



## NEVADA IRRIGATION DISTRICT

Nevada Irrigation District Boardroom - 1036 W. Main Street, Grass Valley, CA 95945

### BOARD OF DIRECTORS AT 9:00 AM ON SEPTEMBER 27, 2023

## AGENDA

Karen Hull, President – Division III / Rich Johansen, Vice President – Division V  
Ricki Heck – Division I / Chris Bierwagen – Division II / Trevor Caulder – Division IV

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### **ZOOM WEBINAR**

Members of the public are welcome to participate in person or via Zoom.

To participate via Zoom, click the following: <https://us02web.zoom.us/j/82456218983>

To join audio using telephone: (669) 900-6833 or (669) 444-9171 or (253) 215 8782

Webinar ID: **824 5621 8983**

Or One tap mobile: +16699006833,,82456218983# US or +16694449171,,82456218983# US

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#### 1. **STANDING ORDERS**

- Call the Meeting to Order
- Pledge of Allegiance
- Roll Call

#### 2. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

\*Please limit comments to three (3) minutes per person

#### 3. **CONSENT AGENDA**

3.A Approve the Minutes of the regular Board meeting on August 23, 2023

[3A-Final](#)

3.B Approve the Minutes of the regular meeting on September 13, 2023

[3B-Final](#)

3.C Approve the Minutes from the special meeting on September 14, 2023

[3C-Final](#)

- 3.D Grant Authorizations - Quagga and Zebra Mussel Infestation Prevention Grant Tier 2 Implementation Projects – Scotts Flat and Rollins Reservoirs; Deer Creek Diversion  
Adopt the following two resolutions to amend and supersede Resolution No. 2023-34 and Resolution No. 2023-35; authorize the acceptance and execution of grant funds; and authorize the General Manager to execute the appropriate documents:
- Resolution 1: Quagga and Zebra Mussel Infestation Prevention Grant Program Tier 2 – Implementation Project - Scotts Flat and Rollins, in the amount of \$27,541.96
  - Resolution 2: Quagga and Zebra Mussel Infestation Prevention Grant Program Tier 2 – Implementation Project – Deer Creek Diversion, in the amount of \$10,605.05
- [3D-Final](#)
- 3.E Resolution of Appreciation  
Adopt a Resolution of Appreciation in recognition of Stu Uchida  
[3E-Final](#)
- 3.F SNC Grant Application for Upper Middle Yuba Watershed Forest Restoration Project – NEPA Planning  
Adopt a resolution approving the Application for Grant Funds for the Sierra Nevada Conservancy’s Wildfire Recovery and Forest Resilience Directed Grant Program (#1688) for the Upper Middle Yuba Watershed Forest Restoration Project: USFS NEPA Planning and directing the General Manager or designee to execute the appropriate documents  
[3F-Final](#)
- 3.G Scotts Flat Spillway Repair and Upgrades (Project No. 2094) DSOD Application Fees  
Adopt a resolution authorizing submission of Department of Safety of Dams Application and Fee in the amount of \$527,274 for the Scotts Flat Spillway Repair and Upgrades Project No. 2094 and Amending the 2023 Annual Budget in the amount of \$200,000, and authorize the General Manager to execute the appropriate documents  
[3G-Final](#)
- 3.H Table Meadow Road, Phase 3, District Financed Waterline Extension Funding Agreement - McCormick  
Approve Funding Agreement with David McCormick, property owner within the Table Meadow Road, Phase 3, District Financed Waterline Extension Project (Project No. 2434)  
[3H-Final](#)
- 3.I Warrants, Project and Facility Report, and Investment Report  
Ratify the issuance of warrants by receiving and filing the check registers, the Project and Facility Report, and the Investment Transaction Report for the period of August 12, 2023 through September 15, 2023  
[3I-Final](#)
- 4. WORKSHOP ITEMS**
- 4.A 2024 Capital Improvement Program Workshop  
Hold a workshop to review the proposed projects recommended for the 2024 Capital Improvement Program (CIP) Budget  
[4A-Final](#)

5. **GENERAL MANAGER'S REPORT:** The General Manager will provide a report on current activities within the District of interest to the public and the Board. Items to be discussed by the General Manager will be conditions of current water supply and water sales, legislative or regulatory items of interest not yet requiring action, and public affairs activities occurring within the District directly or indirectly involving District operations
6. **BOARD OF DIRECTORS ITEMS / REPORTS:**  
Directors may provide brief reports on meetings, conferences, and seminars attended by the Directors of interest to the District and the public. Directors may also report on community comments and activities of interest.
7. **PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION**
8. **CLOSED SESSION**
- 8A. **CLOSED SESSION WORKSHOP WITH LEGAL COUNSEL WILL BE HELD CONCERNING THE FOLLOWING TOPICS:**

**EXISTING LITIGATION** (Government Code § 54956.9(d)(1).) All pending litigation in which Nevada Irrigation District is a named party, including without limitation:

- a. Michael Rainey and Emerson Pachaud v. Nevada Irrigation District, Nevada County Superior Court, Case No. CU19-084309.
- b. Nevada Irrigation District v. Eileen Sobeck et.al., United States Court for the Eastern District of California, Case No. 2:21-CV-00851.
- c. Nevada Irrigation District v. State Water Resources Control Board et al. Sacramento County Superior Court, Case No. 34-2020-80003544
- d. California State Water Resources Control Board v. Federal Energy Regulatory Commission; and Nevada Irrigation District, et.al., Respondent/Intervenor, United States Court of Appeal for the Ninth Circuit Court, Case No. Case No. 20-72432, consolidated with Nos. 20- 72452, 20-72782, 20-72800, 20-72958, 20-72973.
- e. In re Petition for Assignment of State-Filed Application 5634 and Accompanying Water Right Application 5634X01 of Nevada Irrigation District and the Pending Request for Releases from Priority of State-Filed Applications 5633 and 5634 in Favor of Water Right License 11120 (Application 10221) of South Sutter Water District
- f. Bay-Delta Proceedings, including the Delta Conveyance Project, the associated environmental document and change petition before the State Water Resources Control Board and the planned update to the Bay-Delta Water Quality Control Plan
- g. California Public Utilities Commission Proceeding A-22-09-018, Application of PG&E and Pacific Generation LLC for Approval to Transfer Certain Generation Assets, for a Certificate of Public Convenience and Necessity, for Authorization to File Tariffs and for Related Determinations
- h. Placer County Water Agency v. Pacific Gas and Electric Company, Sacramento County Superior Court Case No. 34-2023-00332647.
- i. Claim Submitted by Aiman-Smith & March on behalf of Cari McCormick
- j. Tim Crough v. Nevada Irrigation District - Nevada Co. Superior Court: CU21-085299
- k. Vincent Cauchi v. Nevada Irrigation District- Placer Co. Superior Court: S-CV-0046749.
- l. Marvin Davis v. Nevada Irrigation District - Nevada Co. Superior Court: CU0000073

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS** (Government Code § 54956.8)

- a. Property: South Yuba Canal and appurtenant facilities; Deer Creek Powerhouse and appurtenant facilities located in unincorporated Nevada County and Placer County Agency. Negotiators: Keane Sommers, Hydroelectric Manager; Jennifer Hanson, District General Manager; and District General Counsel. Negotiating Parties: Pacific Gas & Electric Company and Nevada Irrigation District. Under Negotiation: Instruction to negotiators concerning price and terms and conditions of acquisition

**ANTICIPATED LITIGATION** (Government Code § 54956.9(d)(2) or (d)(3).) Significant exposure to litigation; two potential cases.

**9. ADJOURN**

The next regular meeting of the Board of Directors will be held on October 11, 2023, at 9:00 a.m. at the District's Business Center located at 1036 West Main Street, Grass Valley, California.

## SUMMARY OF ITEMS ON THE BOARD OF DIRECTORS' AGENDAS

**CONSENT AGENDA:** The Consent Agenda consists of those items which are routine, and it is approved by one motion of the Board adopting the Consent Agenda and authorizing the appropriate actions. Should any member of the Board, staff, or public wish to discuss any item appearing thereon, the item should be removed from the Consent Agenda and discussed immediately after the approval of the Consent Agenda.

**\*PUBLIC COMMENT:** Members of the public shall be allowed to address the Board of Directors on items which are of interest to the public and which are within the jurisdiction of the Board, before or during the Board's consideration of the item; however, no action shall be taken on any item not appearing on the agenda unless otherwise authorized by the Board pursuant to Government Code Section 54954.2(b). The Board limits public comment time.

**GENERAL ORDERS:** General Orders include those items of regular District business which have not been referred to a Board committee and which will be presented with a recommendation or for consideration by the General Manager or District staff.

**GENERAL MANAGER'S REPORT:** The General Manager will provide a report on current activities within the District of interest to the public and the Board. Items to be discussed by the General Manager will be conditions of current water supply and water sales, legislative or regulatory items of interest not yet requiring action, and public affairs activities occurring within the District directly or indirectly involving District operations.

Any matters requiring immediate action by the Board of Directors, which have not been placed on the Agenda, shall be taken up under the heading of General Manager's Report after all other matters are considered. The Board shall cause such matters to be placed on the Agenda for future meetings of the Board unless the matter requires immediate action by the Board, in which case the Board may take action as set forth in the Government Code.

**BOARD OF DIRECTORS' ITEMS / REPORTS:** Directors may provide brief reports on meetings, conferences, and seminars attended by the Directors of interest to the District and the public. Directors may also report on community comments and activities of interest.

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*The Boardroom is accessible to persons with disabilities. Requests for Assistive Listening Devices or other considerations should be made 72 hours in advance of the meeting through the Board Secretary's Office at (530) 273-6185.*

*In accordance with Government Code Section 54957.5(b)(2), copies of the Agenda, and any writings in connection with open session agenda items, are available for public inspection during normal business hours at the office of the Board Secretary located at 1036 West Main Street, Grass Valley, CA.*

*This agenda has been posted at the District's Business Center at 1036 West Main Street, Grass Valley, California in the Main Lobby, the Boardroom Lobby, and the outdoor bulletin board of the East Annex in compliance with the Ralph M Brown Act. This agenda has also been posted on the District's web site ([www.nidwater.com](http://www.nidwater.com)).*