

## MINUTES

### BOARD MEETING OF THE BOARD OF DIRECTORS OF THE

#### NORTH YUBA WATER DISTRICT

#### Held at the District Office – Through Zoom

#### 8691 LaPorte Road, Brownsville

Friday, July 24, 2020

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH EXECUTIVE ORDER N-29-20, ISSUED BY CALIFORNIA GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020, THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT. THIS MEETING WILL NOT BE PHYSICALLY OPEN TO THE PUBLIC. ALL MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA VIDEO CONFERENCE AT <https://zoom.us/j/93705931210> OR VIA TELECONFERENCE BY CALLING 669-900-6833, MEETING ID: 937 0593 1210 AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

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#### **A. ROLL CALL**

President Eric Hansard called the meeting to order at 10:04 AM at the District Office in Brownsville, CA. The General Manager Maupin called the roll.

<i>NAME</i>	<i>PRESENT</i>	<i>ABSENT</i>	<i>VISITORS INCLUDING:</i>
<i>PRESIDENT</i>	Eric Hansard		Donna Corson
<i>VICE PRESIDENT</i>	Doug Neilson		Lou Neil
<i>DIRECTORS</i>	Gretchen Flohr		Alton Wright
	Gary Hawthorne		Charles Sharp
<i>GENERAL MANAGER</i>	Jeff Maupin		Rudy
<i>ATTORNEY</i>	Carrie Fuller		Christian Story

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

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#### **ACTION ITEMS**

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#### **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:**

Members of the Public commented on the new division map, the members that were not on video, irrigation water that is available and not being served to the customers, Director Flohr V. General Manager Maupin.

**D. CONSENT ITEMS:**

1. Approval of Minutes for Regular Board Meeting of June 25, 2020
2. Approval of Payroll for the Month of June 2020 - \$ 40,721.77
3. Approval of Bills for the Month of June 2020 - \$ 79,917.35
4. Warrant #52-37240, fund #641, payable to North Yuba Water District, in the amount of \$100,000.00 for Bills and Payroll. Warrant #52-37241, fund #640, payable to North Yuba Water District, in the amount of \$300,000.00 for Oroleve and Service/Supplies {CW096118.2} 2 Warrant #52-29199 from Fund # 637 in the amount of \$120,000 for bills and payroll and payroll

President Hansard discussed the minutes regarding Item K and requested that the minutes be changed to reflect a more detailed account of Director Flohr's recordings of the meetings. Director Flohr suggested that the audio file from the Recording Secretary be reviewed before changes were made.

**President Hansard made a motion that the Board approve items 2 through 4, bringing item 1 back with his suggested changes for approval at the next meeting. Director Neilson seconded the motion.**

**PUBLIC COMMENT:**

Members of the public commented on the excessive spending of the Board.

**The motion passed with a majority vote with Director Flohr voting no.**

**E. FINANCIAL MANAGER'S REPORT:**

1. Review of Cash on Hand and Income Statements for the period ending June 30, 2020

Financial Manager, Heidi Naether, reviewed Cash on Hand and Income Statements for the period ending **June 30, 2020.**

As of June 30, 2020, total cash in all accounts including reserves was \$5,127,019.07. Total income for the fiscal year to date (July 1, 2019 to June 30, 2020) was \$1,921,753.32. Total expenses not including the expenses taken out of reserve were \$1,704,936.08 leaving a net income of \$216,817.24. There will still be an assessment from the property tax income, the report from Yuba County may take a few months to receive. The budgeted legal expenses for the 2019 – 2020 fiscal year were \$135,500.00. The actual legal expenses were \$208,103.90 which is over budget by \$76,603.93.

Director Flohr asked about the answers to the questions from the previous meeting and the 2005 agreement expense. Heidi explained most of the expenses included money that goes to South Feather for the Yuba City water sale. Heidi also stated that the answers from the last meeting were sent to legal counsel. Director Flohr also inquired about the expense for GIS services. Heidi will provide the information within the week.

**PUBLIC COMMENT:**

Members of the Public commented on the validity of the map.

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## **NO MOTION WAS MADE TO ACCEPT THE FINANCIAL MANAGER'S REPORT.**

- F. RESOLUTION NO. 20-747: APPOINTMENT OF DIVISION 2 DIRECTOR:** Consider appointment to fill the currently vacant Division 2 Board of Directors seat

Director Hansard began the discussion regarding Director Brown's resignation received on May 20, 2020 which was accepted by the Board. General Manager Maupin was instructed by the Board to notify the County and advertise the vacancy as required under government code section 1780. General Manager Maupin informed the Board that the vacancy was posted on July 07, 2020 which ran for 15 days as required. The District received only one letter of interest which is before the Board. Director Flohr asked about the vetting process of the applicant and whether the required information was reviewed. General Manager stated that the information had been confirmed. After further discussion District Legal Counsel was consulted and stated that the Board can move forward as agenzized.

**Director Hawthorne made a motion to appoint Fred Mitchel to the North Yuba Water District. President Hansard seconded the motion.**

Director Flohr continued to express her concern regarding the verification of Mr. Mitchel.

### **PUBLIC COMMENT:**

Members of the Public discussed the lack of information regarding the applicant to the Board, the re-election in November of the applicant, whether the applicant would run as an incumbent in November and if the Board should move forward without all the questions being answered regarding the applicant.

Director Flohr requested that the date be corrected in the Resolution from June 25, 2020 to June 04, 2020.

**Director Hawthorne made a motion to amend the correct board meeting date to June 04, 2020. Vice President Neilson seconded the motion.**

**The motion passed with a majority vote with Director Flohr voting no, expressing her concern regarding the lack of proper vetting.**

- G. CHANGE ORDER:** For contract with Hansen Brothers related to the Oroleve Ditch project.  
**GRANT AGREEMENT BETWEEN:** Yuba Water Agency and North Yuba Water District related to the Oroleve Ditch Project

**Director Hawthorne made a motion to accept the change order. President Hansard seconded the motion.**

Director Flohr discussed the possibility of contacting Sopher Wheeler regarding their promise obligation of the removal of the existing trees and continued to express her opinion that South Feather could have completed the job with less expense. President Hansard stated that Sopher Wheeler had no obligation and South Feather is not a licensed general contractor.

### **PUBLIC COMMENT:**

Members of the Public commented on the proper due diligence of the Oreleve Ditch, the size of the pipe and the future growth, the amount of money spent on the removal of the trees, 30% of the cost of the Oreleve Ditch is the District's responsibility and the cost of removal of the trees from a foot path is high.

**The motion passed with a majority vote with Director Flohr voting no.**



**H. RESOLUTION NO. 20-748 GRANT AGREEMENT BETWEEN:** Yuba Water Agency and North Yuba Water District related to the Oroleve Ditch Project.

General Manager Maupin discussed the grant offered by the Yuba Water Agency of a maximum of \$480,000 for the Oroleve Ditch Project.

**Director Hawthorne moved to accept Resolution No. 20-748 for the grant from the Yuba Water Agency. President Hansard seconded the motion.**

**PUBLIC COMMENT:**

Members of the Public commented regarding the project being categorically incorrect.

**The motion passed with a majority vote with Director Flohr voting no due to the project is not categorically exempt.**

Members of the Public commented on, lack of irrigation water, and the Oroleve Ditch.

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**DISCUSSION/REPORTS**

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**I. GENERAL MANAGERS REPORT**

**1. Operations Memorandum**

General Manager discussed the discontinuation of the irrigation season and the Oroleve Ditch Project which had nothing to do with the ending of the irrigation season. General Maupin continued to explain that since the activation of the 2005 Agreement the primary source of water for irrigation system is Dry Creek. Once Dry Creek is down to 4 CFS no additional water can be taken out of it. Because of the contractual obligations to South Feather and what is used at the plant 7 CFS is needed to continue the irrigation which is not available. South Feather has increased what they are taking to their contractual 11 CFS. Manager Maupin discussed a conversation that he had with Director Flohr regarding contacting South Feather who might make adjustments to their system on our behalf. Rak Mosley was contacted, and he said his system requires 11 CFS for many reasons and requires it for the balance of the irrigation season.

Discussion continued regarding the Forbestown Ditch , a master plan, available funds for the project, where would excess water go, the cost raising to 12 million dollars, sitting down with South Feather for discussion and the size of the pipe proposed for the Forbestown Ditch. President Hansard stated that the General Manager had done all that was possible to get irrigation water to the customers. If the ditch is piped water will be available. Director Flohr discussed the issuing of permits, extensions, and credit received.

**PUBLIC COMMENT:**

Members of the public commented on the conveyance problem of the Forbestown Ditch, 2011 proposed pipeline, supports the pipeline project, a regional approach is needed, building a conveyance system that can handle all the water available, the 2015 rate hike, the past drought, New York Creek, public records requests for the repairs, how many years will it take to get the pipe finished and bring irrigation water to Costa Creek.

**J. DIRECTORS INPUT:** Directors may make brief announcements or reports for the purpose of providing information to the public or staff, or to schedule a matter for a future meeting. The Board cannot take action on any matter not on the agenda and will refrain from entering into discussion that would constitute action, direction or policy, until the matter is placed on the agenda of a properly publicized and convened Board meeting.

1. Consideration of agenda items for the next meeting. Items must be requested in accordance with the District's POLICY FOR AGENDIZING ITEMS FOR BOARD MEETINGS.

**K. CLOSED SESSION:**

1. Conference with Legal Counsel – Existing Litigation (Government Code section 54956.9) Name of Case: Gretchen Flohr v. North Yuba Water District., Case No. CVPT 19-00503

The Board entered Closed Session at 12:04 P.M. to discuss Item K. – Existing Litigation (Government Code section 54956.9) Name of Case: Gretchen Flohr v. North Yuba Water District., Case No. CVPT 19-00503

Director Flohr commented that those entering in closed session should be on video. The District's Legal Counsel stated that Zoom meetings are allowed through the Brown Act according to the Executive Order for the pandemic and includes call-in.

The Board returned from Closed Session at 12:30 P.M. There was no action to report.

**L. ADJOURNMENT:**

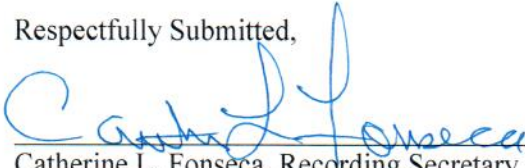
President Hansard made a motion to Adjourn. Director Hawthorne seconded the motion. The motion passed with a unanimous vote. Director Flohr was not in attendance.

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, then 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

**There being no further business to discuss, President Hansard made a motion that the Board adjourn. Director Hawthorne seconded the motion. The motion passed with a unanimous vote. Director Flohr was not in attendance.**

The meeting was adjourned at 12:30 P.M.

Respectfully Submitted,

  
Catherine L. Fonseca, Recording Secretary