

**MINUTES**  
**SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE**  
**NORTH YUBA WATER DISTRICT**  
**Held at the District Office – Through Zoom**  
**8691 LaPorte Road, Brownsville**  
**Wednesday, October 05, 2022**

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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 OPPORTUJITY TO PROVIDE PUBLIC COMMENT

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**COMMENCEMENT OF MEETING**

**A. CALL TO ORDER/ROLL CALL**

President Gary Hawthorne called the meeting to order at 2:31 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		Marieke Furnee, Karen Legit, Donna Corson
<i>VICE PRESIDENT</i>	Doug Neilson		
<i>DIRECTORS:</i>	Ginger Hughes Chris Cross Donald Forguson		
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Michael Vergara, Pennie Ms. Aackermann,		

**B. PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Director Forguson.

**C. OPPORTUNITY FOR PUBLIC COMMENT ON AGENDIZED ITEMS:**

As provided under Government Code section 54954.3, subdivision (a), during a Regular Meeting any member of the public may address the Board concerning any item on the agenda or any other issue within the jurisdiction of the district. Any member of the public wishing to make comment on an agenda item shall identify the agenda item they intend to address. Public comment is limited to no more than two (2) minutes per person, twenty (20) minutes total for all speakers.

**NOTE: ALL PUBLIC PARTICIPANTS WILL BE MUTED UPON ENTRY INTO THE MEETING AND WILL ONLY BE UNMUTED TO ALLOW THEIR COMMENT. TO PROVIDE PUBLIC COMMENT BY TELECONFERENCE PRESS \*9.**

**PUBLIC COMMENT:**

Members of the public commented on exposing untruths and congratulations to the board, holding all board meetings in closed session and board members meeting together during remote meetings,

**ACTION ITEMS**

**D. RESOLUTION NO. 22-768H:**

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

**Director Forguson made a motion to accept Resolution No. 22-.768H. Director Hughes seconded the motion.**

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

**E. CLOSED SESSION**

**The Board entered closed session at 10:44 AM.**

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

Gideon Beinstock, et al. v. North Yuba Water 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, et al., 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 came back in session at 11:43 AM. Director Cross and Director Forguson were not in attendance.**

**F. CLOSED SESSION REPORT (IF ANY REPORTABLE ACTION TAKEN)**

**There was no action taken during the closed session.**

**G. REPORTS:**

**1. General Manager**

General Manager Maupin commented on the proposed water sale that the district is working on. One of the questions we asked South Feather was where our water was. South Feather responded. that they needed \$37, 500.00 to answer the question. We wrote them a check for

that. They, in turn, wanted to send the check back because we had said that it needed to go against our joint undertaking, of the 2005 agreement. They wanted it to go to their general fund as exclusive to their business. We told them fine, here is the money and they didn't want to move forward. Why I am perplexed is the only reason I am bringing it up, it is not a difficult question. I believe that 11516's 3700-acre feet is stored in Little Grass and the balance of 20,000-acre feet is stored in Sly Creek Reservoir. Those are the only two places the water can be if they are in storage as they are supposed to be. Our consumptive use is about this year is going to be about 3,000-acre feet. Historically it has always been around 3700 mark. No matter how you slice this pickle there should be 27,000-acre feet in either Little Grass or Sly Creek Reservoir. This is not a difficult question, and they don't seem to be able to, or want to answer it which gives me pause. Someone who operates a dam daily and quantifies the water that they move through it daily can't tell you where the water is, especially since ours is not supposed to be moved, it is supposed to remain in storage. It shouldn't be a difficult question, I just want to point out that we paid them, we agreed, and they can't seem to or want to give us the answer. They either ignore the question or return the check, it is gamesmanship. Answer the simple question, is our water in storage.

2. General Counsel

District Counsel, Michael Vergara reported on the case of Marieka Furnee, Gideon Beinstock, Jeanie Cavalier, Donna Corson, Israel Perla, and Charles Sharp verses North Yuba Water District. On September 14, 2020, Yuba County Superior Court Judge Steven Barrier dismissed plaintiff's entire remaining action. Just to remind the board the initial original complaint alleged 11 causes of action. The plaintiffs subsequently dismissed 8 but proceeded with 3 and again on September 14, 2020, Judge Barrier dismissed the remaining three.

District Counsel, Michael Vergara also commented on Merika Furnee's comment regarding the board acting improperly continuing to hold meetings on Zoom. Mr. Vergara reported that this is incorrect and the statement on the agenda explains exactly what authority we are working under. The Governors executive emergency order is still in place and so long as it remains in place should this board choose to conduct the board meetings, both regular and special by Zoom, they have the authority to do so.

**No action taken in closed session.**

H. **DIRECTORS INPUT:**

No input from the General Manager or the Directors.

I. **ADJOURNMENT**

**The meeting was adjourned at 11:55 AM.**

**In compliance with the Americans with Disabilities Act, if you need a disability related modification or accommodation to participate in this meeting, 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.**

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary