

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

June 27, 2018

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 27th day of June 2018, at 9:00 a.m.

Present were William Morebeck, President (Division IV); John H. Drew, Vice President (Division II); and Directors Nancy Weber (Division I); W. Scott Miller (Division III); and Nick Wilcox (Division V).

Staff members present included Remleh Scherzinger, General Manager; Greg Jones, Assistant General Manager; Marvin V. Davis, Finance Manager/Treasurer; Chip Close, Water Operations Manager; Gary King, Engineering Manager; Keane Sommers, Hydroelectric Manager; Brian Powell, Maintenance Manager; Monica Reyes, Recreation Manager; Jana Kolakowski, Human Resource Manager; Susan Lauer, Communication Specialist; Dustin Cooper, District Counsel; and Kristi Kelly, Management Assistant.

PUBLIC COMMENT

President Morebeck asked those in attendance to refrain from applause during the meeting, for the benefit of good order.

Director Wilcox spoke about an incident that occurred at the previous Board meeting.

The following members of the public addressed the Board:

- Peter VanZant, resident of Nevada City, addressed the Board regarding the Raw Water Master Plan, and requested a response to letters from SYRCL and Foothills Water Network pertaining to putting the Centennial Project on hold
- Dianna Suarez, resident of Colfax, addressed the Board regarding the "River of the Roundhouses" video, the apology from Director Wilcox pertaining to an incident at the previous Board meeting and the Raw Water Master Plan
- Nicole Raglin, resident of Nevada City, addressed the Board regarding The World Commission on Dams formed by the World Bank in the late 1990's and their report entitled "Dams and Development – A New Framework for Decision Making"
- Mike Pasner, owner of Indian Springs Organic Farm in Penn Valley, addressed the Board regarding the Centennial Reservoir, the Vegetation Management Working Group, herbicides and alternatives, and the Raw Water Master Plan
- Michael Hill-Weld, resident of Division 1, addressed the Board regarding expenses shown on the draft budgets reviewed at a recent Engineering Committee Meeting
- Syd Brown, resident of Division 1, addressed the Board regarding draft budget projections for construction of the NID headquarters facility, and property acquisitions with regard to Centennial Reservoir

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MINUTES – May 23, 2018 Regular Meeting

Approved the minutes of the regular meeting on May 23, 2018, as submitted. M/S/C Drew/Wilcox, unanimously approved.

WARRANTS

The item was removed from the Consent Agenda at Director Weber's request.

Public Comment:

- Syd Brown, resident of Division 1

Approved the warrants. M/S/C Miller/Drew, unanimously approved.

NEW JOB DESCRIPTION – INFORMATION TECHNOLOGY ADMINISTRATOR

The item was removed from Consent Agenda at Director Weber's request. Marvin Davis, Finance Manager/Treasurer and Remleh Scherzinger, General Manager, discussed the item with the Board.

Approved the new Information Technology Administrator job description, as recommended by the Administrative Practices Committee, without the Budget Amendment. M/S/C Weber/Drew, unanimously approved.

NEW JOB DESCRIPTION – SAFETY TECHNICIAN I/II

Approved the new Safety Technician I/II job description, as recommended by the Administrative Practices Committee. M/S/C Drew/Wilcox, unanimously approved.

REVISIONS TO DISTRICT POLICY 1070 – DONATIONS

The Item was removed from the Consent Agenda at the request of Director Weber. Greg Jones, Assistant General Manager, responded to Board questions.

Direction was given to revise the policy to increase the amount, clarify definitions of sponsorships and donations, and to run back through the Administrative Practices Committee.

REVISIONS TO DISTRICT POLICY 3080 – PROCUREMENT

Adopted Resolution 2018-15 (Updating Administrative Policy 3080 - Procurement), as recommended by the Administrative Practices Committee. M/S/C Drew/Wilcox, unanimously approved.

COMMUNITY FACILITIES DISTRICT NO. 2007-1 (CEMENT HILL) SPECIAL TAX LEVIES FOR FY 2018-2019

Adopted Resolution No. 2018-16 [Acting as the legislative body of Community Facilities District (CFD) No. 2007-1 authorizing the levy of special taxes within CFD No. 2007-1 for Fiscal Year 2018-2019], Receive Fiscal Year 2017-2018 Annual Report. M/S/C Drew/Wilcox, unanimously approved.

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ASSESSMENT DISTRICT NO. 2008-1 (RODEO FLAT) SPECIAL ASSESSMENT LEVIES FOR FY 2018-2019

Adopted Resolution 2018-17 [Acting as the legislative body of Assessment District (AD) No. 2008-1 authorizing the levy of special assessments within AD No. 2008-1 for Fiscal Year 2018-2019], Receive Fiscal Year 2017-2018 Annual Report. M/S/C Drew/Wilcox, unanimously approved.

PURCHASE OF 2019 DUMP TRUCK

Approved the purchase of a 2019 International HV507 dump truck from Riverview International Trucks, LLC in the amount of \$195,726.24, and authorize the General Manager to execute the necessary documents, as recommended by the Administrative Practices Committee. M/S/C Drew/Wilcox, unanimously approved.

REVISIONS TO SECTION 4.6.02 OF THE RULES AND REGULATIONS AND SCHEDULE 4-A OF RATES AND CHARGES

Chip Close, Water Operations Manager, presented the item.

Public Comment:

- Mike Pasner, resident of Penn Valley

Approved revisions to Section 4.6.02 of the District's Rules and Regulations, and Schedule 4-A of Rates and Charges, as recommended by the Administrative Practices Committee. M/S/C Miller/Drew, unanimously approved

COMBIE SEDIMENT AND MERCURY REMOVAL PROJECT (FATR #2135) - BUDGET AMENDMENT

Greg Jones, Assistant General Manager, presented the item.

Board questions responded to by consultants:

- Dave Hamilton, Construction Manager for Great Lakes Environmental
- Jason Muir, NV5, Holdrege & Kull

Public Comment:

- Dianna Suarez, resident of Colfax
- Charlotte Allen, resident of Grass Valley
- Syd Brown, resident of Division 1
- Ricki Heck, resident of Grass Valley
- Mary Anne (no last name given), resident of Colfax

Approved a Budget Amendment Request #BA 2018-87, increasing the grant revenue and capital budget accounts for the Combie Sediment and Mercury Removal Project. M/S/C Miller/Wilcox, unanimously approved

COMBIE SEDIMENT AND MERCURY REMOVAL PROJECT (FATR #2135), GLEI CONTRACT AUTHORIZATION

Greg Jones, Assistant General Manager, presented the item.

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Awarded a Construction Contract to Great Lakes Environmental & Infrastructure (GLEI), in partnership with Teichert Aggregates, in the amount of \$4,618,723, for the removal of sediment and elemental mercury from Combie Reservoir, and authorized the General Manager to execute the necessary documents. M/S/C Drew/Wilcox, unanimously approved

COMBIE SEDIMENT AND MERCURY REMOVAL PROJECT (FATR #2135), USGS CONTRACT AUTHORIZATION

Greg Jones, Assistant General Manager, presented the item.

Approved Amendment 4 of a sole-source Joint Funding Agreement (JFA) #17WSCA6001020 with the United States Geological Survey (USGS) in the amount of \$868,670, for the collection and analysis of sediment, water, and zooplankton from Combie Reservoir, and authorized the General Manager to execute the necessary documents. M/S/C Miller/Drew, unanimously approved.

COMBIE SEDIMENT AND MERCURY REMOVAL PROJECT (FATR #2135), H&K/NV5 CONTRACT AUTHORIZATION

Greg Jones, Assistant General Manager, presented the item.

Awarded an Agreement for Consulting Services to Holdrege & Kull / NV-5 Corporation (HK/NV5) in the amount of \$519,774 for project management and regulatory compliance activities of the Combie Sediment and Mercury Removal Project, and authorized the General Manager to execute the necessary documents. M/S/C Wilcox/Miller, unanimously approved

COMBIE SEDIMENT AND MERCURY REMOVAL PROJECT (FATR #2135), TEICHERT SEDIMENT STORAGE AGREEMENT

Greg Jones, Assistant General Manager, presented the item.

Awarded a sole-source Agreement with Teichert Aggregates in the amount of \$600,000, for the long-term storage of sediment removed from Combie Reservoir, and authorized the General Manager to execute the necessary documents. M/S/C Drew/Miller, unanimously approved

GENERAL MANAGER'S REPORT

The General Manager reported on the following items:

- Storage and Precipitation update
- Conservation update
- Attended Mountain Counties "Head Waters in Peril" meeting
- Attended Community Choice Aggregation (CCA) Symposium
- CCA Roundtable on August 23, 2018 at 6:00 p.m. at Fairgrounds, Ponderosa Hall
- Participated in Mountain Counties "North Meets South" meeting
- Attended Nevada County and Placer County Farm Tours
- Met with high school ag advisory committee to discuss career track education
- Attended the CSDA GM Summit in Squaw Valley
- Conservation Bills updates

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- Grand Jury report on Special Districts' unfunded liability
- Grant updates
- Watershed Trust Fund update
- Raw Water Master Plan update
- Bear River Siphon in service
- Newtown Canal regrading update
- Maben Phase 2 out to bid - due July 14, 2018
- Rattlesnake Backbone Extension update
- Meeting with Iron Horse DFWLE on June 19, 2018
- 2018 Bowman Canal work is complete
- Rock Creek Intertie Project update
- Hemphill Project update
- Office generator update – PG&E in line for their portion of work
- Power poles are being installed to the Ditch Tender's house

BOARD OF DIRECTORS' ITEMS / REPORTS

Director Wilcox reported on the following items:

- Attended field tour of the new Bear River siphon
- Thanked the Board for the Nevada County LAFCo nomination, he won the election and will be serving on that Board for another four-year term

Director Miller reported on the following items:

- Attended the Nevada County Ag Tour
- Will not be at the next Board meeting, as he will be attending the SDRMA 2018 Special District Leadership Academy

Director Drew reported on the following items:

- Spoke about the recent Nevada County Farm Bureau ag tour

Director Weber reported on the following items:

- Attended CABY meeting and shared highlights

Director Morebeck reported on the following items:

- Attended Nevada County and Placer County Farm Tours
- Visited the Bear River Siphon
- Visited the Combie Sediment and Mercury Removal Project area

PUBLIC COMMENT ON ANY ITEM TO BE CONSIDERED IN CLOSED SESSION

- Ricki Heck, resident of Grass Valley, addressed the Board regarding the Closed Session property acquisition item.
- Dianna Suarez, resident of Colfax, addressed the Board regarding the Closed Session property acquisition item.

Meeting recessed at 11:20 a.m. and reconvened at 11:28 a.m. in Closed Session.

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CLOSED SESSION was declared at 11:28 a.m., pursuant to Government Code Section 54957.6 to provide direction to the District's designated bargaining representatives – Scherzinger and/or District Counsel – regarding benefit negotiations with American Federation of State, County and Municipal Employees (AFSCME) Local 146

Authorized the General Manager to file and execute the 2017-2020 MOU side letters regarding changes of the benefits and compensation plans for represented employees, and with all necessary exhibits, to be effective July 1, 2018. M/S/C Drew/Weber, unanimously approved

Director Drew left the meeting at 12:13 p.m.

CLOSED SESSION was declared at 11:28 a.m., pursuant to Government Code Section 54956.9 to confer with District Counsel regarding pending litigation – Bell Road, Auburn

Director Weber made a motion to deny the claim. Director Wilcox seconded the motion.

Motion passed on the following roll call vote:

| | |
|------------------------------|---------------|
| Weber, Division I | Aye |
| Drew, Division II | Absent |
| Miller, Division III | Aye |
| Morebeck, Division IV | Aye |
| Wilcox, Division V | Aye |

CLOSED SESSION was declared at 11:28 a.m., pursuant to Government Code Section 54956.9 to confer with District Counsel regarding pending litigation – Dry Creek Road, Auburn

Director Wilcox made a motion to deny the claim. Director Weber seconded the motion.

Motion passed on the following roll call vote:

| | |
|------------------------------|---------------|
| Weber, Division I | Aye |
| Drew, Division II | Absent |
| Miller, Division III | Aye |
| Morebeck, Division IV | Aye |
| Wilcox, Division V | Aye |

CLOSED SESSION was declared at 11:28 a.m., pursuant to Government Code Section 54956.9 to confer with District Counsel regarding pending litigation – Little Deer Creek Lane, Nevada City

Director Wilcox made a motion to deny the claim. Director Weber seconded the motion.

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Motion passed on the following roll call vote:

| | |
|------------------------------|---------------|
| Weber, Division I | Aye |
| Drew, Division II | Absent |
| Miller, Division III | Aye |
| Morebeck, Division IV | Aye |
| Wilcox, Division V | Aye |

CLOSED SESSION was declared at 11:28 a.m., pursuant to Government Code Section 54956.8 to confer with Real Property Negotiators Scherzinger and/or District Counsel regarding price and terms of payment; the property subject to negotiation is Nevada County APN 27-090-09

Direction was given to real property negotiators.

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION was declared at 11:28 a.m. pertaining to significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code section 54956.9. One potential case. Existing facts and circumstances: tribal consultation under AB 52 and historic and cultural resources

Direction was given to legal counsel.

CLOSED SESSION was declared at 11:28 a.m., pursuant to Government Code sections 54956.9(d)(1) and (d)(2) regarding pending and potential litigation pertaining to the proposed Centennial Reservoir Project

Direction was given to legal counsel.

CLOSED SESSION was declared at 11:28 a.m., pursuant to Government Code Section 54956.8 to confer with Real Property Negotiators Scherzinger, Sommers, and/or District Counsel regarding price and terms of payment for acquisition and sale of rights in real property; properties subject to negotiations:

- South Yuba Canal, Chalk Bluff Canal, Deer Creek Powerhouse; flowage/wheeling rights in Drum Canal, Bear River Canal, Wise Canal, and South Canal (all owned by PG&E)
- Flowage Rights in Bowman-Spaulding Canal, Fall Creek Flume, Dutch Flat Flume, and Chicago Park Flume; right to storage in Rollins Reservoir (all owned by NID)

Persons with whom negotiations will be conducted: PG&E Management

Direction was given to real property negotiators.

Meeting reconvened in regular session at 2:04 p.m.

Dustin Cooper, District Counsel reported on actions taken during Closed Session.

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MEETING ADJOURNED at 2:08 p.m., to reconvene in regular session on July 11, 2018, at 9:00 a.m. at the District's main office located at 1036 W. 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.

Director
Division I

Division II

Division III

Division IV

Division V
