

GARY HAWTHORNE
President
Division 3

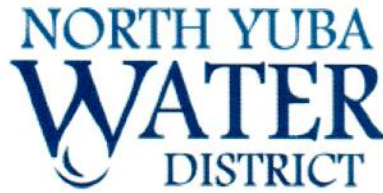
DOUG NEILSON
Vice President
Division 1

Vacant
Division 2

Donald Forguson
Director
Division 4

GINGER HUGHES
Director
Division 5

JEFF MAUPIN
General Manager



AGENDA

**SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE
NORTH YUBA WATER DISTRICT**

3:30 PM ♦ FRIDAY ♦ JANUARY 21, 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 Meeting

<https://us02web.zoom.us/j/82500816721?pwd=RFVTNGJDMk9BMnEyajdUWXNrRUxLQT09>

Meeting ID: 825 0081 6721

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One tap mobile

+16692192599,,82500816721#,,,,*675357# US (San Jose)

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888 475 4499 US Toll-free

Meeting ID: 825 0081 6721

Passcode: 675357

Find your local number: <https://us02web.zoom.us/j/82500816721?pwd=RFVTNGJDMk9BMnEyajdUWXNrRUxLQT09>

AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. OPPORTUNITY FOR PUBLIC COMMENT ON AGENDIZED ITEMS:

As provided under Government Code section 54954.3, subdivision (a), during a Special Meeting any member of the public may address the Board concerning any item on the agenda. No other comments will be allowed. Any member of the public wishing to make comment shall identify the agenda item they intend to address, and they will be provided an opportunity to make comment on that item only. Public comment is limited to no more than three minutes per person.

ACTION ITEMS

D. RESOLUTION 22-763

Authorizing remote teleconference meetings in accordance with government code section 54953(e)

E. APPOINTMENT OF DIRECTOR- Resolution 22-764

To fill the Division 2 Board Vacancy

F. 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.

RESOLUTION NO. 22-763

A RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH YUBA WATER DISTRICT AUTHORIZING REMOTE TELECONFERENCE MEETINGS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953(e)

WHEREAS, North Yuba Water District (District) recognizes the importance of transparency and clear communication in government, and is committed to full compliance with the letter and spirit of the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (hereinafter “Brown Act”); and

WHEREAS, all meetings of the District’s Board of Directors are open and public, as required by the Brown Act, so that any member of the public may attend and participate; and

WHEREAS, the Brown Act allows members of a legislative body to participate in meetings remotely, without compliance with the requirements of Government Code section 54953, subdivision (b)(3), if a state of emergency is proclaimed pursuant to Government Code section 8625 and state or local officials have imposed or recommended measures to promote social distancing, or meeting in person would present imminent risks to the health and safety of attendees (Gov. Code, § 54953, subd. (e)); and

WHEREAS, on March 4, 2020 Governor Gavin Newsom proclaimed a State of Emergency to exist in the State of California as a result of the threat of COVID-19; and

WHEREAS, COVID-19 cases and hospitalizations continue to increase in Yuba County due primarily to the Omicron variant of the virus that causes COVID-19, which is more transmissible than prior variants, may cause more severe illness, and that even fully vaccinated individuals can spread to others; and

WHEREAS, the District wishes to authorize remote teleconference meetings pursuant to Government Code section 54953(e);

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of North Yuba Water District as follows:

1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The Board of Directors does hereby find that a State of Emergency was proclaimed by Governor Gavin Newsom pursuant to Government Code section 8625 on March 4, 2020 and remains active.
3. The Board of Directors does hereby find that given the continued increase of COVID-19 cases and hospitalizations in Yuba County, due to variants of the COVID-19 virus, conditions exist which pose imminent risks to the health and safety of those personally attending meetings of the District’s Board of Directors, and therefore, will continue conducting meetings by remote teleconference.

4. The General Manager and staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953, subdivision (e), and other applicable provisions of the Brown Act.

5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (a) February 25, 2022, or (b) such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953, subdivision (e)(3), to extend the time during which the North Yuba Water District Board of Directors may continue to meet remotely without compliance with the requirements of Government Code section 54953, subdivision (b)(3).

PASSED, APPROVED, AND ADOPTED at a special meeting of the Board of Directors of North Yuba Water District on January 21, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Hawthorne
President, Board of Directors
North Yuba Water District

ATTEST:

Jeff Maupin
Secretary, Board of Directors
North Yuba Water District

Mr. Maupin,

My name is John Brueggeman. I am a resident of Division #2, at 9353 Brown Lane, Brownsville. I am also a residential rate payer of NYWD.

I am respectfully submitting my name for consideration of appointment to the Division #2 vacant Board of Directors' position.

I have a college degree and have owned several service oriented businesses. Additionally, I have served on several volunteer boards. These activities and my life experiences provide me a scientific, logical and economical outlook on life and life's adventures.

I am retired, so my time is flexible to meet the time expectations of this position.

Thank you for your time and consideration.

John Brueggeman

Board Vacancy
North Yuba Water District
PO Box 299
Brownsville, CA 95919

Wednesday, January 19, 2022

Dear NYWD Board of Directors,

I would like to express my interest in becoming a Board Member serving with North Yuba Water District, where I can use my skills to help reach its objectives.

I am currently serving my second tenure as an elected Board Member with Lake Francis Mutual Water Company (LFMWC), encompassed by Division 2, where I currently live. This has educated me on the integral importance water and water infrastructure have in supporting life and sustainability within our community.

While serving in this capacity, working as a team, we have achieved several major accomplishments. The most notable is our success in amending the 60-year-old standard Corporation articles and bylaws to obtain non-profit status as Mutual Benefit Company, a designation that did not exist at the company's founding. This was especially critical, as it allows us to be eligible for grants to rectify our aging infrastructure. Previous boards had tried to accomplish this but were unable to do so, as it required a favorable vote of over 50% of shareholders. However, we worked hard to educate our shareholders and were thrilled to have 80% of eligible shareholders vote in favor of this change. Since then, we have actively pursued and been awarded grants in a stepping-stone progression to replace our aging infrastructure. It has been a long and arduous process but we are confident that if our team remains in place, we can get the job done.

When I started my first tenure, the LFMWC's website was not legally compliant with current privacy laws, nor did it have a search engine presence. Having past experience as a web developer, I volunteered my time to build a new legally compliant website having a member login system. It is now much easier to find the company website on search engines, which has improved our membership participation and helped potential property buyers better understand LFMWC's role within Lake Francis Estates.

Another major accomplishment was overcoming decades of misunderstanding regarding the water company's role in relation to the enforcement of Lake Francis Estates CC&Rs, by legally demarcating the water company's sole purpose "to develop, distribute, supply, or deliver water" to the residents of Lake Francis Estates, and memorializing this by publishing an attorney's letter of explanation on our website. Encompassing that role is the water company's duty to protect its pipelines, wells and tanks from fire damage. To meet that need, our board is excited to be currently working on fuel reduction grants to clear and produce fire breaks surrounding the Lake Francis Estates area.

Of course, were I to serve on the NYWD board, I understand that there may be very rare instances where being a board member of LFMWC could create a conflict of interest. Out of fairness it is therefore my full intention to recuse myself on all discussions or voting that directly involves or affects the water supply or water infrastructure within Lake Francis Estates. I am also aware that like any other government agency, NYWD is not without its controversies. However, I have been able to negotiate through difficult terrain on polarizing issues affecting our subdivision while still keeping at peace with our community.

In closing, I believe I have the experience, skills and desire needed to serve on the NYWD Board, and look forward to answering your questions regarding my qualifications to serve in this capacity.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa J. Thompson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lisa Thompson

January 17, 2022

Hello Mr. Maupin,

Please accept this letter, being delivered via email since I have no printer, as indication of my sustained interest in filling the current term remaining as a director for Division 2 of the North Yuba Water District. You may recall that I was one of two candidates that ran for this position last year, and lost to Mr. Fred Mitchell by 33 votes. I have been a continuous resident at my home in Dobbins (13467 Lake Francis Road) for over 15 years. While I do own other real estate in California (Sacramento), I reside full time in Dobbins and am registered to vote in Dobbins.

I believe that I am qualified for this post, and can make a useful contribution to the important work of the board of directors, based on my work experience as a researcher specialist at the state of California. I have successful experience working with Yuba County officials, both in personal matters as well as a board member of a publicly funded organization in Yuba County (Mr. Vasquez may remember working with me on his pizza dinner campaigns to educate youth about drug use). I earned master degrees in education (M.Ed.) and also in administration (MBA) that trained me in critical thinking skills and how to work well with people and organizations. I became knowledgeable about the history of the NYWD when I last ran for this seat as the director for division 2, read its founding charter granted by the state as a special district, and spoke with many people in division two, in Dobbins and primarily in Brownsville when I campaigned at the Gold Eagle over many weekends, about their interests and concerns for the NYWD. I have professional experience in water pump energy efficiency and will address improvements that can be made in this area.

Mr. Maupin, If for some technical reason the application must be in a paper format mailed to you, would you please let me know and I will see if I can get this printed out on paper.

I have a wife and two young adult children. Water management is a vital concern for our area and I would like to assist you and the other directors in making good, wise, forward thinking and researched decisions for our community.

All the Best,

Bruce Lawrence Helft

RESOLUTION NO. 22-764
A RESOLUTION OF THE NORTH YUBA WATER DISTRICT BOARD OF DIRECTORS APPOINTING A CANDIDATE TO FILL THE DISTRICT 2 VACANT SEAT ON THE BOARD OF DIRECTORS

WHEREAS, Director Fred Mitchell submitted his resignation from District 2 of the North Yuba Water District (“District”) Board of Directors (“Board”) on January 3, 2022; and

WHEREAS, Director Mitchell’s term was to continue through the 2024 General Election in November 2024; and

WHEREAS, as required by Water Code section 30504 and Government Code section 1780, the District notified the county elections official of the vacancy on January 4, 2022, within 15 days of the Board’s written notice of Director Mitchell’s resignation; and

WHEREAS, Government Code section 1780, subdivision (d)(1), allows the remaining Board members to either appoint a new Director or call an election to fill the vacancy; and

WHEREAS, notice of the vacancy was posted and provided to interested parties beginning on January 4, 2022; and

WHEREAS, the District received 3 letter(s) of interest for the District 2 Director position; and

WHEREAS, the Board has reviewed the letter(s) of interest and seeks to appoint an individual to the vacant District 2 seat on the Board of Directors, as required under Government Code section 1780, subdivision (d)(2), to serve until the next District general election in November 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH YUBA WATER DISTRICT BOARD OF DIRECTORS that _____ is appointed to the vacant District 2 seat on the Board of Directors to serve until the next District general election.

PASSED AND ADOPTED by the Board of Directors of the North Yuba Water District at a meeting of said Board held on the 21st day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Hawthorne
President, Board of Directors
North Yuba Water District

ATTEST:

Jeff Maupin
Secretary, Board of Directors
North Yuba Water District