

MINUTES

REGULAR 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, August 28, 2020

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 <https://zoom.us/j/93705931210> OR VIA TELECONFERENCE BY CALLING 669-900-6833, MEETING ID: 937 0593 1210 AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

A. ROLL CALL

President Eric Hansard called the meeting to order at 10:00 AM at the District Office in Brownsville, CA. The General Manager Maupin called the roll.

<i>NAME</i>	<i>PRESENT</i>	<i>ABSENT</i>	<i>VISITORS INCLUDING:</i>
<i>PRESIDENT</i>	Eric Hansard		Charles Sharp Alton Wright
<i>VICE PRESIDENT</i>	Doug Neilson		
<i>DIRECTORS</i>	Gretchen Flohr Gary Hawthorne Fred Mitchel		
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Barbara Brenner		

B. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by President Hansard.

ACTION ITEMS

C. PUBLIC INPUT: President Hansard read the rules of public comment.

Opportunity for public comment on any **NON-AGENDIZED** 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 item (**THE PUBLIC MUST ADDRESS THE BOARD ON SPECIFIC AGENDIZED ITEMS ONLY DURING THE BOARD'S CONSIDERATION OF THE ITEM.**)

PUBLIC COMMENT: Members of the public commented on the Financial benefit of the 20,000-acre feet, the execution of the meeting regarding speaking.

D. Public Hearing on RESOLUTION 20-750: Adopting a Mitigated Negative Declaration and Approving the Meter Replacement Project and the Challenge Tank Replacement Project.

Tim Crough, Environmental Consultant, briefed the Board on the initial study of the replacement of the Challenge Tank and replacing the water meters throughout the District.

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President Hansard made a motion to accept Resolution 20-750. Vice President Neilson seconded the motion.

Director Flohr asked the District's Legal Counsel regarding the ability for all directors to be able to record the meetings. Director Flohr then inquired about the NEPA documents required for US Forestry land.

PUBLIC COMMENT:

Members of the public asked what the Water Board was, information provided for grants and problems with the internet.

1. **The motion to approve Resolution 20-750 passed with a unanimous vote.**

E. CONSENT ITEMS:

1. Approval of **Minutes for Special Board Meeting of June 4, 2020**
2. Approval of **Minutes for Regular Board Meeting of July 24, 2020**
3. Approval of **Minutes for Regular Board Meeting of June 26, 2020**
4. Approval of **Payroll for the Month of July 2020 - \$ 50,009.78**
5. Approval of **Bills for the Month of July 2020 - \$ 132,458.43**
6. **Warrant #52-37243, fund #637**, payable to North Yuba Water District, in the amount of \$100,000.00 for Bills and Payroll. Warrant #52-29199 from Fund # 637 in the amount

President Hansard made a motion to approve items 1, 2, 4, 5 and 6 with item 3 being brought back with revisions, to the closed session report.

PUBLIC COMMENT:

Members of the public apologized for contention in the meeting, legal costs, and poor behavior of Board.

The motion passed with a majority vote with Director Flohr voting no due to not reviewing the payroll or financials.

F. FINANCIAL MANAGER'S REPORT:

1. Review of Cash on Hand and Income Statements for the period ending July 31, 2020

Financial Manager Heidi Naether, reviewed Cash on Hand and Income Statements for the period ending July 31, 2020.

As of July 31, 2020, total cash in all accounts including reserves was \$4,976,147.35. Total Income for the fiscal year to date (July 2020) was 139,617.84. Total expenses were \$131,986.09 leaving a net profit of \$7,631.75 which does not include the expenses out of reserves which were budgeted on a separate list for July which was \$20,206.80.

President Hansard made a motion for the Board to accept the Financial Manager's report as presented. Director Hawthorne seconded the motion.

Director Flohr inquired of check #23803 and information regarding \$2,380.03 for the Forbestown Ditch public outreach expense. The Financial Manager will provide Director Flohr with the requested information.

PUBLIC COMMENT:

Members of the public commented on the change of bank institutions and the unbalanced budget.

The motion passed with a majority vote with Director Flohr voting no due to lack of information.

- G. **RESOLUTION 20-749:** Supporting the Aero Pines Homeowners Association Petition to Yuba County Local Agency Formation Commission seeking annexation to the North Yuba Water District for the Provision of Domestic Water Service.

President Hansard made a motion to accept item G, Resolution 20-749. Vice President Neilson seconded the motion.

PUBLIC COMMENT: None

The motion passed with a unanimous vote.

H. RESOLUTION 20-751: Authorizing a Financial Assistance Application for a Financing Agreement from the State Water Resources Control Board for the Meter Replacement Project.

General Manager Maupin discussed resolution 20-751.

President Hansard made a motion to approve Item H., Resolution 20-751. Director Hawthorne seconded the motion.

PUBLIC COMMENT: None.

The motion passed with a unanimous vote.

I. RESOLUTION 20-752: Authorizing reimbursement from the State Water Resources Control Board for the Meter Replacement Project.

General Manager Maupin explained that this is required by the State if a grant is obtained.

President Hansard made a motion to approve Item I., Resolution 20-752. Vice President Neilson seconded the motion.

PUBLIC COMMENT:

Members of the public commented on the absence of the Recording Secretary and the General Manager calling the roll. The General Manager responded that he is also the Secretary of the Board. It is not against the Brown Act.

The motion passed with a unanimous vote.

J. RESOLUTION 20-753: Authorizing the closure of all District bank accounts currently opened with Rabobank and establishment of five bank accounts at River Valley Community Bank

Rosemary Dowell of River Valley Community Bank discussed the roots of the River Valley Community Bank and the available banks in Yuba County and the fact that the Rabobank branch in Marysville will be closing.

President Hansard made a motion to accept Item J., Resolution 20-753. Vice President Neilson seconded the motion.

PUBLIC COMMENT:

Members of the public welcomed Rosemary.

The motion passed with unanimous vote.

DISCUSSION/REPORTS

K. GENERAL MANAGERS REPORT

1. Operations Memorandum

The General Manager had nothing to add at this time.

Director Flohr pointed out that most of the public does not have a copy of the Operations Memorandum and requested the General Manager read the report, which he did.

PUBLIC COMMENT:

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Members of the Public commented on the 11 CFS for South Feather, the question was asked how many CFS is the District taking, the Oregon House Ditch irrigation maintenance, and how many CFS is going down Dry Creek.

L. 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.

Director Flohr formerly requested that for all future meetings regarding litigation items in closed session pertaining to her be put at the end to make the transitioning back to the meeting more efficient. Also asked by Director Flohr was the signed demand letter by 50% of the customers and the possible violation of the Brown Act regarding a photo-op which she was not notified of. Director Flohr encouraged the Board to stop showing favoritism and avoid possible Brown Act violations in the future.

PUBLIC COMMENT: None

M. CLOSED SESSION:

1. Conference with Legal Counsel – Existing Litigation (Government Code section 54956.9) Name of Case: Gretchen Flohr v. North Yuba Water District (Yuba County Superior Court Case No. CVPT 19-00503
2. Conference with Legal Counsel – Existing Litigation (Government Code section 54956.9) Name of case: Charles Sharp v. North Yuba Water District, et al. (Yuba County Superior Court case no. CVPT20- 00386) {CW097133.4} 3

PUBLIC COMMENT: None

The Board entered Closed Session to discuss Item M at 11:01 AM. Director Flohr requested that the District's Legal Counsel acknowledge Director Flohr turning off the recording which she did.

The Board was back in session at 11:23 AM with no reportable action

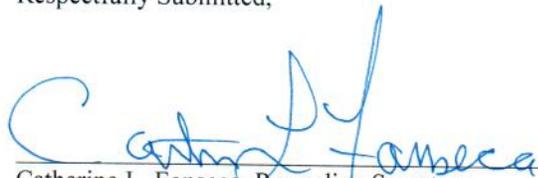
N. ADJOURNMENT:

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.

There being no further business to discuss, Vice President Neilson made a motion to Adjourn. Director Hawthorne seconded the motion. The motion passed with a majority vote with Director Flohr not responding.

The meeting was adjourned at 11:24 AM.

Respectfully Submitted,


Catherine L. Fonseca, Recording Secretary