

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

Thursday, June 04, 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		Donna Corson
<i>VICE PRESIDENT</i>	Doug Neilson		Rudy
<i>DIRECTORS</i>	Gretchen Flohr		Charles Sharp
	Gary Hawthorne		
<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

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: None

- C. **RESOLUTION #20-744:** Authorizing the General Manager to Execute a Construction Contract with Hansen Brother Enterprises for the 2020 Oroleve Ditch Line Project.

General Manager Maupin presented Resolution #20-744 to the Board. Hansen Bother Enterprises was the lowest responding bidder out of four bids received of \$588,054.00 with source funding from reserves.

Director Hawthorne made a motion to accept Resolution #20-744. Vice President Neilson seconded the motion.

Discussion followed regarding public bids with the District's Legal Counsel stating that majority of projects through water districts do not have to go through the public bid process.

PUBLIC COMMENT:

Members of the Public asked questions regarding regular meeting schedule, was the bids reviewed by the Board prior to the meetings, water flow during construction, will the fish be provided for, why is an overflow needed for a ditch project, and questions regarding the oversight of the bids.

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

- D. **RESOLUTION #20-745:** Authorizing the General Manager to Execute a Contract with North Star Construction and Engineering, Inc. for Construction Management Professional Services Associated with the 2020 Oroleve Ditch Line Project.

General Manager Maupin presented Resolution #20-745:

Vice President Neilson made a motion to approve Resolution #20-745. President Hansard seconded the motion.

Director Hawthorne commented that this resolution provides oversight of the project

PUBLIC COMMENT:

Members of the Public commented on using reserves and the application to Water Agency.

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

- E. **Accept resignation of Director Brown, notify the County, and advertise the vacancy as required under Government Code section 1780.**

The District's Legal Counsel, Barbara Brenna discussed the resignation letter included in the board packet of Director Brown. The resignation needs to be accepted by the Board, the County needs to be notified of the vacant seat and the Board then needs to determine how they want to announce the open seat.

President Hansard made a motion to accept the resignation of Director Brown. Director Hawthorne seconded the motion.

Director Flohr discussed the timing regarding Director Brown's resignation.

PUBLIC COMMENT:

Members of the Public commented on the resignation of Director Brown.

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

After discussion regarding how to notify the public regarding the vacancy, General Manager Maupin will post on the website and will notify the County. Director Hawthorne suggested that it also be put in the newsletter and emailed to customers.

F. Approve letter to South Feather Water and Power Authority regarding Proposed Water Transfer under Permit 1267 (Application 1651) and Permit 2492 (Application 2778).

District Legal Counsel, Barbara Brenner discussed the draft letter included in the board packet in response to South Feather Water and Power Authority's proposed water transfer.

Vice President Neilson made a motion to approve the letter to South Feather Water and Power regarding the water transfer under permit 1267. Director Hawthorne seconded the motion.

PUBLIC COMMENT: None.

The motion passed with a unanimous vote.

G. Request authority to enter into a consulting services contract for forensic audit services with Crowe LLP.

Vice President Neilson made a motion to accept the contract for forensic audit services with Crown LLP to audit South Feather Water and Power. Director Hawthorne seconded the motion.

Director Flohr discussed the reasoning for the audit and the no scope of work listed. District Legal Counsel explained that the forensic audit was a detailed look at the funds and for any miss use of funds. There is a \$20,000 cap on services.

PUBLIC COMMENT:

Members of the Public commented on the lack of discussion regarding the audit.

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

H. CLOSED SESSION: 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

The Board entered Closed Session to discuss Item H at 10:47 A.M.

The Board returned from Closed Session at 11:10 A.M.

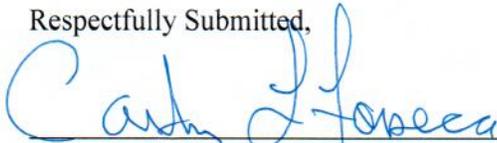
Barbara Brenner, District Legal Counsel, reported that regarding the Sharp v. North Yuba Water District case which also includes action against Director Hawthorne, Vice President Neilson, Director Brown, and President Hansard whose legal counsels requested that the defense costs be paid for by the District. The District during closed session elected to pay for defense cost.

H. 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.

The meeting was adjourned at 11:00 A.M.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary