

**REGULAR MEETING MINUTES OF THE BOARD OF DIRECTORS OF THE
NORTH YUBA WATER DISTRICT**
Held at the District Office and Zoom
8691 LaPorte Road, Brownsville
Thursday, July 27, 2023

NOTICE: This meeting will be physically open to the public at the District OFFICE located at 8691 La Porte Rd, Brownsville, Ca 95919. the meeting will also take place via zoom. Members of the public may attend and participate in the meeting via videoconference at:

NYWD Board Room is inviting you to a scheduled Zoom meeting. Topic: NYWD Board Room's
Zoom Meeting

Time: Jul 27, 2023, 05:30 PM Pacific Time (US and Canada)

Join Zoom Meeting <https://us02web.zoom.us/j/84747939986?pwd=ZUNLNHpMSTAxbkJVdTcxU3NnRGZsUT09>

Meeting ID: 847 4793

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One tap mobile +16694449171,,84747939986#,,,,*750265# US +16699009128,,84747939986#,,,,*750265# US (San Jose) Dial by
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Meeting ID: 847 4793 9986

Passcode: 750265 Find your local number: <https://us02web.zoom.us/j/84747939986>

COMMENCEMENT OF MEETING

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 the 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 day before the start of the meeting. The Board of Directors shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the Board.

A. CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:30 PM, at the District Office in Brownsville, CA.

<i>NAME</i>	<i>PRESENT</i>	<i>ABSENT</i>	<i>VISITORS INCLUDING:</i>
<i>PRESIDENT</i>	Marieke Furnee		Charles Sharp, Mr.
<i>VICE PRESIDENT</i>	Ann Plumb		Kawanza Vinje, Dr. Flohr,
<i>DIRECTORS:</i>	Gloria Bozza		Donna Corson, Charles
	Steven Ronneberg		Mattews
	Alton Wright		
<i>INTERIM GENERAL MGR</i>	Leona Harris		
<i>ATTORNEY</i>	Paul Boylan		

B. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Vice President Plumb.

C. OPPORTUNITY FOR PUBLIC COMMENT ON NON AGENDIZED ITEMS:

The public has the opportunity to address the District Board of Directors about matters not on the agenda. Public comment is limited to no more than four (4) 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 comments included: Thank you for the vision, changing culture and environment, managing private lines, letter thanking Bangor Winery, thanking the board and staff for a good start, water- safe

and secure and rate increase, unique board with qualities to make a good team, vital information regarding South Feather and an amazing turn around with good communication, make small steps in the right direction.

DISCUSSION/OPEN SESSION ACTION CALENDAR

OPPRUNITY FOR PUBLIC COMMENT – Topics on the Agenda:

Members 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 two (4) 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:

No public comment.

E. Conference with Legal Counsel — existing litigation (4 Cases) – pursuant to Government Code section 54956.9, subdivision (d), paragraph (1): The Board will meet in closed session to discuss the following existing legal actions:

1. Charles Sharp v. North Yuba Water District, et al., Yuba County Superior Court
No. CVPT20-
2. South Feather Water & Power Agency v. North Yuba Water District, Sutter County Superior Court
Case No. CVCS2 I -0002073
3. North Yuba Water District v. South Feather Water and Power District, Yuba County Superior
Court Case No. Case No. CVCS21-0001857

F. PUBLIC REPORT OF ACTIONS TAKEN IN CLOSED SESSION. 00386

The Board returned from closed session at 6:12 P.M.

The board met with legal counsel and gave instruction.

G. ANNUAL AUDIT REPORT for 2021/2022 John Blomberg of Blomberg & Griffin will present the Financial Statements and Independent Auditor's Report for 2021/2022.

Mr. John Blomberg of Blomberg & Griffin Accountancy Corporation presented the North Yuba Water District Financial Statements and Independent Auditor's draft report to the Board. There are minor clerical adjustments. The Controller's Report is more complex with more detail. The audit was performed on site.

Director Bozza asked about page 5, Financial Analysis of the District, why Fy2021 states increase. Mr. Blomberg stated that it should read decrease and he will correct the error. Director Wright asked about current 32% reduction of current assets which is reflected on the Statement of Revenue. Director Wright also asked how the 2023 severance pay would be reflected.

President Furnee made a motion to approve the Annual Audit Report for 2021/2022. Director Bozza seconded the motion. The motion passed with a unanimous vote.

H. BLOMBERG & GRIFFIN: INDEPENDENT AUDIT PROPOSAL FOR 2023 thru 2025

The Board will discuss, and possibly take action, to approve Blomberg & Griffin's Independent Audit Proposal for 2023 Thru 2025

Director Bozza asked about the fee and the Interim General Manager Leona Harris replied that it was standard. She would recommend Blomberg & Griffin, he is comfortable with staff, comes in person which saves the staff

time. Heidi commented that Mr. Blomberg also works with the Browns Valley Irrigation. Director Wright's comments included that in the past there was the lack of open bidding, securing multiple bids, consideration of local vendors, and not allowing the public more input on how we spend their money. Director Wright recommended that the board open the bidding process in selecting a new auditor and not approve any new contracts until we review other consultants' proposals. He would also like to solicit for an auditor that can provide some strategic guidance as an additional service.

President Furnee made a motion to approve the Blomberg & Griffin Independent Proposal for 2023 – 2025. There was not a second. The motion did not pass and is tabled till further notice.

I. CONSENT ITEMS

1. Approval of Minutes for Regular Board Meeting of June 22, 2023,
2. Approval of Payroll for the Month of June 2023: \$ 64,680.32
3. Approval of Bills for the Month of June 2023: \$ 291,794.14

Vice President Plum made a motion to approve Consent Items 1-3. Director Ronneberg seconded the motion. The motion passed with a unanimous vote.

J. STAFF REPORTS/RECOMMENDATIONS: The Board will hear reports by District staff and receive their recommendations for future Board action, including but not necessarily limited to:

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 period ending June 30, 2023. Total cash on hand in all accounts including reserves was \$4,634,942.86. Total income for the fiscal year to date (July 01, 2021 – June 30, 2023) was \$5,156,100.72. Total expenses were \$2,231,737.24, leaving a net revenue over expenses of \$2,884,363.48. Expenses out of Reserves/Savings year to date totaled \$1,924,170.66. (This is the end of the fiscal year)

*Director Wright made a comment regarding a platform that was held with several people regarding reducing the legal needs and penitence's of legal fees which are still running high. The interim counsel has been providing a spectrum of services beyond legal support such as HR support, administrative and managerial consultation, and communication services. Director Wright asked if there has been any thought for negotiating a legal contract with legal counsel to provide a reduction of fees that are non-legal in nature. *(Summarized.)

General Managers' report/requests

1. Operations Memorandum
2. Tank Repairs
3. Meters/MHI Study
4. Aerators
5. VOC Testing

Operations Memorandum is attached. Leona Harris, Interim General Manager commented on Tank repairs. The Rackerby tank is scheduled to start relining on September 18th. The Forbestown tank is scheduled for mid-October. The replacement of the Challenge tank is scheduled for mid Nov/Dec 2023. The Meter Project is on hold until the Medium Household Study is complete. The Medium Household Study has been received and sent back with an amount on it not to exceed \$9,986.00 which is half of the amount of the last one done. VOC Testing for volatile organic compounds, first test will be October 1st and will be done twice a year. There is a fire hydrant request which is \$5000 and will be used by the crew to switch out an existing hydrant and allow them to be rebuilt one at a time. The treatment plant- Aerators for the pond have been received and installation is underway. The Raw water pumps have been repacked and been replaced for \$1600. The bypass control valve and the chorine probe are both on order. The cost of both will be about \$5000.

Director Wright asked about the VOC Testing and the fish in the treatment ponds.

President Furnee commented that the Forbestown Ditch is running 5.39 CFS which is an increase, and the Dobbins Oregon House Canal is running off 2CFS less and more is being done with less water.

District's Legal Counsel's Report – Mr. Boylan had nothing to add that was not covered in closed session..

K. FINANCE: The Board will discuss, and possible approve: • Yuba County Districts' Budget Form Schedule 13/ Treasury Funds • Tri County's Bank Certified Deposit CD • River Valley Bank Business Money Market account

The Financial Manger explained the Treasury Fund to the board. Form Schedule 13 is requested by Yuba County to know how much money will be left in the treasury fund.

President Furnee made a motion to accept Schedule 13. Vice President Plumb seconded the motion.

Director Wright asked if the Form Schedule 13 is tracked back to the current budget. Heidi stated yes and explained how the amount was determined.

The motion was approved with a unanimous vote. President Furnee asked the Board to sign the form after the meeting.

Leona discussed Tri Counties bank and the increased interest rates available.

Vice President Plum made a motion to transfer the funds to Tri Counties Bank. Director Ronneberg seconded the motion.

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

River Valley Money Market account was tabled due to lack of information.

L. DISTRICT WEBSITE IMPROVEMENTS: The District Administration has learned that the district's website is out of compliance with state and federal law, including but not limited to the Americans with Disabilities Act. The Board will discuss, and possibly take action, to authorize the District Administration to enter into a contract with one or more consultants with experience in assisting public agencies with these issues to bring the district's website up to standards as soon as reasonably possible.

Interim General Manger Leona Harris discussed the current website and the attached proposal. She would like to obtain more quotes and decide based on the information received.

President Furnee made a motion to give the Interim General Manger Leona Harris permission to enter into a contract with one or more consultants with experience with public agencies and bring back to the board for ratification as soon as possible. Director Bozza seconded the motion.

Director Wright made recommendations in choosing a consultant and also proposed that a committee be formed to advise and help on the project.

Mr. Boylan reminded the board that time is of the essence in getting ADA compliant. Director Bozza asked if the Leona will be considering Director Wrights recommendation of multiple proposals. She answered yes.

The motion passed with a unanimous vote.

M. LITIGATION SETTLEMENT: The Board will discuss, and possibly take action, to settle Charles Sharp v. North Yuba Water District, et al., Yuba County Superior Court Case No. CVPT20-00386 subject to the terms within the draft settlement agreement attached to this Agenda.

Per Mr. Boylan, this item was tabled due to not being in the correct form to be on the agenda.

- N. SIERRA MUZZLELOADERS:** The Board will discuss, and possibly take action, to enter into a lease agreement between the District and Sierra Muzzleloaders, subject to the terms and conditions the draft lease agreement attached to this Agenda.

Mr. Boylan explained that the model agreement needs to be approved by Sierra Muzzle Loaders insurance and then will be brought back to the board for ratification.

Director Wright made a motion to give District Counsel permission to move forward in approving the contract with Sierra Muzzle Loaders which will be brought back for ratification once approved by their insurance company. Director Ronnenberg seconded the motion.

Director Wright expressed condolences to the Sierra Muzzle Loaders and encouraged a unanimous vote. Director Bozza asked how long they were with the water district in the past.

The motion was approved with a unanimous vote.

- O. PUBLIC RECORDS ACCESS GUIDELINES:** The Board will discuss, and possibly take action, to adopt a draft Public Records Policy, attached to this agenda.

Mr. Boylan explained to the board that this is not a policy, but a statutory mechanism meant to inform the public on how to make a records request.

President Furnee made a motion to adopt the draft Public Records Guidelines. Director Ronneberg seconded the motion. The motion was approved with a unanimous vote.

P DIRECTORS REPORTS:

Vice President Plumb read her report which included that the staff has been great since becoming a board member, answering questions, working hard to complete tasks, and making changes where needed, resulting in a great district. In regard to Domestic, she was happy with the aerators in the pond that are going to provide oxygen and will take away the odors and taste smells that have been experienced in the past.

*Director Wright referenced an email that he sent to President Furnee on June 23rd, requesting that an agenda item be added to aux meeting, "Initial board and public discussions about the possibility of the consolidation of South Feather Water and Power Agency and North Yuba Water." He has not heard back regarding this request. Director Wright went on to say the most pressing need is to ensure the water is safe, and secure and kept here and we don't lose it. Director Wright asked once again that this item be added to next month's agenda. The time has come for us to take control of the destiny of the water. It is time for us to fulfill an historic vision and do what is right for the greater community. "**Summarized."

Director Bozza reported that she attended Stone Soup and sat at a table with some of her constituents from Rackerby and discussed water with them.. Everyone was happy with the situation.

Director Ronneberg reported that he went up the ditch. It looked good. He was not expecting to see what he did in the middle of a mountain. It was a nice, clean facility, there was no smell. It was impressive and nicer than any treatment plant he has ever been in.

*President Furnee read her report to the board. Highlights included the district's purpose, repair to the water conveyance system, new water tanks under construction, new filters for the treatment plant, new aerators for the treatment pond, all of which improve the supply, quality of drinking water supply. There is a new budget, and employee morale has improved. Despite all the improvements, some are worried about our future. Our future is bright, we are working on improving the fire hydrant system, getting ready for wildfire season, engineering a plan

to repair and expand the Forbestown Ditch. Some improvement grants have been received and more grant proposals are in the writing stage. You name it, we are on it, is my new motto. (*summarized).

FINAL PUBLIC COMMENT

The board provides the public opportunity to address the District Board of Directors with additional comments about matters on the agenda. Repeating comment provided at the start of the meeting is not considered "additional" comment. Closing Public comment is limited to no more than five (5) minutes total, shared equally by all members of the public who wish to speak.

PUBLIC COMMENT:

Members of the public commented on past support of the Sierra Muzzle Loaders, the website and using Facebook as a resource, safety, and security of the water, thanks to the board from Sierra Muzzle Loaders.

ADJOURNMENT

The meeting was adjourned at 7:27 PM.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary