

MINUTES

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

Held at the District Office
8691 LaPorte Road, Brownsville

Thursday, January 23, 2020

A. ROLL CALL

President Eric Hansard called the meeting to order at 5:00 PM at the District Office in Brownsville, CA. The recording secretary called the roll.

NAME	PRESENT	ABSENT	VISITORS INCLUDING:
PRESIDENT	Eric Hansard		Janette L. Cavalier
VICE PRESIDENT		Terry Brown	Alton Wright
DIRECTORS	Doug Neilson		Donna Carson
	Gary Hawthorne		Zach Cross
	Gretchen Flohr		
GENERAL MANAGER	Jeff Maupin		
ATTORNEY	Barbara Brenner		

- B. PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by President Hansard.

ACTION ITEMS

C. PUBLIC INPUT:

Opportunity for public comment on any **NON-AGENDIZED** items within the jurisdiction of the district Board. However, no action may be taken by the Board on topics or matters presented

during this **PUBLIC INPUT** agenda item (**THE PUBLIC MUST ADDRESS THE BOARD ON SPECIFIC AGENDIZED ITEMS ONLY DURING THE BOARD'S CONSIDERATION OF THE ITEM.**)

Public comment was given: Members of the Public spoke about public transparency, the cost of records requests, and correction of a statement regarding a previous General Manager, democratic accountability, management of grant funds, the Forbestown Ditch, Crystal Martin's contract, the recent newsletter and the initial increase in records requests.

D. ELECTION OF BOARD OF DIRECTORS OFFICERS:

Director Hawthorne made a motion to nominate President Hansard for president of 2020, Director Neilson seconded the motion. The motion passed with a majority vote with Director Flohr voting no.

Director Hawthorne made a motion to nominate Director Neilson for Vice President for 2020. Director Neilson seconded the motion. The motion passed with a majority vote with Director Flohr voting no.

E. CONSENT ITEMS:

1. Approval of **Minutes for Regular Board Meeting of August 22nd 2019.**
2. Approval of **Minutes for Special Board Meeting of September 10th 2019**
3. Approval of **Minutes for Regular Board Meeting of September 26th 2019.**
4. Approval of **Minutes for Regular Board Meeting of October 24th 2019.**
5. Approval of **Payroll for the Month of October 2019 - \$26,131.56**
6. Approval of **Payroll for the Month of November 2019 - \$31,700.12**
7. Approval of **Payroll for the Month of December 2019 - \$37,383.12**
8. Approval of **Bills for the Month of October 2019 - \$123,784.83**
9. Approval of **Bills for the Month of November 2019 - \$182,405.10**
10. Approval of **Bills for the Month of December 2019 - \$341,302.03**

President Hansard made a motion that the Board approve Consent Items 1, 3, 4. Vice President Hawthorn seconded the motion. The motion passed with a unanimous vote.

Director Flohr made a motion that the Board approve Consent Item 2 with the correction to the addition of the statement of "Kamie looser and Neil Graver of NorthStar indicated that the CEQA documents would be available in 6 weeks from that time." Vice President Hawthorne seconded the motion. The motion passed with a unanimous vote. Director Flohr indicated that the documents still had not been received.

In regards to 5, 6, and 7 Director Flohr requested that the full names of employees be listed on the payroll. President Hansard asked Barbara Brenner, District Counsel, if that was normal practice of other districts. She stated in her experienced it was not. An employee category for each employee is available on the website. President Hansard asked if there was a second to add the full name of employees to the payroll. There was no second.

Vice President Hawthorne made a motion to approve 5, 6 and 7. President Hansard seconded the motion. The motion passed with a majority vote with Director Flohr voting no.

Director Flohr discussed with the Board questions on the items 8, 9, and 10. After discussion it was determined that General Manager Maupin would send Director Flohr an email addressing her questions.

Vice President Hawthorne made a motion to approve items 8, 9, and 10. President Hansard seconded the motion. The motion passed with a majority vote with Director Flohr abstaining until she receives the answers to her questions.

PUBLIC COMMENT:

Public comment was given. Members of the public spoke about the 2020 budget and lost revenue, answers to questions regarding financing not being readily available, using the reserve fund in place of revenue, providing answers to the public and grandstanding.

Director Neilson commented on the budget and discussed the blog which explains the budget line per line. Discussion continued regarding the 2020 budget.

F. FINANCIAL MANAGER'S REPORT

1. Review of Cash on Hand and Income Statements for the period ending December 31, 2019

Financial Manager, Heidi Naether, reviewed Cash on Hand and Income Statements for the period ending **December 31, 2019.**

As of December 31, 2019, total cash in all accounts including reserves was \$4,936,144.78. Total income for the fiscal year to date (July to December) date was \$992,169.26. Total expenses were \$987,627.06 leaving a net profit of \$4,542.20

Vice President Hawthorne made a motion that the Board approve the Financial Manager's report as presented. Director Neilson seconded the motion. The motion passed with a majority vote with Director Flohr abstaining.

PUBLIC COMMENT:

Public Comment was given. Members of the public made comments on the 2020 budget, independent audit and operating in the black,

G. RESOLUTION #20-740: Adoption of District Boundary Change

President Hansard discussed a letter received from LAPCO which was discussed at the July 25th Board Meeting regarding over lapping boundaries with Browns Valley. There are people who pay taxes to the District and receive their water from Browns Valley. General Manager Maupin stated that Legal descriptions and annex applications to LAPCO need to be prepared, approval of the Resolution will give

January 23, 2020, Regular Board Meeting Minutes

him permission to do so. Discussion continued regarding the possible loss of revenue and taxes collected by the State.

PUBLIC COMMENT:

Public comment was given: Members of the Public asked who would be doing the mapping, General Manager Maupin suggested the County. Comment was made regarding the Alliance, for the Board to more attentive to the use of profanity from members of the public, questions regarding the unanswered questions about the finances and the un-serviced irrigation customers.

Director Neilson made a motion to accept Resolution #20-740. Director Flohr seconded the motion. The motion passed with a unanimous vote.

DISCUSSION/REPORTS

H. GENERAL MANAGERS REPORT:

1. Operations Memorandum Provided by General Manager Maupin.

PUBLIC COMMENT:

Public comment was given: Members of the Public asked about the Oregon House Ditch and parking the Districts excavator on property.

Director Neilson made a motion to approve the General Managers Report. President Hansard seconded the motion. The motion passed with a unanimous vote.

I. DIRECTORS INPUT:

President Hansard read the rules for Director Input.

Director Flohr read a letter addressed to the Board. Letter is attached. **Vice President Neilson disagreed with the letter and will rebuttal in one to two months reflecting his disagreement with the opinion stated by Director Flohr.**

PUBLIC COMMENT:

Public comment was given: Members of the Public commented on inviting the Grand Jury to the next Board meeting.

- J. **CLOSED SESSION:** Conference with Labor Negotiators – Pursuant to Government Code Section 54957.6

PUBLIC INPUT:

Public comment was given: Members of the Public commented on the importance of taking vacation pay verses taking vacations and a request for the wall board to be put back.

THE BOARD ENTERED CLOSED SESSION TO DISCUSS ITEM J AT 5:56 PM

BACK IN SESSION AT 6:27 PM

The Board of Directors made a motion to accept the packaged counter proposal from the Union with the addition of proposed legal language to be added.

- K. **ADJOURNMENT**

There being no further business to discuss, Vice President Hawthorne made a motion that the Board adjourn. President Hansard seconded the motion. The motion passed with a majority vote. Director Flohr left prior to the motion.

The meeting was adjourned at 6:00 p.m.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary



Dr. Gretchen Flohr
Director Division 4 North Yuba Water District
PO Box 669
Oregon House, CA 95962

TO NYWD Four Directors, General Manager Maupin, The
Public and All concerned Parties including Investigative
Bodies

January 23, 2020

RE: Director Flohr Public Clarification Statement for the Record.

Public Clarification Statement for Investigative Bodies.

I request that this statement be included in its entirety in the Meeting Minutes for January 2020. For the last year, the GM and Four (Previously Incumbent) Board members have worked to prevent me from being able to do my job as an elected official and represent my constituents as I was elected to do.

These Four Board Directors and the GM have:

1. Made a concerted effort to either hinder or prevent me from asking constituent and director-level questions in open public meetings, by insisting that I take my questions to the NYWD office for in-person, private meetings. This is a violation of the spirit of the Brown Act.
2. Passed a resolution to restrict board input and discussion to only three minutes, ensuring that robust and productive dialogue is not possible and robbing the public of their legal right to be informed about their own agency.
3. Have ignored every resolution or proposed committee suggestion that I have made, thereby ignoring the wishes of my constituents.
4. State they will get back to me with answers and are then non-responsive.
5. Do not provide information on decisions made by the previous board of which these four were directors.
6. Have limited my constituent communications by refusing to update my email address on the NYWD website. I do not receive any email from the NYWD.org email service.
7. The following are a few examples of NYWD decisions about which I am very concerned:
 - a. Refusal to provide documents to myself as a board director, with the justification that providing a board member with District records is "not in the public interests." Most recently I was denied access to draft CEQA documents.
 - b. Budget was not a budget – it was a recount of 2018 checkbook. The Four Directors "reviewed" and approved this "budget" in less than 20 minutes. That budget was not based on monies that NYWD is assured of receiving. Mr. Maupin was informed by Rath Mosely, GM of SFWPA that no revenues would be forthcoming for the 2018-2019 calendar year, and that information was not communicated to either myself or the public. I am unaware if the other board directors were informed of this but would assume so. The \$1.7M budget the board and GM approved against my advice, will require taking a minimum of \$600,000 from reserves to ameliorate the deficit. Budget has not been revised; despite continued warnings from SFWPA that power generation revenues this year will be reduced by millions.

- c. The Board majority completely failed to fulfill its their fiduciary duty to the public as evidenced by the abbreviated budget meeting, approval of a budget for which we have no actual monies, the recent last minute, unsubstantiated decision to award \$40K to a PR firm – for which there is no line item in the budget or final contract - leaving \$163K in one grant and \$75K in yet another grant, and going to another agency to beg for money to replace the grant money they mismanaged in the first place.
- d. The inaccurate information being used to apply for grants – is this incompetence or deliberate obfuscation?
- e. Multiple ongoing investigations by county, state and federal agencies due to the inaccurate information being submitted on grant applications.
- f. Refusal to allow easy public access to NYWD documents including board packets which should be uploaded monthly to the NYWD website.
- g. Forbestown Ditch Piping Project – CEQA documents were promised within six weeks following the September 10, 2019 meeting and yet no documents are forthcoming. This was the work that was supposedly intended to be funded by the monies requested from YWA.
- h. The money spent by a public agency on newsletters with verbiage intended to censor speech, quell the exercise of First Amendment rights, and to foster scare tactics towards critics of NYWD who are merely exercising those Constitutional rights.
- i. Some of the closed session information should be made public and is not being made public.
- j. Not having a Board meeting for over 90 days.

The Four (Previously Incumbent) Board directors were involved in previous activities about which I have no knowledge and have no control over. It appears that there are hidden agendas to which I am not privy. These Four Directors and The GM are not transparent, and do not treat NYWD customers and constituents, nor me with any degree of respect, transparency or accountability.

Therefore, I am making it publicly known, that there is a fiduciary and legal separation between myself and the other Four Board Directors. The behavior of the Board and GM has made it clear that they would prefer that I resign. I am here to state clearly and unequivocally, that I will never resign.

Sincerely,



Dr. Gretchen Padgett-Flohr
Director Division 4 NYWD