

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, September 24, 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 [Join Zoom](#) [Join Zoom Meeting](#)

<https://us02web.zoom.us/j/86122220681?pwd=cFE1UFZxMEpDTVdjbj0JNOEg4bzZRZz09> Meeting ID: 861 2222 0681 Passcode: 944806 One tap mobile +16692192599,,86122220681#,,,,*944806# US (San Jose) +12133388477,,86122220681#,,,,*944806# US (Los Angeles) Dial by your location +1 669 219 2599 US (San Jose) +1 213 338 8477 US (Los Angeles) 888 475 4499 US Toll-free AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

A. ROLL CALL

President Gary Hawthorne called the meeting to order at 3:31 PM at the District Office in Brownsville, CA.

<i>NAME</i>	<i>PRESENT</i>	<i>ABSENT</i>	<i>VISITORS INCLUDING:</i>
<i>PRESIDENT</i>	Gary Hawthorne		Terry Brown, Marieke Furnee, Rulik Perla,
<i>VICE PRESIDENT</i>	Doug Neilson		Charles, Smith, Jackie Berg, Dan Stouder
<i>DIRECTORS</i>	Donald Forguson Ginger Hughes Fred Mitchell		
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Michael Vergara, Pennie		

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

ACTION ITEMS

C. OPPORTUNITY FOR PUBLIC COMMENT ON AGENDIZED ITEMS: President Hawthorne read the rules of public comment.

Opportunity for public comment on any item on the agenda or any other 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.

PUBLIC COMMENT: Members of the public commented on the sale of water, the General Manager, Mr. Stouder, an email sent to the NYWD regarding the rules and regs appointing directors with no response, 6 CFS taken from South Feather, enough water to serve irrigation customers, and Directors attending the meeting in General Managers office.

D. CONSENT ITEMS:

1. Approval of Minutes for Regular Board Meeting of August 27, 2021
August 27, 2021, Board Meeting Minutes

2. Approval of Payroll for the Month of August 2021: \$35,853.60
3. Approval of Bills for the Month of August 2021: \$196,106.37
4. Warrant #52-37251, fund #640, payable to North Yuba Water District, in the amount of \$100,000.00 for services and supplies.

Director Mitchell made a motion to approve consent items 1 -4. Vice President Neilson seconded the motion.

The motion passed with a majority vote with Director Forguson abstaining.

E. FINANCIAL MANAGER'S REPORT:

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

Financial Manager Heidi Naether reviewed Cash on Hand and Income Statements for the period ending August 31, 2021. Total cash in all accounts including reserves was \$4,350,838.77. Total Income for the fiscal year to date (July 01, 2021, to August 31, 2021) was \$177,710.68. Total expenses were \$291,077.89, leaving a net review over expenses of negative -\$113,367.21. Expenses out of Reserves fiscal year to date was \$237,679.07.

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

The motion passed with a majority vote with Director Forguson abstaining.

DISCUSSION/REPORTS

F. GENERAL MANAGERS REPORT

1. Operations Memorandum

General Manager Maupin discussed with the Board a letter received from Jackie Berg of Sierra Muzzleloaders regarding leasing district property off New York Flat Road to provide a shooting area for their club. After discussion, a majority of the Board agreed to authorize General Manager Maupin to investigate land use and contractual issues to bring back to the board.

G. 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 act on any matter not on the agenda and will refrain from entering 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.

Vice President Neilson clarified the time allowed by each director for discussion items. Vice President Neilson continued with the history of the water district from 1951 to present with the information being pulled from past minutes. Director Mitchell asked that an item for discussion be added to the agenda regarding cost to income in providing domestic and irrigation water. General Manager will report back to the Board with his findings as a discussion item for the next meeting.

H. CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (five (5) cases) (pursuant to Government Code Section S4956.9, subsection (d)(1)
 - a. Beinstock, et al. v. NYWD, Yuba County Superior Court Case No. CVPT21-00515
 - b. Furnee, et al. v. NYWD, Yuba County Superior Court Case No. CVPT21-00436

- c. Sharp v. NYWD, Yuba County Superior Court Case No. CVPT20-00386
- d. South Feather Water and Power Agency v. NYWD, et al., Butte County Superior Court, Case No. 21CV00815
- e. NYWD v. South Feather Water and Power Agency, Butte County Superior Court Case No. 21CV01563

THE BOARD ENTERED INTO CLOSED SESSION TO DISCUSS ITEM H. AT 4:05 P.M.

THE BOARD CAME BACK INTO SESSION AT 4:51 P.M.

No action taken within closed session.

I. 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.

The meeting was adjourned at 4:52 P.M.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary