity of holding an administrative hearing to determine the  
 26 liability of Respondent pursuant to Section 83116.

27 ///

28 ///



1 4. Respondent understands and hereby knowingly and voluntarily waives any and all procedural  
2 rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9. This  
3 includes, but is not limited to, the right to appear personally at any administrative hearing held in this  
4 matter, to be represented by an attorney at Respondent's own expense, to confront and cross-examine  
5 all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an  
6 impartial administrative law judge preside over the hearing as a hearing officer, and to have the matter  
7 judicially reviewed.

8 5. Respondent agrees to the issuance of the decision and order set forth below. Also, Respondent  
9 agrees to the Commission imposing against them an administrative penalty in the amount of \$22,000.  
10 One or more cashier's checks or money orders totaling said amount – to be paid to the General Fund of  
11 the State of California – is/are submitted with this stipulation as full payment of the administrative  
12 penalty described above, and same shall be held by the State of California until the Commission issues  
13 its decision and order regarding this matter.

14 6. If the Commission refuses to approve this stipulation – then this stipulation shall become null  
15 and void, and within fifteen business days after the Commission meeting at which the stipulation is  
16 rejected, all payments tendered by Respondent in connection with this stipulation shall be reimbursed  
17 to Respondent. If this stipulation is not approved by the Commission, and if a full evidentiary hearing  
18 before the Commission becomes necessary, neither any member of the Commission, nor the Executive  
19 Director, shall be disqualified because of prior consideration of this stipulation.

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1 7. The parties to this agreement may execute their respective signature pages separately. A copy of  
2 any party's executed signature page, including a hardcopy of a signature page transmitted via fax or as  
3 a PDF email attachment, is as effective and binding as the original.

4  
5  
6 Dated: \_\_\_\_\_

\_\_\_\_\_ James M. Lindsay, Chief of Enforcement  
Fair Political Practices Commission

7  
8  
9  
10 Dated: \_\_\_\_\_

\_\_\_\_\_, on behalf of North Yuba  
Water District, Respondent

11  
12  
13  
14  
15  
16 The foregoing stipulation of the parties "In the Matter of North Yuba Water District," FPPC  
17 Case No. 20/917, is hereby accepted as the final decision and order of the Fair Political Practices  
18 Commission, effective upon execution by the Chair.

19  
20 IT IS SO ORDERED.

21  
22 Dated: \_\_\_\_\_

\_\_\_\_\_ Adam E. Silver, Chair  
Fair Political Practices Commission



**MITCHELL  
CHADWICK**

Peter Jansen  
pjansen@mitchellchadwick.com  
916-462-8807  
916-788-0290 Fax

June 14, 2024

**VIA U.S. MAIL & ELECTRONIC MAIL**

Marieke Furnee

**Re: Stop it or Else**

Ms. Marieke Furnee:

My firm has been retained by Charles Sharp regarding his rights as a North Yuba Water District ("NYWD") member. The purpose of this letter is to demand that you cease interfering with my client's rights as a customer and constituent member of the NYWD to express his interests in the NYWD.

My client is informed and believes that you personally approached community members in the Oregon House area and repeated false information pertaining to Mr. Sharp's beliefs and objectives, in order to discredit and misrepresent my client's interests. My client is informed and believes, that during one particular incident on or about the week of May 26, 2024, you privately told NYWD member that my client wanted South Feather Water and Power Agency to take over NYWD. This is false.

Pursuant to the California Civil Code, you may not utter false statements that cause actual damages to my client's interests as a member of the NYWD or make false statements that tend to disqualify his interests. (Civ. Code, §§ 44, 46.) Moreover, under the first amendment of the United States Constitution, citizens have the right to petition the government for redress of grievances without fear of punishment or reprisals. Since you are a NYWD Director, the misrepresentations you've made appear to be exactly that: reprisals. While you have Constitutionally-protected first amendment rights of your own, misrepresenting my client's interests for political gain and to hurt his interests transcends first amendment protections, and may potentially cross the line into defamation.

We demand that you cease making misrepresentative statements about, concerning, or attributed to, my client. Should you decide to continue misrepresenting my client's interests by uttering

June 14, 2024

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falsehoods, we will take appropriate legal action and will seek all damages for which my client is entitled, including consequential damages and attorneys' fees incurred by my client as a result of your behavior.

We thank you for your attention to these issues and your anticipated cooperation.

Best regards,

MITCHELL CHADWICK LLP

By: *Peter Jansen*  
PETER C. JANSEN