

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

April 28, 2021

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, via video-conference, on the 28<sup>th</sup> day of April 2021, at 9:00 a.m.

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

Director Ricki Heck (Division I) attended the meeting via video-conference

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; Jana Kolakowski, Human Resources Manager; Shannon Wood, Business Services Technician; Aurora Tipton, Customer Service Administrator; Thor Larsen, Water Resource Superintendent; Tonia Tabucchi Hererra, Senior Engineer; Dustin Cooper, District Counsel; and Kris Stepanian, Board Secretary.

STANDING ORDERS

- Call to Order
- Pledge of Allegiance
- Roll Call

CONSIDER GENERAL MANAGER EMPLOYMENT AGREEMENT WITH JENNIFER L. HANSON

President Bierwagen introduced the item and spoke briefly about the process.

Public Comment: None

**Approved General Manager Employment Agreement with Jennifer L. Hanson. M/S/C Heck/Hull, unanimously approved.**

The meeting recessed at 9:10 a.m. and reconvened at 9:39 a.m.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

- None

INFORMATIONAL ITEMS

- Department Updates

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Public Comment: None

At the request of Director Heck, President Bierwagen pulled Item 6 - Ridge Village Waterline Extension Conveyance Agreement, from the Consent Agenda for discussion.

MINUTES – April 9, 2021, Special Meeting

**Approved the Minutes of the special meeting on April 9, 2021, as submitted. M/S/C Johansen/Hull, unanimously approved.**

MINUTES – April 14, 2021, Regular Meeting

**Approved the Minutes of the regular meeting on April 14, 2021, as submitted. M/S/C Johansen/Hull, unanimously approved.**

MINUTES – April 16, 2021, Special Meeting

**Approved the Minutes of the Special meeting on April 16, 2021, as submitted. M/S/C Johansen/Hull, unanimously approved.**

EMPLOYEE RELATIONS – MacDonald Retirement (Res. 2021-10)

**Adopted Resolution No. 2021-10 (Resolution of Appreciation – Bob MacDonald) M/S/C Johansen/Hull, unanimously approved.**

RIDGE VILLAGE WATERLINE EXTENSION CONVEYANCE AGREEMENT

Shannon Wood, Business Services Technician, presented the item.

Public Comment: None

**Approved Conveyance Agreement with John Roth for installation of approximately 1,919 lineal feet of 8-inch pipe, and all appurtenances to serve Nevada County parcels 008-050-005, 008-060-016 & 008-060-031, creating 35 new lots. M/S/C Heck/Johansen, unanimously approved.**

NID INTERNAL COMPLIANCE PROGRAM 2020 ANNUAL RISK & COMPLIANCE ASSESSMENT REPORTS AND SELF-CERTIFICATION REQUIREMENT SUMMARY

Keane Sommers, Hydroelectric Manager, presented the item and introduced Matt Barnes with Grid Subject Matters Experts, who provided a presentation.

Public Comment: None

**Received and filed the NID 2020 Annual Risk Assessment Reports and the NID NERC Compliance Assessment Report for 2020, as prepared in accordance with the District's Internal Compliance Program. M/S/C Johansen/Hull, unanimously approved.**

The meeting recessed at 11:17 a.m. and reconvened at 11:24 a.m.

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

Tonia Tabucchi Hererra, Senior Engineer, presented the item and introduced Mark Thalke with GSR Energy who provided a presentation.

Public Comment: None

**Director Hull made a motion to approve an Energy Services Agreement with Golden State Renewables (GSR) for the E. George Water Treatment Plant, Loma Rica Water Treatment Plant, and Norlene Pump Station, authorize the Interim General Manager to execute the appropriate documents, and direct staff to continue to provide support to GSR for the implementation of the SGIP Battery Project. Director Peters seconded the motion.**

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

<b>Heck, Division I</b>	<b>Aye</b>
<b>Bierwagen, Division II</b>	<b>Aye</b>
<b>Hull, Division III</b>	<b>Aye</b>
<b>Peters, Division IV</b>	<b>Abstain</b>
<b>Johansen, Division V</b>	<b>Abstain</b>

The meeting recessed at 12:45 p.m. and reconvened at 1:00 p.m.

WATER SUPPLY UPDATE / DROUGHT DECLARATION

Chip Close, Water Operations Manager, presented the item.

Public Comment:

- Joe Fischer, member of the public
- Steve Steele, member of the public
- Ashley Overhouse, with SYRCL

**Adopted Resolution No. 2021-11 (Declaring a Drought Within the District's Service Boundary, and Adopting Stage I Drought Contingency Plan Procedures), declaring a Stage 1 Drought per the District's Water Shortage Contingency Plan and moved that the District form a Drought Hardship Ad Hoc Committee. M/S/C Johansen/Heck, unanimously approved.**

LOMA RICA RANCH SUBDIVISION CAPACITY FEES (FATR #2543)

Doug Roderick, Engineering Manager, presented the item and introduced Martin Wood with SCO Planning Engineering, who provided some background.

Public Comment: None

**Director Peters made a motion to consider a request for a variance of Section 10.07 of the District's Rules and Regulations pertaining to the prepayment of capacity fees for the Loma Rica Ranch Subdivision, and direct staff as appropriate. Director Hull seconded the motion.**

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Director Hull made a substitute motion to direct staff, Legal Counsel and Mr. Wood to negotiate a revised proposal to include:

- Capacity fees for 50 lots to be paid prior to the District's acceptance of the Offer of Dedication
- Scheduled Payments of capacity fees for the remaining lots to be paid equally over the following four years, or capacity fees for the number of lots shown on the phased Final Map to be recorded, whichever is greater at the time of payment
- Revised proposal to be presented to the Board of Directors for approval at a future meeting

Director Heck seconded the motion.

Motion passed on the following roll call vote:

Heck, Division I	Aye
Bierwagen, Division II	No
Hull, Division III	Aye
Peters, Division IV	Aye
Johansen, Division V	Aye

The meeting recessed at 3:25 p.m. and reconvened at 3:30 p.m.

#### LIENS FOR DELINQUENT WATER ACCOUNTS

Chip Close, Water Operations Manager, presented the item.

Public Comment: None

Direction was given to staff to proceed with the collection of delinquent water accounts through the County tax roll process as has been past practice.

#### LETTER AGREEMENT REGARDING DEER CREEK ASSET SALE AND PURCHASE AGREEMENT

Greg Jones, Interim General Manager, presented the item.

Public Comment: None

**Adopted Resolution No. 2021-12 (Approval of Letter Agreement Regarding Deer Creek Asset Sale and Purchase Agreement), and authorized the Interim General Manager to execute the appropriate documents. M/S/C Peters/Johansen, unanimously approved.**

#### APPLICATION TO THE 2021 IMMEDIATE ACTION WILDFIRE AND FOREST RESILIENCE DIRECTED GRANT PROGRAM

Neysa King, Environmental Resources Administrator, presented the item.

Public Comment: None

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**Adopted Resolution 2021-13 (Approving the Application for Grant Funds for the Immediate Action Wildfire and Forest Resilience Directed Grant Program 2021 Sierra Nevada Conservancy Watershed Improvement Program), as amended on Page 2, Item 6 to add “Interim” to General Manager and replace “so on” with “reasonable further assurances”, and authorized the Interim General Manager to execute the appropriate documents. M/S/C Johansen/Hull, unanimously approved.**

#### WARRANTS/FINANCIALS

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

Public Comment: None

**Approved the Check Register, and receive and file the Project & Facility and Investment Transaction Reports for the period ending April 19, 2021. M/S/C Hull/Peters, unanimously approved.**

#### INTERIM GENERAL MANAGER'S REPORT

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

- Update of continued work with FERC for additional information request to support preparation of Supplemental EIS & Revised Biological Assessment to complete Endangered Species Section 7 consultation with National Marine Fisheries Service (NMFS)
- Recreation and Hydroelectric Departments met with Nevada County Sheriff regarding utilization of Bowman House for staging area during summer
- District participation and coordination with Nevada County Supervisor Hardy Bullock regarding tourism, tourist season, and recreation
- Urban Water Management Plan process update – Anticipate draft out by June 2<sup>nd</sup>

#### BOARD OF DIRECTORS' ITEMS / REPORTS

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

- Met with a number of constituents
- Attended Beaver Summit online
- Met with Nevada county Principal Engineer regarding Dog Bar Bridge
- Attended “All Things Water” 2-day water education class

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

- She is a new grandma and in Indiana

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

- Thanked NID staff for turning irrigation water back on
- Spoke about her newsletter to constituents in Division 3
- Attended Placer County Farm Bureau meeting with Director Peters and Greg Jones, Interim General Manager
- Plans to participate and represent the District along with Director Peters at the Placer County Farm Bureau BBQ

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- Attended a Nevada County Farm Bureau meeting and shared highlights

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

- Happy to have water and spoke about keeping rates as affordable as possible
- Provided update regard water in the valley

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

- Contacted by constituent near Rollins Lake regarding a new fire-wise committee
- Contacted by a constituent regarding the District is proposing to serve water to an area near Rollins Lake

PUBLIC COMMENT ON ITEMS TO BE BE CONSIDERED IN CLOSED SESSION

- None

Legal Counsel announced that no reportable action was expected following Closed Session, other than direction given to Legal Counsel.

President Bierwagen closed the open session and opened Closed Session at 4:15 p.m.

The meeting recessed at 4:15 p.m. and reconvened in Closed Session at 4:23 p.m.

Closed Session Conference With Legal Counsel – Anticipated Litigation. Significant Exposure to Litigation was declared at 4:23 p.m., pursuant to paragraph (2) or (3) of Subdivision (d) of Government Code Section 54956.9. One Case.

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

Closed Session Conference With Legal Counsel - Pending Litigation, was declared at 4:23 p.m, pursuant to Government Code 54956.9 (D)(1.) *Water Audit California V. Nevada Irrigation District*. Third District Court Of Appeal, Case No. C092877.

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

Closed Session Conference with Legal Counsel – Pending Litigation, was declared at 4:23 p.m, pursuant to Government Code 54956.9 (d)(1.) *Bay-Delta Proceedings, including the California WaterFix (or 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.*

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

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MEETING ADJOURNED at 6:23 p.m., to reconvene in regular session on Wednesday, May 12, 2021, 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.

*Ricki Heck* Division I

*Chris Bierwaguer* Division II

*Karen Hull* Division III

*Ann Peters* Division IV

*Rich Johnson* Division V

