

MINUTES

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

Held at the District Office
8691 LaPorte Road, Brownsville

Thursday, April 25, 2019

A. ROLL CALL

President Eric Hansard called the meeting to order at 5:00 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		
	Gary Hawthorne		
	Gretchen Flohr		
<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 Districts use of water after reviewing the Water Report, the members supposition regarding a conversation in reference to the irrigation water and the use of security cameras at the water station
2. The reading of the primer to the Brown Act. (Letter Attached)
3. Funding for the Forbstown Ditch.

ACTION ITEMS

D. CONSENT ITEMS:

1. Approval of **Minutes for regular Board Meeting of February 28, 2019**
2. Approval of **Minutes for regular Board Meeting of March 28, 2019.**
3. Approval of **Payroll for the Month of March 2019 - \$31,747.65**
4. Approval of **Bills for the Month of March 2019 - \$116,864.09**

Director Hawthorne made a motion that the board approve Consent Items 1, 2, 3, and 4. Director Neilson seconded the motion. The motion passed with a majority vote with Director Flohr voting nay.

Public Comment:

A member of the public asked the Board to consider including the names of the public members in the minutes.

E. FINANCIAL MANAGER'S REPORT

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

As of March 31, 2019, total cash in all accounts including reserves was \$4,955,443.73.

Total income to date was \$2,735,117.25. Total expenses were \$1,189,474.72 leaving a net profit of \$1,545,642.53.

Director Nielson made a motion that the Board approve the Financial Manager's report as presented. President Hansard seconded the motion. The motion passed with a majority vote with Director Flohr voting nay.

Public Input:

A member of the public discussed funding by the Yuba Water Agency.

F. RESOLUTION AMENDMENT: Resolution 19-732: Amending Resolution 1-700 regarding the District's policy for setting agendas

Director Nielson made a motion that the Board approve the Resolution Amendment 19-732 as presented. Hansard seconded the motion

Director Hawthorn pointed out a typo on the cover page. Director Flohr discussed restrictions of time and the difficulty in conducting a discussion with time limitations and the inability to provide handouts for discussion. President Hansard clarified that this Resolution's purpose is to initiate getting an item on the agenda for further discussion. Director Neilson discussed item 2c which allows the President to extend the discussion time.

Public Input:

A member of the public discussed:

1. The limitations of time for appropriate discussion and possible Brown Act Violations
2. The difficulties of getting an item on the agenda and having an avenue for the public to present items for discussion.
3. The importance of having an avenue for discussion and comments by the members of the public.

Discussion continued with Board members regarding the adoption of the Resolution.

The motion passed with a majority vote with Director Flohr voting nay.

Due to a public outburst President Hansard stated that the meeting could be cleared. A member of the public inquired of District Legal Counsel whether there could be a meeting without the public present. The reply was yes, a meeting can be closed due to disruption and adjourned.

G. REVIEW OF IRRIGATION APPLICATION COVER LETTER:

Director Hawthorn discussed the possibility of tabling the cover letter until the irrigation policy is updated. This letter has been sent out to customers in prior years. Director Flohr discussed the language in the letter which does not reflect the irrigation policy and does not support the implementation of its contents. Director Neilson also discussed the wording and after further discussion requested the Irrigation Policy be pulled for comparison. There was continued discussion regarding the interpretation of the wording of the letter, whether it implies that irrigation water will be terminated permanently or for the current season. Any implementation of the letter will fall back onto the Irrigation Policy.

Director Hawthorn made a motion that the letter be tabled and reviewed with the Irrigation Policy. Director Neilson seconded the motion.

Public Input: A member of the public discussed the start of the irrigation season in the past which it was an agenda item and the season. In March the letter was approved prior to sending the letter to

customers and recommended that the Board approve the letter prior to sending out to the irrigation customers.

The motion passed with a unanimous vote.

DISCUSSION/REPORTS

H. GENERAL MANAGERS REPORT:

1. Operations Memorandum Provided by General Manager Maupin.
2. Report on Mold in Office

General Manager Maupin reported to the Board that mold was found in the office due to the heavy rain season this year. The problem has been eradicated and they are waiting for the roof to be completed.

Public Input: A member of the public discussed a letter written to the General Manager regarding a questioned violation of water rights and the impounded flow of water due to a neighbor's culvert which did not have proper permits. The General Manager stated that the item was addressed last year with the appropriate agencies and no illegal stream alteration was found. State Water Resource Control Board did find an illegal diversion on the side of the accuser. This is a matter of Public Record. According to the member water flow is being impeded to her property and BVID. This also is hindering the natural flow of fish that come down the creek. The water was impeded from May to July due to the neighbor's culvert.

Director Neilson made a motion to accept the General Manager's report. President Hansard the motion. The motion passed with a majority vote with Director Flohr abstaining.

I. DIRECTORS INPUT:

President Hansard read the rules for Director input. Director Hawthorn read from The Handbook of Water Utilities Management and the importance of the treatment of the General Manger by the Board. Director Hawthorn offered to obtain copies of the handbook for the public review. Due to public outburst the Deputy Sheriff in attendance warned the public to remain orderly. Director Flohr referred to the Personal Policy and alleged personal use of vehicles by General Manager including the cost of such use to the District. Director Flohr also discussed with the Board a letter sent by an auditor hired by the General Manager to South Feather Water. Also discussed by Director Flohr was her reason for abstaining from the General Manager's Report was no report of current leakage in the ditch. President Hansard addressed Director Flohr and the cost of her litigation against the District. Her

rebuttal pertained to the Personnel Policy and her alleged personal use of a vehicle by the general Manager and on the advice of her attorney she will not be saying anything further.

Public Input:

A member of the public commented to Director Hawthorn regarding the Water Utilities Management book and encouraged the Board to attend a workshop to learn to cooperate and listen to each other. Also discussed was the opinion of wasted funds by management. A member of the public showed a picture to the Board of a breach and inquired about the size of pipes that are going to be used. Another member of the public commented on the floating pipe and the current leak in question which needs to be mudded down to be repaired.

J. 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:

A member of the public expressed concern regarding the inability of a Board Member to receive information from the District. Also discussed was disappointment of the necessity of having an attorney and law enforcement present at the meetings. A member of the public inquired of the reason for the litigation and questioned the transparency of the Board for their support of the General Manager.

THE BOARD ENTERED CLOSED SESSION TO DISCUSS ITEM J AT 6:04 PM

BACK IN SESSION AT 8:34 PM

No Action taken.

K. ADJOURNMENT

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

The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,



Catherine L. Fonseca, Recording Secretary