

MINUTES
SPECIAL 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 18, 2022

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 Join Zoom

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AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT

COMMENCEMENT OF MEETING

A. CALL TO ORDER/ROLL CALL

President Gary Hawthorne called the meeting to order at 10:30 AM at the District Office in Brownsville, CA.

<i>NAME</i>	<i>PRESENT</i>	<i>ABSENT</i>	<i>VISITORS INCLUDING:</i>
<i>PRESIDENT</i>	Gary Hawthorne		Marieke Furnee, Karen Legit, Josh Bailey, John Brueggeman, Nancy, Terry Brown, Aidan Wallace, Charles Sharp,
<i>VICE PRESIDENT</i>	Doug Neilson		
<i>DIRECTORS:</i>	Ginger Hughes Chris Cross Donald Forguson		
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Michael Vergara, Pennie Ms. Aackermann,		

B. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Director Forguson.

C. OPPORTUNITY FOR PUBLIC COMMENT ON AGENDIZED ITEMS:

As provided under Government Code section 54954.3, subdivision (a), during a Regular Meeting any member of the public may address the Board concerning any item on the agenda or any other issue within the jurisdiction of the district. Any member of the public wishing to make comment on an agenda item shall identify the agenda item they intend to address. Public comment is limited to no more than two (2) minutes per person, twenty (20) minutes total for all speakers.

NOTE: ALL PUBLIC PARTICIPANTS WILL BE MUTED UPON ENTRY INTO THE MEETING AND WILL ONLY BE UNMUTED TO ALLOW THEIR COMMENT. TO PROVIDE PUBLIC COMMENT BY TELECONFERENCE PRESS *9.

PUBLIC COMMENT:

Members of the public commented on supporting the current board for all they have done and will be keeping an eye on the upcoming board, a reminder to the board that they are personally liable for their decisions and have sworn an allegiance to the public and recommended the board to vote against the current proposal. Attorney for Charles Sharp concerned with action taken by the board prior to the new board being sworn in, item F is an inappropriate subject for a special meeting and a violation of the Brown Act. This policy does not seem like a good idea.

ACTION ITEMS

Vice President Neilson requested that Item F and G be moved ahead of closed session. A roll call was taken, and Director Hughes voted no, Director Forguson voted yes, Director Cross voted yes, President Hawthorn voted yes. Item F and G was moved before closed session with a Majority vote.

F. RESOLUTION NO. 22-774

Authorizing Seventh Amendment to the General Manager's employment contract amending paragraphs 3 and 13 and adding paragraph 14 to the employment contract.

President Hawthorn read Resolution No. 22-774 out loud.

Michael Vergara, District Counsel responded to public comments regarding the amendment that paragraph 13 has existed in the form it is being proposed since February 2018. The proposed amendment does not substantially change paragraph 13 and was in existence since before his firm came into existence and is nothing new in the amount of severance.

Director Forguson made a motion to accept Resolution No. 22-774. President Hawthorn seconded the motion.

Director Forguson asked District Counsel if everything being done regarding Resolution No 22-774 is above board and cannot be changed by Mr. Sharps attorney. Michael Vergara responded yes, in his opinion but could not say that someone could not challenge it.

The motion passed with a unanimous vote.

G. RESOLUTION NO. 22-768J

Authorizing remote teleconference meetings in accordance with California Government Code section 54953(e), as amended by AB 361.

Director Forguson made a motion to accept Resolution No. 22-.768J. Director Hughes seconded the motion.

The motion passed with a unanimous vote.

CLOSED SESSION

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov. Code, Section 54957, subd. (b)(1) General Manager

The Board President or his designee will provide a report on any reportable action taken during closed session, should any such action occur.

The Board entered closed session at 10:51 AM.

The Board came back in session at 11:55 AM. Director Cross dropped off for an appointment.

E. POST-CLOSED SESSION REPORT (IF ANY REPORTABLE ACTION TAKEN)

President Hawthorn reported out of closed session on the public employee evaluation for the General Manager, Jeff Maupin. After evaluation of his performance the board approved increasing his monthly salary to \$18,339.00, retroactive to November 01, 2022. This is the median salary for other local water and irrigation districts and was based-on the Browns Valley Irrigation District Compensation Study in 2016 by Bryce Consulting

H. ADJOURNMENT:

The meeting was adjourned at 11:58 AM.

In compliance with the Americans with Disabilities Act, if you need a disability related modification or accommodation to participate in this meeting, 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.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary