

MINUTES

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

Held at the District Office
8691 LaPorte Road, Brownsville

Thursday, June 27, 2019

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.

	<i>PRESENT</i>	<i>ABSENT</i>	<i>VISITORS</i>
<i>PRESIDENT</i>	Eric Hansard		Visitor's Including:
<i>VICE PRESIDENT</i>	Terry Brown		Donna Corson
<i>DIRECTORS</i>	Doug Neilson		Jennette Cavaliere
	Gary Hawthorne		Buck Weckman
	Gretchen Flohr		
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Barbara Brenner		

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

ACTION ITEMS

C. PUBLIC INPUT:

President Hansard read the rules for public comment.

Members of the Public addressed the Board regarding:

1. Dobbins Oregon House Canal and the annexed and un-annexed customers. 92% of the available acreage is not receiving water currently.
2. Requested that a workshop be held to discuss the 2018/19 Budget due to the complexity of the content.
3. The toxic atmosphere in the past is being recreated by an individual which includes an alliance with the Yuba Water Alliance, putting the district in danger with unfounded allegations with the State of California. The North Yuba Water Alliance was asked to identify themselves. The public member stated that their objective is to disrupt not to improve.
4. Provided information regarding an invitation through email that was sent from South Feather on May 29th regarding the 2005 contract.
5. A member of the public asked Director Flohr what her intentions were for running for the board.
6. Discussed items that Director Flohr raised from the last meeting regarding vehicle use, Director Hawthorne's response and the investigation by the State Water Agency.

ACTION ITEMS

D. CONSENT ITEMS:

1. Approval of **Minutes for regular Board Meeting of April 25, 2019**
2. Approval of **Payroll for the Month of April 2019 - \$29,973.29**
3. Approval of **Payroll for the Month of May 2019 – 34,558.59**
4. Approval of **Bills for the Month of April 2019 - \$83,190.68**
5. Approval of **Bills for the Month of May 2019 - \$79,034.38**

Director Neilson made a motion that the board approve Consent Items 1, 2, 3, 4 and 5. Director Hawthorne seconded the motion.

Public Comment:

1. A member of the public asked for rewording and clarification on Item F from the previous minutes regarding the statement that a meeting could be closed during a disruption and adjourned.
2. An inquiry was made by a member of the public regarding the retention policy of tapes to clarify her presentation of information given at the last meeting due to the information not being clearly stated in the minutes.

She was directed by President Hansard to come to the office and inquire of the office staff.

Director Flohr stated that she has asked for all the policies and was given 6 which did not include a retention policy for tapes.

Director Flohr objected to the motion to approve the Financial Report. She stated that she had not received answers to any of the questions she has asked on any of the finances for the last two months and will not be voting yes on any of the items until she receives answers to the posed questions. A List of questions has been sent and no responses have been received. She stated that she will not approve bills and budgets if answers to questions are not available.

The motion passed with a majority vote with Director Flohr voting nay and Vice President Brown abstaining.

E. FINANCIAL MANAGER'S REPORT

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

As of May 31, 2019, total cash in all accounts including reserves was \$4,806,723.77.

Total income to date was \$2,802,373.76. Total expenses were \$1,422,102.19, leaving a net profit of \$1,380,271.57.

Director Nielson made a motion that the Board approve the Financial Manager's report as presented. Director Hawthorne seconded the motion.

Public Input:

A member of the public asked a question regarding the fiscal year and if the numbers remain the same.

The motion passed with a majority vote with Director Flohr voting nay and Vice President Brown abstaining.

F. BUDGET 2019/20

General Manager Maupin presented the Budget to the Board. The practice in the past has been to follow the check register and at the end of the year to use the actuals to base the budget on. All the questions that have been asked by the board have been answered.

Director Flohr stated that the budget needed to be postponed and a workshop scheduled to allow the public time to review and ask questions. Director Flohr also expressed concerns regarding the salaries and benefits for the staff of 7. The public needs time to review and discuss the budget presented. Director Neilson stated that in previous years the budget has been approved based on the previous year's expenses. Director Flohr questioned the jump in salary of \$41,000. The Board responded that all

had inquired of the raise and was informed by the General Manager that it includes an overlap of training for the Finance Manager's replacement and an additional field worker. Director Flohr adamantly expressed her concern that the public did not have access to the budget information and only at the meeting due to the copies she provided. A heated discussion continued. Director Flohr had multiple questions regarding items on the budget and stated that she has donated her salary to provide board packets to the public.

Vice President Brown made a motion that the Board approve the 2018/2019 Budget as presented. Director Hawthorne seconded the motion. The motion passed with a majority vote with Director Flohr voting nay.

Public Input: Members of the public

1. Asked the board why improper words were allowed at the meeting by other members of the public
2. Spoke regarding monitoring the agenda for needed information and calling the staff to request the needed information via the office and over the phone.
3. Agreed that the items are accessible if they are purchased. It is not provided on the website. One of the things that the committee suggested was that all the information be available on the website for the people. The Brown Act 1953 CH.9 s 54950 was cited.
4. Commented on the availability of obtaining the board packets.
5. Satisfied on the availability of the packets and receiving information from the office staff.
6. Commented about being able to reach out to Director's.
7. Commented on a public records request from April regarding specific time spent on the requested items by employees.
8. \$9000 was given to audit South Feather, a water auditor was hired. Ray Mosely kindly asked for the District to pick up the 30,000 timecards was ordered.

The motion passed with a majority vote with Director Flohr voting nay.

DISCUSSION/REPORTS

G. GENERAL MANAGERS REPORT:

1. Operations Memorandum Provided by General Manager Maupin.

Director Flohr requested information from the General Manger regarding the statement that the ditch is being walked every day. General Manager Maupin replied that it was a true statement. As the employees move through the ditch, issues that come up are repaired. Director Flohr inquired of the

leak on an individual's property which has occurred over the past three years. General Manager Maupin reported that he had three consecutive days of pictures that showed the property dry. Director Flohr stated that she had four videos of several leaks. General Manager Maupin stated that since the 1960's when the ditch was dug it has always been acknowledged that it has a 60% loss. The ditch is patrolled, and the problems are repaired as the staff find them. The discussion continued and Director Flohr inquired if the earth had been ripped up and recompressed. General Manager Maupin replied yes, it has been compressed, all 22 miles? No. There is a very limited staff, there are main line leaks, fire hydrant service, ditches to patrol, meters to be read and all kinds of business to conduct. Director Flohr continued to insist that there were multiple issues that had not been dealt with and referred to Marysville Road. General Manager Maupin stated that issue had been addressed today. The ditch was compressed, and they will wait to see if it dries. The District will continue to pursue every leak that is found. They have an interest in providing the best service they can. The General Manager stated that both ditches 02 and 03 spill slightly so everyone is receiving their full entitlement. The leaks do not cause any of the customers any concern. It is a ditch that has 60 percent losses and is 22 miles of nonstop work. Director Flohr stated that historically it has been 30 to 40 percent. General Manager Maupin replied that was the Forbestown Ditch and depends on the time of the year. Director Flohr again inquired about the 60 percent loss regarding evaporative loss. General Manager Maupin replied yes, evaporation, transformation, percolation, and burrowing animals. Director Flohr asked if the math was available to back up the 60 percent. General Manager Maupin replied not here, but if you look at what 12 CFS represents, look at a total of 150 miner inches if everyone was taking their water it amounts to about 1399 AF, so an excessive amount of water is put down the ditch opposed to what is actually delivered. Director Flohr inquired about the disconnection of the irrigation phone line that is listed in the proposed budget and asked how people would be able to reach out when they have problems. Manager Maupin stated that no one except for one user, uses the line and it is a \$3000 expense to the District. Vice President Brown encouraged Director Flohr to come into the District office in person for information.

Public Put: Members of the public discussed:

1. June 2012 discussion of a leak on Marysville Road and stated there is not a public spring. Also discussed was the leak on Tony and Carol's property.
2. The end of 03, there is a section of ditch with a piece of plastic and sandbags.
3. Water was seen running across the road over Joe Cardoza's. Director Hawthorn stated that he called regarding it.
4. A statement regarding the spending of the \$75,000 grant money and the proper engineering of the ditch.

Director Hawthorne made a motion to accept the General Manager's report. Vice President Brown seconded the motion. The motion passed with a unanimous vote.

H. BROWN ACT VIOLATION ALLIGATION

Board members information Item: In regard to a correspondence from Mr. Hatherly alleging a violation of the Brown Act at the August 24, 2018 North Yuba Water District Board of Directors Special Meeting, a response was written to the allegation. An email was received on Wednesday from Mike Hatherly stating the question of the Brown Act violation was satisfactory answered.

Public Input:

1. A member of the public requested the return of a 4" cap that was assumed taken during an investigation. She was informed by the General Manager that a 4" cap was bought for representation and was not removed from her property.

I. DIRECTORS INPUT:

President Hansard read the rules for Director input.

Public Input:

1. A question was asked on how to add an item to the Agenda. Director Neilson stated that it takes a vote of three to add an item for discussion.

J. CLOSED SESSION: 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

Public Input:

None

K. CLOSED SESSION: Conference with Legal Counsel – Anticipated Litigation Initiation of Litigation pursuant to Government Code Section 54956.9© (1Case).

THE BOARD ENTERED CLOSED SESSION TO DISCUSS ITEM J AND ITEM K AT 6:01 PM

BACK IN SESSION AT 7:46 PM

No reportable action taken.

K. ADJOURNMENT

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

The meeting was adjourned at 7:48 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Catherine L. Fonseca", written over a horizontal line.

Catherine L. Fonseca, Recording Secretary