

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

February 28, 2024

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 February 2024, at 9 a.m.

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

Staff members present included Jennifer Hanson, General Manager; Greg Jones, Assistant General Manager; Doug Roderick, Director of Engineering; Chip Close, Director of Water Operations; Keane Sommers, Director of Power Systems; Sandra Dunlap, Director of Finance; Monica Reyes, Director of Recreation; Naomi Schmitt, Director of Human Resources; Dustin Cooper, District Counsel; and Joanne, Phillips, Administrative Analyst.

STANDING ORDERS

- Call to Order: President Johansen called the meeting to order
- President Johansen led the Pledge of Allegiance
- Roll Call: 5 Members Present

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

- Don Coenen, member of the public, addressed the Board regarding PG&E rates and electricity sold to PG&E from the District

**CONSENT AGENDA**

MINUTES OF THE REGULAR MEETING ON FEBRUARY 14, 2024

**M/S/C Hull/Caulder, unanimously approved as submitted.**

WARRANTS, PROJECT AND FACILITY REPORT, AND INVESTMENT REPORT

**Ratified the issuance of warrants by receiving and filing the check registers, the Project and Facility Report, and the Investment Transaction Report for the period February 3<sup>rd</sup> through February 16<sup>th</sup>. M/S/C Hull/Caulder, unanimously approved.**

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## **GENERAL ORDERS**

### **BUDGET TO ACTUAL REPORTS - FY 2023 Q4, FOR THE PERIOD ENDING DECEMBER 31, 2023**

Sandra Dunlap, Director of Finance, presented the item.

Board Discussion:

- Audit - end of April
- Encumbrances
- Net position

Public Comment: None

**Received and filed the Budget to Actual Reports - FY 2023 Q4 for the period ending December 31, 2023. M/S/C Hull/Heck, unanimously approved.**

## **WORKSHOP ITEMS**

### **2024 MAJOR INITIATIVES**

Jennifer Hanson, General Manager, presented the item.

Board Discussion:

- Plan for Water and the Plan for Water Master Plan
- Planning and communications related to rate increases in 2025
- Raw water billing in March
- Lead and copper rule compliance
- Conservation regulations
- Aquatics outage notifications
- Constructed conveyance and winter water
- Meter replacement
- Remote Monitoring
- New building
- 5-Year CIP
- Design Standards

Public Comment: None

### **POLICY UPDATE 3080 - PROCUREMENT**

Jennifer Hanson, General Manager, presented the item.

Board Discussion:

- Exempt purchases
- Purchasing authority
- Inventory
- Surplus vehicles
- Sole-sourcing to vendors with proprietary knowledge and adding language
- Qualified bidder list language

Public Comment: None

The item will be updated to incorporate the Board's input and brought back for formal consideration at an upcoming meeting.

### GENERAL MANAGER'S REPORT

Jennifer Hanson, General Manager, reported on the following items:

- Presented the Plan for Water progress to date to the Nevada County Supervisors
- Will be providing a Plan for Water presentation of the progress to date to the Placer County Fish & Game Commission this evening
- Still working on Voluntary Agreements
- Update on requests for removal of the Gold Hill Diversion
- Upcoming storm

### BOARD OF DIRECTORS' ITEMS / REPORTS

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

- Had the opportunity to sit with Congressmen Kevin Kiley, Doug LaMalfa, and Tom McClintock at the Sutter Club in Sacramento
- Attended Placer County Farm Bureau annual meeting
- Spoke with Placer Resource Conservation District regarding water storage and outreach
- Thanked staff for jumping on a maintenance request from one of his constituents

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

- Met with constituents in the Christian Valley area and heard their concerns regarding gate construction along canals on private property

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

- Attended mine hearings and thanked the District for participating
- Attended Nevada County LAFCo Hearing
- Provided an article with help from District staff for the Scotts Flat Homeowners Association regarding the Plan for Water and impending state regulations
- Requested a future agenda item to discuss Board messaging and received Board consensus to bring as a workshop item to a future meeting

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

- Shared a positive customer service experience he recently had with Melissa and Stephanie in Customer Service

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

- Commended the Customer Service team for their excellent work
- Attended the Nevada County LAFCo meeting and received a number of phone calls afterward
- Commented on Sites Reservoir

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PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

- None

Dustin Cooper, District Counsel, announced that he did not anticipate a read-out following today's Closed Session.

The meeting recessed at 10:46 a.m. and reconvened in Closed Session at 10:55 a.m.

Closed Session Workshop with Legal Counsel was declared at 10:55 a.m. 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 Sobek 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. 20-72432, consolidated with Nos. 20- 72452, 20-72782, 20-72800, 20-72958, 20-72973.
- e. Order Addressing Arguments on Rehearing and Addressing Supplemental Petition for Declaratory Order on Waiver of Water Quality Certification. 186 FERC ¶ 61,121
- f. Nevada Irrigation District v. Federal Energy Regulatory Commission, United States Court of Appeal for the District of Columbia Circuit, Case No. 23-1342.
- g. 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
- h. 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
- i. 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
- j. Placer County Water Agency v. Pacific Gas and Electric Company, Sacramento County Superior Court Case No. 34-2023-00332647.
- k. Claim Submitted by Aiman-Smith & March on behalf of Cari McCormick
- l. Tim Crough v. Nevada Irrigation District - Nevada Co. Superior Court: CU21-085299

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- m. Vincent Cauchi v. Nevada Irrigation District - Placer Co. Superior Court: S-CV-0046749.
- n. 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.

**Board Action: None**

MEETING ADJOURNED at 12:56 p.m. to reconvene in regular session on Wednesday, March 13, 2024, at 9:00 a.m. at the District's Business Center located at 1036 West Main Street, Grass Valley, California.

Submitted By

Kris Stepanian, Board Secretary