



NEVADA IRRIGATION DISTRICT

Nevada Irrigation District Boardroom - 1036 W. Main Street, Grass Valley, CA 95945

BOARD OF DIRECTORS AT 9:00 AM ON AUGUST 14, 2024

AGENDA

Rich Johansen, President – Division V
Ricki Heck, Vice President – Division I
Chris Bierwagen– Division II
Karen Hull – Division III
Trevor Caulder– Division IV

ZOOM WEBINAR

To participate via Zoom, click the following: <https://us02web.zoom.us/j/84258346160>

To join audio using telephone: (669) 444-9171 or (669) 900-6833 or (253) 205-0468

Webinar ID: **842 5834 6160**

Or One tap mobile: +16694449171,,84258346160# or +16699006833,,84258346160# US

1. STANDING ORDERS

- Call the Meeting to Order
- Pledge of Allegiance
- Roll Call

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

*Please limit comments to three (3) minutes per person

3. CONSENT AGENDA

3.A Approve the Minutes from the regular meeting on July 24, 2024

[3A-Final](#)

3.B Purchase of a New, Replacement Excavator

Adopt a resolution approving the purchase of one (1) 2024 John Deere 200 G (23 ton) Track Excavator in the amount of \$290,216.93 from Papé Machinery in Sacramento, California, and authorize the General Manager to execute the appropriate documents

[3B-Final](#)

3.C Warrants, Project and Facility Report, Payroll Fund Certificate, and Investment Report Ratify the issuance of warrants by receiving and filing the check registers, the Project and Facility Report, and the Investment Transaction Report for the period July 13th through August 2nd

[3C-Final](#)

4. **WORKSHOP ITEMS**

4.A PG&E Update - Workshop (*no materials*)

5. **GENERAL ORDERS** includes those items of regular District business which have not been referred to a Board committee and which will be presented with a recommendation or for consideration by the General Manager or District staff.

5.A Budget to Actual Reports - FY 2024 Q2, for the period to date ending June 30, 2024, Receive and file Budget to Actual Reports - FY 2024 Q2, for the period to date ending June 30, 2024
[5A-Final](#)

5.B FY2024 Mid-Year Budget Amendment
Adopt a resolution approving the FY2024 Mid-Year Budget Amendment
[5B-Final](#)

5.C FERC Part 12D Independent Consultant Inspection Services
Award a contract to HDR, Inc. in the amount of \$2,810,589 to complete the Federal Energy Regulatory Commission (FERC) Part 12D Independent Consultant (IC) Inspection Services for twelve District dams and authorize the General Manager to execute the appropriate documents
[5C-Final](#)

5.D Award of Contract for the New Hydroelectric Field Office Roof Repairs (Project No. 2432)
Adopt a resolution approving the following:

- Amend the 2024 Annual Budget to provide additional funding for construction of the New Hydroelectric Field Office Roof Repairs Project in the amount of \$150,000 to be funded by Fund 55
- Reduce funding for one previously approved project in Fund 55 for a total deduction of \$150,000 resulting in a net zero change to the Fund 55 budget when combined with the addition above
- Award a Construction Contract to Diversified Construction International, Inc. in the amount of \$751,611 and include a 10% contingency (for a total of \$826,772), and authorize the General Manager to execute the necessary documents

[5D-Final](#)

6. **GENERAL MANAGER'S REPORT:**

The General Manager will provide a report on current activities within the District of interest to the public and the Board. Items to be discussed by the General Manager will be conditions of current water supply and water sales, legislative or regulatory items of interest not yet requiring action, and public affairs activities occurring within the District directly or indirectly involving District operations

7. **BOARD OF DIRECTORS ITEMS / REPORTS:**

Directors may provide brief reports on meetings, conferences, and seminars attended by the Directors of interest to the District and the public. Directors may also report on community comments and activities of interest.

8. **PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION**

**9. CLOSED SESSION WORKSHOP WITH LEGAL COUNSEL WILL BE HELD
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
- 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
- o. Westcon Construction Corp. v. Nevada Irrigation District- Nevada Co. Superior Court: CU0001475

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.

10. ADJOURN

The next regular meeting of the Board of Directors will be held on August 28, 2024, at 9:00 a.m. at the District's Business Center located at 1036 West Main Street, Grass Valley, California

SUMMARY OF ITEMS ON THE BOARD OF DIRECTORS' AGENDAS

CONSENT AGENDA: The Consent Agenda consists of those items which are routine, and it is approved by one motion of the Board adopting the Consent Agenda and authorizing the appropriate actions. Should any member of the Board, staff, or public wish to discuss any item appearing thereon, the item should be removed from the Consent Agenda and discussed immediately after the approval of the Consent Agenda.

***PUBLIC COMMENT:** Members of the public shall be allowed to address the Board of Directors on items which are of interest to the public and which are within the jurisdiction of the Board, before or during the Board's consideration of the item; however, no action shall be taken on any item not appearing on the agenda unless otherwise authorized by the Board pursuant to Government Code Section 54954.2(b). The Board limits public comment time.

GENERAL ORDERS: General Orders include those items of regular District business which have not been referred to a Board committee and which will be presented with a recommendation or for consideration by the General Manager or District staff.

GENERAL MANAGER'S REPORT: The General Manager will provide a report on current activities within the District of interest to the public and the Board. Items to be discussed by the General Manager will be conditions of current water supply and water sales, legislative or regulatory items of interest not yet requiring action, and public affairs activities occurring within the District directly or indirectly involving District operations.

Any matters requiring immediate action by the Board of Directors, which have not been placed on the Agenda, shall be taken up under the heading of General Manager's Report after all other matters are considered. The Board shall cause such matters to be placed on the Agenda for future meetings of the Board unless the matter requires immediate action by the Board, in which case the Board may take action as set forth in the Government Code.

BOARD OF DIRECTORS' ITEMS / REPORTS: Directors may provide brief reports on meetings, conferences, and seminars attended by the Directors of interest to the District and the public. Directors may also report on community comments and activities of interest.

The Boardroom is accessible to persons with disabilities. Requests for Assistive Listening Devices or other considerations should be made 72 hours in advance of the meeting through the Board Secretary's Office at (530) 273-6185.

In accordance with Government Code Section 54957.5(b)(2), copies of the Agenda, and any writings in connection with open session agenda items, are available for public inspection during normal business hours at the office of the Board Secretary located at 1036 West Main Street, Grass Valley, CA.

This agenda has been posted at the District's Business Center at 1036 West Main Street, Grass Valley, California in the Main Lobby, the Boardroom Lobby, and the outdoor bulletin board of the East Annex in compliance with the Ralph M Brown Act. This agenda has also been posted on the District's web site (www.nidwater.com).