

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

September 27, 2023

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 27th day of September 2023, at 9 a.m.

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

Karen Hull, President (Division III), was absent.

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; Steve Prosser, Director of Maintenance; Sandra Dunlap, Director of Finance; Dustin Cooper, District Counsel; Joanne Phillips, Management Assistant; and Katie Kemp, Office Assistant II.

STANDING ORDERS

- Call to Order: Vice President Johansen called the meeting to order
- Vice President Johansen led the Pledge of Allegiance
- Roll Call: 4 Members Present

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

- Diana Suarez, Colfax, commented on the Plan for Water process

CONSENT AGENDA

Director Heck motioned for approval of the Consent Agenda. Director Bierwagen seconded the motion, and it was unanimously approved.

Public Comment: None

The following Consent Agenda items were approved:

MINUTES OF THE REGULAR MEETING ON AUGUST 23, 2023

M/S/C Heck/Bierwagen, to approve the minutes as submitted.

Motion passed on the following roll call vote:

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Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Absent
Caulder, Division 4	Aye
Johansen, Division 5	Aye

MINUTES OF THE REGULAR MEETING ON SEPTEMBER 13, 2023

M/S/C Heck/Bierwagen, to approve the minutes as submitted.

Motion passed on the following roll call vote:

Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Absent
Caulder, Division 4	Aye
Johansen, Division 5	Aye

MINUTES OF THE SPECIAL MEETING ON SEPTEMBER 14, 2023

M/S/C Heck/Bierwagen, to approve the minutes as submitted.

Motion passed on the following roll call vote:

Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Absent
Caulder, Division 4	Aye
Johansen, Division 5	Aye

GRANT AUTHORIZATIONS – QUAGGA AND ZEBRA MUSSEL INFESTATION PREVENTION GRANT TIER 2 – IMPLEMENTATION PROJECTS – SCOTTS FLAT AND ROLLINS RESERVOIRS; AND DEER CREEK DIVERSION

Adopted the following two resolutions to amend and supersede Resolution No. 2023-34 and Resolution No. 2023-35

- Resolution 2023-39 (Authorizing the Acceptance and Execution of Grant Funds for the Quagga and Zebra Mussel Infestation Prevention Grant Tier 2 Implementation Project – Scotts Flat and Rollins reservoirs for the amount of \$27,541.96)
- Resolution (Authorizing the Acceptance and Execution of Grant Funds for the Quagga and Zebra Mussel Infestation Prevention Grant Tier 2 – Implementation Project – Deer Creek Diversion for the amount of \$10,605.05)

M/S/C Heck/Bierwagen

Motion passed on the following roll call vote:

Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Absent
Caulder, Division 4	Aye
Johansen, Division 5	Aye

EMPLOYEE RELATIONS - RESOLUTION OF APPRECIATION FOR STU UCHIDA

**Adopted Resolution No. 2023-41 (Resolution of Appreciation – Stu Uchida).
M/S/C Heck/Bierwagen**

Motion passed on the following roll call vote:

Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Absent
Caulder, Division 4	Aye
Johansen, Division 5	Aye

SNC GRANT APPLICATION FOR UPPER MIDDLE YUBA WATERSHED FOREST RESTORATION PROJECT – NEPA PLANNING

Adopted Resolution 2023-42 (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 NEPA Planning Project.)

M/S/C Heck/Bierwagen

Motion passed on the following roll call vote:

Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Absent
Caulder, Division 4	Aye
Johansen, Division 5	Aye

SCOTTS FLAT SPILLWAY REPAIR AND UPGRADES (PROJECT No. 2094) DSOD APPLICATION FEES

Adopted Resolution 2023-43 (2023 Fund 55 Capital Budget Amendment and Approval of Submitting Department of Safety of Dams (DSOD) Application and Fee in the amount of \$527,274 for the Scotts Flat Spillway Repair and Upgrades Project No. 2094.)

M/S/C Heck/Bierwagen

Motion passed on the following roll call vote:

Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Absent
Caulder, Division 4	Aye
Johansen, Division 5	Aye

TABLE MEADOW ROAD, PHASE 3, DISTRICT FINANCED WATERLINE EXTENSION FUNDING AGREEMENT – McCORMICK

Approved a Funding Agreement with David McCormick, Property Owner within the Table Meadow Road, Phase 3, District Financed Waterline Extension Project (Project No. 2434).

M/S/C Heck/Bierwagen

Motion passed on the following roll call vote:

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Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Absent
Caulder, Division 4	Aye
Johansen, Division 5	Aye

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 of August 12, 2023, through September 15, 2023.

M/S/C Heck/Bierwagen

Motion passed on the following roll call vote:

Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Absent
Caulder, Division 4	Aye
Johansen, Division 5	Aye

WORKSHOP ITEM

2024 CAPITAL IMPROVEMENT PROGRAM WORKSHOP

Doug Roderick, Director of Engineering; Keane Sommers, Director of Power Systems; Chip Close, Director of Water Operations; and Steve Prosser, Director of Maintenance; and Greg Jones, Assistant General Manager, provided the proposed projects recommended for the 2024 Capital Improvement Program (CIP) Budget for Engineering, Hydroelectric, IT, Maintenance, Operations, and Watershed.

Board discussion ensued regarding the following:

- Budget Process
 - Budget Calendar
 - Priority Scoring and Scoring Matrix
- Lake Wildwood Water Treatment Plant (Project No. 2568)
 - Rate setting based on area receiving the benefit of improvements
 - Expansion of capacity and use of Capacity Fees
- Maben Canal IV (Project No. 8099-4)
 - Number of customers if moratorium is lifted
 - Measuring devices at end of canals
- Tarr Canal and Tarr Diversion (Project No. 2336 & 2646)
 - Fish spawning
 - Measuring environmental impacts of encasing canal
- Number of customers are on each proposed project, and potential new connections included in future presentations

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- Combie Ophir Siphons (Project No. 2645)
 - Type of pipe used and expected longevity
- Hughes Road (Project No. TBD)
 - Notification of outages to customers, length of outages
 - Prevention of future sink holes
- Charging Stations at Grass Valley Headquarters (Project No. TBD)
 - Types of chargers and equipment that will be utilized
 - Possibility of grant funding
 - Safety of equipment when in the field and charge is needed
- Grass Valley Admin Ramp Repair Operations (Project No. 2647)
 - Contractor selection and use of local contractors
- Rollins Excitation Transformer Replacement (Project No. 2664)
 - Secondary market for purchasing surplus equipment
- Bowman North Damm Upstream Lining Improvement (Project No. 2359)
 - Question regarding potential danger of leakage or failure due to seismic activity
- Scotts Flat Spillway Upgrade (Project No. 2094)
 - Grant funding and low interest loan possibilities
- New Hydroelectric Field Office (Project No. TBD)
 - Cooperation with local Sheriff's office for SWAT training at facility
 - Repairs and alterations to the building for habitability
- Security and IT upgrades and audit of current systems
- Secondary market for surplus vehicles and equipment
- Discussion regarding Watershed projects included sale of lumber from tree removal, reforestation of lands, propagation of seeds, measured increase in water table, study relationship of tree removal, forest health, and an increase in water supply.

GENERAL MANAGERS REPORT

Jennifer Hanson, General Manager reported on the following items:

- 36 Staff members attended SYRCL's Annual River Clean-up along the Bear River at Dog Bar Bridge and Taylor Crossing
- New infrastructure library now online at www.nidwater.com
- NID is sponsoring the Placer County Farm Bureau's Harvest Hoedown October 21, 2023, at 5:30 at Mount Pleasant Hall.

BOARD OF DIRECTORS' ITEMS / REPORTS

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

- Attended the Joint Farm Bureau meeting with the discussion focused on Ag and Farm goods safety and threat assessment
- Presented at the Lincoln Rural MAC on hydro challenges

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- Cannot attend Farm Bureau Harvest Hoedown, encouraged attendance
- Plans to attend Placer RCD on October 10, and a farm and barn tour on the 8th

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

- Attended the Nevada County Farm Bureau meeting with a robust discussion on the Plan for Water

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

- Participated in the SYRCL river clean up on the lower Yuba river
- Attended various community meetings regarding the mine
- Resolved a few constituents' issues

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

- Attended the Joint Farm Bureau meeting with the discussion focused on Ag and Farm goods safety and threat assessment
- Attended the Grass Valley Chamber of commerce via Zoom, discussed infrastructure
- Attended Nevada County Farm Bureau with discussion on the Plan for Water

PUBLIC COMMENT ON ITEMS TO BE DISCUSSED IN CLOSED SESSION

- None

The meeting recessed at 11:00 a.m. and reconvened in Closed Session at 11:10 a.m.

Closed session workshop with legal counsel was declared at 11:10 a.m. to discuss Existing Litigation, pursuant to 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

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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

Board Action: Direction was given to legal counsel.

Closed Session Conference with real property negotiators was declared at 11:10 a.m., pursuant to 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

Board Action: Direction was given to real property negotiators.

Closed Session was declared at 11:10 a.m. to discuss Anticipated Litigation, pursuant to Government Code § 54956.9(d)(2) or (d)(3). Significant exposure to litigation; two potential cases.

Board Action: A motion was made by Director Heck, seconded by Director Bierwagen, to ratify the decision of staff to deny the claim of Cari McCormick through counsel Aiman-Smith and March.

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Motion passed on the following roll call vote:

Heck, Division 1	Aye
Bierwagen, Division 2	Aye
Hull, Division 3	Absent
Caulder, Division 4	Aye
Johansen, Division 5	Aye

MEETING ADJOURNED at 12:45 p.m. to reconvene in regular session on Wednesday, October 11, 2023, at 9:00 a.m. at the District's Business Center located at 1036 W. Main Street, Grass Valley, California.

Submitted By

Kris Stepanian, Board Secretary

DRAFT