

MINUTES

SPECIAL 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, November 20, 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.

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**A. ROLL CALL**

President Eric Hansard called the meeting to order at 3:32 PM at the District Office in Brownsville, CA.

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

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

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**ACTION ITEMS**

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**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 election tactics, newsletter mass mailing, miss-use of Districts name, public newsletter publication and legal award.

**D. CONSENT ITEMS:**

1. Approval of Minutes for Special Board Meeting of October 14, 2020

November 20, 2020, Special Board Meeting Minutes

2. Approval of Minutes for Regular Board Meeting of October 23, 2020
3. Approval of Payroll for the Month of October 2020 - \$ 31,343.20
4. Approval of Bills for the Month of October 2020 - \$ 140,850.79
5. Warrant #52-37246, fund #640, payable to North Yuba Water District, in the amount of \$200,000.00 for Services/Supplies.

**Director Hawthorne made a motion to approve the consent items. Vice President Neilson seconded the motion.**

Director Flohr asked about Warrant #52037246 which Heidi will elaborate on Item F. June minutes are still pending correction.

**PUBLIC COMMENT:** None

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

**E. FINANCIAL MANAGER'S REPORT:**

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

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

As of October 31, 2020, total cash in all accounts including reserves was \$4,952,075.75. Total Income for the fiscal year to date (July 01– October 31, 2020) was \$456,249.56. Total expenses were \$570,367.21, leaving a net loss of \$51,115.65. Expenses out of Reserves not included in the Forbestown Ditch billing was \$240,567.78.

**President Hansard made a motion for the Board to accept the Financial Manager's report as presented. Vice President Neilson seconded the motion.**

Director Flohr asked about Power Revenues for 2020 which Heidi reported for the quarter was \$177,250.00. Director Flohr also commented on the 2020 budget.

**PUBLIC COMMENT:** None

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

- F. Budget Amendment:** Amend budget, line-item Increase in Legal fees of \$300,000.00.

**President Hansard made a motion for the Board to approve the Budget Amendment. Vice President Neilson seconded the motion.**

Director Flohr asked what was remaining of the original budget for Legal Fees for 2020. Heidi clarified that the total budget for legal fees with the amendment would be \$570,000.00.

**PUBLIC COMMENT:**

Members of the public commented on possible conflict of interest with legal counsel, providing requested documents and irrigation water, cutting expenses, legal fees and who is responsible, cost of lawsuits to taxpayers, multiple lawsuits were by different people and legal fees pertaining to the audit.

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

**G. GENERAL MANAGERS REPORT**

1. Operations Memorandum

Due to the absence of the General Manager, the Operations Memorandum was provided for review.

Director Hawthorne commented on the spelling of Director Mitchell's name in the minutes.

**PUBLIC COMMENT: None**

**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.

Director Mitchell inquired about the December Board Meeting. Director Flohr requested that a topic of discussion regarding the Pipeline Project be added to the agenda.

**President Hansard made a motion to add the subject of the Pipeline to the agenda. Director Mitchell seconded the motion. President Hansard asked Director Flohr to provide the specific information she is requesting.**

Director Flohr also put in a records request for all records pertaining to the Mitigated Negative Declaration that was submitted in June. Legal Counsel, Barbara Brenner for the District concurred.

**PUBLIC COMMENT:**

Members of the public commented on the schedule of the meeting for December.

**I. 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 -1900503

**PUBLIC COMMENT:**

Members of the public asked about further discussion of the above closed session, continuing with ligation and the increased legal budget.

The Board entered Closed Session to discuss Item I at 4:09 PM.

The Board was back in session at 4:36 PM. Board members gave direction to legal counsel.

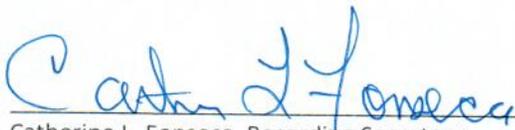
**J. ADJOURNMENT:**

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, Director Hawthorn made a motion to Adjourn. President Hansard seconded the motion. The motion passed with a unanimous vote.**

The meeting was adjourned at 4:37 PM.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary