

Staff Report

for the Board of Directors' Meeting of February 10, 2021

TO: Board of Directors
FROM: Greg Jones, Interim General Manager
DATE: February 3, 2021
SUBJECT: Standing Committees

ADMINISTRATION

RECOMMENDATION:

Discuss options for the District's Standing Committee structure and direct staff as appropriate.

BACKGROUND:

On December 9, 2020, the Board discussed the possible restructuring or elimination of the District's Standing Committees.

The District identifies the following four Standing Committees as referenced in District Policy 5300:

- | | |
|--|---------------------------------|
| • Administrative Practices Committee (APC) | 1 st Tuesday / Month |
| • Water and Hydroelectric Operations (WHO) | 2 nd Tuesday / Month |
| • Engineering (ENG) | 3 rd Tuesday / Month |
| • Maintenance and Resources Management (M&R) | 4 th Tuesday / Month |

Much of the District's work has been accomplished through the productivity of the District's Standing Committees. As discussed in District Policy 5300, the Standing Committees' role is to undertake District work in an open and transparent format and streamline the Board's decision-making process. Over time, Committees have expanded transparency and allowed the public to observe and provide direct input into the Districts' operations as an additional working space for District activities.

Historically, the District's Standing Committees have enhanced NID efficiencies. While working with staff on various initiatives, a subdivision of the Board seeks to ensure that such items have the quality, consistency, and continuity of the District in order to ease decision-making when brought to the full Board.

In recent years, Board Members and staff have expressed concern about the effectiveness of the Standing Committee structure. As of late, items that are advanced to the Board for approval with Committee recommendation have an increased probability of being pulled from the Consent Agenda, resulting in the need for staff to provide additional discussion, education and understanding of the item to the full Board. This added discussion expands Board Meeting duration, nullifies the purpose of the previous Standing Committee discussion, and ultimately is inconsistent with the purpose of a Committee member's time and effort. This inconsistency has raised the question if the Standing Committee structure is working effectively as intended.

Staff was directed to identify potential Committee restructuring ideas. During this process, numerous District Policies and Rules & Regulations were identified that may require amending or eliminating depending on the direction given by the Board, including:

- District Policy 3100 – Budget Amendment Authority Levels
- District Policy 3200 – Claims Against the District
- District Policy 5020 – Board Meeting Agenda
- District Policy 5065 – Minutes of Committee Meetings
- District Policy 5300 – Standing Committees
- District Policy 8200 – Surplus Water Declaration
- Rules & Regulations Section 6.09 – Contesting or Appealing Water Charges
- Rules & Regulations Section 10.08.02 – Review of Variance
- Rules & Regulations Section 10.08.04 – Appeal of Variance
- Rules & Regulations Section 10.12.03 – Review of TSL Application
- Rules & Regulations Section 10.12.04 - Appeal of TSL Denial
- Rules & Regulations Section 10.20.02 – DFWLE Program Eligibility List
- Rules & Regulations Section 10.20.06 – Water Service Study
- Rules & Regulations Section 10.20.09 – Easements – Subordination of Agreement/Easements

Depending upon the Board's direction, updates will need to be made to the above District Policies, and Rules & Regulations and subsequently brought back before the Board for approval.

In consultation with management staff, below are four options for discussion:

1. Leave As-Is: This option keeps the Standing Committee structure as-is with no changes. Standing Committees will continue to meet once per month as defined in Policy Number 5300.
 - a. Financial Implication, Transparency Considerations, and Additional Changes Required:

- i. In 2019 staff spent \$88,452 (382 hours) and in 2020 staff spent \$81,628 (382 hours) on Standing Committees. It is anticipated a similar level of effort will be required moving forward.
- ii. It is unknown the additional time & cost that will be required when a Committee recommended item is pulled in the Board Meeting for further consideration and discussion.
- iii. This option would keep consistent with existing transparency considerations by providing up to six publically-noticed District meetings per month.
- iv. This option would not require additional changes to District Policies or Rules & Regulations

2. Option 1 Variation – Amend Committee meeting dates into a rotation of once per month. As an example:

- APC 1st Tuesday : January / May / September
- WHO 1st Tuesday : February / June / October
- ENG 1st Tuesday : March / July / November
- M&R 1st Tuesday : April / August / December

a. Financial Implication, Transparency Considerations, and Additional Changes Required:

- i. It is anticipated that staff time and cost identified in Option #1 will be reduced by an unknown amount.
- ii. It is unknown the additional time & cost will be required when a Committee recommended item is pulled in the Board Meeting for further consideration and discussion.
- iii. This option would reduce the number of publically noticed meetings from six to three per month.
- iv. This option may require additional changes to District Policies or Rules & Regulations

3. Consolidate All Standing Committees into the Bi-Monthly Board Agenda:
This option removes all four Standing Committees and brings their would-be discussion items directly to the full Board.

This option emphasizes a section of “Informational Correspondence” on the standard Board Meeting Agenda as defined in District Policy 5020.

District Policy 5020.5.8 states, "Included in this section of the Board agenda will be memos detailing actions taken pursuant to prior Board authorization and all other updates on correspondence items to the Board of Directors." Under this item, staff would bring to the full Board updates and correspondence, which normally would be general updates given at a Committee. All other items seeking Board direction would be included in Board Agenda General Orders for Board consideration.

a. Financial Implication, Transparency Considerations, and Additional Changes Required:

- i. This option would eliminate staff time and costs associated with four Standing Committees per month as identified in Option #1 above.
- ii. This option would reduce the number of publically noticed meetings from six to two per month. All items previously scheduled for Standing Committee discussion meet public transparency considerations.
- iii. This option would require extensive changes and adjustments to District Policies and District Rules & Regulations.

4. Consolidate WHO, ENG, and M&R Committees into the Board Agenda:

This option is similar to Option #2 above and removes three of the four Standing Committees, bringing their would-be discussion items directly to the full Board.

Due to the financial and policy-related authority of the APC, this Standing Committee will keep its meeting structure as defined in Policy Number 5300.

a. Financial Implication, Transparency Considerations, and Additional Changes Required:

- i. It is anticipated that staff time and cost identified in Option #1 will be reduced by an unknown amount.
- ii. This option would reduce the number of publically noticed meetings from six to three per month. All items previously scheduled for Standing Committee discussion meet public transparency considerations.
- iii. This option would require extensive changes and adjustments to District Policies and District Rules & Regulations.

5. Consolidate WHO, ENG & M&R Committees into one Standing Committee:
This option consolidates three Committees into one Standing Committee and continues the APC's meeting structure as defined in Policy Number 5300.

a. Financial Implication, Transparency Considerations, and Additional Changes Required:

- i. This option most likely will not eliminate staff time and cost, as identified in Option #1.
- ii. This option would reduce the number of publically noticed meetings from six to four per month. All items previously scheduled for Standing Committee discussion meet public transparency considerations.
- iii. This option would require extensive changes and adjustments to District Policies and District Rules & Regulations.

Staff recommends either Option #2 or Option #3.

BUDGETARY IMPACT:

To be discussed. Based on the Option chosen.

Attachments (15)

- District Policy 3100 – Budget Amendment Authority Levels
- District Policy 3200 – Claims Against the District
- District Policy 5020 – Board Meeting Agenda
- District Policy 5065 – Minutes of Committee Meetings
- District Policy 5300 – Standing Committees
- District Policy 8200 – Surplus Water Declaration
- 2021 Board Meeting Agenda Template
- Rules & Regulations Section 6.09 – Contesting or Appealing Water Charges
- Rules & Regulations Section 10.08.02 – Review of Variance
- Rules & Regulations Section 10.08.04 – Appeal of Variance
- Rules & Regulations Section 10.12.03 – Review of TSL Application
- Rules & Regulations Section 10.12.04 - Appeal of TSL Denial
- Rules & Regulations Section 10.20.02 – DFWLE Program Eligibility List
- Rules & Regulations Section 10.20.06 – Water Service Study
- Rules & Regulations Section 10.20.09 – Easements – Subordination of Agreement/Easements

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: Budget Amendment Authority Levels
POLICY NUMBER: 3100

3100.1 Purpose:

The Board is cognizant that project progression and unplanned emergencies occur and therefore this amendment policy provides spending flexibility. The policy establishes an internal control framework providing distinct levels of budget amendment spending demonstrating prudent fiscal management. Budget amendments are transfers or increases to established budgets and can carry over fiscal years.

- A budget transfer is an amendment that does not increase the overall (Operating & Non-Operating) District revenue or expenditure budget.
- A budget increase is an amendment that increases the overall (Operating & Non-Operating) District budgets.
- This policy is not applicable for fiscal year end amendment carryovers from prior periods. Carryovers are necessary for existing encumbrances or end of year activity and are authorized by prior adopted budgets.

3100.2 Scope: Approval authority levels are limited as follows:

Level I:

The General Manager may authorize cumulative budget amendments (increases and/or transfers) up to \$600,000 for a fiscal year. All budget amendments authorizing additional FTE's shall go before the Administrative Practices Committee (APC) and full Board.

Level II:

The APC authorizes cumulative budget amendments (increases and/or transfers) from \$600,001 up to \$1,000,000 for a fiscal year. Budget increases authorizing additional FTE's shall go before the full Board.

Level III: Budget amendments that do not meet the requirements of Level I or Level II shall be authorized by the Board of Directors after recommendation by the APC.

3100.3 **Implementation:** All budget amendments shall be initiated via completion of a budget amendment request form. The form must be prepared by the Department Manager and submitted to the General Manager for his/her approval. The General Manager, with the assistance of the Assistant General Manager (AGM) and/or the Finance Manager (FM), will determine the next, appropriate authority level needed, if any, as indicated above.

Adopted: February 11, 2015 via Resolution No. 2015-05
Revised: September 12, 2018 via Resolution No. 2018-22

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: Claims Against the District
POLICY NUMBER: 3200

The purpose of this policy is to provide guidance for processing property damage and personal injury claims against the District, and to authorize settlement of claims.

3200.1 Process.

The Assistant General Manager shall receive and investigate all claims against the District. Claims in excess of the District insurance deductible shall be forwarded to the insurance company, as soon as practical. The District staff will not consider a claim of an amount in excess of the insurance deductible, including the cost of investigation, without prior written approval of the District's insurance company. Claims for personal injury/wrongful death shall not be investigated by the District staff but shall be immediately forwarded to the District's insurance company.

3200.2 The General Manager and the Assistant General Manager shall have the authority to settle damage claims up to \$10,000.

3200.3 The Administrative Practices Committee or the Maintenance and Resource Management Committee shall have the authority to settle damage claims up to \$25,000.

3200.4 Claims in the amount of more than \$25,000 shall be submitted to the Board of Directors for its consideration during a closed session of a regular or special meeting.

3200.5 Rejection of Claims.

Claims that are not deemed appropriate for settlement shall be rejected. Claims shall be rejected by the Board of Directors during a regular or special meeting.

Adopted: October 12, 2016 via Resolution No. 2016-34
Revised:

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: Board Meeting Agenda

POLICY NUMBER: 5020

- 5020.1** The General Manager, in consultation with the Board President, shall prepare an agenda meeting the requirements of the Ralph M. Brown Act for each regular and special meeting of the Board of Directors. Absent approval of the General Manager, the agenda will be “closed” to the addition of new items at 12:00 PM on the Wednesday preceding the regular meeting of the Board of Directors. Any Director may request that the General Manager place an item on the agenda no later than 5:00 PM on the Tuesday prior to the closing of the Agenda.
- 5020.2** Any member of the public may request during Public Comment on Items Not on the Agenda (Policy No. 5020.5.3) that a matter directly related to District business be considered for placement on a future agenda of a meeting of the Board of Directors. Requests that are advanced by any Director may, at the discretion of the Board President, be subject to the following conditions:
- 5020.2.1** The requested Item must be put into writing and provided together with supporting documents and information. Supporting documents and information includes, but is not limited to, the proposed agenda item description, an introductory memorandum to the Board of Directors, any power point or other presentation material, and other documents and information necessary to fully inform the Board of Directors of the proposed action.
- 5020.2.2** No matter which is authorized for consideration by the Board in closed session will be accepted under this policy;
- 5020.2.3** The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.
- 5020.3** This policy does not prevent the Board from taking public comment at regular meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.
- 5020.4** At least 72 hours prior to the time of all regular meetings, an agenda, which includes all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. The agenda shall also post the agenda on the District’s website

for public information. All information made available to the Board of Directors (except confidential information allowed by State law per legal counsel authority) shall be available for public review at the time it is made available to the Board.

5020.4.1 The agenda for a special meeting shall be posted in the same location at least 24 hours before the meeting.

5020.5 NID Board Agendas for regular meetings shall be in the following format:

5020.5.1 **STANDING ORDERS:** Standing orders shall include the Call to Order, the Pledge of Allegiance and any introductions.

5020.5.2 **SPECIAL ORDERS:** Special Orders are those items of business which are set for consideration at a specific time during the meeting. Special Orders interrupt pending business at the time fixed unless this rule is suspended by motion adopted by the Board. Board hearings shall be designated Special Orders for the times fixed therefore by the Board of Directors. If a special time on the agenda is needed for the appearance of a person or persons, the Board Secretary shall set the appointment.

5020.5.3 **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:** 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, but which are not on the posted agenda; 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 54954.3. The Board may limit public comment time.

5020.5.4 **CONSENT AGENDA:** The Consent Agenda consists of those items which are routine and/or should not be discussed; i.e., certain claims. The following items, if presented to the Board, would typically appear on the Consent Agenda:

Minutes

Acceptance of Routine Easements

Statement of Investment Policy

Treasurer's Quarterly Report of Investments

Advanced recommendations from the appropriate Committee

Other routine items of a non controversial nature: Annual Disclosure of Reimbursement to Employees and Directors and Declaration Regarding Receipt of Honoraria of Gifts

Variances recommended for approval by the Variance Committee

The Consent Agenda would be approved by one motion of the Board adopting the Consent Agenda and authorizing the appropriate and necessary actions. Should any member of the Board or public wish to discuss any item appearing thereon, the Board member should request that the item be removed from the Consent Agenda. At the direction of the President, the item will be removed and discussed immediately after the approval of the Consent Agenda, or as soon thereafter as practicable.

- 5020.5.5 **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 to the Board with a recommendation or for consideration by the General Manager or District staff.
- 5020.5.6 **GENERAL MANAGER'S REPORT:** The 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.
- 5020.5.7 **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.
- 5020.5.8 **INFORMATIONAL CORRESPONDENCE:** Included in this section of the Board's agenda will be memos detailing actions taken pursuant to prior Board authorization, and all other items of correspondence directed to the Board of Directors, including those items which have been or will be directed to a Board committee.
- 5020.5.9 **PUBLIC COMMENT ON ANY ITEM TO BE CONSIDERED IN CLOSED SESSION**
- 5020.5.10 **CLOSED SESSION:** Closed Session may be held as set forth in the Government Code.
- 5020.5.11 **ADJOURN**

5020.6 Preparing NID Board Agendas

- 5020.6.1 The agenda for the regular meetings of the Board of Directors is mailed on or before the Thursday prior to the Board of Directors meetings, which are held on the second and fourth Wednesdays of each month. To allow sufficient time for preparation and assembly of the agenda, all agenda items must be given to the Board Secretary no later than noon on Wednesday preceding the meeting.
- 5020.6.2 A copy of the Board of Directors Meeting agenda and Board Committee Meeting agendas will be available for public review at the display cases located in the Board Room Lobby, the Business Center Lobby and at the East Annex on or before the Thursday preceding the meeting. A public review copy of the agenda packet also will be available in the Board Room Lobby on the day of the meeting.
- 5020.6.3 All Staff Reports to the Board shall be submitted to the Board Secretary prior to noon Wednesday preceding the meeting, to be placed on the Agenda. Staff Reports shall give a concise description of the subject matter and the specific action requested of the Board.

- 5020.6.4 When necessary, Department heads are to complete a budget transfer/amendment form and submit it to the Finance Manager for consideration by the Administrative Practices Committee. The Committee's recommendation will be noted on the form and presented with the Staff Report to the Board Secretary prior to noon Wednesday preceding the Board of Directors' meeting.
- 5020.6.5 The Agenda may include notices pertaining to District Policies, in effort to promote the District's commitment of providing a safe and violence-free workplace and to minimize disruptions in the Boardroom.

Adopted: October 13, 2010 via Resolution No. 2010-56
Revised: December 13, 2017 via Resolution No. 2017-34
Revised: January 9, 2019 via Resolution No. 2019-02

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: **Minutes of Committee Meetings**

POLICY NUMBER: 5065

- 5065.1 Minutes shall be kept of all regular and special standing committee meetings.
- 5065.1.1 Copies of a meeting's minutes will be distributed to Committee members as part of the information packet for the subsequent meeting as soon as practical, at which time the Committee will consider approving the minutes as presented or with modifications. Once approved by the Committee, the minutes shall be kept in electronic format. Approved minutes will be posted on the District's web site for a period of one year, and then available to the public upon request.
- 5065.1.2 Video recordings of regular and special meetings of standing committees will be made. These recordings will be kept as a permanent record of the District and available on the website for two years. After two years, these recordings may be accessible to the public by submitting a public records request.
- 5065.1.3 Action minutes will be prepared in support of any recommendation or action of the committee, and kept as a permanent record of the District.
- 5065.1.4 Committee action shall be recorded in the minutes and will be deemed unanimous, unless stated in the minutes.

The following shall be included in each meeting's action minutes:

- Date, place and type of each meeting
- Committee Members present by name
- Time and name of early departing Directors;
- Record of public comment regarding items on the agenda and matters that are not on the agenda. Public Comment to include names of commentators, and brief topic on which they are commenting on
- Approval of the minutes or modified minutes of preceding meetings. If modified, a brief statement of the amendment shall be included
- Approval, direction or recommendation agreed upon by the Committee
- Record of all contracts and agreements, and their amendment, approved by the Committee
- Record of Committee's recommendations to the full Board

- 5065.2 The District will not record or keep minutes of closed session discussions.

Adopted: January 22, 2020 via Resolution No. 2020-05

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: **Standing Committees**
POLICY NUMBER: 5300

5300.1 Purpose: To establish the roles and responsibilities of the District's standing committees and ongoing Ad Hoc committees. Much of the District's work is accomplished through its committees. These committees are designed to undertake work delegated by the Board in an effort to streamline the approval process. By way of their work, committees have the ability to enhance productivity and expand transparency regarding the District's decision-making processes. All committees will have the necessary staff representation, at the direction of the General Manager. It is understood that staff shall act in an advisory capacity only to the Board of Directors in support of the committee's work and shall not be designated members of the committee.

By utilizing a subdivision of the Board to work with staff on various initiatives, the District can ensure that those initiatives are being developed routinely with direction from a subdivision of the Board. It further ensures that Items brought before the Board have the necessary quality, consistency, and continuity to ease decision making when those initiatives are considered by the full Board.

Transparency of decision-making is an important function of the Committees as they are an additional working space for the District. These committees provide an opportunity for the public to observe and provide input into the Districts' operations. Committees also offer the opportunity for the public-at-large to better understand District processes and decision-making metrics.

5300.2 Assignment: The Board President will prepare the assignments consistent with this policy to be approved by the Board at the first meeting in January.

5300.3 Committees

5300.3.1

Standing Committees:

- Administrative Practices Committee (APC)
- Water and Hydroelectric Operations (WHO)
- Engineering (ENG)
- Maintenance and Resources Management (M&R)

5300.3.2

Ad Hoc Committees:

- Water Rates
- Labor

- Water Committee – PCWA & NID

5300.3.3 Ad Hoc Committees: Under the direction of the Board President or at the request of a Board member, the Board can create additional Ad Hoc Committees from time to time. At the time of creation of a committee, the Board will give the committee its charter or goal for work. These committees shall comply with this policy and not last for more than one fiscal year. Following the completion of a year, Board members may review the purpose and timing of each Ad Hoc Committee, and its continued operation shall be considered by the Board.

5300.4 Regular committee meetings will be held at 9 AM on the Tuesday in order of succession, unless directed by the Board.

Administrative Practices Committee	1 st Tuesday
Water and Hydroelectric Operations Committee	2 nd Tuesday
Engineering Committee	3 rd Tuesday
Maintenance & Resources Management Committee	4 th Tuesday

5300.5 Membership – Unless otherwise defined by policy, all standing and ad hoc committees shall include two members of the Board of Directors, as appointed by the President. The only members to have voting rights will be the two members of the Board of Directors. Staff shall not be granted voting rights.

5300.6 Minutes of Committee meetings shall be prepared in accordance with District Policy 5065 – Minutes of Committee Meetings.

5300.7 Items for Consideration: For non-staff generated items to be considered by a committee, the Board shall use section 5040.3 to give direction to staff.

5300.8 Administrative Practices Committee (APC)

5300.8.1 Committee Members: Members shall consist of the Board President, Vice-President.

5300.8.2 Committee Business shall include:

- Annexation Requests
- Administrative Policies
- District Memberships and Subscriptions
- Budget and Financial Amendments and Reporting
- Minor Contract and Change Order Approval
- Receive Division Activities Reports

5300.9 Water and Hydroelectric Operations Committee (WHO)

5300.9.1 Committee Members: Members shall consist of the Board Vice President and one other Board Member.

5300.9.2 Committee activities shall include:

- Water Supply Reporting
- Water & Hydroelectric Policies
- Surplus Water Evaluation and Declaration
- Review the Hydroelectric Compliance and Internal Risk Assessments
- Provide Input to Hydroelectric and Water Operations Department Budgets
- Receive Division Activities Reports

5300.10 Engineering Committee (ENG)

5300.10.1 Committee activities shall include:

- Develop and Revise Engineering Policies
- Capital Improvement Projects Planning and Updates
- District Financed Waterline Extension Identification
- Review & Recommend the District's Five-Year Capital Plan
- Review & Recommend the Engineering Department Budget
- Receive Division Activities Report

5300.11 Maintenance and Resources Management Committee (M&R)

5300.11.1 Committee activities shall include:

- Maintenance & Recreation Policies
- Resource Management Policy
- Recreation Rate Setting
- Review & Recommend the Maintenance and Recreation Department Budgets
- Receive Division Activities Reports

Adopted: January 22, 2020 via Resolution No. 2020-04

Revised: February 26, 2020 via Resolution No. 2020-06

Nevada Irrigation District

POLICY MANUAL

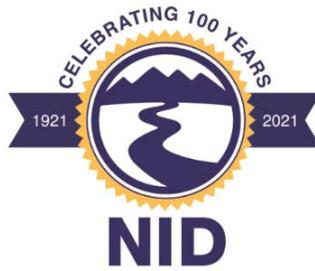
POLICY TITLE: Surplus Water Declaration

POLICY NUMBER: 8200

- 8200.1 Surplus Water is defined as water which is surplus to the needs of lands within the District boundaries.
- 8200.2 On an annual basis the Water and Hydroelectric Operations Committee (WHO) will make a determination of surplus water availability.
- 8200.3 Prior to the beginning of the irrigation season, but no later than the WHO Committee meeting in April, staff will evaluate water supply availability against the demands for lands within the District and the ability to meet desired carryover targets.
- 8200.4 The WHO Committee will consider the evaluation and make a declaration of surplus water, if appropriate. Such declaration will be communicated to the Board of Directors under the consent agenda.

Adopted: July 13, 2016 via Resolution No. 2016-26

Revised:



1036 West Main Street, Grass Valley, CA 95945
Telephone: (530) 273-6185 / Facsimile: (530) 271-6838
Web Site: www.nidwater.com

Chris Bierwagen, President – Division II
Laura L. Peters, Vice President – Division IV
Ricki Heck – Division I
Karen Hull – Division III
Rich Johansen – Division V

AGENDA

**THE NEVADA IRRIGATION DISTRICT BOARD OF DIRECTORS
WILL MEET IN REGULAR SESSION AT THE DISTRICT’S BOARD ROOM
LOCATED AT 1036 WEST MAIN STREET, GRASS VALLEY
AT 9:00 A.M. ON _____ , 2021**

Note: Pursuant to the Governor’s Executive Order N-29-20, and given the state of emergency regarding the threat of COVID-19, this meeting will be made available for public participation via video-conference.

The public is invited to attend this meeting online or via phone. Use the link below to join Zoom. If your computer has a microphone, it should be possible to both listen to and participate in the meeting through Zoom. If you do not have a microphone or a headset with a microphone that plugs into your computer via USB port, you will need to call the toll-free telephone conference line to listen and comment, although you still should be able to view the meeting materials on Zoom. Please do not simultaneously use a microphone through Zoom and the telephone conference line, as it results in audio problems for all participants.

Meeting Information

Please click the following to join the webinar:

To join audio using telephone:
(669) 900-6833 or (346) 248-7799 or (253) 215 8782

Webinar ID: _____

iPhone One-tap access: _____

Public Comment: The Board Chair will call for public comment throughout the meeting. To provide public comment when prompted, Press *9 to raise your hand. Pressing *9 again will lower your hand.

Please Note:

District Policy 2200 strictly prohibits employees, consultants, visitors or anyone else on District premises or engaged in a District-related activity, from behaving in a violent or threatening manner; this includes bullying or unreasonable behavior that demeans, intimidates or humiliates others, and causes disruptions in the boardroom.

District Board Policy 5030 states that disruption of any of the meetings of the Board of Directors shall not be permitted. Disruptive conduct includes the use of personal electronic devices, such as cell phones, tablets or other electronic devices.

* * *

CALL THE MEETING TO ORDER

* * *

PLEDGE OF ALLEGIANCE

* * *

SPECIAL ORDERS

* * *

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA *

Please limit comments to three (3) minutes per person

* * *

CONSENT AGENDA

1. Approve the Minutes of the regular meeting on _____

GENERAL ORDERS

2. Approve Warrants

* * *

INTERIM GENERAL MANAGER’S REPORT:

The Interim 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 Interim 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.

* * *

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.

* * *

INFORMATIONAL CORRESPONDENCE

* * *

PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

CLOSED SESSION *if any*

ADJOURN

The next meeting of the Board of Directors will be held on _____, 2021 at 9:00 a.m. at the District’s Business Center located at **1036 West Main Street, Grass Valley, California**

Next NID Resolution No. 2021-XX

Next NID Ordinance No. 2021-01

A 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, by 5:00 p.m. on _____, 2021. This agenda has also been posted on the District's web site (www.nidwater.com).

Sections of Rules & Regulations Referring to Current Committees

6.09 CONTESTING OR APPEALING WATER CHARGES

If a customer believes their bill, a charge thereon, or a determination of delinquency is incorrect, the customer should immediately contact District customer service staff by phone or in person. If the customer still believes the bill is incorrect after contacting District staff by phone or in person, they may promptly appeal a bill in writing to the District office no later than fifteen (15) business days of issuance of a disputed courtesy notice. Customer appeal rights will lapse and be summarily rejected if not received by the District, in writing, within fifteen (15) business days of the issuance of the courtesy notice. Timely written appeals must state the reason(s) why the customer believes the bill is incorrect and may be mailed, emailed or delivered in person. The District may request additional information from the appealing customer and/or may refer the dispute to the **Water and Hydroelectric (WHO) Committee** to conduct a hearing, if such process will help in rendering a decision on the customer's appeal. The District shall render a decision on written appeals in a timely manner, and the decision will be considered final with respect to all charges then existing on the disputed bill. Service shall not be discontinued while a written appeal is pending providing the customer has paid any portion of the bill that is not under dispute/review (i.e. the monthly fixed charge).

Written appeal to the District is the sole procedure by which a customer may request reduced water charges. A reduction in water charges will be granted only upon a finding that there was an error in computation of the customer's water charges.

rev. 01/22/2020

10.08.02 Review of Variance

The Staff Variance Screening Committee, consisting of representatives from Management, Engineering Department, and Operations Department, as determined by the General Manager, will review requests for variances from District Regulations pertaining to treated water systems.

The Staff Variance Screening Committee may unanimously deny a variance. Applicant may appeal per Section 10.08.04.

The Staff Variance Screening Committee may unanimously recommend variance approval and conditions of approval to the General Manager. The General Manager may then approve the variance and conditions of approval.

If the Staff Variance Screening Committee and the General Manager are not in unanimous agreement, they will submit the Variance Request to the **Engineering Committee**. The **Engineering Committee** may unanimously deny the variance, and the applicant may appeal per Section 10.08.04. If the **Engineering Committee** does not unanimously deny the variance, it will make recommendations to the Board of Directors. The Board of Directors' decision, by majority vote, will be final.

eff. 6/9/99

10.08.04 Appeal of Variance

The applicant may appeal a denied variance. All appeals must be in writing and received by the District within 60 days from the date of written notice of the District's decision. After 60 days, a request for appeal would be considered a new application requiring the applicant to submit a new Form 10-B and processing fee.

The first appeal would be made to the **Engineering Committee**, who may unanimously deny the appeal or forward the appeal to the Board of Directors with recommendations. If the **Engineering Committee** unanimously denies the appeal, the applicant may make a final appeal to the Board of Directors for a majority vote.

eff. 6/9/99

10.12.03 Review of TSL Application

The Variance Screening Committee (VSC) will review all TSL Applications to determine eligibility. The VSC may deny the TSL or recommend further action. If the VSC unanimously recommends the TSL, the application will be submitted to the General Manager for approval. The applicant will be notified of the District's decision, and if approved, the notification will include a list of requirements to be completed by the applicant prior to scheduling the installation of the meter for the TSL.

The VSC may unanimously deny a TSL. Applicant may appeal per Section 10.12.04.

If the VSC is not in unanimous agreement, it will present the TSL Request to the **Engineering Committee** for consideration. The **Engineering Committee** may approve or deny the TSL. If denied, the applicant may appeal per Section 10.12.04.

rev. 03/22/2017

10.12.04 Appeal of TSL Denial

The applicant may appeal the VSC's denial of a TSL Application. All appeals must be in writing and received by the District within 60 days from the date of written notice of the District's denial. Upon receipt of the request for appeal, the matter will be scheduled for consideration by the District's **Engineering Committee** or Board of Directors, as appropriate. The **Engineering Committee** may uphold or overturn the denial. If the **Engineering Committee** does not overturn the denial, the applicant may appeal the Committee's decision to the Board of Directors by written request to the Business Services Technician. The appeal will be scheduled for consideration by the Board of Directors at a regularly scheduled meeting of the Board of Directors.

rev. 03/22/2017

10.20.02 DFWLE Program Eligibility List

The District will maintain a list (Eligibility List) of neighborhoods requesting participation in the DFWLE program. To be placed on the Eligibility List, a neighborhood must submit its request in writing. The request must include 1) a contact person and telephone number, 2) parcel number of each participating parcel, 3) owner(s) name and address for each parcel, and 4) signatures from each owner.

Priority will be established based on the date of addition to the Eligibility List, and on active participation. As shown on the flowchart, the **Engineering Committee** will determine the next neighborhood group eligible for funding under the DFWLE program and the **Administrative Practices Committee** will evaluate funding. At that time, **with a recommendation from both Committees**, the Board of Directors will consider encumbering DFWLE allocated funds and assignment of a rate of interest representing interest foregone by the District had the funds allocated for the DFWLE project been otherwise invested. Upon determination of the interest rate, the Board of Directors will assign a surcharge modifier to the DFWLE project. (The surcharge modifier is calculated as determined elsewhere in this Section.) Funds encumbered for an individual DFWLE and funds allocated for all DFWLE projects shall be subject to the discretion of the Board and to limitations imposed by the Board of Directors as part of its budgeting authority, and may be reduced or restricted as the Board deems necessary given the other financial demands on the District.

Once a project is deemed eligible as a DFWLE project, the District will incorporate the general program provisions, complete a Water Service Study, establish the maximum charge for recovering project costs, and solicit neighborhood commitment through an informative group meeting.

10.20.06 Water Service Study

The District will complete a Water Service Study for the next eligible DFWLE project as determined by the **Engineering Committee**. Prior to beginning the study, the District will investigate the area surrounding the core neighborhood group to map the parcels which could potentially receive water service from the DFWLE. Should the District determine that expansion of the project to other parcels is necessary for the orderly expansion of the distribution system; the District will add the parcels to the DFWLE group.

The Water Service Study will include at least:

- a. Project location map and preliminary facility layouts
- b. Delineation of potential parcels served from DFWLE
- c. Project costs; including preliminary design, compliance with CEQA, design, rights-of-ways, facilities construction, construction management, and contingencies.
- d. District participation in facility costs if appropriate, pursuant to District policy (including the Capacity Charge Study).
- e. Capacity and Meter Installation charges for a minimum-size water meter.
- f. Maximum Total Charge
- g. Maximum Service Extension Charge (SEC) required to amortize the Maximum Total Charge.

The cost estimates and SEC quoted in the Water Service Study will be honored for a minimum of 12 months, giving time to complete formation of the group, and execution of a Funding Agreement with each participating parcel.

The District will perform the Water Service Study without charge to the neighborhood group.

10.20.09 Easements - Subordination of Agreement/Easements

Concurrent with the submission of the good faith deposit, owners of participating parcels must agree that before the commencement of construction by District, and in no event later than the date of execution of a Funding Agreement, they will, when requested, convey to the District easement(s), in the form prepared by the District, that the District determines are necessary for installation and maintenance of the waterline extension project. Owners must also agree to seek and obtain subordination from any mortgagor or holder of deed of trust or other lien holder of a security interest in the parcel, subordinating their security interest(s) to the District easement, the Funding Agreement, and the lien authorized under the Funding Agreement. For any necessary easements required for the waterline extension over property owned by other persons or entities, which are not participating parties but from whom an easement is required, the participating owner will seek to facilitate, in cooperation with other participating owners, the subordination of any mortgagors, trustors, or lien holders in favor of the District's easement. The Funding Agreement will specify that the District may refuse to execute the Funding Agreement, or if executed, cease the design and implementation of the pipeline extension financing project, with no further rights or obligations between the parties, in the event the District determines, at its sole discretion, that any failure to subordinate by a participating property owner's lender or the lender for a parcel owned by another person or entity renders the project not in the best interest of the District. The District is not required to initiate proceedings in eminent domain to acquire any easement or subordination required for the DFWLE. All required right of way documentation, including subordinations necessary for a pipeline extension project must be executed and effective prior to the start of construction.

In the event that a prospective participating owner cannot obtain subordination, they may submit a written request for waiver to the General Manager. The General Manager may modify or waive the requirement to obtain subordination including title insurance, in those circumstances where it is determined that the value of the District's interest is so small as to render such documentation economically unreasonable; the risk of foreclosure is so small that it is not considered a realistic risk; and/or the lender or senior lienholder provides the District with alternative assurance satisfactory to the General Manager, that the District's easement will not be disturbed by a senior lienholder. The General Manager's determination can be appealed by written request to the **Administrative Practices Committee (APC)**, who may by unanimous action grant the appeal, deny the appeal, or forward the appeal to the Board of Directors with or without recommendation. If the APC denies the appeal, the applicant may make a final appeal to the Board of Directors. The decision of the Board of Directors shall be made in its sole and unlimited discretion and will not be subject to appeal.