



## **SOUTH FEATHER WATER & POWER AGENCY**

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**TO:** Board of Directors

**FROM:** Michael Glaze, General Manager

**DATE:** April 13, 2010

**RE:** General Information (regarding matters not scheduled on the agenda)  
5/25/10 Board of Directors Meeting

### **NYWD/Yuba City Water Transfer**

The draft agreement between NYWD and Yuba City for continuation of the 4,500 AF water transfer was reviewed by the Board at last month's meeting. You directed that a letter be sent affirming SFWPA's approval of the agreement. A copy of the letter prepared by Jeff Meith for my signature is attached.

### **Dennis Parker**

The April 28 edition of the Marysville *Appeal-Democrat* included the following article about North Yuba Water District's erstwhile general manager, Dennis Parker.

**Judge rules water district GM fired without cause**  
**Marysville Appeal-Democrat-4/28/10**  
**By Ben van der Meer**

An administrative law judge in Sacramento has ruled the North Yuba Water District fired former General Manager Dennis Parker without cause in 2005, but it's unclear if the ruling will put Parker back in his job.

In an opinion to be discussed at a district board meeting today, Judge Stephen J. Smith said the district had insufficient cause to believe Parker was unfit for duty when the board voted to dismiss him in December of that year.

"The district failed to prove that Mr. Parker was substantially incapacitated due to disease, defect or condition to perform the usual and customary duties of his position at that time," Smith concluded near the end of his ruling, dated April 12.

In the 64-page ruling, Smith documents the history of the case, including Parker telling district officials he was dealing with anxiety and depression in 2005 and asking for an adjusted work schedule to deal with the issue.

Smith notes two female members of the district board appeared to carry a grudge against Parker, who'd been general manager since 1984, and wanted to see him removed. The ruling does not mention them by name, but one appears to have been Jenny Cavaliere, who is still on the board and is running for the District 5 seat on the Yuba County Board of Supervisors.

Parker was on medical leave at the time the board voted to dismiss him, but the board's action was still hasty, according to Smith's ruling. Nor did the district make a good-faith effort to accommodate Parker while he was dealing with mental health issues, the ruling states.

The ruling suggests board counsel urged the board to fire Parker because he didn't believe Parker would ever return to full-time status for the district, then known as the Yuba County Water District.

Cavaliere said she couldn't comment on the ruling until after today's meeting.

"There are a lot of unfounded rumors going around out there, and I'll be happy to talk about it on Friday," she said Wednesday.

Current General Manager Bill Suppa also said he couldn't comment on the case.

Parker's attorney, Joseph E. Maloney of Auburn, said the ruling means Parker should be reinstated as the water district's general manager, with back pay.

"I don't think Dennis can be made whole unless he's reinstated," Maloney said, adding an appeal by the district is also possible. An attorney for the water district did not return a call Wednesday.

The suit, filed in U.S. District Court in Sacramento, was assigned to Smith after a federal judge ruled Parker was owed an administrative hearing. A scheduling conference in the case is set for May 24.

Maloney said Parker still lives in Brownsville, where the district is based, and has supported himself by gold mining since he was fired.

"He loves the district and its work," Maloney said. "Dennis is prepared to work in good faith with the board in whatever form or fashion it may take."

### **Annual Facilities Tour**

Invitations for the June 29 Annual Facilities Tour were mailed on May 20. If all invitees attended, there would be 63 guests on the tour. However, typically about half to two-thirds of those invited actually attend. The BBQ lunch at Long Creek Winery is being planned and implemented by John Davis, Jola Battershell and Cheri Ruloph.

# **SOUTH FEATHER WATER & POWER AGENCY**

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May 18, 2010

North Yuba Water District  
P.O. Box 299  
Brownsville, California 95919

Re: Written Approval in Accordance with Part III, Paragraph 12 of the Agreement of May 24, 2005,  
between Yuba County Water District and South Feather Water and Power Agency

Ladies and Gentlemen:

In accordance with Part III, Paragraph 12 of the referenced agreement, neither party to the agreement may enter into an agreement for the sale, transfer, or other conveyance of any water that is diverted, stored, conveyed, or delivered by any South Forth Power Project joint facilities without the written approval of the other party.

This letter will constitute the requisite written approval of South Feather Water and Power Agency, as authorized by its Board of Directors, for the "AMENDED AGREEMENT FOR SALE OF SURPLUS WATER BY AND BETWEEN NORTH YUBA WATER DISTRICT AND THE CITY OF YUBA CITY."

I note the agreement has not been executed by the Parties. This approval is conditional upon the executed agreement containing no substantive changes from the draft of April 14.

The criteria for this approval is the determination by South Feather Water and Power Agency that the available water supplies of the South Feather Power Project are sufficient to meet all consumptive use requirements of both South Feather Water and Power Agency and North Yuba Water District notwithstanding the proposed sale. Therefore, this approval relates only to that criteria, and does not address the terms and conditions of the sale, or the responsibilities of the parties in connection with said sale. South Feather Water and Power Agency does not hereby become a third party beneficiary or guarantor of the terms and conditions of such sale. The sale, and responsibility for the terms of the sale, remains totally and exclusively the joint province of North Yuba Water District and the City of Yuba City, respectively. It is the position of South Feather Water and Power Agency that such sale will not interfere with the ability of the South Feather Power Project facilities to meet its water delivery obligations for power generation, and consumptive use by either South Feather Water and Power Agency or North Yuba Water District, respectively.

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I do wish to take the opportunity of this letter to remind the parties, as we have previously advised you, that there are no facilities which would allow the bypassing of the Kelly Ridge Powerhouse for purposes of delivering the sale water to the City from North Yuba Water District into the Feather River. Scheduled outages of the Kelly Ridge Powerhouse are planned to take place in October, but unscheduled outages could take place at any other time. We note that, in connection with the agreement, there are certain undertakings and responsibilities with respect to alternative delivery mechanisms in the event water cannot be delivered at the tailrace of Kelly Ridge Powerhouse. While the agreement correctly notes that would require the approval of South Feather Water and Power, please be advised that the only other feasible delivery mechanism would be a release of water at Ponderosa Dam into Lake Oroville. Therefore, we wish to remind the parties that agreement of not only the parties to the agreement (and South Feather Water and Power Agency as the operator of the South Feather Power Project) would be needed, but the agreement of the Department of Water Resources and its cooperation in transporting this water through its facilities and into the Feather River for delivery to the City of Yuba City, will be required. Securing that agreement will be the responsibility of North Yuba Water District and the City of Yuba City, exclusively.

Thank you for your courtesy and cooperation and please do not hesitate to contact the undersigned if you have questions.

Sincerely,  
South Feather Water and Power Agency

A handwritten signature in black ink, appearing to read 'M. Glaze', written over a horizontal line.

Michael C. Glaze, General Manager

c: SFWPA Board of Directors