

MINUTES

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE

NORTH YUBA WATER DISTRICT

Held at the District Office

8691 LaPorte Road, Brownsville

Thursday, August 22, 2019

A. ROLL CALL

President Eric Hansard called the meeting to order at 5:01 PM at the District Office in Brownsville, CA. The Recording Secretary called the roll.

	<i>PRESENT</i>	<i>ABSENT</i>	<i>VISITORS</i>
<i>PRESIDENT</i>	Eric Hansard		Visitor's Including:
<i>VICE PRESIDENT</i>	Terry Brown		Donna Corson
<i>DIRECTORS</i>	Doug Neilson		Alton Wright
	Gary Hawthorne		Buck Weckman
	Gretchen Flohr		Zack Cross
<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

C. PUBLIC INPUT:

President Hansard read the rules for public comment.

Members of the Public addressed the Board regarding:

1. The shaming of the public and read a compilation of cost for requests for documents and legal fees by the District. Letter is attached.

2. A great job by the Board of Directors handling the adversity by a certain group. The Member stated that a request had been submitted for the individual legal fees caused by certain requests buy specific individuals.
3. Was pleased with the Auditor' report last meeting. Everything was compliant and moving in the right direction with no outstanding bills. Thank you for a great job. Discussed the past meeting and the exchange between the Board and Director Flohr. Yuba Water Agency monies granted to the District for 11 miles of pipeline for the Forbestown Ditch.
4. A 100 signatures have been received on a petition for the removal of a decade of sediment of the Forbestown Ditch. The excavator and monies for the ditch sits and has been used for other purposes. Dig out the ditch and do not end irrigation.
5. Thank you to Director Flohr for being open and communicative. The public appreciates open communication.
6. Appreciates Vice President Browns email response. An email was mailed to all directors and most did not receive it.

ACTION ITEMS

D. CONSENT ITEMS:

1. Approval of **Minutes for regular Board Meeting of July 25, 2019**
2. Approval of **Payroll for the Month of July 2019 - \$30,039.34**
3. **Approval of the bills for the month of July 2010 - \$158,392.55**

Director Hawthorne made a motion that the Board approve Consent Items 1, 2 and 3. Vice President Brown seconded.

Director Flohr and Director Neilson stated that there were inaccuracies in the minutes and requested that the minutes be pulled for correction.

Director Hawthorne amended the motion to include items 2 and 3. Vice President Brown Seconded.

Public Comment: None

The motion passed with a unanimous vote.

E. FINANCIAL MANAGER'S REPORT

Financial Manager, Heidi Naether, reviewed Cash on Hand and Income Statements for the period ending July 31, 2019.

As of July 31, 2019, total cash in all accounts including reserves was \$4,901,043.44.

Total income to date was \$141,501.04 (for July only new fiscal year.) Total expenses were \$108,971.86, leaving a net profit of \$32,529.18. There is an additional expense added for an air compressor and small purchase for the Forbestown Ditch.

Director Flohr asked about the check to Smart Marketing for \$650.00. General Manager Maupin will review the bill and update Director Flohr. Director Flohr also inquired about the additional monies

requested from the Yuba Water Agency when there is a balance left of \$165,000 left of the grant. General Manager Maupin responded that the Yuba Water Agency asked for a peer review by Sage Engineering. Their efforts put the District behind schedule. The SWRCB grant closed June 30th and the work was not finished. The SWRCB is reviewing the request, it has not been granted as of yet. The Yuba Water Agency offered to cover cost due to the delays. The \$225,000 was part of the proposed estimate of cost to complete the remaining work.

Director Hawthorne made a motion that the Board approve the Financial Manager's report as presented. President Hansard seconded the motion.

Public Input:

1. A member of the public asked if Director Flohr's questions received a response from the General Manager.

The motion passed with a unanimous vote.

F. Request for Service

General Manager Maupin discussed with the Board a call received from the County of Yuba requesting service for Aero Pines due to their wells failing. The General Manager met with the County for specifics on their property and is asking the Board if they are interested in providing service to Aero Pines who is out of the service boundary. Director Flohr asked how much water they are asking for. General Manager Maupin stated that he believed it would be somewhere around 150 GPM. Director Hawthorne asked if there was any reason not to serve them. General Manager Maupin replied no, they have a need and a precedent was set previously. Discussion continued regarding annexation and the use of a backflow device, water consumption. Director Flohr stated that she would like to see the numbers before a decision is made tonight. She was also concerned about the impact on irrigation customers. After further discussion Jason Fouyer, of Cranmer Engineering, spoke to the Board regarding the specific numbers of use based on years of meter readings at Aero Pines with the demand being 45,000 gallons per day. Director Flohr once again expressed her concerns regarding the additional use of water. Mr. Fouyer stressed the urgency of the matter. There are residents that are running out of drinking water and they would proceed in any matter the Board chose.

Director Hawthorne made a motion to evaluate this opportunity when the numbers are received. Director Flohr seconded the motion.

Public Input:

Members of the public commented on:

1. Doing without annexation is opening Pandora's Box. Was the option looked at getting a new well drilled? How will the billing be done for the park, one meter?

Mr. Fouyer explained that the State and County is forcing small water systems to connect to the local provider for consolidation reasons. There will be one meter and the bills are collected by the homeowners.
2. Annexation opens up Pandora's Box. These are our neighbors who are running out of water. Can there be a stepped annexation or an emergency policy for people who don't have water. Come up with a way so Pandora's Box is not opened.

Mr. Fouyer stated that they are not opposed to annexation, it is a long process and has to go to a public vote. They need water today.

Director Neilson explained that the letter received states with annexation or prior to annexation. He asked the General Manager how many customers the District had that had not been annexed and are receiving water. General Manager Maupin stated he could not give the count at this time but there are customers in Forbestown that have received water for years. The customer that just received emergency service was not annexed. Director Hawthorne stated that many customers had to pay the annexation fee to receive water. Director Flohr stated that there are 1500 Irrigation customers that are annexed that have never received water and have been waiting decades for it. We absolutely have to come up with a contract or document that states you have to be annexed by a certain date or the water is turned off. She stated that she is still very concerned about the irrigation customers going without water.

The motion did not pass with all voting Nay.

Vice President Hansard made a motion to provide the service connection with a backflow device, due to timing with the understanding that The Aero Association move toward annexation. At that time the engineering firm and the General Manager will be corresponding with a time line and plan that will be brought to the Board. Vice President Brown seconded the motion.

Mr. Fouyer stated that a work plan with milestones they need to meet could be provided. Director Hawthorne suggested the cost of annexation be provided so they know up front the cost.

Director Neilson inquired of the District's Lawyer if the State considers drinking water to be a right opposed to irrigation. The District Lawyer stated it was a very hypothetical question and very fact sensitive. She will agree that with the comment that legislation has passed forcing smaller associations to provide water even if they did not want to. The general Ca Water Code states that drinking water has priority over irrigation water. Director Flohr asked how it works with permit 1270 which states the water is for irrigation. The District Lawyer stated that the notion is more centered on draught. The discussion continued regarding serving customers outside the annexed customers.

Public Input:

Members of the public commented on:

1. What you are doing is great but you are setting up policy. A policy needs to be written on how to serve all these difference customers.
2. A temporary order or recommendation? President Hansard clarified the motion.
3. Great that you are considering giving our neighbors water.

The motion passed with a unanimous vote.

DISCUSSION/REPORTS

G. GENERAL MANAGERS REPORT:

1. **Operations Memorandum Provided by General Manager Maupin.**
2. **Irrigation Update**

General Manager Maupin reported that the Irrigation Policy has been followed with 1 and 2. There has been a 22 % reduction at consumption, production is down 33%, it is his intention to move forward with cutback 3 where everyone above 1" will be cut down to 1". (19 customers) Director Hawthorne clarified that everyone below a ½ stays at ½. 85% of customers fall into this category. The 50% cutback has been done already regardless of the size service you have. Director Hawthorne reported that 7 customers declined water.

Director Hawthorne asked if ½ to 1 inch will stay the same. Everyone will be at 1 inch and ½ inch will stay at ½. Director Flohr stressed to the Board that the Irrigation policy needs to be put on the agenda for discussion. Director Flohr discussed a rotating schedule of water for the customers where they are not cut off completely. She suggested several different ways that could offer possible solutions to help the customers keep their water. General Manager Maupin explained that they have tried alternative days at Walter's Y at 02 and 03. The problem was, that by the time the customer was getting their water, it was time to turn it off. The ditch does not recover quickly enough. Director Flohr encouraged the Board to visit with the irrigation customers regarding the irrigation policy.

Public Comment:

Members of the public commented on:

1. A member of the public asked the General Manager how many miners' inches were being delivered before cutbacks at the beginning of the season.
2. Asked about mandating customers to have storage tanks or for the District to build a mini reservoir.
3. The question was asked how much water was used.
4. Asked about the cleaning/maintenance of the Forbestown ditch, amount of CFS going to the treatment plant, and a meeting with South Feather.

Director Hawthorne made a motion to accept the General Manager's report. Vice President Brown seconded the motion. The motion passed with a unanimous vote.

The motion passed with a unanimous vote.

H. DIRECTORS INPUT:

President Hansard read the rules for Director Input.

Director Hawthorne shared a document for information only with the Board that was generated by the Yuba Water Alliance on the internet. The graft included CFS, water treatment plant, water delivered to South Feather, water losses, fish in Dry Creek and water remaining. Director Hawthorne warned that

just because it is on the internet does not mean it isn't false. Director Neilson discussed the particular graph which he has included on the Directors Blog.

Director Brown requested that a modification to the Resolution regarding time limits be put on the agenda for the next meeting. He is requesting a time limit be added for Board input. Director Flohr highly disagreed with a time limitation which gives the president complete control of all of the interactions which is not in the spirit of the Brown Act and not in the spirit of having discussion, questions and answers amongst the Board members

A vote was taken to add the request to the Agenda at the next Board meeting. The vote passed with 4 votes with Director Flohr voting nay.

Public Comment:

1. Commented on Dr. Neilson's website.
2. Information that was presented by Director Hawthorne. The question was asked if anyone from the Yuba Water Alliance identified themselves with their qualifications.
3. The Board that over the last 8 to 9 months, appreciate the longer meetings and longer dialog. The member of the public also commented that there were a lot of interruptions in the back of the room during tonight.
4. Asked in the history of the Brown Act how many people have been convicted for a violation of the Brown Act.

Director Flohr stated that she wanted to lodge a formal complaint due to Vice President Brown cutting her off at 3 minutes at the last meeting during a discussion regarding a resolution, not director's input. Director Flohr also discussed an email from Mr. Moseley inviting the Board to come and talk to South Feather which has not been put on the Agenda. .

Director Nielson made a motion to remove Item J. from the agenda. Director Hawthorne seconded.

The motion passed with a unanimous vote.

- I. **CLOSED SESSION: Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9) Name of Case: Gretchen Flohr v. North Yuba Water District, Case No. CVPT 19-00503**

Public Input: None

THE BOARD ENTERED CLOSED SESSION TO DISCUSS ITEM I AT 6:26 PM

BACK IN SESSION AT 7:00 PM

No reportable action taken.

M. ADJOURNMENT

There being no further business to discuss, Vice President Brown made a motion that the Board adjourn. Director Hawthorne seconded the motion. The motion passed with a unanimous vote. Director Flohr was not in attendance.

The meeting was adjourned at 7:02 p.m.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary