

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

April 13, 2022

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 13th day of April 2022, at 9 a.m.

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

Staff members present included Jennifer Hanson, General Manager; Greg Jones, Assistant General Manager; Doug Roderick, Engineering Manager; Chip Close, Water Operations Manager; Keane Sommers, Hydroelectric Manager; Steve Prosser, Maintenance Manager; Monica Reyes, Recreation Manager; Naomi Schmitt, Interim Human Resources Manager; Dustin Cooper, District Counsel; and Kris Stepanian, Board Secretary.

STANDING ORDERS

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

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

- Michael Hill-Weld, member of the public, expressed his disappointment with President Bierwagen's political statement made during Board Member Reports at the March 23rd Board meeting and requested that Director Bierwagen recuse himself from any further Plan for Water development since he has made up his mind
- Otis Wollan, resident of Colfax, thanked President Bierwagen for his honesty, commented on President Bierwagen's comments made during Board Member Reports regarding the Bear River at the March 23rd meeting, and shared possible remedies to earn back the trust of public
- Mikos Fabersunne, member of the public, commented on a recent article in The Union written by Melinda Booth with South Yuba River Citizens League and Traci Sheehan with Foothills Water Network about counting on a truthful and structured process for the Plan for Water, and expressed he was sad at the loss of Director Peters on the Board as a result of redistricting

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- Steward Feldman, resident of Meadow Vista, addressed the Board regarding Board responsibilities of providing requirements needed to deliver water to customers, stewardship of rivers and river environments, and fiscal responsibility, and questioned how the Board can consider Centennial Reservoir without having a Finance Manager
- Laura Barhydt, member of the public, complimented President Bierwagen for the job he has done as Board Chair, expressed that each Board member has their own opinion and opinions can change, does not want President Bierwagen to step down as Board Chair, and commented on keeping an open mind while doing the best for the Bear River and for everyone that lives and use the water in Nevada and Placer Counties
- Dianna Suarez, resident of Colfax, expressed that the people of the Bear River Canyon who are not customers have been ignored, expressed positive traits about President Bierwagen, followed by concerns about his qualification to lead the Plan for Water or agency, voiced concerns about the removal of a director by gerrymandering and the legitimacy of Plan for Water by using a neutral and independent facilitator
- Jeff Litton, NID customer, thanked Director Peters for her service and experience she brings to the Board, expressed it was unfortunate how she was treated, commented on gerrymandering and the redistricting process, commented on President Bierwagen's comments made during Board Reports at the March 23rd Board meeting, suggested Director Peters take over as Board President for the remainder of her term, and spoke about leadership
- Bob Flexsteiner, resident of the proposed Maranantha District Financed Waterline Extension Project, commented on the desperate need for water as wells are going dry, and urged the Board to approve the project

CONSENT AGENDA

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

- Item 3B: Minutes of the regular meeting on March 23, 2022
- Item 3D: Updates to District Policy 3100 - Budget Amendment Authority Levels
- Item 3E: Self-Generation Incentive Program (SGIP) Battery Project
- Item 3G: Loma Rica Ranch Phase 1 Waterline Extension - Conveyance Agreement

Public Comment: None

Director Johansen motioned for approval of the Consent Agenda, excluding Items 3B, 3D, 3E, and 3G. Director Hull seconded the motion, and it was unanimously approved.

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The following Consent Agenda items were approved:

MINUTES – MARCH 9, 2022, REGULAR MEETING

Approved the Minutes of the regular meeting on March 9, 2022. M/S/C Johansen/Hull, unanimously approved.

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

Adopted Resolution 2022-18 - Re-Authorizing Remote Meetings Consistent with AB 361. M/S/C Johansen/Hull, unanimously approved.

SCOTTS FLAT POWERHOUSE HAZARD TREE REMOVAL

Awarded a contract in the amount of \$127,880 to Ridge Logging, Inc. for the Scotts Flat Powerhouse Hazard Tree Removal Project and authorized the General Manager to execute the appropriate documents. M/S/C Johansen/Hull, unanimously approved.

WARRANTS, PROJECT AND FACILITIES REPORT, AND INVESTMENT REPORT

Ratified the issuance of warrants by receiving and filing the check registers, Project and Facility Report, and Investment Transaction Report for the period March 5 to March 18, 2022. M/S/C Johansen/Hull, unanimously approved.

Items pulled from the Consent Agenda for Discussion:

MINUTES – MARCH 23, 2022, REGULAR MEETING

Board discussion ensued regarding expanding the minutes to include a more thorough representation of Director Bierwagen's comments provided during Board Member Reports, and address water supply and spilling of water during the General Manager's Report.

Public Comment:

- Syd Brown, member of the public, expressed her support for modifying the minutes to include a more expansive summary of President Bierwagen's Board Report comments
- Jeff Litton, NID customer, addressed the Board in support of modifying the minutes to include a complete transcript of President Bierwagen's Board Report comments

A motion was made to table the item, direct staff to revise the minutes to include a more robust summary of President Bierwagen's comments provided during Board Member Reports, and bring the item back to the Board at a future meeting for approval. M/S/C Hull/Heck, unanimously approved.

UPDATES TO DISTRICT POLICY 3100 - BUDGET AMENDMENT AUTHORITY LEVELS

Jennifer Hanson, General Manager, presented the item.

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Board discussion ensued regarding including references to other policies and looking at policies collectively.

Public Comment: None

Adopted Resolution 2022-19 - Updating Budget Amendment Authority Levels, amended to add a final sentence to Section 3100.2, under General Manager, “The General Manager may only make expenditures consistent with District Policy 3080 - Procurement.”

M/S/C Heck, Johansen, unanimously approved.

SELF-GENERATION INCENTIVE PROGRAM (SGIP) BATTERY PROJECT (PROJECT #2520) - ENERGY SERVICES AGREEMENT (ESA)

Doug Roderick, Engineering Manager, and Tonia Tabucchi Herrera, Senior Engineer, presented the item and introduced Mark Tholke, Managing Principal with GSR Energy, who provided information about product life expectancy, warranty, recycling, supply chain issues and timing, policies in place, and usage.

Board discussion ensued regarding the timeline, cost, benefits, estimated savings per location, maintenance, and term.

Public Comment: none

Approved the fourth ESA with GSR-BTM for a battery storage project at the District's Business Center, authorized the General Manager to execute the appropriate documents, including a Consent to Collateral Assignment, and amended and restated ESAs to update and conform terms across all four agreements for the three previously executed ESAs, and continue to provide Staff support to GSR-BTM. M/S/C Hull/Heck, unanimously approved.

LOMA RICA RANCH PHASE 1 WATERLINE EXTENSION - CONVEYANCE AGREEMENT

Doug Roderick, Engineering Manager, presented the item.

Board discussion ensued regarding reviewing the fire hydrants policy, the need for a 16” transmission main from Brunswick to Sutton/Dorsey, increasing costs, and other possible routes.

Public Comment: None

Approved Conveyance Agreement with GVC Property 18, LLC for installation of approximately 9,624 lineal feet of 8-inch pipe, 17 public fire hydrants, one Pressure Reducing Station, and all appurtenances to serve Nevada County parcels 035-412-012, 014, & 026 creating 234 new lots. M/S/C Heck/Hull, unanimously approved.

The meeting recessed at 10:25 a.m. and reconvened at 10:35 a.m.

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GENERAL ORDERS

HEMPHILL DIVERSION STRUCTURE FISH PASSAGE PROJECT (#7032) – PARTICIPATING SPECIAL ENTITY AGREEMENT

Doug Roderick, Engineering Manager, and Tonia Tabucchi Herrera, Senior Engineer and Project Manager, presented the item, and introduced Gregg McKenzie, Administrator for Placer County Conservation Program (PCCP), who spoke about the goals and timeline.

Board Discussion ensued regarding the timeline, the post-construction monitoring plan, and including other non-governmental organizations who have shown interest.

Public Comment: None

Approved participation in the Placer County Conservation Program as a Participating Special Entity for the Hemphill Diversion Structure Fish Passage Project and authorized the General Manager to execute a Participating Special Entity Agreement with the Placer Conservation Authority. M/S/C Peters/Heck, unanimously approved.

JOB DESCRIPTIONS AND STAFFING CHANGES

Jennifer Hanson, General Manager, presented the item.

Board discussion ensued regarding the proposed job descriptions, which will be available for any department to utilize provided the positions are approved through the normal annual budget process, the current staffing request for the Hydroelectric Department to help support operation of the South Yuba Canal, roles of Management Assistants and Administrative Analysts, internal-open recruitment, and increased flexibility.

Public Comment: None

Director Johansen made a motion to adopt Resolution 2022-21 – Job Description and Staffing Changes, approving the addition of two job descriptions, the addition of one full-time equivalent Administrative Analyst I/II to the Hydroelectric Department, and the deletion of one full-time equivalent Management Assistant to the Hydroelectric Department upon vacancy of the position. Director Hull seconded the motion.

Motion passed on the following roll call vote:

Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Aye
Peters, Division 4	No
Johansen, Division 5	Aye

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POSITION/COMPENSATION SCHEDULE - 2022 AND REQUIREMENT FOR PUBLICLY AVAILABLE PAY SCHEDULE

Jennifer Hanson, General Manager, presented the item.

Public Comment: None

Director Heck made a motion to adopt Resolution 2022-22 - 2022 Position / Compensation Schedule, effective April 13, 2022. Director Hull seconded the motion.

Motion passed on the following roll call vote:

Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Aye
Peters, Division 4	No
Johansen, Division 5	Aye

SQUIRREL CREEK SIPHON REPLACEMENT PROJECT (PROJECT #2624)

Doug Roderick, Engineering Manager, presented the item and shared photos of leaks.

Board discussion ensued regarding the need for the project and sharing the story with the public, timeline, unassigned fund balance, and bringing a CIP Program update and Rollover item to the Board at an upcoming meeting.

Public Comment: None

Adopted Resolution No. 2022-23 - Squirrel Creek Siphon Replacement Project, approving an amendment to the 2022 Annual Budget that includes the following:

- **The approval of a new Capital Improvement Project, the Squirrel Creek Siphon Replacement Project, for a total cost not to exceed \$800,000**
- **A transfer of \$800,000 from the unassigned balance of Fund 10 to Fund 15**

M/S/C Johansen/Hull, unanimously approved.

REPEALING THE DECLARATION OF EMERGENCY OF COVID-19

Jennifer Hanson, General Manager, presented the item.

Board discussion ensued regarding delinquent accounts.

Public Comment: None

Adopted Resolution No. 2022-24 - Repealing the March 26, 2020, Declaration of Emergency for COVID-19 and Directing the General Manager to take appropriate actions to implement this Resolution. M/S/C Heck/Hull, unanimously approved.

ESTABLISHING DISTRICT POLICY - AD HOC COMMITTEES

Jennifer Hanson, General Manager, presented the item.

Public Comment:

- Michael Hill-Weld, member of the public, addressed the Board regarding the Brown Act, noticing of meetings and reporting out of closed sessions, and spoke in support of removing reference to the General Manager from section 5300.4

Board discussion ensued regarding determining notification of ad hoc committee meetings when they are formed and the General Manager's ability to take the lead in the timing and scheduling of meetings.

Board input was received regarding the proposed draft District Policy 5300 – Ad Hoc Committees, striking “at the end of the fiscal year”. The item will be brought back to the Board for consideration at a future meeting.

DISTRICT POLICY 5040 - BOARD ACTIONS AND DECISIONS

Jennifer Hanson, General Manager, presented the item.

Board discussion ensued regarding Board direction as a whole, Board approval and oversight roles, including Board direction by consensus and by voice vote in the minutes.

Public Comment: None

Board input was received regarding proposed modifications to District Policy 5040 - Board Actions and Decisions, and the item will be brought back to the Board for consideration at a future meeting. Proposed additional updates include the following:

- Adoption or rejection of regulations or policies and oversight of implementation;
- Direction and approval of District's Mission, Vision, and Strategic Priorities, and provide high-level oversight of implementation of those items;
- Any other action dictated to be completed by the Board through policy or State law. (Examples include: Contract Authority, approval of Urban Water Management Plan and Raw Water Management Plan)

GENERAL MANAGER'S REPORT

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

- Attended a meeting with the Grass Valley City Manager, Tim Kiser
- Working with U.S. Forest Service regarding Upper Division camping and met with the Forest Supervisor
- NID Easter Egg Hunt scheduled for April 16th
- Chip Close provided a water supply update and reported on conservation efforts
 - NID storage is at 105% of average
 - Conducting May 1 snow survey – results forthcoming
 - NID will purchase all available summer PG&E water
 - Irrigation season begins this Friday

BOARD OF DIRECTORS' ITEMS / REPORTS

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

- Attended a Placer County Farm Bureau meeting
- Attending South County Municipal Advisory Council meeting

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

- Attended a West Placer Watershed Resources Advisory Group Meeting
- Director Peters requested Board support for an agendized item to provide HDR task orders and the purpose of the task orders
 - o Board discussion ensued regarding the relevancy and staff time to agendize the item requested
 - o Request failed for lack of majority support from the Board:

Heck, Division 1	No
Bierwagen, Division 2	No
Hull, Division 3	No
Peters, Division 4	Yes
Johansen, Division 5	No

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

- Registered to attend ACWA Spring Conference May 3-5
- Attended a Greenhorn Road Firewise Community Meeting and shared highlights

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

- Participated in a town hall meeting on climate change –Nevada County Media to air
- Met with Nevada County Farm Bureau
- Attending the Lake of the Pines Earth Day event
- Spoke about water in California and water in the valley
- Announced good news that it looks like there will be mandarins next year
- Shared plans to drill a new well for valley operations

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

- Congratulated Jennifer Hanson on her presentation to the Nevada County Planning Commission

MEETING ADJOURNED at 1:08 p.m., to reconvene in regular session on Wednesday, April 27, 2022, 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