

MINUTES
REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
NORTH YUBA WATER DISTRICT
Held at the District Office – Through Zoom
8691 LaPorte Road, Brownsville
Friday, July 22, 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 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>	Gary Hawthorne		Dr. Flohr, Charles Sharp, Donna Carson, Marieke
<i>VICE PRESIDENT</i>	Doug Neilson		Furnee, Dr. Rulik Perla, Karen Legit, Mr.
<i>DIRECTORS:</i>	Ginger Hughes Chris Cross Donald Ferguson		Brueggeman
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Michael Vergara Ms. Aackermann,		

B. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Director Hughes.

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 possible new law suites regarding new policies, the Challenge Tank, South Feather offers, available help for irrigation turned down, suggestions of additions and corrections on item J, Item K, education on water in the Foothills, a section of the Brown Act Chapter 9 read. Concern for meetings still managed online,

CONSENT CALENDAR

D. CONSENT ITEMS:

1. Approval of Minutes for Regular Board Meeting June 24, 2022
2. Approval of Minutes for Special Board Meeting May 20, 2022
3. Approval of Payroll for the Month of April - \$55,958.80
4. Approval of Bills for the Month of June 2022: \$183,189.56
5. Warrant # 52037255, fund #640, payable to North Yuba Water District, in the amount of \$200,000.00 for Services/Supplies

Vice President Neilson made a motion to accept items 1-5 of the consent items. Director Forguson seconded the motion.

The motion passed with a unanimous vote.

REPORTS

E. FINANCIAL MANAGER'S REPORT

1. Review of Cash on Hand and Income Statements for the period ending June 30, 2022

Financial Manager Heidi Naether reviewed Cash on Hand and Income Statements for the period ending June 30, 2022. Total cash on hand in all accounts including reserves was \$3,681,754.87, total income for the fiscal year to date (July 01, 2021 – June 30, 2022) was \$1,836,456.89. Total expenses were \$1,782,407.72, leaving a net revenue over expenses of \$54,049.17. Expenses out of Reserves totaled \$118,890.11.

Director Forguson made a motion for the Board to accept the Financial Manager's report as presented. Director Hughes seconded the motion.

The motion passed with a unanimous vote.

G. GENERAL MANAGERS REPORT

1. Operations Memorandum

There was no discussion on the Operations Memorandum.

General Manager Maupin gave this update,

I would like to take this opportunity to update you on the issues of a water transfer to three irrigation customers Charles Sharp, Marieke Furnee and her husband Israel Perla.

As you may recall, President Hawthorne received a letter from YWA President Gary Bradford with an offer from both YWA and SFWPA to do an undisclosed amount of work at unidentified location with unknown CEQA, county, state permit requirements on both the Forbestown Ditch and the Dobbins Oregon House Canal with all cost included. Dr. Flohr working with SF general manager went on record that this work guaranteed a reduction in losses down to 10 percent.

As you may also recall SFWPA offered to sell their water to these same buyers at a price that appeared below market value for both hydroelectric water and transfer water, therefore possibly constituting a potential gift of public funds.

The district responded to President Bradford with a proposal that will achieve a permanent solution for our irrigation customers by revising the contract with SFWPA to remove tier three water that requires the district to pay SFWPA for using its own water. As of this date there has been no response from YWA to the District's proposal.

However, Ms. Furnee recently went on record before the YWA Board stating she does not want a "permanent solution" at this time, and characterizing this District's proposal as "greedy." How is the District being greedy by seeking to have complete control over the use of its water right without paying SFWPA for the privilege? At this same YWA Board meeting, Mr. Sharp warned the YWA Board to do as Ms. Furnee stated or "there will be negative consequences."

In addition, their attorney Mr. Kinsey, instead of sending his request for a wheeling agreement to my email address as general manager or to you the (board of directors) using your District email addresses, he sent a draft agreement to the general email for my staff. After Mr. Kinsey subsequently sent a copy of the draft agreement to the District's general counsel, Mr. Vergara, Mr. Vergara immediately forwarded the draft to me.

As you can imagine Mr. Vergara will need to work with Mr. Kinsey to formalize the wheeling agreement with all anticipated repairs, timelines, CEQA and of course our district cost for operating the conveyance systems.

I will keep you informed on the progress as it is made.

G. 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 Forguson addressed the comment from the public about Covid and meeting in the office. Director Forguson also discussed the recent fire in Dobbins and the adequate water source that was used.

DISCUSSION/ACTION CALENDAR

H. RESOLUTION NO. 22-768D

Adopt resolution 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. 22-768D. Director Hughes seconded the motion.

The motion passed with a unanimous vote.

I. RESOLUTION NO. 22-771

President Hawthorn read Resolution no. 22-771.

Adopt resolution changing date and time for the Regular Board of Director monthly board meetings. To the 4th Wednesday of the month at 2:30 P.M.

Director Hughes made a motion to accept Resolution No.22-771. Vice President Neilson seconded the motion.

Director Forguson discussed the available days for the meetings and asked if morning would work better. After discussion it was decided that the time and day would be changed to the 4th Thursday of every month at 10:30 A.M.

Director Hughes amended her motion to accept the Resolution No. 22-771 with meetings being changed to the 4th Thursday of the month at 10:30 A.M. Vice President Neilson seconded the motion.

The motion passed with a unanimous vote.

J. RESOLUTION NO. 22-772

Adopt resolution approving procedures for managing Public Records Act requiring and approving online Public Records Act form.

Mr. Vergara stated that there is a draft policy regarding the Public Records Act and addressed Dr. Flohr's comments. Vice President Neilson asked for clarification that costs are collected before copied and to require a signature for request of copies.

Vice President Neilson made a motion to accept Resolution No. 22-772 with requested edits in Paragraph D. Director Hughes seconded the motion.

The motion passed with a unanimous vote.

K. CONTRACT AUTHORIZATOIN

Authorizes the General Manager to negotiate with Smart Marketing over the terms of the existing contract, and execute and amended contract, subject to prior review and approval of District Counsel.

Director Forguson made a motion to accept the contract authorization. Director Hughes seconded the motion.

Director Forguson asked if this time would come back to the Board for approval. President Hawthorne clarified that it would be subject to review and approval by the District Counsel.

The motion passed with a unanimous vote.

L. AGENDA ITEMS NEXT MEETING

Consideration of agenda items for next meeting: items must be requested in accordance with the District's POLICY FOR AGENDIZING ITEMS FOR BOARD MEETINGS.

There were no items recommended.

A member of the public requested to comment on item K.

ADJOURNMENT

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.

The meeting was adjourned at 4:16 P.M.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Catherine Fonseca". The signature is written in black ink and is positioned above a solid horizontal line.

Catherine L. Fonseca, Recording Secretary