

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
Thursday, December 08, 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

The meeting was called to order at 5:31 PM, at the District Office in Brownsville, CA. President Furnee welcomed the public to the open meeting. The meeting will also take place on Zoom according to the executive order N-29-20.

NAME	PRESENT	ABSENT	VISITORS INCLUDING:
<i>PRESIDENT</i>	Marieke Furnee		Dr. Flohr, John
<i>VICE PRESIDENT</i>	Ann Plumb		Brueggeman, Kim Hawthorne, Terry Brown, Nancy, Wendy Bowles, Dan Mooney, John Messick, Paul Boylan, Jeannie Cavaliere, Charles Sharp, Dr. Perla
<i>DIRECTORS:</i>	Steve Ronneberg	Gary Hawthorne	
<i>GENERAL MANAGER</i>	Alton Wright		
<i>ATTORNEY</i>			

B. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by all.

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:

The public spoke on past abuse and disrespect. It was asked of the board and the public to please listen to each other. Please give the new board space and time to find their feet. Withhold criticism and judgement. There was comment on Mr. Boylan and asked about the General Manager's severance package. A member of the public commented on item D and having a time limit per speaker. There were also comments on previous special meetings and the disapproval that was shown regarding them by some of the new board with no objections to current special meetings. Also discussed was item E and the non-vetting for the position, no introduction letter to show his qualifications and item F regarding the appointment of an interim general manager, item E, about the board advertising and vetting other people for the position of general counsel.

DISCUSSION/ACTION CALENDAR

D. The Board of Directors will meet to discuss and possibly act to change the rules currently in use limiting public comment to two minutes.

Vice President Plumb spoke about increasing the time for public comment to 4 minutes. Director Wright spoke about the 2 past years being regulated and monitored and being a more welcoming board and audience. Regarding time, a lot of the preamble items do not have to be read out loud. Director Wright agreed with a 4-minute limit and would also like to see a sign in sheet, no timers and public comment at the end of the meeting. President Furnee discussed the time limit and having discretion when needed to extend the limit. Ways to track the public speakers could be by a sign in sheet or raise of hands.

Director Wright made a motion to extend public comment to 4 minutes per person with 20 minutes total with flexibility and expendability. Director Ronneberg seconded the motion. After further discussion the motion stood.

The motion passed with a unanimous vote,

President Furnee made a motion to separate public input at the beginning of the meeting to non-agenda items with 20-minute max time and bringing back public comment before each roll call vote with a 10-minute max time. Director Wright seconded the motion.

The motion passed with a unanimous vote.

Director Wright made a motion to bring back public comment at the end of the meeting regarding agenzized items with a 10-minute max time. Vice President Plumb seconded the motion.

PUBLIC COMMENT:

There were comments on extending the comment time if a public member is not finished and for the board to read Robert's Rule of Order, after 20 years there was never any feedback of the board and if the board responds, the public comment will slow down. Mr. Boylan commented that it is uncommon for a board to carry on dialog with the public during a meeting. **They are meetings in public, not public meetings.**

The motion passed with a unanimous vote.

- E. The Board will meet to discuss and possibly act to accept a contract with Paul Nicholas Boylan to act as the District's Interim General Counsel.**

The public commented that there will probably be a few interim positions come up. Mr. Boylan is very familiar with the district, and he hopes that the process will take time to do appropriate research on candidates. Agreement with the interim counsel comments that Mr. Boylan represented Dr. Flohr with her litigation against the district as well on the conflict-of-interest waiver of Mr. Boylan and expressed many concerns regarding a position as interim general counsel. Mr. Boylan stated that there is no conflict of interest. The client is the district. The board is the representative. The conduct of legal services is the president or who the board recommends. This clarifies billing.

Director Wright stated that he has received multiple emails, phone calls and text from multiple attorneys, past directors, and constituents. He is sensitive to the people's money and time. With no attorney at present, Mr. Boylan is the best choice. Vice President Plumb agreed. President Furnee concurred with Alton and liked the sentence "saving the district boat loads of money." He has some knowledge of the direction the district is going in and can hit the ground running. We need to have guidance on the Brown Act and labor laws and cannot afford to make mistakes.

President Furnee made a motion to accept Mr. Paul Boylan as the District's Interim General Counsel. Vice President Plum seconded the motion.

The motion passed with a unanimous vote.

CLOSED SESSION

- F. The Board will meet in closed session to consider and possibly act upon the appointment/employment of a public official/employee for the position of District Interim General Manager.**

- G. Conference with Legal Counsel —existing litigation (4 Cases) – pursuant to Government Code section 54956.9, subdivision (d), paragraph (1):**

1. *Gideon Beinstock, Marieke Furnee, Israel Perla, and Jeanette Cavaliere v. North Yuba Water Agency [sic]*, Yuba County Superior Court Case No. CVPT21-00515.
2. *Fellowship of Friends, Inc. 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; and
4. *Charles Sharp v. North Yuba Water District, et al.*, Yuba County Superior Court Case No. CVPT2000386.

PUBLIC COMMENT:

It was stated that it is not clear whether they are voting on an interim manager or looking for an interim manager. Mr. Boylan commented that it is stated that the board may consider and act upon item F. and if they do, they will report that out. She stated that she is totally against that happening. It needs to be out in the public, so people have a chance to apply. Another commented that he is all for it. Other members of the public commented go beyond what is called for, an interim manager will help with the day-to-day operations, this is a big business, and someone needs to manage it. Then possibly an ad-hoc committee to go through the applicants

The board entered closed session at 6:48 P.M.

The board returned from closed session at 8:27 P.M.

H. PUBLIC REPORT OF ACTIONS TAKEN IN CLOSED SESSION.

The board reported that there was no action for item F. For item G. the board met with general counsel and gave instructions.

ADJOURNMENT

The meeting was adjourned at 8:28 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