

**Reading of Public Participation** – needs to include the requirement for Speakers to fill out Speaker Request forms. (Section 6.9 Public Participation and Section 8.6 Requests to Address the Board on Agenda Items: *Exhibit A Rules for the Conduct of North Yuba Water District Board of Directors’ Meetings and Governing Public Participation in Public Meetings*)

HOWEVER - §54954.3. (a) *Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body’s consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision.*

Norse v. City of Santa Cruz, 629 F.3d 966 (9th Cir. 2010)

The Ninth Circuit flatly rejected the City’s contention that only certain portions of its meetings are limited public forums and that no members of the public have any

First Amendment rights at all once the public comment period has concluded.

**The Court went on to emphasize that a city council may not, in effect, close an open meeting by declaring that the public has no First Amendment right whatsoever once the public comment period has closed. The entire meeting held in public is a limited public forum. But the fact that a city may impose reasonable time limitations on speech does not mean it can transform the nature of the forum by doing so, much less extinguish all First Amendment rights.** The Court found that the First Amendment protections of a limited public forum applied not only during the public comment period of the meeting, but throughout the entire public meeting.

#### **D. Consent Items**

Request that they be separated out for discussion.

1. Minutes are Inaccurate and do not reflect the meeting nor the discussions. No record of the public’s comment at all. Ms. Corson’s letters. This is a problem throughout the minutes.
2. I voted “Nay” on approving the meeting minutes for November. The minutes wrongly report that the vote was unanimous.

3. No mention of my request for an *ad hoc* committee.
4. Payroll needs to show the names of the employees.

In general, public employees do not have a reasonable expectation of privacy in their names, salary information, and dates of employment.

*(Int'l Federation of Professional and Technical Engineers, Local 21 v. Superior Court (2007) 42 Cal.4th 319.)*

*See Sonoma County Employees' Retirement Assn v. Superior Court (2011) 198 Cal.App.4th 986;*

*Sacramento County Employees' Retirement System v. Superior Court (2011) 195 Cal.App.4th 440;*

*San Diego County Employees Retirement Assn. v. Superior Court (2011) 196 Cal.App.4th 1228.*

### **Bills of the Month**

Check # 22544 -Copier maintenance agreement – is that for the office printer?  
Are there any additional charges?

Check # 22548 – Diesel Fuel. (\$1,517.63)

Check #22579 (\$1,607.16) – Smart Marketing Public Outreach. 01-18-2019. There is no contract with Smart Marketing. (Contracts only with (Bartkiewicz (attorney), Churchwell White (attorney), NorthStar. Oregon Peak, Auditor. What Outreach?

### **E. Please explain the 75K spent on vehicles.**

#### **Was the MHI put out for Public Bid?**

Please explain the FT Ditch Geotechnical Pre-design. (\$275,658.25)

Who was paid \$8,750.77 for Grant Funding Applications? Was that part of the existing contract?

**F. Resolution 19-730. NO. Lodge Protest.** This must be stricken from consideration. This was not discussed, no motions were made, and no direction given to prepare a resolution. Further, the Board should consider all candidates for this position and make informed decision on this. Board needs to instruct the

GM to discontinue the practice of creating resolutions. Resolutions must be created by the governing body of NYWD – which is the Board.

### **G. Resolution of Appreciation**

What is the Show of Appreciation? Letter? Certificate? Plaque?

### **H. Hawthorn:**

#### **I. General Manager's Report**

Define "till what water runs out?"

What Water are you using for pulsing the Ditch? Should be Orolevee Creek. Not Little Grass Valley Reservoir.

#### **J. Directors' Input**

1. Tracked down the website for the rogue organization.
2. Request to put the Rules for Setting the Agenda Policy on the Agenda to discuss revisions (this ties directly into creating a more welcoming and transparent public agency).
3. Request to put the Irrigation Policy Revision on the agenda.
4. *Request to put Rules of Conduct on the Agenda*
5. *Request to put Use of District Resources on the Agenda for revision.*
6. Engineering Plans- refusal to provide plans and other NYWD policies and work products.