

MINUTES

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, February 26, 2021

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 3:31 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
<i>VICE PRESIDENT</i>	Gary Hawthorne		Ferne Marieke Terry Brown
<i>DIRECTORS</i>	Gretchen Flohr Fred Mitchell Doug Neilson		
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Carry Fuller		

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

ACTION ITEMS

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:

A member of the public commented on the new name of the Districts legal counsel and the FPPC investigation.

D. APPOINTMENT OF DIVISION 1 DIRECTOR To fill the Division 1 Board of Directors Vacancy

One letter of interest was received by Doug Neilson. Director Flohr recommended postponement to allow more time for public response.

President Hansard made a motion to approve Doug Neilson for Division 1 Board of Directors Vacancy. Vice President Hawthorne seconded the motion.

Public Comment:

Members of the public commented on the lack of public notice for vacancy, disappointment in the loss of Director Hill and the new candidate, and a legitimate elected quorum,

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

At 3:43 P.M the General Manager requested a 5-minute recess to swear in Doug Nielson. Director Flohr objected to the change of the Agenda. The meeting was called back to order at 3:46 P.M. with Director Neilson taking his seat.

E. CONSENT ITEMS:

1. Approval of Minutes for Regular Board Meeting of June 26, 2020
2. Approval of Minutes for Regular Board Meeting of January 22, 2021
3. Approval of Payroll for the Month of January 2021 - \$ 29,790.28
4. Approval of Bills for the Month of January 2021 - \$ 106,259.33{CW101492.2} 2 Warrant #52-29199 from Fund # 637in the amount of \$120,000 for bills and payroll and payroll

Vice President Hawthorne made a motion to approve consent items 1, 2, 3, and 4. Director Flohr requested that that item 1 be postponed due to inaccurate wording on closed session. President Hansard seconded the motion.

PUBLIC COMMENT:

Members of the public commented on the June meeting and having a serial meeting, more legal action and the loss of Ms. Brenner and the June minutes transcription.

The motion failed with Director Mitchell abstaining, Director Flohr voting no and Director Neilson abstaining.

Vice President Hawthorne amended the motion to approve items 2, 3, and 4. President Hansard seconded the motion.

PUBLIC COMMENT:

Members of the public commented the rules of the Brown Act and the lack training.

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

F. FINANCIAL MANAGER'S REPORT:

1. Review of Cash on Hand and Income Statements for the period ending January 31, 2021.

Financial Manager Heidi Naether reviewed Cash on Hand and Income Statements for the period ending January 31, 2020. Total cash in all accounts including reserves was \$4,539,451.48. Total Income for the fiscal year to date (July 01– January 31, 2021) was \$1,006,471.82. Total expenses were \$1,025,432.42, leaving a net loss of \$18,960.60. Expenses out of Reserves not included in the Forbestown Ditch billing was \$624,175.18.

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

PUBLIC COMMENT:

February 26, 2021, Board Meeting Minutes

Members of the public commented on the budget and expenses, the use of reserves for legal fees and the billing for the auditor.

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

DISCUSSION/REPORTS

G. GENERAL MANAGERS REPORT

1. Operations Memorandum

Director Flohr expressed her disapproval regarding the General Managers report not being read, the total use of water and the South Feather contract

PUBLIC COMMENT:

Members of the public commented on the lack of a hard copy of the General Managers report and the Brown Act regarding irrigation discussions.

H. CSDA: Brief update by Dane Wadle, Field Coordinator with the California Special District Association (CSDA).

Mr. Wadle discussed the programs available to special districts.

PUBLIC COMMENT:

Members of the public commented on the lack of irrigation for the last six years, and the investigation of the Fair Pollical Act.

I. 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 Flohr commented on South Feather communications and the discussion of \$40-50,000 charge for South Feather's last years extended irrigation season and reaching out to South Feather for negotiation of the contract. General Manager Maupin stated that the bill that was received from South Feather, when compared to monthly, and final summation provided by South Feather, didn't match. A call was made to the Financial Manager of South Feather and the District is now waiting for a call back regarding the water reads. Director Flohr also requested that the General Managers report be read out loud. Vice President Hawthorne welcomed Director Neilson back to the Board.

PUBLIC COMMENT:

Members of the public commented on irrigation water supply, comradery of the males on the Board.

J. CLOSED SESSION:

1. Conference with Labor Negotiators (Gov. Code, § 54957.6) Agency designated representatives: District Board of Directors Unrepresented employee: General Manager.

PUBLIC COMMENT:

Members of the public commented on the re-negotiations of the General Managers contract.

THE BOARD ENTERED INTO CLOSED SESSION TO DISCUSS ITEM J. AT 4:33 P.M.

BACK IN SESSION AT 4:52 P.M.

K. REPORT OUT OF CLOSED SESSION:

1. Consideration and Possible Approval of the Terms of General Manager's Amended Employment Agreement

President Hansard turned the meeting over to Carry Fuller to discuss the General Manger's employment agree- ment and the changes that were approved for Section Six and Section Seven. Carry Fuller, District Counsel reported that the Board and the General Manager negotiated two miner amendments to his employment agreement. The first is to Section Six which reads as follows: Section Six: Retirement and or Deferred Compensation: The District shall provide employee with a qualified deferral compensation program under Internal Revenue Service Code Sec- tion 457 and will refund 10% of employee's gross wages but will not otherwise match employee's contribution to that plan or upon the request of the employee the District shall deposit said funds into an account established by employee. Ms. Fuller explained there is no physical impact from this change.

The second amendment that was negotiated related to paragraph seven. The change and the negotiated language says: The District shall provide the employee with a insurance benefit afforded to all the employees of the District pursuant to the current memorandum of understanding between District and the United Public Employee of Cali- fornia UPACT Local 792. This amendment changes the name of the Union with no physical impact from the change to the District.

President Hansard made a motion to approve the changes to the General Manager's employment agreement. Di- rector Mitchell seconded the motion.

PUBLIC COMMENT: None

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

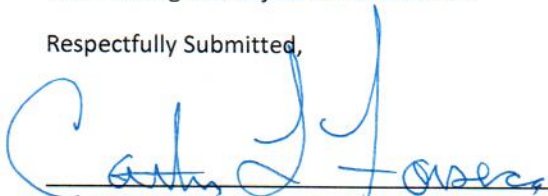
L. ADJOURNMENT:

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, President Hansard made a motion to Adjourn. Vice President Hawthorne seconded the motion. The motion passed with a unanimous vote.

The meeting was adjourned at 4:55 PM.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary