

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

March 24, 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, on the 24th day of March 2021 at 9:00 a.m.

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

Staff members present included Greg Jones, Interim General Manager; Chip Close, Water Operations Manager; Marvin Davis, Finance Manager/Treasurer; Keane Sommers, Hydroelectric Manager; Jana Kolakowski; Marvin Davis, Finance Manager/Treasurer; Doug Roderick, Interim Engineering Manager; Bob MacDonald, Interim Maintenance Manager; Dustin Cooper, District Counsel; and Kris Stepanian, Board Secretary.

AMENDED AGENDA

Dustin Cooper, District Counsel, requested the Board's consideration to approve an amended agenda by a super-majority vote adding a Closed Session item regarding pending litigation concerning the *Water Audit California v. Nevada Irrigation District* matter.

Public Comment:

- Matthew Coulter, member of the public

Approved Amended Agenda to add Closed Session Conference with Legal Counsel - Pending Litigation (Government Code 54956.9 (d)(1).) *Water Audit California v. Nevada Irrigation District*. Third District Court of Appeal, Case No. C092877. M/S/C Heck/Johansen, unanimously approved.

STANDING ORDERS

- Call to Order
- Pledge of Allegiance
- Roll Call

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

- Izzie Brown, member of the public, addressed the Board regarding Scotts Flat Lake quiet hours, and in an effort to increase safety on Scotts Flat Lake, urged the Board to not restrict motor boaters to 5-miles per hour

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- Matthew Coulter, member of the public, addressed the Board requesting that they not move forward with the Centennial Reservoir, spoke about recreational safety and suggested a locals-only recreational day
- Sue Caslava, Cascade Shores homeowner, addressed the Board in opposition of reducing the Scotts Flat Lake power boat hours, and in opposition of conducting a pilot study or 2nd survey

INFORMATIONAL ITEMS

- Department Updates
- Centennial Water Supply Project Update (FATR #7013)

Public Comment:

- Syd Brown, member of the public
- Ashley Overhouse, Policy Manager, South Yuba River Citizens League
- Diana Suarez, resident of Colfax

MINUTES – MARCH 4, 2021, Special Meeting

Approved the Minutes of the special meeting on March 4, 2021, as submitted. M/S/C, Heck/ unanimously approved.

MINUTES – MARCH 10, 2021, Regular Meeting

Approved the Minutes of the regular meeting on March 10, 2021, as amended to reflect the following under Agricultural Water Management Plan Workshop item: “With Board consensus, the Board of Directors requested an evening meeting for a second workshop to accommodate the agricultural community and other working customers who could not attend this meeting”. M/S/C Heck/Peters, unanimously approved.

The meeting recessed at 10:18 a.m. and reconvened at 10:28 a.m.

AGRICULTURAL WATER MANAGEMENT PLAN (FATR #1034)

Doug Roderick, Interim Engineering Manager, presented the item and introduced Jim Crowley, Zanjero consultant, who delivered the Public Draft Agricultural Water Management Plan (AWMP) presentation.

President Bierwagen opened the public hearing.

Public Comment heard during the Public Hearing:

- Jeff Litton, member of the public
- Syd Brown, member of the public
- Traci Sheehan, Foothills Water Network
- Ashley Overhouse, Policy Manager, South Yuba River Citizens League
- Matthew Coulter, member of the public

President Bierwagen closed the Public Hearing.

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Director Peters made a motion to move the item for final adoption in early April to ensure it is submitted to the State by April 30th.

Director Johansen seconded the motion with an amendment to include that there is still a moving target, as the State has not yet provided the final criteria. Director Peters did not accept the amendment to the original motion.

Director Hull seconded the original motion, and it was unanimously approved.

The meeting recessed at 12:33 p.m. and reconvened at 1:37 p.m.

SOUTH SUTTER WATER DISTRICT – HYDROELECTRIC SUPPORT

Keane Sommers, Hydroelectric Manager, presented the item.

Public Comment: None

Accepted the South Sutter Water District Hydroelectric Support Term Sheet, as modified with the Board's suggestions, with an \$85,000 annual cost, increasing the knowledge fee and keeping the reserve contribution at 10%. M/S/C Hull/Heck, unanimously approved.

QUARTERLY BUDGET VS. ACTUAL & RESERVE REPORT

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

Public Comment: None

Received and filed the updated quarterly budget vs. actual and reserves report for the period ending December 31, 2020. M/S/C Peters/Hull, unanimously approved.

WARRANTS/FINANCIALS

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

Public Comment: None

Approved the check register and received and filed the Project & Facility Report and Investment Report for the period ending March 12, 2021. M/S/C Heck/Peters, unanimously approved.

INTERIM GENERAL MANAGER'S REPORT

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

- CABY JPA unanimously voted to dissolve
- NID/PCWA Water Committee Meeting highlights:
 - o California Air Resources (CAR) Zero Emission Fleet mandate
 - o \$5.5 Billion Fire Prevention & Climate Resiliency Bond
- March 10th warrants inquiry - Van Ness Feldman legal fees are monthly
- VA's discussions continuing & working with partners
- The Placer Local Hazard Mitigation Planning Process update

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- Hemphill Draft EIR expected April 1st

BOARD OF DIRECTORS' ITEMS / REPORTS

Director Heck, Division 1, reported on the following items:

- Attended the "Loney Meadow Restoration" webinar presented by South Yuba River Citizens League
- Attended "Water Wars, What Are They Good For" webinar presented by Department of Water Resources
- State Water Resources Control Board sent out 40,000 letters to water right holders to plan for shortages

Director Peters, Division 4, reported on the following items:

- Attended the "Loney Meadow Restoration" webinar presented by South Yuba River Citizens League
- Attended "Water Wars, What Are They Good For" webinar presented by Department of Water Resources
- Attended an NID/PCWA Water Committee meeting
- Attended a Lincoln Municipal Advisory Committee meeting
- Requested updates from District Counsel to keep the Board informed of legislative matters

Director Hull, Division 3, reported on the following items:

- Met remotely with Dan Macon and Cindy Graff with UC Cooperative Extension - Placer/Nevada Counties & spoke about the current survey
- Met remotely with Melinda Booth & Ashley Overhouse with South Yuba River Citizens League and spoke about re-establishing their historical relationship & collaborating with NID

Director Johansen, Division 5, reported on the following items:

- Took the survey today for UC Cooperative Extension - Placer/Nevada Counties
- Expressed he is ready to collaborate with anyone – just don't sue us and collaborate from the beginning with everything on the table

PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

- None

Dustin Cooper, District Counsel announced that the anticipated Board action would be Direction to Legal Counsel.

Closed Open Session and recessed the meeting at 3:19 p.m. and the meeting reconvened at 3:30 p.m. in Closed Session.

Closed Session Conference with Legal Counsel – anticipated litigation, was declared at 3:30 p.m., to discuss significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code section 54956.9. One Case.

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Board Action: Direction was given to Legal Counsel.

Closed Session Conference with Legal Counsel - Pending Litigation was declared at 3:30 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 was declared at 3:30 p.m., pursuant to Government Code section 54957(b)(1), regarding Public Employment (General Manager).

Board Action: No Board action was taken.

MEETING ADJOURNED at 5:39 p.m. to reconvene in regular session on Wednesday, April 14, 2021, at 9:00 a.m. at the District's Business Center located at 1036 West Main Street, Grass Valley, California.

Board Secretary

Attest a true record of actions had and taken at the above and foregoing meeting our presence thereat and our consent thereto.

Division I

Division II

Division III

Division IV

Division V
