

MINUTES

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

Held at the District Office
8691 LaPorte Road, Brownsville

Thursday, May 25, 2017

A. ROLL CALL

President Donald Forguson called the meeting to order at 5:00 PM at the District Office in Brownsville, CA. The recording secretary called the roll. The Pledge of Allegiance was led by Director Brown.

	<i>PRESENT</i>	<i>ABSENT</i>	<i>VISITORS</i>
<i>DIRECTORS</i>	President Donald Forguson Vice President Eric Hansard Director Doug Neilson Director Terry Brown	Director Gary Hawthorne	7 Visitors including: Donna Courson Maggie Campbell Carol Cabral Darlene Kearns
<i>GENERAL MANAGER</i>	Jeff Maupin		

ACTION ITEMS

B. CONSENT ITEMS:

1. Approval of **Minutes for Regular Board Meeting of April 27, 2017**
3. Approval of **Payroll for the Month of April 2017- \$ 28,304.14**
4. Approval of **Bills for the Month of April 2017 - \$ 45,877.17**
5. Approval of **Warrant #52-29209, fund #641, payable to North Yuba Water District, in the amount of \$100,000.00 for bills and payroll.**

Vice President Hansard made a motion that the board approve Consent Items 1, 3 and 4. Director Neilson seconded the motion. President Ferguson, Vice President Hansard, Director Neilson and Director Brown voted in favor. The motion passed with a majority vote.

Director Neilson made a motion that the board approve Consent Item 5. Vice President Hansard seconded the motion. President Ferguson, Vice President Hansard, Director Neilson and Director Brown voted in favor. The motion passed with a majority vote.

C. FINANCIAL MANAGER'S REPORT

Financial Manager, Heidi Naether, reviewed Cash on Hand and Income Statements for the period ending **April 30, 2017**.

She reported As of April 30, 2017, total cash in all accounts, including reserves, was \$2,517,635.35.

Total income to date for the fiscal year July 2016, through April 30, 2017, was \$1,374,591.60. Total expenses were \$1,513,848.56, leaving a net loss of -\$139,256.96.

Director Brown made a motion that the board approve the financial manager's report as presented. Vice President Hansard seconded the motion. President Ferguson, Vice President Hansard, Director Neilson and Director Brown voted in favor. The motion passed with a majority vote.

D. AMEND IRRIGATION POLICY:

General Manager Maupin proposed to amend the irrigation policy fee schedule to include a customer generated call out fee. It is proposed that a fee of \$65.00 per call during normal business hours and \$170.00 per call after hours and weekends will be charged to customers when staff investigates a customer complaint and finds that no problem exists. However, if a problem with district facilities is found, no fee will be charged. This will cut down on unnecessary calls and keep staff working on district business. Mr. Maupin spoke with the attorney who advised the policy can be amended by majority vote.

Mr. Maupin suggested setting a workshop to review domestic and irrigation policy.

Director Brown made a motion that the board accept the proposed amendment to Irrigation Policy, as presented. Vice President Hansard seconded the motion. President Ferguson, Vice President Hansard, Director Neilson and Director Brown voted in favor. The motion passed with a majority vote.

E. REQUEST FOR PROPOSAL:

The Board of Directors wish to obtain proposals for Legal Services involving Water Rights, General Counsel, and Personnel.

Mr. Maupin reminded the board they had ended services with Colantuono, Highsmith, Whatley, PC, and designated Bartkiewicz, Kronick & Shanahan, PC, as interim counsel. The board stated that they would initiate an RFP process to solicit proposals for permanent counsel.

President Forguson wanted to get started on it. Director Neilson asked if the Request for Proposal would be published formally. President Forguson expressed concern that the law firm should have no prior connections or conflicts with District and/or others within the district. The proposals should meet all the district's legal needs. Mr. Maupin reminded the Board that Attorney Alan Lilly offered to write the RFP. The process will include reviewing proposals and setting up interviews.

Vice President Hansard made a motion that the board accept the Request for Proposals for legal services, as presented. Director Neilson seconded the motion. President Forguson, Vice President Hansard, Director Neilson and Director Brown voted in favor. The motion passed with a majority vote.

DISCUSSION/REPORTS

F. GENERAL MANAGERS REPORT

1. New York House Bridge update – The district has been in communication with the County as they waited for funding. Today the district was notified there will be a Notice to Proceed in two weeks. We have a plan and specs already. Mr. Maupin instructed MHM Engineers to send the bid packages to various qualified contractors. He will prepare a review of contractors for the board to decide in two weeks at a Special Meeting.

2. Customer Communications – An irrigation customer has a problem with water seeping from the ground and covering the property. The district has done due diligence to investigate the source of the water and does not believe the ditch is the source. The ditch was lined with plastic last year. The property has a capped artesian well. The customer agreed that the district had done due diligence to shield the property from the ditch, but wanted to confirm that the ditch wasn't the cause. Mr. Maupin said rain-driven subterranean streams and tributaries are still running into the ditch, possibly through September. President Forguson said if the State Water Resources Control Board capped the artesian well, they can come back and test to see if the pressure has built up and caused it to come back. Once that has been checked the customer should report the findings back to the district.

4. Customer complaint of water diversion – A Complainant had reported a district customer was diverting the natural flow of an unnamed streambed to the State Water Control Board and that the

complainant owned all rights to the flow. The complainant wanted the District to force the customer into ending their diversions. Mr. Maupin contacted Enforcement for the State Water Resources Control Board and asked for the public records showing the conclusion of their investigation into the issue. The complaint against the district customer accused of illegal diversion was dismissed by the State Water Board and California Department of Fish and Wildlife regarding the unnamed streambed in January 05, 2017. No action is required by the District

3. Operations Memorandum – provided. The convict crews are out working on the DOH ditch. District Staff reports they are working hard, covering a lot of ground, and doing a good job. Director Brown praised district staff who prepare the operations report.

G. DIRECTORS INPUT:

President Forguson read the Rules for Directors Input.

Director Neilson said one of his constituents had a private plumbing leak after the district's meter and their bill jumped to more than they can afford. He asked if there was any way to ease their bill payment. Domestic has no policy for payment over time or waiving fees. Can the District adjust the policy to help customers make payments over time or otherwise alleviate the immediate cost if some sort of problem/situation occurs? The issue is on the customer's side and they still have not found the leak (possibly underground). Mr. Maupin asked why they had not taken action to solve the problem. Director Neilson said the first two big bills were paid before they became aware of it.

President Forguson asked if they were still trying to find the leak. Director Neilson said they had looked for it themselves but had not hired a plumber to investigate. Vice President Hansard asked if their property insurance would cover the water bill and/or plumbing repairs. Director Neilson said he would ask them.

President Forguson said Yuba County Supervisor Randy Fletcher had asked if the District would send General Manager Maupin to the meetings of ACWA (Association of California Water Agencies) in Southern California later this year. It was noted that the district has no budget for travel to attend these meetings. President Forguson asked if the issue could be put on the agenda to discuss sending Mr. Maupin to these meetings. The meetings provide opportunity for the district to keep pace with changing regulations and technologies. It also provides opportunities to meet agencies interested in possible purchases of water that could fund needed District infrastructure. It was also suggested that local meetings of ACWA can be attended by both Mr. Maupin and a North Yuba Water District director. All present board members concurred to agendize creating a travel budget.

President Forguson asked Mr. Maupin to comment on a recent tour. Mr. Maupin said the district wrote a letter to YCWA about the needs of the district and the financial impact of those needs. They had questions and so Mr. Maupin took Board members, Brent Hastey, Randy Fletcher, of YCWA and Crystal Martin on a tour of the Forbestown Ditch. The district hopes to get financial help from YCWA. Another tour may be scheduled with other YCWA board members. Mr. Maupin expressed on the tour that piping of the Forbestown Ditch would provide a clean source of water, mitigate potential hazards

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and conserve lost water by eliminating leakage, the SWRCB has made this part of the District's requirement for an extension of time on its water permits review. The district needs to focus on that goal and actively pursue a solution to the vulnerability of the ditch. The district needs to make sure their issues are known and a priority.

H. PUBLIC INPUT:

President Forguson read the rules for public input. Members of the public commented.

A member of the public would like some feedback on irrigation. There is much water spilling into the ditch. If there is more water, can customers get more? Please don't sell our water. A member of the Union Local 185, Maggie Campbell, introduced herself and stated, with regard to District tours, the Union, as a partner with NYWD can sponsor some travel, NYWD could present requests for travel expenses to the Union and they might be able to help. A member of the public asked if the district will be paying the attorney to attend all meetings. President Forguson does not know yet.

I. CLOSED SESSION – CONFERENCE WITH DISTRICT LABOR NEGOTIATOR (G.C. 54954.5 AND 54957.6)

District Negotiator: Jeff Maupin

Employee Organization: Union

Name of Organization: Laborer's Local 185

The Board and Mr. Maupin entered into closed session at 6:13 PM. The meeting re-adjourned at 7:47 PM. The union's questions for the current MOU were discussed. There is nothing to report at this time.

J. ADJOURNMENT

There being no further business to discuss, **Director Brown made a motion that the board adjourn. Vice President Hansard seconded the motion. President Forguson, Vice President Hansard, Director Neilson and Director Brown voted in favor. The motion passed with a majority vote.**

The meeting was adjourned at 7:49 p.m.

Respectfully Submitted,



Tina M. Parker, Recording Secretary