

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

October 28, 2020

The Board of Directors of the Nevada Irrigation District convened in regular session at the District's main office located at 1036 W. Main Street, Grass Valley, on the 28th day of October 2020, at 9:00 a.m.

Present were Chris Bierwagen, Vice-President (Division II); and Directors W. Scott Miller (Division III); Laura L. Peters (Division IV); and Nick Wilcox (Division V).

Ricki Heck, President (Division I), was absent.

Staff members present included Greg Jones, Interim General Manager; Marvin Davis, Finance Manager/Treasurer; Doug Roderick, Interim Engineering Manager; Chip Close, Water Operations Manager; Bob MacDonald, Interim Maintenance Manager; Keane Sommers, Hydroelectric Manager; Monica Reyes, Recreation Manager; Jana Kolakowski, Human Resources Manager; Dustin Cooper, District Counsel; and Dannette Austin, Executive Management Assistant.

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

- None

The meeting recessed at 9:01 a.m. and reconvened at 9:01 a.m. in Closed Session.

**CONFERENCE WITH LEGAL COUNSEL - Existing Litigation (Gov. Code § 54956.9(d)(1)). One Case.**

- (1) *State Water Resources Control Board; South Yuba River Citizens League, et.al v. Federal Energy Regulatory Commission*, Case No. 20 – 72452, Ninth Circuit Court of Appeal (Consolidated Case Nos. 20-72432 and 20-72452).

**Board Action: Direction was given to legal counsel.**

**CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation (Gov. Code § 54956.9(d)).** Initiation of Litigation. One Case. *Sierra Forest Legacy et. al., v. U.S. Fish and Wildlife Service et. al.*, No. 5:20 -cv-05800-BLF, U.S. District Court Northern District of California

**Board Action: Direction was given to legal counsel.**

The meeting reconvened in open session at 9:57 a.m., and Dustin Cooper, District Counsel, announced the Board actions taken during closed session.

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PUBLIC COMMENT FOR ITEMS THAT ARE NOT ON THE AGENDA

The following members of the public addressed the Board:

- None

MINUTES – October 14, 2020, Regular Meeting

Public Comment:

- None

**Director Peters made a motion to approve as submitted. Director Wilcox seconded the motion.**

**Motion passed on the following roll call vote:**

<b>Heck, Division I</b>	<b>Absent</b>
<b>Bierwagen, Division II</b>	<b>Aye</b>
<b>Miller, Division III</b>	<b>Aye</b>
<b>Peters, Division IV</b>	<b>Aye</b>
<b>Wilcox, Division V</b>	<b>Aye</b>

2020 URBAN AND 2020 AGRICULTURAL WATER MANAGEMENT PLANS (FATR# 1034)

Doug Roderick, Engineering Manager, presented the item.

Public Comment:

- None

**Director Wilcox made a motion to award a consulting contract with Zanjero in the amount of \$148,680 and authorize the Interim General Manager to execute the appropriate documents. Director Miller seconded the motion.**

**Motion passed on the following roll call vote:**

<b>Heck, Division I</b>	<b>Absent</b>
<b>Bierwagen, Division II</b>	<b>Aye</b>
<b>Miller, Division III</b>	<b>Aye</b>
<b>Peters, Division IV</b>	<b>Aye</b>
<b>Wilcox, Division V</b>	<b>Aye</b>

COMMUNITY POWER RESILIENCY ALLOCATION TO SPECIAL DISTRICTS GRANT PROGRAM REQUEST FOR PROPOSAL

Greg Jones, Interim General Manager, presented the item.

Public Comment:

- None

**Director Wilcox made a motion to direct staff to prepare and submit a proposal for the Cal OES Community Power Resiliency Grant Program and authorize the Interim General Manager to execute the appropriate documents. Director Miller seconded the motion.**

**Motion passed on the following roll call vote:**

<b>Heck, Division I</b>	<b>Absent</b>
<b>Bierwagen, Division II</b>	<b>Aye</b>
<b>Miller, Division III</b>	<b>Aye</b>
<b>Peters, Division IV</b>	<b>Aye</b>
<b>Wilcox, Division V</b>	<b>Aye</b>

WARRANTS/FINANCIALS

Marvin Davis, Finance Manager/Treasurer, presented the item.

Public Comment:

- None

**Director Peters made a motion to approve the warrants/financials as submitted.  
Director Miller seconded the motion.**

**Motion passed on the following roll call vote:**

<b>Heck, Division I</b>	<b>Absent</b>
<b>Bierwagen, Division II</b>	<b>Aye</b>
<b>Miller, Division III</b>	<b>Aye</b>
<b>Peters, Division IV</b>	<b>Aye</b>
<b>Wilcox, Division V</b>	<b>Aye</b>

INTERIM GENERAL MANAGER'S REPORT

Greg Jones, Interim General Manager, reported on the following items:

- Precipitation and Conservation reports
- Fall/Winter water requests update
- English Meadow update – beaver dams reported
- Doty North Siphon out to bid
- Santini Siphon update
- Combie Ophir Canal update
- Lake Wildwood Backbone Extension Project update
- PG&E PSPS update
- Annual audit update - anticipating a Special Board meeting on November 2<sup>nd</sup>

BOARD OF DIRECTORS' ITEMS / REPORTS

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

- Received inquiries from constituents about shoulder season and rates
- Carryover is based on storage
- Received inquiries from constituents about rates

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

- Received calls from constituents about shoulder season and rates
- Received calls regarding the North Auburn Treatment Plant and discolored water
- Attended Water Rates Committee meeting

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

- Provided shoulder season and irrigation season extension input

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Director Bierwagen, Division II, reported on the following items:

- Received calls from constituents about shoulder season, extending irrigation season, and water banking

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

- Randy Aldinger, the claimant of Minnow Way claim, addressed the Board in support of his claim

The meeting recessed at 10:45 a.m. and reconvened at 10:45 a.m. in Closed Session.

- Patti Brown, claimant of the Shamrock Lane claim, had technical difficulties with the Zoom meeting, so the Board briefly reconvened in open session during Closed Session time to allow Ms. Brown to speak to the Board in support of her claim. The Board then reconvened in Closed Session.

Closed Session was declared at 10:45 a.m., pursuant to Government Code Section 54956.9 to confer with District Counsel regarding pending litigation - Shamrock Lane Placer County

**Board Action: Director Wilcox made a motion to deny the claim. Director Miller seconded the motion.**

**Motion passed on the following roll call vote:**

<b>Heck, Division I</b>	<b>Absent</b>
<b>Bierwagen, Division II</b>	<b>Aye</b>
<b>Miller, Division III</b>	<b>Aye</b>
<b>Peters, Division IV</b>	<b>Aye</b>
<b>Wilcox, Division V</b>	<b>Aye</b>

Closed Session was declared at 10:45 a.m., pursuant to Government Code Section 54956.9 to confer with District Counsel regarding pending litigation - R-R Ranch Road, Placer County

**Board Action: Director Wilcox made a motion to deny the claim. Director Miller seconded the motion.**

**Motion passed on the following roll call vote:**

<b>Heck, Division I</b>	<b>Absent</b>
<b>Bierwagen, Division II</b>	<b>Aye</b>
<b>Miller, Division III</b>	<b>Aye</b>
<b>Peters, Division IV</b>	<b>Aye</b>
<b>Wilcox, Division V</b>	<b>Aye</b>

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Closed Session was declared at 10:45 a.m., pursuant to Government Code Section 54956.9 to confer with District Counsel regarding pending litigation – Minnow Way, Nevada County

**Board Action: Director Wilcox made a motion to deny the claim. Director Miller seconded the motion.**

**Motion passed on the following roll call vote:**

<b>Heck, Division I</b>	<b>Absent</b>
<b>Bierwagen, Division II</b>	<b>Aye</b>
<b>Miller, Division III</b>	<b>Aye</b>
<b>Peters, Division IV</b>	<b>Aye</b>
<b>Wilcox, Division V</b>	<b>Aye</b>

The meeting reconvened at 11:32 a.m. in open session, and Dustin Cooper, District Counsel, announced Board action items from Closed Session.

MEETING ADJOURNED at 11:33 a.m., to reconvene in regular session on Wednesday, December 9, 2020, at 9:00 a.m. at the District's Business Center located at 1036 West Main Street, Grass Valley, California.

*Kris Stepanian*  
 \_\_\_\_\_  
 Board Secretary

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

*Rich Heck* \_\_\_\_\_ Division I

*Chris Bierwagen* \_\_\_\_\_ Division II

*WS Miller* \_\_\_\_\_ Division III

*Ken Peters* \_\_\_\_\_ Division IV

*Nick Wilcox* \_\_\_\_\_ Division V