

**SPECIAL 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, February 04, 2022

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

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AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

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**A. ROLL CALL**

President Gary Hawthorne called the meeting to order at 3:30 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		Dr. Flohr, Charles Sharp, Terry Brown, Donna
<i>VICE PRESIDENT</i>	Doug Neilson		Carson, Marieke Furnee, Dr. Rulik Perla
<i>DIRECTORS</i>	Ginger Hughes Donald Forguson John Brueggeman		
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Michael Vergara. Penny		

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

**ACTION ITEMS**

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**C. PUBLIC INPUT:** Vice 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.

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**PUBLIC COMMENT:**

Members of the public commented on sale of water, where is the report from study on water sales, water rights or land, providing irrigation water to customers, incomplete minutes, benefits of the sale of water, potential negotiations of water sales, the reason the water cannot be delivered, how can the community be denied water, alternant candidates not considered at last meeting, public comment by previous director who lives in Florida, when can questions be asked and answered, reserves being used for attorney fees, was a permit obtained for the sale of water, how is water sold when customers are not being served.

**D. APPOINTMENT OF NEGOTIATORS FOR POTENTIAL WATER SALE (Government Code Section 54945.8)**

Negotiators: Jeff Maupin, Dan Flory (Provost & Pritchard) and General Counsel Michael Vergara.

General Manager Maupin reported on item D and the appointment of negotiators.

**Director Hughes made a motion to appoint Jeff Maupin, Dan Flory (Provost & Pritchard) and General Counsel Michael Vergara as negotiators for potential water sale. Vice President Neilson seconded the motion.**

Director Forguson asked for clarification on the cost of water if sold, vs the cost if delivered to Irrigation. General Manager Maupin explained that lost power revenues are paid for waters used within the district beyond the 3700af tier one and are billed against tier three water. Water for the water sale would go through the power generators operated by South Feather in its normal course of travel so power generations would be collected and there would be no cost to the district. President Hawthorne asked for clarification that the water would not be traveling near Dobbins or Oregon House, it would be delivered out of the river. Director Forguson questioned if it came from Lake Oroville. General Manager Maupin explained that the water comes from the dams that South Feather controls. Director Brueggeman asked if this was just for appointment of a negotiator for discussion only. District Counsel Michael Vergara confirmed it was for discussion only. Director Brueggeman asked if the potential sale or thought of selling water is all taken out before it enters the calculating system. General Manager Maupin explained tier one, tier two and tier three. This water would be from tier three and would not pass-through district facilities. Vice President Neilson would like to know more about the amount of tier three water that is proposed to be sold. He is not interested in selling all of tier three. General Manager Maupin stated that was information that the board would weigh in on, once we enter negotiations.

**The motion passed with a unanimous vote.**

**E. RESOLUTION 22-765 Authorizing remote teleconference meetings in accordance with government code section 54953(e)**

**Director Brueggeman made a motion to accept Resolution 22-765. Director Forguson seconded the motion.**

Vice President Neilson requested that a resolution regarding Remote Teleconference Meetings be added to the next agenda.

**The motion passed with a unanimous vote.**

**F. CLOSED SESSION:**

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (five (5) cases) (pursuant to Government Code section 54956.9, subsection (d)(1).
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS TO DISCUSS POTENTIAL WATER SALE (Government Code section 54956.8).

The Board entered closed session to discuss item F at 4:00 P.M.

Back In Session At 4:50 P.M.

**District Counsel, Michael Vergara reported that the Board has authorized the Real Property Negotiators to pursue potential water sales.**

**G. 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