

# Paul Nicholas Boylan, Esq.

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April 23, 2021

VIA EMAIL and FAX  
(Fax: 530-675-0642; Email: [jmaupin@nywd.org](mailto:jmaupin@nywd.org))

North Yuba Water District (NYWD),  
Board of Directors  
8691 La Porte Rd,  
Brownsville, CA 95919

Jeff Maupin,  
Board Secretary and District General Manager  
8691 La Porte Rd,  
Brownsville, CA 95919

RE: NYWD - Brown Act Cease and Desist/Cure and Correct Demand

Dear Board of Directors and General Manger/Secretary Maupin:

I represent a group of NYWD residents and water customers. I am writing on their behalf to demand that you cure and correct a violation of the Ralph M. Brown Act (Government Code §§ 54950 – 54963)(the “Brown Act”) and provide an unconditional assurance that you will cease and desist from repeating the violations, described below.

## **BACKGROUND:**

On or about March 26, 2021, three NYWD Directors met at the Dry Creek Diversion Dam to decide irrigation water issues. This meeting of the NYWD board was held without notice to the public.

On March 26, 2021, at a Board meeting, NYWD Board of Directors voted to approve and did approve a motion not to release water for irrigation use (the “Motion”) The public was not notified that the NYWD Board of Directors would discuss and/or act upon that motion.

Board of Directors/Jeff Maupin

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The Brown Act requires all meetings and all actions of a public agency provide the public with notice of an agency action – including but not limited to meeting and votes conducted by the legislative governing body of the agency – before an action is taken. (See Government Code § 54954 [72 hours notice for regular meetings] and Government Code § 54955 [24 hours notice for special meetings]. NYWD did not notify the public of the Board meeting that took place at the dam and did not provide notice to the public that the Board would consider and vote on the Motion.

Due to lack of the notices described above, my clients did not attend either the Board meeting at the dam nor at the March 26, 2021 meeting. If my clients had received the Brown Act mandated notice of the meeting at the dam and Brown Act mandated notice that the topic of irrigation water allocation would be discussed and acted upon at the March 26<sup>th</sup> meeting, then they would have attended and participated in both meetings.

**CURE AND CORRECT DEMAND:**

Per Government Code §§ 54960.1, my clients demand that NYWD immediately cure and correct the Brown Act violations described above.

**CEASE AND DESIST DEMAND:**

Per Government Code §§ 54960 and 54960.2, my clients are prepared to prove that the NYWD Board has engaged in a pattern of past behaviors that indicate the probability of non agendaized meetings and non agendaized action items will happen in the future.

**NOTICE OF LITIGATION:**

If NYWD does not cure and correct and cease and desist the Brown Act violations described above, my clients will seek a judicial remedy that will include, but not necessarily be limited to, causes of action for mandate, injunctive relief, declaratory relief, and attorney fees and costs.

Sincerely,

PAUL NICHOLAS BOYLAN

A handwritten signature in black ink that reads "Paul N. Boylan". The signature is written in a cursive, flowing style.

Paul Nicholas Boylan