

## MINUTES

### REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE NORTH YUBA WATER DISTRICT

Held at the District Office  
8691 LaPorte Road, Brownsville

Thursday, February 27, 2020

#### **A. ROLL CALL**

President Eric Hansard called the meeting to order at 5:00 PM at the District Office in Brownsville, CA. The recording secretary called the roll.

NAME	PRESENT	ABSENT	VISITORS INCLUDING:
PRESIDENT	Eric Hansard		Janette L. Cavaliere
VICE PRESIDENT	Doug Neilson		Alton Wright
DIRECTORS		Terry Brown	Donna Carson
	Gretchen Flohr		Zach Cross
	Gary Hawthorne		
GENERAL MANAGER	Jeff Maupin		
ATTORNEY	Barbara Brenner		

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

### ACTION ITEMS

#### **C. PUBLIC INPUT:**

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 was given: Members of the public spoke about secrecy, power revenue, grant monies, permit 11516 and time extensions. Grateful for irrigation last season and living in the area, the size of the agenda, the treatment of Director Flohr, Leona and Heidi. Papers were served to a member of the public for civil harassment by a member of the public

**D. CONSENT ITEMS:**

1. Approval of **Minutes for Regular Board Meeting of January 23, 2020.**
2. Approval of **Payroll for the Month of January 2020 - \$49,891.47.**
3. Approval of **Bills for the Month of January 2020 - \$87,287.68.**

Director Hawthorne made a motion that the Board approve Consent Items 1, 2 and 3. President Hansard seconded the motion. Director Flohr stated that the minutes were not accurate due to missing the letter she read to the Board. President Hansard requested that the consent items be tabled until the District's Legal Counsel arrived. Director Hawthorne withdrew his motion.

**E. FINANCIAL MANAGER'S REPORT**

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

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

As of January 31, 2020, total cash in all accounts including reserves was \$4,819,101.30. Total income for the fiscal year to date (July to December) date was \$1,017,378.14. Total expenses were \$1,116,342.74 leaving a net loss of \$98,964.60.

Director Flohr asked if the District was on track with the budget for 2020. Heidi reported that the District was, at this, time below budget. Legal costs were more than budgeted year to date. Director Flohr also inquired about expenses paid out of the reserve, the DWR Grant, the Bureau of Reclamation Grant and the Oroleve Grant which is part of the Forbestown Ditch, and the Boundary Change expense. Leona clarified that the DWR Grant was for the Challenge Tank. General Manager Maupin reported that the District is negotiating with Yuba Water Agency regarding the grant and is waiting on the Engineers estimate before bids can be submitted. Regarding the expenses for the Boundary change, General Manager Maupin stated that the Board gave authorization to utilize County resources for GIS support to create the mapping, the boundary map, the de-annexation map, and the division map. Also discussed by Director Flohr was the grant reimbursement and requirements for time extension on the \$225,000 grant to pay the bill to NorthStar. General Manager reported that the extension of time has not been



denied. The person in charge has asked us to bill against the grant until the extension of time is approved. No re-imbursement has been received as of yet.

**PUBLIC COMMENT:**

Public Comment was given. Members of the public made comments on the monies received from the sale of water to Yuba City.

**President Hansard made a motion that the Board approve the Financial Manager's report as presented. Director Hawthorne seconded the motion. The motion passed with a unanimous vote.**

**F. RESOLUTION 20-741: Adoption of Butte County Hazard Mitigation plan:**

President Hansard presented the Butte County Hazard Mitigation Plan:

**Director Hawthorne made a motion to adopt the Butte County Hazard Mitigation plan: Vice President Neilson seconded the motion.**

Director Hawthorne asked about cost. Neil Graber of NorthStar introduced Richard Guevarra and Mark Wolf and informed the Board that he would be retiring in June. Richard addressed the Board and discussed the roll of NorthStar in regards to federal funding assistance. The Hazard Mitigation Plan allows NorthStar to work with Butte County to access funds in an emergency on behalf of the District. There is no cost at this time. Questions discussed were if FEMA or Butte County would be contacted and if the plans were compared with the current plan of the District. Neil explained that FEMA would be contacted in an emergency and yes, the plans were compared to the existing plan. The changes could not be identified but Richard will provide that information to Director Flohr. Director Flohr stated that she is 100% in favor of being part of the plan and inquired if there were further information regarding mitigating hazards. Richard stated that this is a tool for the District to use to create a plan specific to the District. Director Flohr questioned future costs and enforcement. Neil explained that this is a potential tool to participate in a plan, not saying a plan is in place. Director Flohr inquired if this was covered under a contract with NorthStar. Neil stated that it was covered under the Master Service Agreement. Director Flohr requested a copy of the agreement.

**PUBLIC COMMENT:**

Public comment was given: Members of the Public asked about any overlay with South Feather, specific section regarding farming specific to Oregon House, substance of the plan, and comparison of the existing plan including cost and the base plan.

**The motion passed with a majority vote with Director Flohr abstaining.**

**G. PUBLIC HEARING: Consideration of proposal to revise the Director's Divisions as provided under Elections Code section 22000 based on the revised District boundary line.**



General Manager Maupin presented to the Board a proposed updated District Boundary map and read the description to the Board of the proposed change. The map which was prepared by the County, was based on the data bases of the Assessor's Office, County Voting Records and Census data. General Manager Maupin read the proposed changes to the divisions: Doug Neilson will complete his term and remain eligible due to his primary residence remaining in Division One. Terry Brown will complete his term but will no longer be eligible due to his home being moved out of Division Two. Gary Hawthorne will complete his term but will also no longer be eligible due to his home being moved out of Division Three. Gretchen Flohr will complete her term and remain eligible due to her primary residence remaining in Division Four boundary. Eric Hansard will also complete his term and will remain eligible due to his primary residence remaining in Division five. As required by the election code the Board is holding a Public Hearing to consider the proposed internal division map. A second public hearing will be held for the Board to adopt the proposed division map.

**PUBLIC INPUT:**

Public comment was given: Members of the Public commented on the first resolution boundary map and what the number "thousand represents", how many partials were de-annexed, the map of 2016 and who created it, how many districts have irrigation and the map is against irrigation.

**DIRECTOR'S COMMENT:**

President Hansard discussed the data used for the map and the equal representation of the divisions. Director Flohr questioned the public hearing notification to the public and also the completion date on the map. Discussion continued on the original creation date of the map and the original letter from LAVCO laying out the time line for completion and defining actual voter's vs potential voters. Vice President Neilson discussed the timeline of the response. President Hansard stated that the map will be brought back to the next Board meeting. No action was taken.

**President Hansard closed the public hearing.**

**H. RESOLUTION 20-742:** CEQA exemption and approval for solicitation of bids for the Oroleve Ditch Pipe-line project.

President Hansard read Resolution 20-742. Mark Wolf of NorthStar discussed the environmental support given to the District regarding the Oroleve Ditch. The Ditch has been walked and examined and the findings are that it qualifies for categorically exempt.

Director Flohr disagreed with the findings. After further discussion Mark stated that it was NorthStar's point of view that a categorically exemption was appropriate. Further discussion by Director Flohr continued. The question was asked what project the Oroleve Ditch was under and asked to see a copy of the contract. President Hansard re-read the Resolution. Director Flohr continued to express concern that this was not a categorically exemption.



**PUBLIC COMMENT:**

Public comment was given: Members of the Public commented on categorically exempt status of Oroleve Ditch, the management of providing safe water, a million dollar flood plan and the Forbestown Ditch included in the packet and provision of fish flow.

**Vice President Neilson made a motion to accept Resolution 20-742. Director Hawthorne seconded the motion. The motion passed with a majority vote with Director Flohr voting no.**

- I. **ASSEMBLE BILL 2093 OPPOSITION LETTER:** CSDA has requested our support in opposing an upcoming bill that will have negative impacts on all public agencies.

General Manager Maupin provided the Board with a letter that was received from Christopher Norden regarding bill AB 2093.

**Director Hawthorne made a motion to support the opposition of bill AB 2093 President Hansard seconded the motion.**

**PUBLIC COMMENT:**

Public comment was given: Members of the Public commented that the support of the opposition of the bill is inappropriate. Director Hawthorne explained how the bill would work. Emails can be indexed in many ways and will not pass the Senate, a member requested Director Flohr's private emails. Director Flohr stated that she would be happy to provide copies of every email sent to her business email on a flash drive at an undetermined time. The public has a right to know information.

Director Flohr asked for clarification of what was being voted on. Vice President Hansard clarified that the Board was voting on supporting the opposition of Bill AB 2093 and sending the letter written by General Manager Maupin.

**The motion passed with a majority vote with Director Flohr voting no.**

- J. **LETTER OF REQUEST FROM UPEC LOCAL 792**

General Manager Maupin discussed the letter received from the United Public employees of California, Local 792 requesting the board to continue to keep employee's specific salary/wages confidential. General Manager Maupin referred to an incident regarding a post in the local post office regarding employee's personal information. Vice President Neilson stated that in reviewing water districts found that this information was not shared. President Hansard read the letter from the Union and commented he would not want his private information shared with the public. Director Flohr read the state law regarding salary information. Vice President Neilson stated that this information is available on Transparent California. Director Flohr continued the discussion.

**PUBLIC COMMENT:**

Public comment was given: Members of the Public requested the dates of the permits be put on the Agenda.

## **DISCUSSION/REPORTS**

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### **K. GENERAL MANAGERS REPORT:**

1. Operations Memorandum Provided by General Manager Maupin.

#### **PUBLIC COMMENT:**

Public comment was given: A Member of the Public asked about completion date of work on her property.

### **L. DIRECTORS INPUT:**

Vice President Hansard requested that the dropping of all letters of employees first and last names with only total monthly amount be listed be added to the next agenda.

Director Flohr commented on a copy of a letter in her possession from Mr. Mosely. A discussion followed on the 2005 Agreement. The discussion included renegotiation of the 2005 agreement, the 15,500 AF, the Forbestown Ditch and piping the ditch. General Manager Maupin response included the audit of South Feather, direction of the entire Board requesting a meeting, buying water back from them and the inability to afford the purchase of water, and not having a conveyance system to provide the water. General Manager continued to address the Board ending with a recent conversation with Mr. Mosely informing him that his Board did not want to meet at this time to discuss renegotiating the 2005 Agreement. Director Flohr responded that the invitation should have been added to the agenda for discussion. Director Flohr's continued discussion included the size of the pipe, ISO numbers, power revenues and renegotiation of the 2005 agreement. General Manager Maupin's response included the limitation of the pipe size, the ability to deliver irrigation water, water may be cheap but there is a capacity problem, after everything is taken out there is 3 CFS left that is available to supplement Dry Creek. Vice President Neilson explained that if water is brought down and cannot be used, South Feather will have first crack at it. Discussion continued and ended at the District Counsels recommendation,

President Hansard requested that an item be put on the next agenda: A resolution stating the General Manager works for the Board and will take direction by a quorum of the Board.



**PUBLIC COMMENT:**

Public comment was given: Members of the Public commented on sitting down with Todd, the meeting with Charlie Matthews, maintaining the ditch, working with Alan Lilly, piping the ditch and finding a way to work together, realize who is always in the audience, they are coming because they care.

Vice President Neilson discussed his meeting with Charlie Matthews which was with him not with the General Manager.

- M. CLOSED SESSION:** Conference with Legal Counsel – Existing Litigation (Government Code section 54956.9) Name of Case: Gretchen Flohr v. North Yuba Water District/Case No. CVPT 19-00503.

**PUBLIC INPUT:** None

THE BOARD ENTERED CLOSED SESSION TO DISCUSS ITEM J AT 7:33 PM

BACK IN SESSION AT 8:06 PM

The Board had no reportable action.

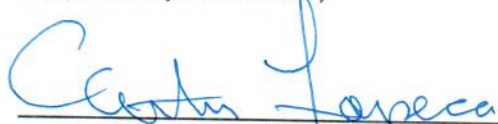
Director Hawthorne made a motion to accept Consent Items 2 and 3 that were tabled previously. President Hansard seconded the motion. The Motion passed with a unanimous vote. Item 1 will be brought back at the next meeting. Director Flohr was absent due to closed session conflict.

**O. ADJOURNMENT:**

There being no further business to discuss, Director Hawthorne made a motion that the Board adjourn. President Hansard seconded the motion. The motion passed with a unanimous vote. Director Flohr was absent due to closed session conflict.

The meeting was adjourned at 8:07 p.m.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary