



Staff Report

TO: Board of Directors

FROM: Greg Jones, Assistant General Manager

DATE: January 26, 2022

SUBJECT: Placer County Government Center Area Resolution of Annexation (Consent)

ADMINISTRATION

RECOMMENDATION:

Adopt Resolution 2022-05 (Requesting the Placer Local Agency Formation Commission Initiate Proceedings for the Annexation of the Area of the Placer County Government Center, Placer County) and authorize the General Manager or assignee to execute the appropriate documents.

BACKGROUND:

On April 23, 2019, the Placer County Board of Supervisors approved the Placer County Government Center Master Plan Update (PCGC Update). The PCGC Update identified a variety of County administration needs and community desires for the future development of 200 acres of land within the North Auburn Campus.

To support this planned development, the PCGC Update studied water service and infrastructure ownership of a combined system where service to the County and private uses are provided by PCWA and NID, respectively. Combined, PCWA and NID both have agreed to and plan to service water to the entirety of the PCGC through a recently executed Memorandum of Agreement.

PCWA, NID, and the County have worked diligently since the inception of the PCGC Update to ensure the orderly provision of water that will service the PCGC. On May 26, 2021, the NID Board of Directors approved a Memorandum of Agreement with Placer County and PCWA for the water system distribution and ownership at the PCGC. Within this agreement, parties agreed to many key elements for water supply, including:

- A combined water supply approach at the PCGC whereby PCWA supplies water to the County/governmental uses and NID supplies water to the private/non-governmental uses, generally; and
- The provision of water supply for consumptive, non-consumptive, and emergency fire suppression to (i) existing and new County uses by PCWA; and (ii) non-County or private uses by NID; and
- Acknowledgment of County's inactive irrigation account, and the desire for a potential future purchase (if available) of twelve (12) miners' inches of seasonal raw water service at NID's Ophir Canal for County and non-County/private uses; and
- The County and NID to work cooperatively to annex the appropriate remaining areas within the NID Exclusion Zone.

The PCGC area west of 1st Street and south of Willow Creek Drive is the subject annexation property to this action. This area is within the District's Sphere of Influence and not currently included in the District's boundaries as it represents an interior exclusion or "island". The subject parcel is approximately 13.3 acres (APN: 051-120-064) and is owned by Placer County.

SUMMARY OF REQUIREMENTS

The following summary of requirements applies to this annexation:

1. On January 19, 2007, Nevada County Local Area Formation Commission (LAFCO) adopted Resolution No. 07-05, which adopted the Nevada Irrigation District Sphere of Influence (SOI) Plan 2006 Update. The primary purpose of the SOI was to comply with the requirement of the Cortese-Knox-Hertzberg Local Government Reorganization Act and identify "islands" within the District's service boundary; and
2. Lands within the perimeter of the District's Sphere of Influence, but not included in the District's boundaries ("islands"), may be annexed into the District with rights to service if and when water is available; and
3. NID Board Resolution 2017-05 requires parcels to be "in-District" for service and states, in part, "...parcels requesting District water service require annexation to the District to be eligible to receive water"; and
4. PCWA supplies water to the PCGC through a master meter at 1st Street and Professional Drive and is distributed to County facilities through underground pipes dating back to the original DeWitt General Hospital built in 1943; and

5. NID supplies water at the Community Development Resource Center for consumptive and emergency fire suppression and maintains two emergency water intertie connections at Bell Road and Richardson Drive, allowing NID water flow and pressure into the PCGC system for potential emergency fire suppression events; and
6. The District currently serves treated and/or raw water to several of the surrounding parcels, including the recently annexed Mercy Housing Center; and
7. As indicated in the Plan for Providing Services, no additional NID waterline infrastructure is required to serve water to the subject parcel. The County and/or private developers will be responsible for installing the infrastructure necessary to convey water from the point of delivery to the property; and
8. The subject parcel is within the District's sphere of influence.
9. On April 23, 2019, the Placer County Board of Supervisors adopted Resolution 2019-077 certifying the PCGC Master Plan Update Final Environmental Impact Report (SCH#2017092020) prepared pursuant to the California Environmental Quality Act. The subject PCGC annexation to NID is incorporated as referenced in this EIR.

ALTERNATIVES:

1. Adopt Resolution 2022-05, ; or
2. Do not adopt Resolution 2022-05 and provide staff with direction.

CONCLUSION:

Upon completion of annexation, the subject property will be eligible to receive treated and/or raw water service as indicated by the Placer County Government Center Master Plan from the Nevada Irrigation District. The County and/or private developers will provide all infrastructure upgrades as necessary.

BUDGETARY IMPACT:

The cost of the annexation, including survey fees, LAFCo fees, and State fees, is being paid for by the County of Placer. NID staff time spent preparing this Resolution for Application and the corresponding LAFCo application is considered de minimis and absorbed in existing salary budgets.

Attachments: (3)

- Resolution No. 2 22-05 (Requesting the Placer Local Agency Formation Commission initiate proceedings for the annexation of the Placer County Government Center, Placer County)

- Exhibit A - Map of Proposed Annexation Parcel
 - Exhibit B - Plan for Providing Services
 - Exhibit C – Consent of Landowner to Inclusion in Annexation Proposal
- Placer County Adopted Resolution 2019-077
- Memorandum of Agreement with Placer County, PCWA and NID for Water Service to Placer County Government Center



RESOLUTION NO. 2022-05

OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

Requesting the Placer Local Agency Formation Commission Initiate Proceedings for the Annexation of the Area of the Placer County Government Center, Placer County

WHEREAS, the Nevada Irrigation District (NID) desires to initiate proceedings with the Placer Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code (CKH) for the annexation of the area of the Placer County Government Center to NID, herein referenced as APN 051-120-064; and

WHEREAS, the map and geographic description describing and depicting the boundaries of the subject territory is set forth in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, the final metes and bounds description of the proposed annexation may result in minor adjustments to the annexation boundaries. These minor adjustments may proceed forward as if fully contained herein; and,

WHEREAS, this proposal is consistent with the Sphere of Influence of the Nevada Irrigation District, as adopted by the Nevada County Local Agency Formation Commission in 2006; and

WHEREAS, the territory proposed for annexation contains one (1) approx. 13.7-acre property, which currently receives no District water service. Annexation will result in the opportunity for the property to establish treated and/or raw water service; and

WHEREAS, the Placer County Board of Supervisors, as lead agency for the Placer County Government Center Master Plan Update, has certified an environmental impact report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA) (SCH#2017092020) on April 23, 2019, via adoption of Resolution 2019-077; and

WHEREAS, the NID, as a responsible agency, has reviewed and considered the environmental documents prepared and approved by the Placer County, including the EIR, findings, overriding considerations, mitigations, mitigation monitoring plans, and related documents, and found the environmental impacts of the annexation of the

subject territory to NID have been disclosed and addressed by the lead agency, and the potential environmental effects have been adequately mitigated; and,

WHEREAS, this Board hereby adopts the Plan for Providing Services to the affected territory required by Government Code Section 56653 and attached hereto as Exhibit B; and,

WHEREAS, Placer County (landowner) has signed the consent form to be included in a proposal for annexation to be submitted to the Placer County Local Agency Formation Commission and attached hereto as Exhibit C; and

WHEREAS, this Board certifies that, pursuant to Section 99 (b) of the Tax and Revenue Code, that it remains in agreement with the Master Agreement between the County of Placer and the Nevada Irrigation District for Apportionment of Property Tax Revenues due to Jurisdictional Changes, approved on May 2017 (Board of Supervisor's Resolution No. 2017-080) and on April 2017 (District Board of Director's Resolution No. 2017-05).

NOW, THEREFORE BE IT RESOLVED, this Resolution of Application is hereby adopted and approved by the Board of Directors of the Nevada Irrigation District and the Local Agency Formation Commission of Placer County is hereby requested to take proceedings for the annexation of the territory described in Exhibit A, according to the terms and conditions stated above, and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

BE IT FURTHER RESOLVED, the above Recitals are true and correct and are incorporated as findings of the Board of Directors.

BE IT FURTHER RESOLVED, the General Manager is directed and authorized to take such further action as necessary and reasonable to implement the terms of this Resolution and to work with the County of Placer and any other landowners within this exclusion area in an effort to fully annex this exclusion area.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 26th day of January 2022, by the following vote:

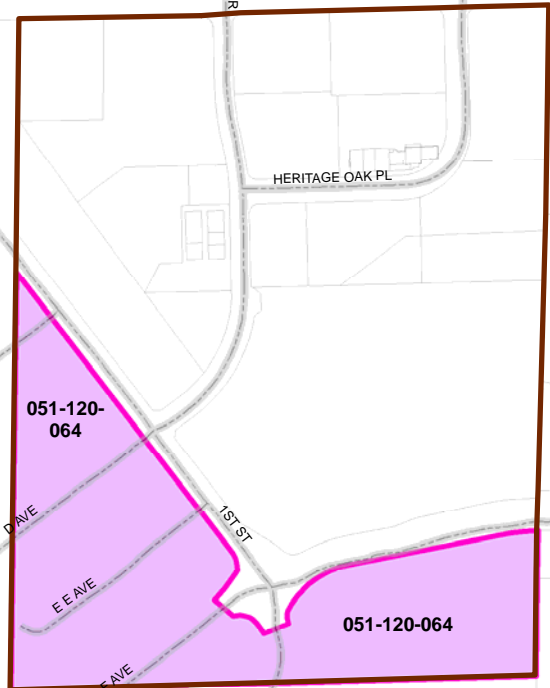
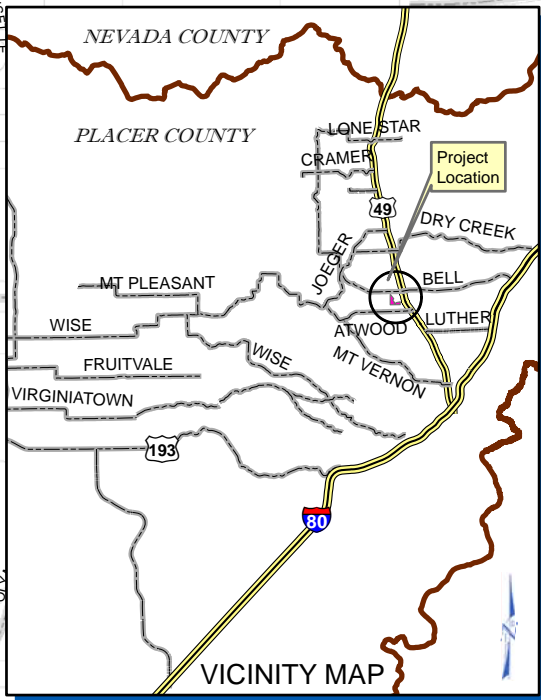
AYES:	Directors:
NOES:	Directors:
ABSENT:	Directors:
ABSTAINS:	Directors:

Attest:

President of the Board of Directors

Secretary to the Board of Directors

EXHIBIT A



LEGEND

- Area Excluded From NID Service Area
- Proposed Annexation Parcel



NEVADA IRRIGATION DISTRICT

NEVADA COUNTY -- PLACER COUNTY
GRASS VALLEY, CALIFORNIA

DEWITT AREA - PLACER COUNTY ANNEXATION

Drawn By: L. HAMMER Date: 12/30/2021 Scale: 1" = 500' @ 8-1/2x11 EXHIBIT A

EXHIBIT B

PLAN FOR PROVIDING SERVICES IN CONNECTION WITH THE Annexation of One (1) Parcel at the Placer County Government Center Area, Placer Co

Nevada Irrigation District will provide services to the subject territory as outlined below:

1. **Enumerate and describe the services to be extended to the affected territory.**

Upon completion of annexation, the property will be eligible to receive treated and/or raw water service for County and/or private use as described in the Placer County Government Center Master Plan Update (PCGC Master Plan Update) from the Nevada Irrigation District (NID or District). The County and/or private developers will provide all infrastructure upgrades as detailed in the PCGC Master Plan Update.

2. **Specify the level and range of those services.**

NID will provide treated and/or raw water service to the project as indicated by the PCGC Master Plan Update.

3. **Indicate when those services can feasibly be extended to the affected territory.**

After annexation into the District.

4. **Indicate any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.**

The County and/or private developers will be responsible for all upgrades to facilities as per the PCGC Master Plan Update as necessary.

5. **Provide information about how each of those services will be financed.**

The County and/or private developers will be responsible for financing all infrastructure upgrades or utility improvements as necessary.

EXHIBIT C



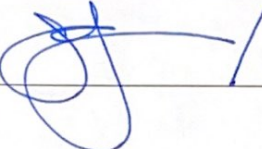
CONSENT OF LANDOWNER TO INCLUSION IN PROPOSAL

Name of Proposal: Placer County Government Center, Placer County

Applicant: Nevada Irrigation District

Each of the undersigned hereby certifies under penalty of perjury that he/she is the legal owner of the parcel(s) listed as of the date given below and by execution hereby consents to the inclusion of said parcels in the above proposal to be submitted to the Placer Local Agency Formation Commission for annexation to NID for water service.

(List and sign for each assessor's parcel number separately)

Date	Signature/Printed Name	Assessor's Parcel No.	Address of Parcel
01-12-22	 / STEVE NEWSOM	051-120-064-000	

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of: A RESOLUTION CERTIFYING
THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE PLACER COUNTY GOVERNMENT
CENTER MASTER PLAN UPDDATE AND
RELATED ENTITLEMENTS; ADOPTING
FINDINGS OF FACT AND A STATEMENT OF
OVERRIDING CONSIDERATIONS; AND A
MITIGATION MONITORING AND REPORTING
PLAN.

Resolution No.: 2019-077

The following Resolution was duly passed by the Board of Supervisors of the County of Placer
at a regular meeting held April 23, 2019, by the following vote on roll call:


Ayes: GORE, WEYGANDT, HOLMES, UHLER

Noes: NONE

Absent: NONE

Abstain: GUSTAFSON

Signed and approved by me after its passage.



Chair, Board of Supervisors

Attest:



Clerk of said Board

WHEREAS, the County of Placer ("County") acting as lead agency pursuant to the California Environmental Quality Act (Public Resources Code sections 21000 et seq.) ("CEQA") prepared an environmental impact report ("EIR") for the "Placer County Government Center Master Plan" (SCH# 2017092020); and

WHEREAS, for purposes of the County acting as lead agency pursuant to CEQA, the Draft EIR analyzed the following:

1. Placer County Government Center Master Plan Update ("PCGC Master Plan");
2. General Plan Amendment to establish a Master Plan land use designation and apply it to the project site, and edits to General Plan Tables 1-1 and 1-2, and Figures 1-1 and 1-2, to recognize the PCGC Master Plan;
3. Amendments to the Auburn/Bowman Community Plan ("Community Plan") Land Use Map to re-designate land uses within the PCGC area, and amendments to the Community Plan to replace and supersede all references to the "Dewitt Center" with the "Placer County Government Center Master Plan";
4. Rezone to change zone districts within the PCGC area and to amend the Placer County Zoning Code Section 17.52.135 Town Center Commercial to allow modified development standards for development in areas that include the Town Center zoning overlay subject to approval of an area plan, master plan or specific plan;
5. Construction of a County Health and Human Services building and a Multi-family Residential project, and future submittal of a Minor Boundary Line Adjustment for the Multi-family Residential project.

(Hereinafter collectively referred to as "Project" or "Project Approvals".)

WHEREAS, the Project Approvals constitute a "Project" for purposes of CEQA and CEQA Guidelines section 15378 and these determinations of the Placer County Board of Supervisors ("Board"); and

WHEREAS, a Notice of Preparation of an Environmental Impact Report for the Project was issued on September 6, 2017; and

WHEREAS, on November 19, 2018, the County released the Draft EIR that was prepared for the Project under the direction of the County; and

WHEREAS, the Draft EIR was made available for public comment in accordance with CEQA from November 19, 2018 through January 2, 2019; and

WHEREAS, the County received written and oral comments on the Draft EIR, in response to which the County prepared and released a Final EIR on February 25, 2019; and

WHEREAS, the County as lead agency under CEQA brought forward the Final EIR to the County Planning Commission for consideration at a duly noticed public hearing on March 14, 2019 during which hearing the Planning Commission considered the Final EIR and written and oral testimony on the same; and

WHEREAS, at the conclusion of the public hearing the Planning Commission recommended certification of the Final EIR, together with a recommendation of adoption of the Findings of Fact and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program; and

WHEREAS, the Board gave full and legal notice of a public hearing to consider and act upon the Project Approvals and the Final EIR, which was held on April 9, 2019; and

WHEREAS, the Board has duly considered the "FEIR" for the Project, which consists of the Draft EIR and the Final EIR, the appendices thereto and references therein, the comments of the public, both oral and written, and all written materials in the administrative record connected therewith.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:

- (1) The FEIR (Exhibit A) has been prepared in accordance with all requirements of CEQA and the Guidelines.
- (2) The FEIR was presented to and reviewed by the Board. The FEIR was prepared under supervision by the County and reflects the independent judgment of the County. The Board bases its findings on such review and other substantial evidence in the record.
- (3) The Board hereby certifies the FEIR as complete, adequate and in full compliance with CEQA and considers such certification as a basis for considering and acting upon the Project Approvals and exercising its independent judgment.
- (4) The Clerk of the Board is the custodian of record of the FEIR.
- (5) The Board has considered and hereby adopts the "Findings of Fact" as set forth in Exhibit B, attached hereto and incorporated herein by reference.
- (6) The Board hereby adopts the Mitigation Monitoring and Reporting Plan ("MMRP") prepared for the Project Approvals and as set forth in Exhibit C and incorporated herein by reference. All mitigation measures proposed in the FEIR shall be implemented, and the MMRP will implement all mitigation measures adopted with respect to the Project pursuant to all of the Project Approvals. The MMRP are hereby incorporated into the Project and thereby becomes part of and limitations upon the entitlements conferred by the Project Approvals.

BE IT FURTHER RESOLVED: That notwithstanding the imposition of the mitigation measures in the MMRP as set forth above, not all significant impacts of the Project have been reduced to a level of insignificance or eliminated by changes in the proposed Project. The Board of Supervisors finds that the Project will bring substantial benefits to the County and that the Plan's benefits outweigh the Project's significant unmitigated adverse impacts and pursuant to CEQA Guidelines section 15093 adopts and makes the Statement of Overriding Considerations as set forth in Exhibit B, attached hereto and incorporated herein by reference, to explain why the Project's benefits override its unavoidable impacts. Having carefully considered the Project, its impacts and the foregoing benefits, the Board of Supervisors finds, in light of the important social, economic and other benefits that the Project will bring as set forth in the Statement of Overriding Considerations, the adverse environmental impacts of the Project that are not fully mitigated are acceptable.

BE IT FURTHER RESOLVED: That the Planning Services Division is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with Public Resources Code section 21152(a) and CEQA Guidelines section 15094.

MEMORANDUM OF AGREEMENT

Among the Placer County Water Agency, Nevada Irrigation District

and the County of Placer

On Placer County Government Center

Water System Distribution and Ownership

This Memorandum of Agreement (the "MOA") is made and entered into this ___ day of _____, 2021, by and among the County of Placer, a political subdivision of the State of California (the "County"), the Nevada Irrigation District, an irrigation district, a subdivision of the State of California ("NID"), the Placer County Water Agency, a water and energy utility special district in the State of California ("PCWA"). The parties may collectively be referred to herein as the "Parties," and individually as a "Party." This MOA is made by the Parties with reference to the following Recitals:

WHEREAS, the County is the owner of approximately 200 acres of improved and unimproved real property between Bell Road to the north, Atwood Road to the south, 1st Street to the east, and the western property line approximately 400 feet due west of the B Avenue roundabout, in North Auburn, California, as depicted on Exhibit A, which was formerly referred to as the DeWitt Center and is now commonly referred to as the Placer County Government Center ("PCGC"), comprised of the these County-owned parcels: APNs 051-120-010-000, 051-110-013-000, 051-120-061-000, 051-120-064-000, 051-120-065-000, 051-120-066-000, 051-120-067-000; and

WHEREAS, PCGC, formerly the DeWitt Center, was developed originally as the DeWitt General Hospital in 1943 along with an on-site water treatment plant, which received untreated water from NID's adjacent Ophir Canal; and

WHEREAS, the ownership and obligation to operate the water treatment plant and provide water service to the DeWitt Center was transferred to PCWA in 1984; and

WHEREAS, in July 1986 the PCWA abandoned the original DeWitt Center water treatment plant and began providing water service from PCWA's Bowman water treatment plant through a master meter located at the corner of 1st Street and Professional Drive at the PCGC, as depicted on Exhibit A; and

WHEREAS, in July 2000 the PCGC recorded a single day maximum water demand of 490,000 gallons and, in 2020, Cartwright Engineering, consultant to the County projected a single day maximum for full build-out of government uses at the PCGC is approximately one hundred thousand (100,000) gallons (consumptive) and four hundred fifty-three thousand (453,000) gallons (irrigation); and

WHEREAS, in October 2006, as a condition to serve new development within the PCGC, the County applied and paid for new water supply capacity as approved by PCWA resulting in a new and current water supply entitlement of five hundred four thousand seven hundred twenty (504,720) gallons per day for consumptive and irrigation water; and

WHEREAS, the County and NID have coordinated the installation of an underground culvert with connection to NID's Ophir Canal at 1st Street and Bell Road for potential future landscape irrigation water as outlined in the PCGC Master Plan for County and non-County/private uses. The County maintains an inactive irrigation account for a potential future purchase of twelve (12) Miner's inches of seasonal NID irrigation water service.

WHEREAS, NID supplies water to the Community Development Resource Center at the PCGC, 3091 County Center Drive, for consumptive and emergency fire suppression uses at Bell Road and Richardson Drive as depicted on Exhibit A; and

WHEREAS, NID maintains two emergency water intertie connections to the existing County maintained PCGC water system at Bell Road and Richardson Drive and at 1st Street and Atwood Road, as depicted on Exhibit A; and

WHEREAS, on April 23, 2019, the County Board of Supervisors approved and adopted the PCGC Master Plan, Resolution No. 2019-080, certified and adopted the Final Environmental Impact Report, Resolution No. 2019-077; and

WHEREAS, the Board approved PCGC Master Plan included water infrastructure analysis which studied a transition of water service and infrastructure ownership from the County to PCWA for County uses and to NID for non-County/private uses; and

WHEREAS, a portion of the PCGC is outside NID's current service area boundaries (an "NID Exclusion Zone") that requires annexation for NID to supply water in this area; and

WHEREAS, consistent with the PCGC Master Plan, on May 13, 2020, the Placer Local Agency Formation Commission ("LAFCO") approved NID's annexation into a portion of said Exclusion Zone allowing NID to serve the Mercy Housing site, a non-County/private use; and

WHEREAS, with said annexation, the Mercy Housing project is currently under construction and will be supplied with NID water; and

WHEREAS, to serve the Mercy Housing project and future private/non-County uses at PCGC, NID has installed new underground water transmission lines on Willow Creek Drive and 1st Street; and

WHEREAS, the new NID water transmission lines on Willow Creek Drive and 1st Street at the PCGC are owned by NID, built to NID standards and are within dedicated public utility easements; and

WHEREAS, with the exception of the aforementioned services provided by NID and as identified in the Exhibits to this MOA, PCGC is currently supplied water by PCWA through its master meter which is distributed to County facilities through underground pipes dating back to the original DeWitt General Hospital built in 1943; and

WHEREAS, the County retained Cartwright Nor Cal who prepared the Placer County Government Center Water System Planning Report dated July 13, 2020, attached hereto as Exhibit B, which provided a planning level assessment and financial analysis to assist the County in determining the costs associated with implementation of three different potable water supply approaches: 1) PCWA and NID combined system; 2) PCWA only; and; 3) NID only; and

WHEREAS, the PCGC Water System Planning Report established that the combined system provides the most cost-effective approach for supplying water to the PCGC; and

WHEREAS, the Parties agree that the combined service approach is acceptable and now desire to enter into this MOA to set forth responsibilities, terms and expectations for installation, ownership, and maintenance of new water system delivery improvements at the PCGC.

NOW, THEREFORE, in consideration of the promises and commitments contained in this MOA, the Parties hereto agree as follows:

Section 1. Water Supply Distribution. The Parties agree to the combined approach where PCWA supplies water to County/governmental uses and NID supplies water to non-County/private uses and the Community Development Resource Center facility. The PCGC Water Service Area Map, attached hereto as Exhibit C, designates the respective PCWA Service Area and NID Service Area based on the PCGC Master Plan. The Parties acknowledge that the designated Service Areas

are based on current development expectations and that such expectations are anticipated to change over time. Therefore, in recognition of this, the Parties agree to work cooperatively to address water system service delivery upon such time that modifications to said Service Areas are necessary.

Section 2. Transition of Water System Ownership. It is the intent of the Parties that existing and new PCGC water infrastructure will be transferred from the County to PCWA and NID in phases and at agreed upon intervals. For new PCGC water infrastructure improvements, PCWA or NID will, upon confirmation of satisfactory design and construction of the facilities and acceptance and recordation of the Notice of Completion for that portion of completed infrastructure, accept ownership. Additionally, for both existing and new PCGC water infrastructure, it is the intent of the Parties, that the County shall, subject to appropriate authorizing actions, dedicate easements, as necessary, to PCWA and NID respectively to address ongoing operation and maintenance.

Section 3. Water Capacity. The Parties agree to provide water supply, consistent with PCWA and NID service standards for both consumptive and non-consumptive uses, including fire suppression, to existing and new County and non-County or private uses as the PCGC Master Plan is developed, including for the new Health and Human Services facility project. The County and PCWA have agreed to an existing daily maximum of five hundred four thousand seven hundred twenty (504,720) gallons per day for County uses. Water usage above this level will require the County to purchase additional water supply entitlement, pay for connection charges and meter costs from PCWA. The non-County and private uses will be subject to then-existing NID connection fees, capacity charges and meter costs which will be the obligation of the non-County or private user.

- a. In the event additional capacity is needed to deliver consumptive or non-consumptive water service at a given PCGC site, the Parties agree to explore all options to ensure that requested water service levels are provided, including potential transfer of service to the other provider.

Section 4. Maintaining Emergency Interties. The Parties agree to maintain NID emergency intertie connections to the PCGC water system for County uses and the future PCWA owned system, allowing supplemental NID water flow and pressure into the PCWA system for potential emergency fire suppression events.

- a. PCWA's water system shall provide flow and pressure to the PCGC to the limit of its ability based on existing capacity limitations. NID's water system shall provide additional flow and pressure to the emergency interties to the limit of its ability based on NID's existing capacity limitations.
- b. Solely at the responsibility of the County, County shall upgrade the two water intertie connections to include automatic valve functions when new PCGC water infrastructure improvements are made to serve the County's new Health and Human Services facility project.
- c. Solely at the responsibility of the County, a water meter shall be installed at each of the two existing emergency intertie locations when the automatic valve upgrades are installed and shall allow appropriate monitoring of water usage by PCWA and NID.

Section 5. Irrigation Water. NID acknowledges that the County currently has a service outlet at NID's Ophir Canal at 1st Street and Bell Road for potential future landscape irrigation water for County and non-County/private uses.

- a. The County is aware that NID irrigation water is available on a first come first served basis per NID Rules and Regulations
- b. The County has an intent to purchase up to 12 Miner's inches for potential future landscape irrigation water.
- c. The County shall pay all established NID seasonal and ongoing service charges for irrigation water when initiated and for the duration of use and depending on the Miner's inches used. Charges are not fixed and subject to change.
- d. NID will provide irrigation water to the service outlet per NID rules and regulations as long as the County's service account remains active.

Section 6. New Infrastructure. As future infrastructure projects are implemented, the Parties agree that future new water system infrastructure will be designed and constructed to PCWA or NID's then-existing respective standard specifications. Such system infrastructure will include all appropriate metering and backflow protection devices at individual buildings, as specified by PCWA or NID's standard specifications. Prior to installation of new infrastructure or devices, the County agrees to obtain prior approval from PCWA or NID, which shall be processed pursuant to PCWA's or NID's standard facility agreements, with appropriate special conditions, as necessary. Following construction in accordance with those specifications and acceptance by PCWA or NID of a particular infrastructure or water system(s), ownership of such infrastructure and water system(s) shall be dedicated to the designated water purveyor.

Section 7. NID Annexation. Promptly following execution of this Memorandum of Agreement, the Parties agree to work cooperatively to annex a portion of the NID Exclusion Zone into the NID Service Area. The County and PCWA agree that said area subject to future annexation is as shown on Exhibit C.

- a. The Parties agree that the Home Depot Ground Lease Premises, as shown on Exhibit C, shall continue to be served by PCWA.
- b. Annexation costs associated with professional engineering and surveying, LAFCO and State fees shall be paid by the County or a subsequent non-County/private potential use for County owned property only.

Section 8. Transition Phasing. The Parties agree to work cooperatively and in a timely manner on a phasing and implementation plan for existing and new consumptive water infrastructure and systems at the PCGC, including for cost sharing approaches, potential infrastructure financing district, lower cost solutions and infrastructure grant applications.

Section 9. Master Meter Abandonment. County and PCWA agree that after all County-owned facilities have been equipped with water meters and backflow prevention devices, PCWA's current master meter shall be abandoned and PCWA shall commence billing Placer County for each individual water meter receiving water service from the PCWA Service Area.

Section 10. NID Charges. At such time non-County/private uses are planned for construction in the NID service area or existing non-County/private uses have been equipped with water meters and backflow prevention devices, NID shall commence billing each individual water meter/customer receiving service from the NID Service Area.

Section 11. General Provisions.

(a) **No Waivers.** A waiver of any breach of any provision of this MOA shall not constitute or operate as a waiver of any other breach of such provision or of any other provisions, nor shall any failure to enforce any provision operate as a waiver of such provision or of any other provisions.

(b) **No Third-Party Beneficiary.** This MOA is made and entered into for the sole protection and benefit of the Parties and their successors and assigns. This MOA is not intended to, and shall not be construed to, create any right on the part of any third party to bring any action or otherwise enforce any of its terms.

(c) **Notice.** All notices required by this MOA shall be deemed to have been given when made in writing and hand delivered or mailed, certified, return receipt requested, to the respective Parties and their representatives at their respective addresses as set forth below or such other addresses as they may provide, in writing as set forth above, to the other Party from time to time:

To the County:

County of Placer
Department of Facilities Management
Physical Address: 2855 Second Street, Auburn, CA 95603
Mailing Address: 11476 C Avenue, Auburn, CA 95603
Attention: Director of Facilities Management

With a copy to:

County of Placer
Office of County Counsel
175 Fulweiler Avenue
Auburn, CA 95603
Attention: County Counsel

County Executive Office
175 Fulweiler Avenue
Auburn, CA 95603
Attention: County Executive Officer

To Placer County Water Agency:

Placer County Water Agency
Physical Address: 144 Ferguson Road
Mailing Address: P.O. Box 6570
Auburn, CA 95604
Attention: General Manager

To Nevada Irrigation District:

Nevada Irrigation District
1036 W. Main Street
Grass Valley, CA 95945
Nevada City, CA 95675
Attention: General Manager

(d) Amendments. This MOA may be modified or amended only by mutual and written agreement of the Parties.

(e) Severability. Notwithstanding any provision of applicable law to the contrary, if any provision of this MOA is held to be illegal, invalid, or unenforceable under present or future laws, such provision shall be fully severable, and this MOA shall be construed and enforced as if such void, illegal, invalid, or unenforceable provision had never comprised a part of this MOA, and the remaining provisions of this MOA shall remain in full force and effect and shall not be affected by the void, illegal, invalid, or unenforceable provision or by its severance from this MOA.

(f) Headings and Captions. Headings and captions on sections and subsections are provided for the convenience of the Parties only and shall not be considered in the construction or interpretation of this MOA, nor limit, amend or affect the meaning of the provision to which they pertain.

(g) Time is of the Essence. Time is of the essence of each and every provision of this MOA.


(h) Modification or Termination. This MOA shall remain in effect over the course of the water system transition or until which time either the mutually agreed upon terms of the MOA need to be modified or a subsequent superseding agreement goes into effect. All modifications shall be mutually agreed upon by the County, PCWA and NID. Termination of this MOA by County, PCWA or NID shall be provided in writing to the other Parties.

IN WITNESS WHEREOF, the Parties have executed this MOA effective as of the date first set forth above.


County of Placer

By:  _____
Steve Newsom (Jun 1, 2021 11:52 PDT)

Print Name: Steve Newsom

Placer County Water Agency
By:  _____
Print Name: Joshua Alpine

ATTEST

By:  _____
Print Name: Lori Young

Nevada Irrigation District

By: Greg Jones _____
Greg Jones (Jun 1, 2021 11:33 PDT)

Print Name: Greg Jones

Approved as to Form, County Counsel

By: Robert Sandman _____
Robert Sandman (Jun 1, 2021 11:38 PDT)

Print Name: Robert Sandman

Exhibits

- Exhibit A - PCGC Property Map and Existing Water Infrastructure
- Exhibit B - PCGC Water System Planning Report
- Exhibit C - PCGC Water Service Area Map