



Dr. Gretchen Flohr
Director Division 4 North Yuba Water District
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TO NYWD Four Directors, General Manager Maupin, The
Public and All concerned Parties including Investigative
Bodies

January 23, 2020

RE: Director Flohr Public Clarification Statement for the Record.

Public Clarification Statement for Investigative Bodies.

I request that this statement be included in its entirety in the Meeting Minutes for January 2020. For the last year, the GM and Four (Previously Incumbent) Board members have worked to prevent me from being able to do my job as an elected official and represent my constituents as I was elected to do.

These Four Board Directors and the GM have:

1. Made a concerted effort to either hinder or prevent me from asking constituent and director-level questions in open public meetings, by insisting that I take my questions to the NYWD office for in-person, private meetings. This is a violation of the spirit of the Brown Act.
2. Passed a resolution to restrict board input and discussion to only three minutes, ensuring that robust and productive dialogue is not possible and robbing the public of their legal right to be informed about their own agency.
3. Have ignored every resolution or proposed committee suggestion that I have made, thereby ignoring the wishes of my constituents.
4. State they will get back to me with answers and are then non-responsive.
5. Do not provide information on decisions made by the previous board of which these four were directors.
6. Have limited my constituent communications by refusing to update my email address on the NYWD website. I do not receive any email from the NYWD.org email service.
7. The following are a few examples of NYWD decisions about which I am very concerned:
 - a. Refusal to provide documents to myself as a board director, with the justification that providing a board member with District records is "not in the public interests." Most recently I was denied access to draft CEQA documents.
 - b. Budget was not a budget – it was a recount of 2018 checkbook. The Four Directors "reviewed" and approved this "budget" in less than 20 minutes. That budget was not based on monies that NYWD is assured of receiving. Mr. Maupin was informed by Rath Mosely, GM of SFWPA that no revenues would be forthcoming for the 2018-2019 calendar year, and that information was not communicated to either myself or the public. I am unaware if the other board directors were informed of this but would assume so. The \$1.7M budget the board and GM approved against my advice, will require taking a minimum of \$600,000 from reserves to ameliorate the deficit. Budget has not been revised; despite continued warnings from SFWPA that power generation revenues this year will be reduced by millions.

- c. The Board majority completely failed to fulfill its their fiduciary duty to the public as evidenced by the abbreviated budget meeting, approval of a budget for which we have no actual monies, the recent last minute, unsubstantiated decision to award \$40K to a PR firm – for which there is no line item in the budget or final contract - leaving \$163K in one grant and \$75K in yet another grant, and going to another agency to beg for money to replace the grant money they mismanaged in the first place.
- d. The inaccurate information being used to apply for grants – is this incompetence or deliberate obfuscation?
- e. Multiple ongoing investigations by county, state and federal agencies due to the inaccurate information being submitted on grant applications.
- f. Refusal to allow easy public access to NYWD documents including board packets which should be uploaded monthly to the NYWD website.
- g. Forbestown Ditch Piping Project – CEQA documents were promised within six weeks following the September 10, 2019 meeting and yet no documents are forthcoming. This was the work that was supposedly intended to be funded by the monies requested from YWA.
- h. The money spent by a public agency on newsletters with verbiage intended to censor speech, quell the exercise of First Amendment rights, and to foster scare tactics towards critics of NYWD who are merely exercising those Constitutional rights.
- i. Some of the closed session information should be made public and is not being made public.
- j. Not having a Board meeting for over 90 days.

The Four (Previously Incumbent) Board directors were involved in previous activities about which I have no knowledge and have no control over. It appears that there are hidden agendas to which I am not privy. These Four Directors and The GM are not transparent, and do not treat NYWD customers and constituents, nor me with any degree of respect, transparency or accountability.

Therefore, I am making it publicly known, that there is a fiduciary and legal separation between myself and the other Four Board Directors. The behavior of the Board and GM has made it clear that they would prefer that I resign. I am here to state clearly and equivocally, that I will never resign.

Sincerely,



Dr. Gretchen Padgett-Flohr
Director Division 4 NYWD