

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

August 26, 2020

The Board of Directors of the Nevada Irrigation District convened in regular session via video-teleconference at the District's main office located at 1036 W. Main Street, Grass Valley, on the 26th day of August 2020, at 9:00 a.m.

Present were Ricki Heck, President (Division I); and Directors W. Scott Miller (Division III); and Nick Wilcox (Division V); and Laura L. Peters (Division IV) was present.

Absent: Chris Bierwagen, (Division II)

Staff members present included Greg Jones, Interim General Manager; Marvin Davis, Finance Manager/Treasurer; Doug Roderick, Engineering Manager; Keane Sommers, Hydroelectric Manager; Jana Kolakowski, Human Resources Manager; Dustin Cooper, District Counsel; and Dannette Austin, Executive Management Assistant; Katie Kemp, Office Assistant.

PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

The following members of the public addressed the Board:

- None

The meeting recessed at 9:01 a.m. and reconvened in closed session.

Closed session was declared at 9:01 a.m. pursuant to Government Code § 54956.9 to confer with District Counsel. *South Yuba River Citizens League et al. v. Federal Energy Regulatory Commission* (9th Circuit, August 17, 2020).

Board Action: Authorized intervention in the Petitions for Review at the 9th Circuit, concerning FERC's waiver orders for NID's Yuba-Bear Hydroelectric project. M/S/C Wilcox/Heck, unanimously approved.

Conference with Legal Counsel – Anticipated Litigation was declared at 9:01 a.m., pursuant to Government Code § 54956.9(d)(4). One case: Issuance of Purported 401 Water Quality Certification for Yuba-Bear Project by State Water Resources Control Board.

Board Action: Authorized filing of a petition for reconsideration of the Purported 401 Water Quality Certification for the Yuba-Bear Project issued by the State Water Resource Control Board. M/S/C Wilcox/Heck, unanimously approved.

The meeting reconvened into Open Session at 10:15 a.m., and Dustin Cooper, District Counsel, announced Board actions that occurred in Closed Session.

August 26, 2020

PUBLIC COMMENT FOR ITEMS THAT ARE NOT ON THE AGENDA

The following members of the public addressed the Board:

- Dianna Suarez, resident of Colfax, addressed the Board regarding Water Management Plans

MINUTES – August 12, 2020, Regular Meeting

Approved as submitted. M/S/C Peters/Wilcox, unanimously approved.

QUARTERLY BUDGET VS. ACTUAL REPORT

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

Public Comment:

- None

Received and filed the quarterly budget vs. actual report for the period ending June 30, 2020. M/S/C Peters/Wilcox, unanimously approved.

QUARTERLY INVESTMENT, RESERVES & SHORT-TERM FORECAST

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

Public Comment:

- None

Received and filed the quarterly investment, reserves & short-term forecast report for the period ending June 30, 2020. M/S/C Peters/Wilcox, unanimously approved.

WATER PLANNING PROJECTIONS (FATR# 1041)

Doug Roderick, Interim Engineering Manager presented the item along with Sergio Jimenez and Megan Lionberger of HDR Consulting.

Public Comment:

- Mikos Fabersunne, resident of Nevada City
- Michael Ross, member of the public
- Louise Jackson, resident of Nevada City
- Traci Sheehan, Foothills Water Network
- Ashley Overhouse, South Yuba River Citizens League
- John Norton, resident of Penn Valley
- Dianna Suarez, resident of Colfax

Release the Technical Memorandum for public review. M/S/C Peters/Wilcox, approved; unanimously.

The meeting recessed at 12:33 p.m. and reconvened at 12:40 p.m.

WATER RATES COMMITTEE RECOMMENDATION

Greg Jones, Interim General Manager, presented the item.

Public Comment:

- None

Director Peters made a motion to accept the recommendation of the Water Rates Committee, continuing with the adopted rates structure from the 2019, Prop 218 process; motion seconded by Director Heck.

Motion passed on the following roll call vote:

Heck, Division I	Aye
Bierwagen, Division II	Absent
Miller, Division III	Aye
Peters, Division IV	Aye
Wilcox, Division V	No

WARRANTS/FINANCIALS

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

Public Comment:

- None

Approved as submitted. M/S/C Peters/Wilcox, unanimously approved.

INTERIM GENERAL MANAGER'S REPORT

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

- Precipitation Reports
- Jones Fire Update
- Continued Social Distancing issues & concerns
- Campfires banned
- Outreach regarding trash "Pack it in, Pack it Out"
- NID promotes National Hydropower Day - Monday
- 2021 Budget coming to APC on September 1

BOARD OF DIRECTORS' ITEMS / REPORTS

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

- Nothing to report

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

- Nothing to report

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

- Nothing to report

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

- GM search update

PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

- None

The meeting recessed at 1:06 p.m. and reconvened in Closed Session at 1:08 p.m.

Closed session conference with legal counsel - Real Property Negotiations was declared at 1:06 p.m. pursuant to Government Code § 54956.8, Property: FERC Project Nos. 6028 and 6061, located in Nevada and Sierra Counties. Agency negotiator: Keane Sommers, Hydroelectric Manager; Greg Jones, Interim General Manager Negotiating parties: Haypress, LLC and Nevada Irrigation District Under negotiation: Instruction to negotiators concerning price and terms and conditions of acquisition.

Board Action: Direction was given to labor negotiators.

Closed session conference with legal counsel – anticipated litigation was declared at 1:06 p.m., Significant exposure to litigation pursuant to paragraphs (2) and/or (4) of subdivision (d) of Government Code § 54956.9. One potential case related to the District’s Hemphill Diversion structure.

Board Action: Direction was given to Legal Counsel.

Closed session was declared at 1:06 p.m., pursuant to Government Code Section 54956.9 to confer with District Counsel regarding pending litigation – Claim: Crough

Director Wilcox made a motion to reject the claim. Director Miller seconded the motion.

Motion passed on the following roll call vote:

Heck, Division I	Aye
Bierwagen, Division II	Absent
Miller, Division III	Aye
Peters, Division IV	Aye
Wilcox, Division V	Aye

The meeting reconvened in Open Session at 1:46 p.m., and Dustin Cooper, District Counsel, announced the Board actions that occurred in Closed Session.

MEETING ADJOURNED at 1:48 p.m., to reconvene in regular session on Wednesday, September 9, 2020, at 9:00 a.m. at the District’s Business Center located at 1036 West Main Street, Grass Valley, California.

August 26, 2020

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
Absent	Division II
_____	Division III
_____	Division IV
_____	Division V

DRAFT