

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

January 11, 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 11th day of January 2023, at 9 a.m.

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

Staff members present included Jennifer Hanson, General Manager; Doug Roderick, Director of Engineering; Chip Close, Director of Water Operations; Keane Sommers, Director of Power Systems; Steve Prosser, Director of Maintenance; Susan Dunlap, Director of Finance; Monica Reyes, Director of Recreation; Naomi Schmitt, Director of Human Resources; Dustin Cooper, District Counsel; and Kris Stepanian, Board Secretary.

STANDING ORDERS

- Call to Order: President Hull called the meeting to order
- President Hull led the Pledge of Allegiance
- Roll Call: 5 Members Present

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

- None

CONSENT AGENDA

Public Comment on Consent Agenda: None

MINUTES OF THE SPECIAL MEETING ON DECEMBER 7, 2022

M/S/C Heck/Bierwagen, unanimously approved.

MINUTES OF THE SPECIAL MEETING ON DECEMBER 13, 2022

M/S/C Heck/Bierwagen, unanimously approved.

MINUTES OF THE REGULAR MEETING ON DECEMBER 14, 2022

M/S/C Heck/Bierwagen, unanimously approved.

MINUTES OF THE SPECIAL MEETING ON DECEMBER 14, 2022

M/S/C Heck/Bierwagen, unanimously approved.

January 11, 2023

AB361 COMPLIANCE - BROWN ACT/COVID-19 TELECONFERENCE AND REMOTE MEETING REQUIREMENTS

Adopted Resolution 2023-01 (Re-Authorizing Remote Meetings Consistent with AB 361). M/S/C Heck/Bierwagen, unanimously approved.

2023 BOARD MEETING SCHEDULE

Approved the Board Meeting Schedule for 2023. M/S/C Heck/Bierwagen, unanimously approved.

ANNUAL DISCLOSURE OF 2022 REIMBURSEMENTS

Adopted Resolution No. 2023-02 (Annual Disclosure of Reimbursement to Employees and Directors). M/S/C Heck/Bierwagen, unanimously approved.

WARRANTS, PROJECT AND FACILITY REPORT, AND INVESTMENT TRANSACTION REPORT

Ratified the issuance of warrants by receiving and filing the check registers, Project and Facility Report, and Investment Transaction Report for the period November 26, 2022, to December 31, 2022. M/S/C Heck/Bierwagen, unanimously approved.

EMPLOYEE RELATIONS - Resolution of Appreciation for D. Hobbs

Adopted Resolution No. 2023-03 (Resolution of Appreciation - Doug Hobbs). M/S/C Heck/Bierwagen, unanimously approved.

COMBIE SOUTH POWERHOUSE ACCESS ROAD PROJECT (PROJECT #6943)

Awarded a construction contract with Hansen Bros. Enterprises in the amount of \$198,368 and a contingency of \$35,000, and authorized the General Manager to execute the appropriate documents. M/S/C Heck/Bierwagen, unanimously approved.

LOMA RICA DISTRICT FINANCED WATERLINE EXTENSION (DFWLE) - FUNDING AGREEMENT (PROJECT #2181)

Approved the funding agreement with property owners within the Loma Rica District Financed Waterline Extension). M/S/C Heck/Bierwagen, unanimously approved. M/S/C Heck/Bierwagen, unanimously approved.

BUDGET TO ACTUAL REPORTS - FY 2022 Q3, FOR THE PERIOD ENDING SEPTEMBER 30, 2022

Received and filed the Budget to Actual Reports for the Fiscal Year 2022, Quarter 3, for the period ending September 30, 2022. M/S/C Heck/Bierwagen, unanimously approved.

WORKSHOP ITEMS

NEW JOB DESCRIPTION – GIS ANALYST I/II

Doug Roderick, Director of Engineering, presented the item.

Public Comment: None

January 11, 2023

Board discussion ensued regarding the budget, number of full-time employees, tying information into GIS and training. Board direction was given to bring the item back to the Board at a future Board meeting for consideration of approval.

GENERAL MANAGER'S REPORT

Jennifer Hanson, General Manager, reported on the following items:

- Chip Close, Director of Water Operations, provided a water update
- District helping the Town of Washington
- River Fire burn scar update
- Docks and log boom clean-up
- Keane Sommers, Director of Power Systems, provided a power generation update
- Welcomed new Director of Finance, Sandra Dunlap

BOARD OF DIRECTORS' ITEMS / REPORTS

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

- Thanked NID Customer Service team, for work on Canyon Creek
- Expressed his thanks to a courteous NID driver
- Announced that his daughter is leaving today for Africa, and visiting the Canary Islands, London, and Italy on the way
- Congratulated North Yuba Irrigation District on their near Board and General Manager

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

- Has been working on various constituent issues and thanked staff for their help
- Attended swearing-in of new Nevada County Board of Supervisors and shared Supervisor Hoek's message about working together and this year being the year of the heart
- Commented on Idaho-Maryland Mine and final EIR released in December

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

- Spoke about negative and positive press
- Acknowledged staff for good work

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

- Commented on NID crews out doing work on Doty Ravine
- Appreciates the warm welcome received since joining the NID Board
- Encouraged support of local nonprofit groups this crab feed season

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

- Acknowledged staff for their work on culvert issues in her area
- Shared plans for a District Priorities item – scheduled for February 8th

PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

- None

January 11, 2023

Dustin Cooper, District Counsel, announced that there would likely not be any reportable Board action other than Board direction from Closed Session.

The meeting recessed at 9:56 .m. and convened in Closed Session at 10:10 a.m.

Closed session workshop with legal counsel was declared at 10:10 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 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. Tim Crough v. Nevada Irrigation District - Nevada Co. Superior Court: CU21-085299
- i. William Eldredge v. Nevada Irrigation District - Nevada Co. Superior Court: CU21-085391
- j. Vincent Cauchi v. Nevada Irrigation District- Placer Co. Superior Court: S-CV-0046749
- k. Marvin Davis v. Nevada Irrigation District - Nevada Co. Superior Court: CU0000073

Board Action: Direction was given to Legal Counsel.

January 11, 2023

Closed Session Conference with real property negotiators was declared at 10:10 a.m., pursuant to Government Code § 54956.8.

- a. Nevada Irrigation District's negotiators, General Manager, and District Counsel, to Discuss Terms and Conditions of Payment of a Potential 2023 Water Transfer or Surplus Water Sale with Potential Purchasers Located Downstream of Nevada Irrigation District, including South Sutter Water District.
- b. 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 Legal Counsel.

Closed Session was declared at 10:10 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: Direction was given to Legal Counsel.

MEETING ADJOURNED at 12:31 p.m., to reconvene in regular session on Wednesday, February 8, 2023, at 9:00 a.m. at the District's Business Center located at 1036 West Main Street, Grass Valley, California.

Submitted By

Kris Stepanian, Board Secretary