

GARY HAWTHORNE
Division 3

Alton Wright
Division 1

Steve Ronneburg
Director
Division 2



Marieke Furnee
President
Division 4

Ann Plumb
Vice President
Division 5

[VACANT]
General Manager

AGENDA

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

5:30 PM ♦ TUESDAY ♦ DECEMBER 20, 2022

NOTICE: THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC AT THE DISTRICT OFFICE LOCATED AT 8691 LA PORTE RD, BROWNSVILLE, CA 95919. HOWEVER, THE MEETING WILL ALSO TAKE PLACE VIA ZOOM, 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.

ANY MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA VIDEOCONFERENCE AT:

Join Zoom Meeting

<https://us02web.zoom.us/j/86194791293?pwd=ZVRRN3NmalpwdlU1anBsUk1UZGI3QT09>

Meeting ID: 861 9479 1293

Passcode: 484486

One tap mobile

+16699009128,,86194791293# US (San Jose)

+16694449171,,86194791293# US

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Meeting ID: 861 9479 1293

Find your local number: <https://us02web.zoom.us/u/kd3UfiTLfj>

COMMENCEMENT OF MEETING

- A. **CALL TO ORDER/ROLL CALL**
- B. **PLEDGE OF ALLEGIANCE**
- C. **OPPORTUNITY FOR PUBLIC COMMENT ON AGENDIZED ITEMS**

As provided under Government Code section 54954.3, subdivision (a), during a Special Meeting any member of the public may address the Board concerning any item on the agenda. No other comments will be allowed. Any member of the public wishing to make comment shall identify the agenda item they intend to address, and they will be provided an opportunity to make comment on that item only. Public comment is limited to no more than two (4) minutes per person, twenty (20) minutes total for all speakers.

**DISCUSSION/OPEN SESSION
ACTION CALENDAR**

- D. ***Board Meetings:*** an existing Board Resolution requires meetings to take place at 10:30 AM and requires a regular meeting to take place the last Thursday of December. The Board will meet and possibly act upon a resolution allowing more flexibility in meeting scheduling and postponing December's regular meeting during the pending holiday season (*see attached proposed resolution*).
- E. ***Special Meeting Agenda Preamble:*** the Board will meet to discuss, and possibly act to add a preamble to special meeting agendas explaining to the public why a special meeting is required in lieu of noticing a regular meeting.
- F. ***Staff Reports and Recommendations:***
 - 1. ***Capital Outlay:*** the Board will meet to receive information, discuss, and possibly act to obtain: information technology infrastructure; water metering equipment; and professional services needed to retrieve inaccessible information.
 - 2. ***Forbestown Ditch and Drinking Water Treatment Plant Repair:*** the Board will discuss and possibly act to invoke the mutual aid agreement between the North Yuba Water District and the South Feather Water and Power Agency - including obtaining necessary insurance coverage - to begin repairs on the Forbestown Ditch and the District's drinking water treatment plant as soon as possible.
 - 3. ***Interim General Counsel:*** the District's Interim General Legal Counsel will report on legal issues involving the District.

CLOSED SESSION

- G. The Board will meeting in closed session to consider and possibly act upon appointment/employment to fill the public officials/employee positions of Interim General Manager , Interim Administrative Assistant, Information technology officer, and Custodian.

H. Conference with Legal Counsel —existing litigation (4 Cases) – pursuant to Government Code section 54956.9, subdivision (d), paragraph (1):

- 1. Fellowship of Friends, Inc. v. North Yuba Water District, et al., Yuba County Superior Court Case No. CVPT22-00246;**
- 2. Marieka Furnee, Gideon Bienstock, Jeanette Cavaliere, Donna Corson, Israel Perla, and Charles Sharp v. North Yuba Water District, Yuba County Superior Court Case No. CVPT21-00436;**
- 3. Charles Sharp v. North Yuba Water District, et al., Yuba County Superior Court Case No. CVPT20-00386.**
- 4. North Yuba Water District v. South Feather Water and Power District, Yuba County Superior Court Case No. Case No. CVCS21-0001857**

I. Conference with Legal Counsel — existing litigation (4 cases) – pursuant to Government Code section 54956.9, subdivision (d), paragraph (3):

Significant exposure to litigation pursuant to paragraph (3) of subdivision (d) of Section 54956.9: (6 potential cases)

The Board will meet in closed session to evaluate whether facts and circumstances pertaining to six potential cases that might result in litigation against the District, but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, justify a closed session discussion with District Legal Counsel pertaining to one or more of these six potential cases.

J. Conference with Legal Counsel —pending litigation (2 cases) – pursuant to Government Code section 54956.9, subdivision (e), paragraph (3):

- 1. Letter from Dustin Cooper, representing South Feather Water and Power District, demanding the Board cure and correct alleged Brown Act violations.**
- 2. Letter from John Kinsey, representing Charles Sharp, demanding the Board cure and correct alleged Brown Act violations, declare the director’s chair for Election District 3 vacant, to fill the vacancy, and to remove defamatory content posted on the District’s webpage.**

K. PUBLIC REPORT OF ACTIONS TAKEN IN CLOSED SESSION.

CLOSING PUBLIC COMMENT

L. OPPORTUNITY FOR PUBLIC COMMENT ON AGENDIZED ITEMS

As provided by Board Resolution, any member of the public wishing to make comment on matters discussed during the meeting will be provided an opportunity to make comments, limited to no more than two (3) minutes total per person, twenty (10) minutes total for all speakers.

ADJOURNMENT