

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, May 27, 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

A. ROLL CALL

President Gary Hawthorne called the meeting to order at 3:30PM 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, Donna Carson, Marieke Furner, Dr. Rulik Perla, Karen Legit, Chrystal Martin, Terry Brown, Yolanda De La Cruz, Mr. Brueggeman
<i>VICE PRESIDENT</i>	Doug Neilson		
<i>DIRECTORS:</i>	Ginger Hughes		
<i>DIRECTORS:</i>	Chris Cross		
<i>DIRECTORS:</i>	Donald Forguson		
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Ms. Aackermann, Janeth		

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

ACTION ITEMS

C. PUBLIC COMMENT: 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 state of the permits, \$880,000 in legal fees, Fellowship of Friends water and six current lawsuits. A member of the public referenced a letter from the archives regarding 2004 water flow, the South Feather offer to provide water, refusal of help by the board, the possibility of getting water delivered from an outside source, and the importance of water.

D. CONSENT ITEMS:

1. Approval of Minutes for Special Board Meeting April 20, 2022
2. Approval of Minutes for Regular Board Meeting April 22, 2022
3. Approval of Payroll for the Month of April - \$36,592.11
4. Approval of Bills for the Month of April: \$195,338.86
5. Warrant # 52037255, fund #640, payable to North Yuba Water District, in the amount of \$200,000.00 for Services/Supplies
Warrant # 52-37256, fund # 640, payable to North Yuba Water District, in the amount of \$100,000.00 for Bills and Payroll

Director Forguson made a motion to accept items 1-5 of the consent items. Vice President Neilson seconded the motion.

The motion passed with a unanimous vote with.

E. FINANCIAL MANAGER'S REPORT

1. Review of Cash on Hand and Income Statements for the period ending

Financial Manager Heidi Naether reviewed Cash on Hand and Income Statements for the period ending April 30, 2022. Total cash on hand in all accounts including reserves was \$3,762,374.71. Total income for the fiscal year to date (July 01, 2021 – April 30, 2022) was \$1,422,437.96. Total expenses were \$1,512,035.05, leaving a net revenue over expenses in the minus of \$89,597.09. Expenses out of Reserves totaled \$924,780.56.

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

The motion passed with a unanimous vote.

F. RESOLUTION NO. 22-7688

Authorizing remote teleconference meetings in accordance with California Government Code section 54953(e), as amended by AB 361.

Director Forguson made a motion for the Board to accept Resolution No. 22-7688 Vice President Neilson seconded the motion.

Director Forguson discussed the resolution being in sync with the regular meeting and not having to have an additional special meeting to approve the remote teleconference meetings. General Manager Maupin clarified with District Legal Counsel that if the time is longer than 30 days there will have to be a special meeting within the 30 day time frame.

The motion passed with a unanimous vote.

DISCUSSION/REPORTS

G. GENERAL MANAGERS REPORT

1. Operations Memorandum

There was no discussion on the Operations Memorandum.

H. 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**.

Vice President Nielson commented on the email that was sent to board members regarding water flow and capacity and the 2004 water flow chart that was referenced. General Manager Maupin also discussed the 2004 season which was a very wet season and confirmed that Dry Creek was in the lead which needs to happen to have a full irrigation season.

Director Forgyson would like to move the board meetings away from Friday evenings or afternoons and get it back during the week. All board members agreed to add to the next meeting's agenda for discussion.

I. CLOSED SESSION:

Conference with Legal Counsel: existing litigation (6 cases) - pursuant to Government Code Section 54956.9, subdivision (d), paragraph (1).

Names of cases:

Gideon Beinstock, et al. v. North Yuba Water District Agency [sic], Yuba County, Superior Court Case No. CVPT21-00515;

Fellowship of Friends v. North Yuba Water District, et al., Yuba County Superior Court Case No. CVPT22-00246;

Marieka Furnee, et al. v. North Yuba Water District, Yuba County Superior Court Case No. CVPT21-00436;

Charles Sharp, et al. v. North Yuba Water District, Yuba County Superior Court Case No. CVPT20-00386;

North Yuba Water District v. South Feather Water and Power Agency, Sutter County Superior Court Case No. CVCS21-0001857; and

South Feather Water and Power Agency v. North Yuba Water Agency, Sutter County Superior Court Case No. CVCS21-0002073

The Board entered closed session at 4:06 P.M.

The Board entered back into general session with no reportable actions to taken.

J. ADJOURNMENT

May 27, 2022, Board Meeting Minutes

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 4:53 P.M.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary