

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, April 23, 2021

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.

A. ROLL CALL

Vice President Gary Hawthorne called the meeting to order at 3:32 PM at the District Office in Brownsville, CA.

<i>NAME</i>	<i>PRESENT</i>	<i>ABSENT</i>	<i>VISITORS INCLUDING:</i>
<i>PRESIDENT</i>		Eric Hansard	Charles Sharp, Lou Neil, Marieke, Kim Hawthorne, Rulik Perla, Greg, Cara, Kim Hawthorne, Gideon, Heidi Grossman Lepp, Jason Steele, Alton Wright, Maria Kalliopi, Randy Fletcher, Christina Pritchard, Stephanie K, Terry, Mr. Sanchez, Christina Pritchard
<i>VICE PRESIDENT</i>	Gary Hawthorne		
<i>DIRECTORS</i>	Gretchen Flohr Ginger Hughes Fred Mitchell Doug Neilson		
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Barbara Brenner		

B. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Director Mitchell.

ACTION ITEMS

C. PUBLIC INPUT: Vice President Hawthorne read the rules of public comment.

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: A member of the public commented on President Hansard's service to the Board, the service of the Director's and Staff of the District, Dry Creek and the amount of water flowing right now, request information of President Hansard's absence, Supervisor Randy Fletcher's involvement in the meeting, consideration to be appointed to the District 5 position, Charlie Matthews and South Feather, being called by name in the newsletter and Board Packet by the General Manager.

D. APPOINTMENT OF DIVISION 5 DIRECTOR To fill the Division 5 Board of Directors Vacancy

Vice President Hawthorne read the Notice of Vacancy. Letters of interest were received from Jason Steele and Ginger Hughes, both of Brownsville. Director Flohr asked about vetting of the candidates. Ginger and Jason both gave a brief introduction to the Board.

Director Flohr made a motion for Jason Steele to be seated on the Board. Director Mitchell asked about personal posting on social media by Jason and the involvement with legal lawsuits. Mr. Steele explained he was misinformed of the facts and has not caused harm to the District. There was no second. The motion did not pass.

Director Mitchell made a motion for Ginger Hughes to be seated on the Board. Director Neilson seconded the motion.

PUBLIC COMMENT: Members of the public commented on Ginger's qualifications, qualifications vs personal knowledge of a candidate, and lawsuits.

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

Director Mitchell made a motion to approve Resolution 21-757 Appointing Ginger Hughes to the Board of Directors for the term ending December 2022. Director Neilson seconded the motion.

Director Neilson pointed out a misspelling of Eric Hansard's name. General Manager Maupin will correct the error.

PUBLIC COMMENT: None.

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

Ginger Hughes was sworn in by General Manager Maupin.

E. ELECTION OF BOARD OF DIRECTOR OFFICERS {CW103637.1} 2

Director Neilson made a motion for Gary Hawthorne to be nominated as President. Director Hughes seconded the motion.

PUBLIC COMMENT: There was no public comment on the agenda item.

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

Director Mitchell made a motion for Doug Neilson to be nominated as Vice President. Director Hughes seconded the motion.

PUBLIC COMMENT: None.

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

F. CONSENT ITEMS:

1. Approval of Minutes for Regular Board Meeting of March 26, 2021
2. Approval of Payroll for the Month of March 2021 - \$ 32,558.05
3. Approval of Bills for the Month of March 2021 - \$ 188,081.18 Warrant #52-29199 from Fund # 637 in the amount of \$120,000 for bills and payroll and payroll

Director Mitchell made a motion to approve consent items 1, 2, and 3. Vice President Neilson seconded the motion. Director Flohr asked if the Forbestown Canal category is included under payroll. Heidi responded yes. Director Flohr stated that the payroll needs to be itemized individually. It was suggested that the question be submitted in writing. Director Flohr stated that she has only received partial answers to previous questions.

PUBLIC COMMENT: Barbara Ramey, Labor Rep requested that when the Board has questions that they are directed to General Manager Maupin. Other Members of the public commented on how to ask questions to the Financial Manager in a meeting.

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

G. FINANCIAL MANAGER'S REPORT:

1. Review of Cash on Hand and Income Statements for the period ending March 31, 2021.

Financial Manager Heidi Naether reviewed Cash on Hand and Income Statements for the period ending March 31, 2021. Total cash in all accounts including reserves was \$4,622,265.22. Total Income for the fiscal year to date (July 01– March 31, 2021) was \$1,431,852.75. Total expenses were \$1,241,733.43, leaving a net profit of \$190,119.32. Expenses out of Reserves not included in the Forbestown Ditch billing was \$704,790.10.

Vice President Neilson inquired of the total revenue listed. Director Flohr asked about individualized bills from attorneys. General Manager responded that the information is for closed session only. Heidi stated that they are listed on the check registry. Director Flohr also asked about itemized deductions and expenses. Heidi responded that the District is listed as a special district and does not pay taxes.

Director Mitchell made a motion for the Board to accept the Financial Manager's report as presented. Director Hughes seconded the motion.

PUBLIC COMMENT: Members of the public commented on amount being paid out of reserves and the amount being paid to Churchill and White.

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

H. BUDGET AMENDMENT: Amend budget, line item SFWP/NYWD Agreement (outside services)

Director Mitchell made a motion for the Board to amend the budget as presented. Vice President Neilson seconded the motion.

Director Flohr asked when the budget amendments will stop. Director Mitchell asked about the time frame.

PUBLIC COMMENT: Members of the public commented on creative accounting and the reserve fund.

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

I. WOODLEAF CONTRACT: Renewal of Special Use Agreement

Director Mitchell made a motion to approve the Woodleaf Contract. Director Hughes seconded the motion.

Director Flohr discussed denying irrigation water and providing water to Young Life. Director Mitchell asked if it was used for fire prevention. Director Flohr asked General Manager Maupin what the protocol is for measuring water velocity. General Manager Maupin stated that a Weir Stick is used. If there is any discrepancy or wonderment a Hydrographer specialist can be called.

PUBLIC COMMENT: Mr. Sanchez commented on a letter sent to the district by his office. Members of the public commented the value of having water in ponds to help with fire, no summer camp this year, supplying water to Woodlief and not to irrigation customers and no water available for farming. Discussion continued regarding the state of the Forbestown Ditch.

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

J. GENERAL MANAGERS REPORT

1. Operations Memorandum

Director Flohr discussed the Oregon House Canal which she has physically visited and does not appear to be groomed.

PUBLIC COMMENT: None

K. 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.

Director Flohr discussed a secret meeting at the Diversion Dam.

L. CLOSED SESSION:

1. Public Employee Appointment (Gov. Code, §54957, Subd. (b)(1)): Special Counsel

PUBLIC COMMENT: Members of the Public asked about public comment prior to a vote in closed session and the meeting held at the Diversion Dam.

Members of the public commented on the re-negotiations of the General Managers contract.

THE BOARD ENTERED INTO CLOSED SESSION TO DISCUSS ITEM L. AT 5:19 P.M.

BACK IN SESSION AT 5:32 P.M.

REPORT OUT OF CLOSED SESSION:

Vice President Neilson made a motion to approve the contract with Michael Vergara on behalf of the North Yuba Water District. Director Mitchell seconded the motion.

PUBLIC COMMENT: None

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


M. ADJOURNMENT:

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, Director Mitchell made a motion to Adjourn. Director Hughes seconded the motion. The motion passed with a unanimous vote.

The meeting was adjourned at 5:32 PM.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary

April 23, 2021, Board Meeting Minutes