

**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 29, 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		Marieke Furnee, Karen Legit, Dr. Flohr, John Brueggeman, Kim Hawthorne, Josh Bailey, Duston Cooper, A Wallace, Terry Brown, Dr. Perla, Alton Wright
<i>VICE PRESIDENT</i>	Doug Neilson		
<i>DIRECTORS:</i>	Ginger Hughes Chris Cross Donald Ferguson		
<i>GENERAL MANAGER</i>	Jeff Maupin		
<i>ATTORNEY</i>	Michael Vergara, Pennie Kelley Taber,		

**B. PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance

November 29, 2022, Special Board Meeting Minutes

**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 the good job the board and General Manager has done.

**The Board entered closed session at 3:37 PM.**

**CLOSED SESSION**

**D. CONFERENCE WITH COUNSEL – Existing litigation (4 Cases) – pursuant to Government Code section 54956.9, subdivision (d), paragraph (1).**

1. Gideon Beinstock, et al. v. North Yuba Water Agency [sic], Yuba County Superior Court Case No. CVPT21- 00515.
2. Fellowship of Friends v. North Yuba Water District, et al., Yuba County Superior Court Case No. CVPT22- 00246.
3. Marieka Furnee, Gideon Bienstock, Jeanette Cavaliere, Donna Corson, Israel Perla, and Charles Sharp v. North Yuba Water District, Yuba County Superior Court Case No. CVPT21-00436.
4. Charles Sharp, v. North Yuba Water District, et al., Yuba County Superior Court Case No. CVPT20-00386.

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

**The Board came back in session at 4:25 PM.**

**F. POST-CLOSED SESSION REPORT OF ACTION TAKEN**

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

President Hawthorn reported that regarding Item 3 in the legal documents, the offer from Marieka Furnee, Gideon Bienstock, Jeanette Cavaliere, Donna Corson, Israel Perla, and Charles Sharp v. North Yuba Water District, Yuba County Superior Court Case No. CVPT21-00436, in exchange for not appealing the decision since the lawsuit cost the district some \$400,000 of public funds, we reject their offer to have us waive our costs.

In May of 2005 the North Yuba Water District (at the time was named Yuba County Water District) and South Feather Water and Power Agency entered into an agreement addressing among other things the use of the North Yuba Water Districts water rights for the generation of electric power through the South Feather Power Project owned by South Feather Water and Power and the sharing of revenue from the sale of electricity generated by the South Feather Power Project. The 2005 agreement specified that on January 01, 2011, South Feather quit claims to the district its entire interest in the upper Forbestown Ditch which is a 10-mile-long unlined earthen ditch that has long suffered significant carriage loss. Under the 2005 agreement South Feather also agrees to quote "Cooperate in the actions of the district to seek the Department of Water Resources approval of the piping of the

Forbestown Ditch.” Among other breeches of the 2005 contract South Feather did not incorporate in this effort and in fact has sued the district to prevent the piping. Piping of the Forbestown Ditch will not only address the unexpected carriage loss incurred by the existing facility but is the best solution to putting all the districts water to beneficial use, including a reliable source of irrigation water. On October 24, 2011, the District hired Jeffery Maupin to serve as the District General Manager. Since becoming the general manager Jeff has worked tirelessly to pipe the Forbestown Ditch only to be repeatedly stymied by ceaseless and perilous social media attacks from a segment of the district comprised primarily of seasonal irrigation customers who were incapable of accepting the impacts of the state’s historic drought and state ordered curtailments. For the most part these detractors engaged in anonymous, coordinated smear campaign against Jeff and this Board, hiding behind coalitions such as the Foothill Water Coalition, The Friends Water District, or the North Yuba Water Alliance and through complicit biased reporting in the Appeal Democrat. Despite the false and disingenuous attacks against him and the Board, Jeff obtained grants to fund the piping of the Forbestown Ditch only to have that effort foiled by the same detractors and the failure of the Yuba County Water Agency to approve a portion of the financing. Jeff also worked with District Counsel to receive from the California Natural Resources Agency, a rare suspension of CEQA requirements for piping the Forbestown Ditch. This suspension expressly recognized the enormous benefits of piping the Forbestown Ditch, stating in part that it takes into account, quote “The purpose of accelerating conservation projects that are necessary to address impacts of the drought while at the same time protecting public health and the environment.” Some of the detractors including some of the newly elected directors have advocated on social media for the use of civil lawsuits to quote, “Tie North Yuba Water District up in court” and quote “put them into bankruptcy” and prevent the piping of the ditch. These same detractors have repeatedly called for firing Jeff assuming the latest election results are certified by County Elections. It appears to this Board that Jeff will soon face a very hostile new board and a hostile work environment. The current board also believes that there will be an effort by the new board to fire Jeff and deny him his severance pay. Because the current board of directors maintain that for twelve years and in the face of viscous and relentless personal attacks by people in the district, including some of the newly elected directors Jeff served the district and the board with great skill, dignity and aplomb. The board therefore votes to terminate Jeff’s employment under paragraph 13 of the district’s employment contract with him. The termination is effective immediately and as requiring of paragraph 13 C of the employment contract the district finance manager is directed to immediately issue Jeff his severance pay.

**President Hawthorn asked if there were any further comments.**

There were no comments from Jeff Maupin. Director Hughes commented that it was a really good thing the board was doing and spoke about her concerns as to what had been done to Jeff and the board and the squandering of the district’s money on lawsuits by those people. Director Cross had no comments, Director Forguson commented that Jeff has done a great job and has been better than any other manager we have ever had here. Vice President Neilson had no comments. President Hawthorn commented that he was very proud of this board and the previous boards that have done all that we could for the Forbestown Ditch piping. President Hawthorn went on to say that during the election the claims of the newly elected board were incomplete. There were no further comments.

**G. ADJOURNMENT:**

**The meeting was adjourned at 4:34 PM.**

**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