

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

October 21, 2021

The Board of Directors of the Nevada Irrigation District convened in special session at the District's main office located at 1036 W. Main Street, Grass Valley, on the 21st day of October 2021, at 9:00 a.m.

Present were Chris Bierwagen, President (Division II); Laura L. Peters, Vice-President (Division IV); and Directors Ricki Heck (Division I); Karen Hull (Division III); and Rich Johansen (Division V).

Staff members present included Jennifer Hanson, General Manager, Greg Jones, Assistant General Manager; Marvin Davis, Finance Manager/Treasurer; Doug Roderick, Interim Engineering Manager; Chip Close, Water Operations Manager; Keane Sommers, Hydroelectric Manager; Joanne Phillips, Engineering Management Assistant; Dustin Cooper, District Counsel; and Kris Stepanian, Board Secretary.

STANDING ORDERS

- Call to Order: President Bierwagen called the meeting to order at 9:00 a.m.
- President Bierwagen led the Pledge of Allegiance
- Roll Call: 5 members present, 0 members absent

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

- None

SPECIAL ORDERS

REDISTRICTING UPDATE

Kay Montplaisir, with Redistricting Partners, provided an informational update to the Board regarding the redistricting process and timeline. Redistricting workshops will begin by January for completion before May 2022.

Public Comment: None

CONSENT AGENDA

President Bierwagen pulled the following items from the Consent Agenda for discussion at the request of members of the Board:

- Item 4: Application for Annexation – Placer County, Haven Hill Water Association
- Item 5: French Dam Construction Contract Change Order
- Item 6: Chicago Park Power House Access Road (Project #6877)

Public Comment: None

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**Director Peters motioned for approval of the Consent Agenda, with the exception of Items 4, 5 & 6. Director Heck seconded the motion, and it was unanimously approved.**

The following Consent Agenda items were approved:

MINUTES – September 22, 2021, Regular Meeting

**Approved the Minutes of the regular meeting on September 22, 2021. M/S/C Peters/Heck, unanimously approved.**

MINUTES – September 23, 2021, Special Meeting

**Approved the Minutes of the special meeting on September 23, 2021. M/S/C Peters/Heck, unanimously approved.**

AB 361 COMPLIANCE - BROWN ACT/COVID-19 TELECONFERENCE AND REMOTE MEETING REQUIREMENTS

**Adopted Resolution No. 2021-32 (Authorizing Remote Meetings Consistent with AB 361). M/S/C Peters/Heck, unanimously approved.**

FY-2021 FINANCIAL AUDIT SERVICES

**Awarded a contract in the amount of \$53,200 with MUN CPAs & Associates, LLP for the fiscal year 2021 financial audit services and authorized the General Manager to extend the agreement covering additional years. M/S/C Peters/Heck, unanimously approved.**

WARRANTS, PROJECTS & FACILITIES, INVESTMENT REPORT

**Approved the Check Register and received and filed the Project & Facility and Investment Transaction Reports for the period ending September 27, 2021. M/S/C Peters/Heck, unanimously approved.**

### **ITEMS PULLED FROM THE CONSENT AGENDA FOR DISCUSSION**

APPLICATION FOR ANNEXATION – PLACER COUNTY, HAVEN HILL WATER ASSOCIATION (10 PROPERTIES)

Greg Jones, Assistant General Manager, presented the item. Board discussion ensued regarding the master tax sharing agreement, tax revenue, and capital improvements.

Public Comment:

- Barbara Bashall, with Nevada County Contractors' Association, addressed the Board regarding how property taxes are used and continuing this topic in the future when discussing the capital improvement program and water rates.

**Adopted Resolution No. 2021-34 (Making Application for Annexation of Land to Nevada Irrigation District - Unincorporated Placer County). M/S/C Peters/Johansen, unanimously approved.**

FRENCH DAM CONSTRUCTION CONTRACT CHANGE ORDER

Doug Roderick, Interim Engineering Manager, and Adrian Schneider, Senior Engineer, presented the item, including an update on the status of the project and weather conditions.

Public Comment: None

**Approved the Change Order 3 with Glissman Excavating in the amount of \$94,454.90 and authorized the General Manager to execute the appropriate documents. M/S/C Hull/ Heck, unanimously approved.**

CHICAGO PARK POWER HOUSE ACCESS ROAD (PROJECT #6877)

Doug Roderick, Interim Engineering Manager, presented the item.

Public Comment: None

**Adopted Resolution No. 2021-35 (Appointment of Real Property Negotiator, Identification of Property, and Identification of With Whom the Negotiator is Authorized to Negotiate), appointing the General Manager, or designee, as the District's real property negotiator relative to the negotiation of a permanent easement (Placer County APNs 063-150-014, 063-150-008, 063-320-001, and 063-320-002). M/S/C Hull/Heck, unanimously approved.**

PLAN FOR WATER PUBLIC OUTREACH PROCESS

Jennifer Hanson, General Manager, and Greg Jones, Assistant General Manager, presented the item. The Board discussed and provided direction pertaining to the Plan for Water's public outreach process, including ideas pertaining to stakeholder groups, public access and sign-up information, facilitation by a third party if needed, utilizing a dynamic calendar, and aligning previous work.

The meeting recessed at 10:16 a.m. and reconvened at 10:26 a.m.

Public Comment:

- Keiko Mertz, Policy Manager with South Yuba River Citizens League, addressed the Board regarding support of a facilitator and stakeholder involvement
- John Meeker, member of the public, addressed the Board regarding access to a complete list of interested groups, Zoom platform for staff to be seen, and access to the updated matrix on the website
- Otis Wollan, member of the public, addressed the Board regarding the matrix, Stage 4 decisions and cautioned about a short timeline
- Traci Sheehan, with Foothills Water Network, addressed the Board regarding the process, collaboration, utilizing a facilitator, and building relationships with the public
- Dianna Suarez, resident of Colfax, addressed the Board in support of the District mailing to all those on the other side of the watershed

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- Margaret Joehnk, resident of Lake of the Pines, addressed the Board regarding the value of a facilitator and sharing information as soon as possible

#### GENERAL MANAGER'S REPORT

Jennifer Hanson, General Manager, requested reports on the following items:

- Greg Jones, Assistant General Manager, provided a River Fire scar burn update
- John Ortiz, IT Administrator, provided an update regarding a recent threat to the system and actions taken

#### BOARD OF DIRECTORS' ITEMS / REPORTS

Director Hull, Division III, reported on the following items:

- Invited to an event hosted by Ed & Carol Scofield
- Attended a Nevada County Farm Bureau meeting
- Met with Carol Young with Rincon Del Rio

Director Peters, Division IV, reported on the following items:

- Toured Doty Ravine Restoration Project with Placer County Land Trust, U.S. Fish, and Wildlife and U.S. Forest Service
- Attended a Placer County Farm Bureau meeting
- Attended an ACWA Agricultural Committee meeting and shared highlights
- Attended a West Placer Watershed Resource Advisory Group meeting

Director Heck, Division I, reported on the following items:

- Working (along with staff) with a number of constituents on different water-related issues

Director Johansen, Division V, reported on the following items:

- Penn Valley Municipal Advisory Committee meeting this evening

#### PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

- None

The meeting recessed at 12:03 p.m. and reconvened in Closed Session at 12:10 p.m.

Closed Session Real Property Negotiations was declared at 12:10 p.m., pursuant to Government Code 54956.8 regarding Placer County APNs 063-150-008, 063-150-014, 063-320-001, and 063-320-002. Negotiating Parties: Nevada Irrigation District by and through Jennifer Hanson and George Back. Under negotiation: Price and terms and conditions of payment and sale.

#### **Board Action: None**

Conference With Legal Counsel – Existing Litigation. One case was declared at 12:10 p.m., pursuant to Government Code section 54956.9(d)(1)). Nevada Irrigation District v. Lake of the Pines Ranchos Community Services District.

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**Board Action: Approved settlement agreement and release and authorized the General Manager to execute the appropriate documents. M/S/C Johansen/Hull, unanimously approved.**

Closed Session Workshop With Legal Counsel was declared at 12:10 p.m., concerning the following topics:

- (a) Existing Litigation, pursuant to Government Code § 54956.9(d)(1). All pending litigation in which Nevada Irrigation District is a named party.
- (b) Conference With Real Property Negotiators, pursuant to Government Code § 54956.8. Nevada Irrigation District's negotiators, the General Manager and District Counsel, to Discuss Terms and Conditions of Payment of a Potential 2022 Water Transfer with Potential Purchasers Located Downstream of Nevada Irrigation District and South of the California Bay-Delta.
- (c) Anticipated Litigation, pursuant to Government Code §54956.9(d)(2) or (d) (3). Significant exposure to litigation; two potential cases.

**Board Action: None**


The meeting reconvened in open session at 1:35 p.m., and Kris Stepanian, Board Secretary, reported on action taken during Closed Session.


MEETING ADJOURNED at 1:37 p.m., to reconvene in regular session on Wednesday, November 10, 2021, at 9:00 a.m. at the District's Business Center located at 1036 West Main Street, Grass Valley, California.

  
Board Secretary

Attest a true record of actions had and taken at the above and foregoing meeting our presence thereat and our consent thereto.

  
Division I

  
Division II

  
Division III

  
Division IV

  
Division V