

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

April 12, 2017

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 12th day of April, 2017, at 9:00 a.m.

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

Staff members present included Greg Jones, Assistant General Manager; Marvin V. Davis, Finance Manager/Treasurer; Chip Close, Operations Manager; Keane Sommers, Hydroelectric Manager; Gary King, Engineering Manager; Jana Kolakowski, Human Resources Manager; Monica Reyes, Recreation Manager; Doug Roderick, Senior Engineer; Dustin Cooper, District Counsel; and Kris Stepanian, Board Secretary.

President Wilcox noted that the fire marshal limits the number of people the can be in the Boardroom, and the maximum capacity is 85, as posted. He checked with the room monitor who confirmed that the room was just under capacity. President Wilcox respectfully requested that any staff members who did not have an item on the agenda, and who do not have an absolute need to be in attendance to exit the room in order for any waiting members of the public to attend.

President Wilcox announced that the items on the agenda would be slightly rearranged.

MINUTES – March 22, 2017 Regular Meeting

Director Weber stated that the Minutes were beautiful.

**Approved the minutes of the regular meeting on March 22, 2017, as submitted M/S/C Weber/Drew, unanimously approved**

WARRANTS

**Approved warrants as submitted on check and payroll registers. M/S/C Weber/Drew, unanimously approved**

PUBLIC COMMENT ON ANY ITEM TO BE CONSIDERED IN CLOSED SESSION

William Baziuk, Resident on Sisson Lane represented and spoke on behalf of the approximate fifteen families that filed a claim with the District and that also live on

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Sisson Lane. There are approximately 49 parcels on that road, and they expect to have more families participate in the claim in the future.

Mr. Baziuk explained that there has been approximately \$22,000 in damages to their road surfaces. Deep erosion on the shoulder of the road has created a rut approximately four foot deep, making it dangerous for all of the families living there, as well as others who come on to the road.

The California Supreme Court held in the Locklin vs. Lafayette Case that the upstream diverter of storm water had to be reasonable in their actions, and if not, the upstream diverter could be liable for downstream damages. Mr. Baziuk said that this is exactly the case or facts that they have with NID.

Mr. Baziuk has asked for NID's easement to their area on Sisson Lane, and has not yet received anything. If NID does have an easement, they must not damage or destroy the property over which they have the easement, which is historic common law, and must maintain any easement they have. NID has an obligation to prevent any easement from being dangerous, a hazard or damaging to the property which it overlies, which is again historic common law.

Mr. Baziuk asked what maintenance NID has done to the area including the culverts and berry bushes under Sisson Lane in the last 5, 10 or 20 years. He has been there twelve years and has never seen them do any maintenance on that. NID must maintain the easement so it works and does not damage their property. They must also clean the blackberry bush weeds and increase the size of the culverts to meet the needs of the District.

This argument does not yield on the issue of whether or not NID actually has an easement, it is just for the sake of discussion to make the point that nobody with an easement can use it to damage the property over which it lies. NID cannot continue to improve the channels, add drainage area, and change the engineering drainage parameters by which they choose to drain storm water runoff if it leads to damages to the servient tenant, such as the group he represents. If NID has an easement, it is fixed as to its historic prescriptive use, and cannot be randomly changed to meet the needs of NID, without the liability to the properties over which it lies. NID is obligated to increase the capacity of the culverts as they increase the capacity of the peak flow of the runoff.

Mr. Baziuk called the Board's attention to the map of Sisson Lane. He pointed out the Lone Star and Willits canals, and explained that the Lone Star dumps into a natural drainage that goes underneath Sisson Lane. There is a gate that is used when storms overcome the capacity, and is opened up by NID workers to allow it to go into the natural drainage, which works very well.

Mr. Baziuk pointed out the Willits canal on the map, which he understands comes all the way from the other side of Hwy 49. He showed how it collects storm water and runoff and channels into their area. He pointed out a gate that is opened by NID staff during times of storm to allow it to drain into the natural drainage, going underneath Sisson Lane, and goes back into the Lone Star canal. NID uses the Lone Star canal as a channel to dump into Sisson Lane. Mr. Baziuk pointed out on the map that if it does not

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dump into the natural drainage, it would go another way at which point it comes into a natural drainage, which NID has established a couple of slide gates, and dumps in to another point that is shut off to continue, so that it dumps into the same point and comes underneath Sisson Lane. It basically overtaxes their culverts. He showed the bullseye area where all of the drainage is collected from the District's canals and channeled right underneath their road.

Mr. Baziuk stated that in the twelve years he has been there, he has seen this happen many times, where it over runs their road. They have been repairing the road on their own every year at their own expense. They have never hassled NID at all, but they are done with doing that. He stated that the Board has seen the pictures. It is a torrent of water coming down Sisson Lane that makes it impossible for them to and from their homes.

Mr. Baziuk asked the Board to direct the Staff to look further into the merits of their claim. He shared that they will agree to waive time (the 45-day statute) if it helps the Board's decision-making after Staff reviews their arguments.

President Wilcox confirmed that Mr. Baziuk is speaking for others in attendance representing Sisson Lane. He thanked Mr. Baziuk for his comments, and shared that the Board would further review the item in Closed Session.

#### PUBLIC COMMENT – Goar

Bob Goar, Co-Chair of FONA (Federation of Neighborhood Associations) shared that he was there to praise NID. The first thing that impresses him when he attends NID meetings is how they honor employees, as they always make them feel important and appreciated. Employees are made to feel like part of a family by being recognized, which he really appreciates. He appreciates the hard work of the Board and staff in dealing with big and small items that come before them; issues that affect not only NID, but constituents that they all serve. Another thing he appreciates is the minutes that staff puts out. He has never seen such complete minutes and feels they are really, really good.

Mr. Goar shared that he knows most of the Board well, and some are his very good friends. He then shared a little about each Director:

- Director Miller he knows the least, and they have spoken a few times
- Director Morebeck and Mr. Goar met recently, and they share a love of music. He hopes to spend more time talking and listening to him
- Director Drew and Mr. Goar go back a long time. Mr. Goar shared how memorable it was when he heard him make presentation years ago as a member of LAFCo while honoring a member that was leaving LAFCo, and said that you had to be there to see it as it was really something. He said it was one of the most amazing speeches he has ever seen.
- Director Wilcox and Mr. Goar go back a long way; grieving together, hiking in the Sierra and enjoying many Sierra Club events.
- Director Weber is a great friend. Mr. Goar requested to say on the record, that he loves Director Weber. She has been a friend, confident, advisor, mentor and hero of his from the time he came to Nevada County in 1989. They have shared many

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hikes, glasses of wine in front of a campfire, and many dinners and conversations together. She is one of his most trusted and true friends.

Mr. Goar shared that he has served on a special district board, and knows how it feels to sit before a group and make decisions that affect many and will anger some. He served on the Board of Ophir Hill Fire District once for six years and then again for a year; for many years he attended the Board meetings for LAFCo; running for a Board position three times and failing every time. He requested the Board packet so he would have the same information that the Board received. He paid for each packet he received and did that so he would have the same information that the Board had, and to be able to comment and question the Board.

On April 6, 2016, the League of Women Voters, South Yuba River Citizens League, and the Federation of Neighborhood Associations respectfully requested the Board of NID to consider video-taping and broadcasting their bi-monthly meetings. He is again requesting that this item be brought back to the Staff and the Board for consideration. He has taken the liberty of inviting a few of his like-minded friends to come here, and politely ask the Board to consider their request. He hopes and asks that all speakers today will be considerate of the Board's time and stay on message. Mr. Goar expressed his thanks again for the District's service, hard work and patience.

PUBLIC COMMENT – Wilson

Jackie Wilson, Resident of District I in Nevada County, presented a letter that was signed by JoAnn Marie, President of the League of Women Voters of Western Nevada County (LWVWNC), Doug Holmen, President of Federation of Neighborhood Associations (FONA) of Nevada County, and Caleb Dardick, Executive Director of South Yuba River Citizens League (SYRCL). Ms. Wilson explained that she was asked to read the letter to the Board since JoAnn Marie, President of LWVWNC was not able to attend, and stated that each Board member has a copy of the letter.

Ms. Wilson read the following letter:

Dear NID Board members,

Over a year ago in April 2016, three community groups, the League of Women Voters, Federation of Neighborhood Associations, and the South Yuba River Citizens League sent you a formal request to video live-stream and broadcast your board meetings. At your March 8, 2017 meeting you rejected this reasonable and cost-effective way to keep the public engaged and informed and to conduct your business on par with other local governments. In the process, we all learned that doing this is not expensive in the context of the impact and costs of your work and budget.

It was apparent in the March 8 board discussion of the detailed options presented by staff that an open-ended board discussion at the end of a long agenda was not a productive way to come to a reasonable conclusion. We suggest here another approach.

Rather than confront the details again at a board meeting, the Board should take two decisions, one to undertake the project and a second to authorize how to do it.

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Your first decisions should request staff to recommend to the Board a single approach and complete plan for fulfilling the following requirements:

“Using the same or better technology and approach as that used by Nevada County and the Cities of Grass Valley and Nevada City, bring to the Board, by or before the June 14, 2017 Board meeting, a recommendation and complete plan to video live-stream Board meetings, make the video recordings available online on the same day as the meeting, and archive them for posterity.”

Once Staff has fulfilled this request, the item should come before you as a staff recommendation or possibly as a consent item requiring little or no further discussion.

You all know the work you are responsible for is vital to our community and to each citizen and the issues before you are complex with long term impacts. This affordable, good government action is needed for citizens who are unable to attend your meetings in person due to work commitments, health or disability, or other reasons. We remind you that engaging the community more fully will support you in fulfilling your responsibilities.

There is no reasonable argument against conducting business with the same openness and engagement as other government entities in Nevada County and none was made by the Board at the March 8, 2017 meeting.

Please let us know your plans soon.

Ms. Wilson stated that the letter was signed by JoAnn Marie, President of the League of Women Voters of Western Nevada County (LWVWNC), Doug Holmen, President of Federation of Neighborhood Associations (FONA) of Nevada County, and Caleb Dardick, Executive Director of South Yuba River Citizens League (SYRCL), and a carbon copy was sent to Brian Hamilton, Editor of the Grass Valley Union.

PUBLIC COMMENT – Jordan

Joey Jordan, Resident of Rough & Ready, shared that she is a local political consultant, and is here to remind the Board that everything is political. Technically, the Board is the designee of the voters, and kind of like an employee of the voters. Voters really like transparency, especially in this day and age. Voters feel that a lack of transparency equates to having something to hide, and that erodes voter trust. Voters like to trust the people they vote for. Common sense dictates that transparency leads to trust and trust leads to votes. To most that has been kind of intuitively obvious. Equally obvious to most, is the importance of live-streaming, and making available to the public the meetings of this Board and the actions of this Board for people like her, who really cannot afford to take time off from their day jobs and be here to sit through meetings. It would demonstrate that the Board wants to earn the trust and hold the trust of the community and the voters. She thinks that everybody really wants to have that trust. They want that, they are asking for that, and she knows that the District wants that as well. She really hopes that the Board would reconsider and make available to all of the public everything that they are doing in a very transparent fashion. Ms. Jordan thanked the Board for their time.

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PUBLIC COMMENT – Root

Alice Root, Resident of Rough & Ready and has lived here for 28 years. They have seen the progress and have been watching NID activities for that long. Until this point, she has never so much as sent an email about her concerns with NID, other than outage calls, the canal being blocked and so forth. They have seven acres, have blue berries and livestock. Ms. Root came forward regarding two issues. She felt it was her civic duty to comment. She has not been active before because she was a busy mother of two, worked and commuted 45 minutes out of town, in addition to working at the local hospital. Now that she is retired, she has that time. It is her duty to represent the thousands of customers and consumers of NID that are unable to physically attend this meeting and pay attention to what is going on, due to work, disability, timing issues and so on.

Ms. Root shared that she is very concerned to hear that the Board was reluctant to live-stream their meetings. There was a time, twenty-eight years ago, when we did not have computers and did not use emails, but in this day and age it is the norm and is the standard practice, and every local agency here and across the country uses live-streaming. She is here for those people who are not able to physically be here. There are very important issues coming up. She thinks the District wants the public to be informed and to be educated. She hears the District spent over \$100,000 of the constituents' money on a public relations campaign to promote the Centennial Dam Project. She thinks people need to be educated, and the best way to do that is for the District to live-stream the Board meetings. From reading about it, it is a very small price to pay estimated at \$20,000 to move forward with live-streaming. As someone she respects said "We need to do this as a service to the public and part of doing business. It is just a standard practice".

She can understand that it would be uncomfortable. She would be uncomfortable knowing she is video-taped every minute in a Board meeting. She hopes that as public representatives they can get past that and move forward.

Ms. Root's also shared that she is concerned that it took three weeks for an email to the Board members to get through to the Board. She is not sure if the public is aware of this, but thinks they need to be. This is a very archaic system that all the emails have to go through the Board Secretary before they are forwarded to the Board members. She said that this is insane in this day and age. She thinks that this needs to get out there. She heard back from one representative (Director) that he has not heard much of anything from his constituents, and she wonders if this is why. Number one, they cannot see the live-streaming and do not know what is going on in the Board meetings, and number two, the emails are not getting through.

PUBLIC COMMENT – Lipowitz

Marin Lipowitz, stated she is a thirsty, grateful NID customer who also votes, and thanked the District for their service. She repeated the request for transparency and that the public expects the District to provide this service using the same or better technology than that provided by Nevada County, the City of Grass Valley and the City of Nevada City. The public deserves nothing less. She said that in the meantime, she would like to thank YubaNet for taking up the space until NID can fulfill that request.

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Ms. Lipowitz shared some of the things that she wrote in a letter to the U.S. Army Corps of Engineers (USACE), and a couple of items that have not been said here before, or have been said only briefly. The first item she noted was rain water recapture as an alternative to the dam. It is sort of like everybody having a little dam on their property. Secondly, she noted that in 2012, the Rainwater Recapture Act was passed in California. It affords residential users and private and public entities with a new source of onsite water supply which could reduce reliance on potable water for landscaping needs and provide a recharge benefit to underlying groundwater aquifers. California passed this legislation in 2012, and she thinks it is something that can very well be passed along not only to NID customers, but to everyone who is responsible and wanting to participate in water conservation.

Another topic that she did not write about to the US Army Corps, but she thinks is also a very valid alternative, is gray water use. She explained that gray water can be diverted to be used for landscaping needs, and it would cut down on good potable water that is now used to water lawns. Gray water is fine for that purpose. Of course, anything else would need to go the septic system, but gray water can be branched off, and save a lot of good potable water.

Ms. Lipowitz asked if she can say an alternative pledge, and said that anyone who would like to leave the room who does not agree to please feel free to do so.

A number of those in attendance, including Director Drew exited the room while Ms. Lipowitz recited the following pledge, and re-entered when the pledge was finished.

“I pledge allegiance to the Earth and all the life which it supports  
One planet, in our care, irreplaceable, with sustenance and respect for all”

PUBLIC COMMENT – Biery

Pamela Biery, shared that she has lived in the region for about 30 years, is a professional communications consultant, with an MA and a certification in that field. Ms. Biery thanked NID for their service, and expressed that she is so grateful to live in Nevada County. Ms. Biery said she would like to assure the Board, as a communications consultant, that full transparency will not cost the District money. It will save the District money. It will help build constituents and help to inform everyone. From her own personal experience, it is one of those few things that an organization or government entity can do can change everything. It is really a transformative process, because suddenly instead of telling people, you are showing them, and that just changes everything in the best possible way. So she would like to really encourage the NID Board to take that step and to recognize that this is not radical. This is the best practice that is globally accepted.

Ms. Biery stated that she could not resist the opportunity to mention a few things that have not been brought up with regards to the Centennial Dam. As a resident in the greater community for approximately 30 years, dams fail and create huge problems, including maintenance problems for humans to take care of that affect not only humans, but also wildlife. Across America dams are being removed at the expense of the rate payers. She asked the Board to please take a look and broaden the horizon of scope when addressing water issues. There are great lessons to be learned.

PUBLIC COMMENT – Keehn

Jonathan Keehn, Resident of Grass Valley, NID Customer and with the Wolf Creek Community Alliance (WCCA), shared that he has lived in Nevada County since 1970 and that he loves living here. Mr. Keehn said that he wanted to echo most of the comments from those who spoke before him, especially Mr. Goar. He would also look forward to a glass of wine around a campfire with each of the Directors sometime in the near future, and that it sounds really good. He also thanked NID for the long and productive relationship they have had with WCCA since 2003.

Mr. Keehn expressed that he feels the issue of live-streaming meetings is an issue that the Board should revisit and implement as soon as possible. Especially with the very controversial project that the District has in mind right now, the more they can get the word out to the larger population, the better it is going to be for everybody.

PUBLIC COMMENT - Ghilotti

Sue Ghilotti, Resident of Colfax, shared that she lives on the Bear River and owns the property that NID actually needs to build their second hydro plant, which they do not have access to at this time. She shared that Remleh Sherzinger, General Manger, knows all about it, although he is not in attendance today. She left someone at home today with stage four advanced cancer to attend this meeting, and that is why she would like to promote live-streaming, video recordings and archives of these meetings so that people like her, and other people that work can hear what is going on. Perhaps it would not be such an issue, but so many things have been changed since the District's first meeting to the public, which was to a hundred of the landowners when presenting the project. At that time the District said they were not going to build a road or be responsible for a bridge across Dog Bar and now they are. There are many things that the District has changed their tune on, and it is very hard to keep up with what is being presented each time. She would really like to be able to access these meetings some other way such as live-streaming, which would be appropriate in the real world of today (even though she is not a computer person), but it would allow her to be able to keep up with the District's project and the billion dollar presentation of this project.

She thinks the District could at least spend a little bit of money, since they have already spent millions of dollars. She said that she is clearly not as nice as the people that have already spoken today, but she thinks it would be a wise thing to spend the money. It would be a wise thing to be able to inform the people that are affected by the District's billion dollar project that they want to push through. She ended with "A few thousand dollars to live-stream this meeting".

PUBLIC COMMENT – Sitzer

Lou Sitzer, past Director of Nevada County Television, said he was in attendance to represent and speak on behalf of the Executive Director, Ramona Howard, who could not attend. He shared some history of when he was directing the station. They had a great relationship with NID, who sponsored programs throughout the years. He hopes that relationship can resume with the new Executive Director. The possibility of both recording and live-streaming is very feasible and doable both financially and practically in terms of equipment and personnel. This is something that they do with all of the government entities, for the county and cities, planning commission meetings and so



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forth. It is something that is part of their mission. They have three channels county-wide, which include a government channel, education channel and public access/public comment. All three of these channels could carry the Board meetings that could be recorded here. They have the capability to live-stream as well and archive meetings. So all of this is very doable, and he has had a conversation about it with some of the Board members. Mr. Sitzer said he has discussed this historically with the Remleh Scherzinger, the General Manager. He is hoping that we can take the opportunity, as it seems like there is a great deal of public interest. As a retired high school teacher, he can say that this is an opportunity to educate on both sides of the table. Education is a matter of putting our heads together. We are all in this together. It is our homeland, our community, our water, our pooled intelligence and wisdom. The whole idea is how we work on this together, and providing public education through both cable tv and internet streaming is very doable. He is hoping that part of the recommendation is that they can meet with Staff to pursue options to develop and present to the Board.

#### PUBLIC COMMENT – Heck

Ricki Heck, Resident of Grass Valley, shared that in the meetings she has attended over the past six months, she has noted there are often references in the agendas to Closed Session items about real property acquisitions. At the NID meeting on March 22, 2017, she asked a question about the District's recent acquisitions, and how someone could get that information. She was told by the General Manager that it is only available through a written public records request.

Ms. Heck wonders why. She shared that it seems absurd for NID to say the public can have the information only after a piece of paper is submitted. To conceal this data behind a veil of paperwork is not transparent. If the public has a right to it, why not just provide it rather than making someone jump through unnecessary hoops? Not only that, it fosters distrust from the community to require a formal written records request for something that the public is already entitled to know.

California is a full-disclosure state, meaning, anyone at any time can determine when real property is sold and what the sales price is. Ms. Heck expressed that she firmly believes the public has a right to know the answers to the following questions, and respectfully asked that they be included on an upcoming agenda, and answered in a public session at the earliest opportunity:

- How many properties have been purchased in the last 36 months in the sphere of the Centennial Dam project?
- How many total dollars have been spent on those properties?
- From what source of NID's budget were the monies allocated and spent?
- Were the property owners paid fair market value for the properties, and who determined the fair market value?
- If the dam is not built, what will happen to the properties?
- What is the argument for spending ratepayer dollars on the properties before receiving environmental review or being granted any permits for the project?

#### PUBLIC COMMENT – Main

Martin Main, Resident of South Nevada County, shared that he lives off of Dog Bar on River Ranch, about a mile north of Magnolia Road, and is not currently serviced by the

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District. However, he was previously serviced by the District when he lived at another location in the District. He thanked the Board for letting him speak. Mr. Main explained that he understands that in conjunction with the proposed Centennial Dam project, that there will be a pipeline with raw water going down Dog Bar and westward on Magnolia Road. He requested that fire hydrants be added along that pipeline. He understands that there are some difficulties with raw water and fire hydrants, but believes there are some ways to mitigate that. Mr. Main explained that he was previously on a ditch in the Hidden Ranch area, and many of his neighbors had filters that took care of that problem. It is getting to be very difficult to get fire insurance, as some people in this area may know. The first question from the insurance agent is often whether or not there is a fire hydrant within a thousand feet of the residence, and if not they are advised to go somewhere else. Obviously, fire hydrants would be a benefit to fire suppression.

In the interest of full disclosure, Mr. Main shared that he recently joined the Board of Directors for the Higgins Fire District. However, he is speaking today for himself and his neighbors. Mr. Main is just beginning a fire-wise community in his neighborhood of about sixty properties, and would love to be able to tell them that fire hydrants are possible should the Centennial Dam project be approved. He has also spoken with Battalion Chief, Jerry Good, about the fire hydrants. Mr. Good is ecstatic at the idea of additional fire hydrants and additional capabilities for fire suppression. His words were that he is always in favor of more hydrants anywhere. Mr. Main expressed that he would appreciate it very much if the Board would please take this into consideration and give it to a committee and he thanked the Board for their time.

#### PUBLIC COMMENT – Holmen

Doug Holmen, representing the Federation of Neighborhood Associations (FONA) of Nevada County, shared that the position of the letter in April of 2016 requesting video-taping has not changed over the past year. The letter states that this affordable good government action is needed for citizens that are unable to attend meetings in person. They believe that the NID Board meetings should be open and transparent in the same way that the other government jurisdictions are doing now. Please do this in the interest of public education and engagement.

#### PUBLIC COMMENT - Center

Bob Center, Nevada County Resident and NID stand-by customer shared that at the March 8, 2016 Board meeting the General Manager, Remleh Scherzinger, stated that a request for proposal (RFP) for an evaluation of the financial feasibility of the Centennial project had been issued. He said that for the record, he would like to request the RFP, and resulting financial feasibility evaluation be made available to the public. All of the comments here have been about general means of providing transparency. This is a specific request for transparency, and the editorial comment is that the finances of this project have been far from transparent. Mr. Center said that in fact, the best he can determine, all of the five Board members, the General Manager and others are blind to the financial requirement of this project and are making a blind leap in the dark.

#### PUBLIC COMMENT – Dardick

Caleb Dardick, Executive Director of South Yuba River Citizens League (SYRCL), said that he thought he would be standing here today to thank Director Nancy Weber for her

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leadership and for bringing this proposal to live-stream NID's Board meetings forward, and to thank all of the Board and the staff for their commitment to transparency and public engagement. He intended to make those remarks in the spirit that Bob Gore modeled as the first speaker, but instead he is here today, as many are, to repeat their request that was made a year ago, that NID take immediate action in the interest of public education engagement to live-stream its Board meetings, to make the video recordings available online and on the same day as the meeting, to archive them for posterity, following the best practices in the State of California for government transparency. He was so confident that the District would do this that he regretfully did not attend the March 8<sup>th</sup> 2016 meeting. He read the approved Minutes with great shock and was quite disturbed. It is extremely disappointing that Director Weber's motion to pursue live-streaming died for lack of a second. This is at the same meeting in which Director Drew's dismissive motion not to encumber any District funds and not pursue this any further was granted a courtesy second. Worse, Director Drew appeared to have insulted anyone who cares about government transparency and accountability as saying in the approved Minutes "It is not his responsibility to facilitate and to finance the creation of the vicarious relationship with the public. It is not there. It is not his responsibility". Mr. Dardick said that he is quite disturbed by this. He always comes to NID Board meetings in the spirit of friendship, but today he does not understand what is going on, because it is the Board's responsibility to facilitate a relationship with the public. It is called being a public servant. Director Morebeck was quoted in the Minutes as saying that he does not want people getting the idea that the Board is trying to be secretive. One solution then is to support their reasonable request. Live-streaming is a simple act of transparency that is normal for the cities and counties of our area.

#### PUBLIC COMMENT – Raglin

Nicole Raglin, Resident of Grass Valley, shared that she took time away from her three children to attend the meeting. She said she is a little disappointed in Director Drew and his disrespect for some of the speakers, and is sure that the disrespect for her will ensue shortly and she is here to take it. She told Director Drew that she sees him. Ms. Raglin went on to say that money for the dam would be better spent educating the public on how to better use the water we do have, subsidizing repair, updating plumbing costs to those in need, and making necessary improvements to the current distribution and infrastructure. Education alone is a resource that will carry through generations, even in drought years, when water to fill a dam will be scarce. The water alone needed to build the dam makes this project seem absurd. The dam will be a final and deadly blow to an indigenous people that has been reduced and displaced since we have created a community here from the mining days. The Nisenan people deserve better, your community deserves better. Ms. Raglin said "water is life, dams are death, death to natural water patterns, death to wildlife and death to the air we breathe – no more dams".

#### PUBLIC COMMENT - Osgood

Shirley Osgood, an NID customer and voter, shared that her father was a Veteran of Korea, the Korean War and WWII. She was married to two Vietnam Veterans at different times. She respects these three men greatly and respects whoever else has served, but she does pledge to this Earth, because we only have one planet here. She is not pledging to Grass Valley or some polyester flag. She is pledging to the Earth.

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Ms. Osgood expressed that she is speaking out against the dam and provided copies of the recent American Rivers article dated April 10, 2017 entitled "Bear River Among America's Most Endangered Rivers of 2017", which is also available online.

Ms. Osgood reported that she attended the Grass Valley City Council meeting. She is trying to start at the bottom and work her way up, as she hopes many other people are doing these days. She really respects the British parliament and the way they speak out to let people know how they feel. She does not want to be admonished for clapping. Last night, those who clapped at the City Council were told they were inappropriate. She is not inappropriate when she claps for something. She is against the dam. She would like to challenge those who still think that the Centennial Dam is a bad idea to think outside of the dam box. Dams are not the way of the future.

PUBLIC COMMENT – Hicks

Roger Hicks, local physician, shared that like Mr. Goar and many others, he knows many of the Board members. He shared that he met Director Miller years ago when he started his career in urgent care and left Sutter Auburn Faith. Dr. Miller took his place there in the emergency room. He has known Director Wilcox for years from working together with the scholarship and conversations over the years about water issues. He has known Director Weber for years also, and thanked her for being a hero to him.

Mr. Hicks said that to tell the public that in order to get records or information from the District that they have to submit a Public Records Act request for information they are going to get anyway, rather than just giving it to the public outright, it creates an impression that the District does not trust the public. It is a slap in the face. The public is going to get that information anyway. It is frankly insulting to say that they need to go through a legal process to get information that is going to be available to them anyway. He thinks it creates the impression that maybe the Board has forgotten that they are elected officials, and that they represent the public. He requests that the Board rethink that, and not require the California Records Act action. He also supports transparency and live-streaming. He thanked Director Weber for her leadership on that.

PUBLIC COMMENT - Pasner

Mike Pasner, of Indian Springs Organic Farm in Penn Valley and who has been farming in Penn Valley for 31 years with NID water, said he has a real love-hate relationship with the District, as many have seen. He asked Director Drew if he would leave the room if he said the pledge, and added that he might just say it as it might be interesting. Mr. Pasner thanked Pascale with YubaNet for being there, and said that at \$20,000, NID owes her \$90 after today. Mr. Pasner said that Remleh Scherzinger, General Manager, was not in attendance today, and that he was probably on vacation watching this meeting on YubaNet.

Mr. Pasner directed his next point to President Wilcox, Director Morebeck, Director Drew and Director Miller, and expressed that he thinks they have made a mistake on this issue and that they should seriously reconsider it. They are going to have to reconsider it because the Boardroom is full, the parking lot is jammed up, and they are ready to rent the Vets' Hall to continue meetings. He said this is going to happen anyway with the dam coming up, but will happen early with this video situation. He

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suggested that the District just do it, get over it, pay for it, and let the public know what they are doing. Be transparent. It is that simple.

NID is in the midst of several serious issues, one of them being the Centennial Reservoir. Mr. Scherzinger named it Centennial Reservoir and Power, which Mr. Pasner said leads to a great acronym. He believes that this is a project that started out at \$300 million and is up to \$500 million. Before any ground is even turned, he said it is going to reach \$1 billion. The District has not done a complete financial analysis on this dam, and it is foolish to be buying the properties and moving forward with this project without having completed the financial analysis.

One of the big issues that is coming up besides the dam is going to be vegetation management plan that is now being done. NID uses a barrage of herbicides. This needs to stop. There are some good ways to stop it. He has brought them to NID and he will continue to bring them to NID. NID needs to take the alternatives. With several organic farmers on the Board, the Board should be pushing for this. Stop the aquatic herbicide use. Stop the terrestrial herbicide use. It can be done and it should be done, and it is financially viable.

#### PUBLIC COMMENT - VanZant

Peter VanZant, NID Customer who resides off of Ridge Road in Nevada County, shared that he is a voter, which he thinks is important since the NID Board is an elected body and this is a public hearing. Many of the things he would have mentioned have already been mentioned, but said he wanted to point out several things. The Centennial project that is proposed, and the public does not know all of the aspects of the proposal because they do not have them, will probably be the largest public works project ever built in Nevada County. People do not know about it. They do not have a lot of information. It will be up the ratepayers and taxpayers to pay for this in the long run, whether it is grants from the State or from the Federal Government. It will be public money one way or the other, and so the public should know about it. The feasibility study (RFP) should be published immediately so that the public understands what exactly the District is measuring. He is not sure the District would be measuring what the public would consider an economic feasibility study.

The issue that was just brought up about the properties is a real puzzle. He asked why the District is buying properties for a project that has just started, and what will the District do with those properties if the project does not go through, or when it does not go through.

Mr. VanZant shared that he served on the Board of Supervisors for eight years, and when they started the Board was just beginning to look into video recordings. It was pretty crude and there was no live-streaming as he remembers. Now it is a very smooth system. You walk in and do not even know that it is happening. People can watch it. It is an easy system. Mr. VanZant told the Board that it will not be a burden on them and they all look nice. There is no coaching. You just do your job and the county knows what is going on. He urged the Board at the next meeting to revisit this kind of no-brainer, low cost way of letting the public know about what they are doing, particularly on Centennial. The other benefit of video tapping is that the Board will not have to put up with this at every meeting, and he does not see it slacking off. He appreciates the

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Board's time. The Board is polite and it is public comment. He said that quite frankly, it is a waste of time, and we could all be doing something better.

PUBLIC COMMENT – McNallen

Steven McNallen, Resident of Nevada County who lives out by Alta Sierra Ranches, shared that he had not planned on speaking today, but seeing the lay of the land he felt that he absolutely had to. He is not here just to echo many of the concerns he has heard about the Centennial Dam. He absolutely shares those concerns. He wanted to attack what he thinks is probably a mistake in assumption. From an outsider's standpoint and sort of a stereo-type standpoint, people can look a room like this, and think that the only people who care about the Centennial Dam are people of the very left persuasion, or people that are very hardcore into environmental issues, or one thing or another. He thinks it is easy to make that type of assumption. As a registered Republican, he is somewhere between conservative and right-wing, and he absolutely supports the concerns of the people in this room. It is not as simple as liberal, conservative, republican, democrat, left or right. He thinks the concerns go far beyond that, and he just wanted to underline this. That is really his whole purpose in speaking. He is especially concerned with the impact of this dam on the indigenous community in the area. He thanked everyone for giving him time to speak.

President Wilcox called for a recess at 10:06 a.m. and the meeting reconvened at 10:08 a.m.

PUBLIC COMMENT - Branstrom

Bob Branstrom, Resident of Grass Valley who also owns property in North Auburn, where he is an NID customer, thanked the Board for the opportunity to speak before them. Part of his professional background is that he is a social scientist. He has always been interested in how people make decisions. He always looks for the reasons that people make the decisions they do. One of those reasons is how we see ourselves compared to other people. Recently he had a conversation with an NID staff member where they were talking about transparency regarding Centennial Reservoir. Mr. Branstrom argued that NID could be much better about providing the public information about Centennial. The staff member said that from his perspective, NID does a really good job compared to other water districts. Therein lies a big part of the transparency issue. NID compares itself to other water districts, whereas the public compares NID to other public agencies in Nevada County. Those agencies include Nevada County, the City of Nevada City, the City of Grass Valley and Truckee, who all video live-stream their meetings. That is what the public sees. The public even sees local high school football games being live-streamed, and they can figure out how to do this at a reasonable cost. The public sees NID as followers. Mr. Branstrom encourages NID to continue to compare themselves to water districts, but to live-stream their meetings, and then they can be leaders among other water districts.

PUBLIC COMMENT – Trujillo

Ronda Trujillo, Resident of Grass Valley and voter, shared that she too did not plan on speaking. She said that she agrees with a lot of things that have been said about the Centennial Dam. She does not want it partly for all of the reasons mentioned by others and partly because of the children. She shared that it was a hard morning getting to the

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meeting. It is a hard morning when you have children and when you are caring for your loved ones' children, to come and to see what is really happening at the Board meetings. She gets reports from friends, from other people at other meetings, people she is having coffee with, and information from the newspaper stating this is good or this is bad. What she wants to do is find out for herself, which is really difficult when you are helping out with a baby or when you have children yourself. Ms. Trujillo was holding a baby as she spoke, and shared that it would be so easy to have him at home, and to be able to watch and see what is going on.

PUBLIC COMMENT – Wilkinson

Andrew Wilkinson, member of the public, shared that he feels data is information. The Boardroom this morning is larger currently by 18 people, so right now there are 18 people who are participating and watching what is going on. He thinks that is really exciting to see. So again, he believes data helps us to know what direction to go. At the Sphere of Influence meeting, there were probably 50-80 views. They may have not watched the whole thing and may have only watched some of it, but he thinks it is really good for NID that this asset which everyone has spoken highly of this morning is something that the District takes onboard. He thinks you get used to it. He shared that he has been on video a lot over the years and it is something that you just tend to ignore. He has personally learned a huge amount from when Remleh Scherzinger, General Manager, spoke at the Women League of Voters. He could not attend the meeting due to basketball games he had to go to with his kids. He said he sat down in the afternoon and watched it, and became very educated from the NID perspective and also from SYRCL's perspective. It is a very valuable tool for people to go back and to see in real time. Going back to the March 22, 2017 meeting, 340 people have viewed it on YubaNet and he thinks that needs to become an NID asset. It is a very powerful thing for community outreach and the District's overall reputation to take it onboard.

President Wilcox called for a five minute recess at 10:11 a.m. and the meeting reconvened at 10:16 a.m.

GENERAL MANGER'S REPORT:

Greg Jones, Assistant General Manager, reported that the reservoir storage as of April 5, 2017, was at 240,334 acre feet, which is 131 percent of average and 91 percent capacity. At Bowman Lake, the precipitation was 118.87 inches, which is 200 percent of average. On April 1, 2017, the snow survey was 196 percent of average, at 56.1 inches, which is impressive considering the Governor recently lifted the drought emergency.

Mr. Jones reported that NID held a Sphere of Influence meeting on March 30, 2017, at the request of the public. There were approximately thirteen attendees, three of which were from the affected area.

The Bear River Syphon Replacement Project has begun, equipment is being mobilized, and the construction of the bypass has begun.

The Table Meadows Pipeline Project has been placed on hold due to wet weather and conditions.

The Orchard Springs Campground Building Replacement is under final review.

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Mr. Jones shared that Gary King, Engineering Manager, provided maps of the Auburn Ravine, at the request of Board members at the last meeting. Maps were delivered to mailboxes this morning.

The South Yuba River Canal is undergoing repair now and is moving forward. It is expected that a more detailed report as to the process that PG&E is working on with the U.S. Forest Service on canal repairs will be provided at a Board meeting in the near future.

The Scotts Flat Spillway surface repairs were ordered by the DSOD (Division of Safety of Dams), resulting in approximately a \$160,000 Emergency Change Order to repair pieces of the Scotts Flat Spillway. The District is currently just waiting for some clear weather to finalize the repairs.

#### BOARD MEMBER COMMENTS

Director Weber reported that on March 23, 2017, she met with NID Staff and the Alderwood Way neighbors who were requesting a District Funded Waterline Extension (DFWLE). The costs came in quite high and it is almost certainly not going to go forward. This is the second DFWLE in her area that will not go forward because of cost. So she is looking at the District's DFWLE Program, and wondering how it can be altered.

Director Weber requested to document that the Lake Vera area needs a waterline extension study. When the mainline was put down Lake Vera Road, few side roads were done. It was the nature of the money that came through the State Revolving Fund that you could get the money if people were using ditch water in their homes. So the lines were extended on side roads off Lake Vera only where somebody was using ditch water. The costs out there now for just an extension are going to run \$50,000 to \$60,000. She thinks the District needs to find more solutions. Director Weber told Director Miller that she would like to talk with him more since he has been a partner on the this topic.

Director Weber reported that on April 1, 2017, she attended the Cascade Shores Annual Meeting. Monica Reyes, Recreation Manager and Neysa King, Watershed Resources Planner attended also. The group was appreciative of some of the changes that are happening. Ms. King and Kevin Whitlock, Forester, explained the forestry management program that is going on.

Director Weber reported that on April 5, 2017, she attended a CABY meeting. They are now meeting monthly, and are working on the possibility of a climate study that would be useful to all of the water agencies and the non-profits on grant writing. They are required to put a chapter on climate in the CABY plan, and the one that is there was in need up an update. They are working with water agencies as well, and trying to determine what will meet everyone's needs. She explained that the way to meet with the water agencies is through the JPA that coordinates with CABY.

Director Weber reported that the disadvantaged community group connected with CABY is moving forward. They have hired Sierra Institute to represent them, who has



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also worked on the North Fork of the Yuba River, with tribes. She expects good work will come from their involvement.

Director Morebeck reported that he attended the Sphere of Influence meeting that Mr. Jones spoke about.

President Wilcox shared that he was in Colorado for the Sphere of Influence meeting, and endeavored to view it online. Unfortunately, he was not able to hear anything, as audio was not included with the video done by Pascale Fusshoeller with YubaNet.

President Wilcox stated there was an article in The Union newspaper on April 11, 2017, regarding a position that American Rivers has taken, placing the Bear River on the Endangered Rivers List. Steve Rothert, the California Director of American Rivers lives in Nevada City, and has been a friend of President Wilcox's for a long time. Mr. Rothert had the courtesy to contact President Wilcox, meet with him and provide advanced warning of the article. President Wilcox stated that he appreciates that on the part of Mr. Rothert.

Director Drew provided an update about the Orchard Springs Campground building replacement. The concrete pad was removed and the subbase is in place, covered in plastic and ready to go. A convenient spot on site was found for the broken concrete and an extra pile of dirt to cover it.

Director Miller spoke about the Governor's lifting of the emergency drought last week. It was not a full withdrawal of executive mandates however. Specifically, the State will continue to hold us to rather high monitoring and reporting requirements.

Director Miller mentioned that the District is at 91 percent of capacity (and not full) is because the radial gates are still open for the snow that is going to come.

Director Miller shared an example of misinformation that is in circulation and that was given to him by one of his patients. He believes that the small handout was distributed on March 31<sup>st</sup>, along lower Dog Bar and parts of Magnolia Road. It troubles him because it is a blatant non-truth. The handout says that a 7 mile long, 60 foot wide pipeline was going to be put in. Director Miller has shared this with Remleh Scherzinger, General Manager. Director Miller added that this was very strange, unfortunate and not ethically proper. He was not sure how it would all tie in, but if some type of live-streaming were done it may counter the misinformation that is out there.

Discussion ensued about the unfortunate circulation of misinformation.

Director Drew said that one of the things that Director Miller touched on, and that he thinks is very important, is that video-streaming will allow this type of misinformation and the plethora of op-ed pieces and letters to the editor that have been written that contain virtually nothing but misinformation, exaggerations and outright lies. If the District does get to video-streaming, he will use that opportunity to vent those letters in public, including the name of those who wrote them, which would expose those who are distributing and passing along false information.

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Director Miller said this is what he is suggesting, and that this might be reason to do some sort of video-streaming to counter what is out there.

The Board adjourned into CLOSED SESSION at 10:56 a.m., pursuant to Government Code Section 54956.9 to confer with District Counsel regarding pending litigation. The meeting was reconvened into open session at 11:35 a.m. President Wilcox asked the District secretary to report on actions taken in closed session, as follows:

**Rejected Claims of Sisson Lane, Placer County. M/S/C Drew/Weber, unanimously approved**

**Accept Claim of Mystery Lane, Nevada County, and pay claim in the amount of \$1,050. M/S/C Drew/Weber, unanimously approved**

**Director Drew made a motion to Reject Claim of Burnett Road, Placer County. Director Miller seconded the motion.**

**Motion passed on the following roll call vote:**

<b>Weber, Division I</b>	<b>Aye</b>
<b>Drew, Division II</b>	<b>Aye</b>
<b>Miller, Division III</b>	<b>Aye</b>
<b>Morebeck, Division IV</b>	<b>No</b>
<b>Wilcox, Division V</b>	<b>Aye</b>

Director Drew left the meeting at 11:24 a.m.

**Director Weber made a motion to Reject Claim of Witt Road, Placer County. Director Miller seconded the motion.**

**Motion passed on the following roll call vote:**

<b>Weber, Division I</b>	<b>Aye</b>
<b>Drew, Division II</b>	<b>Absent</b>
<b>Miller, Division III</b>	<b>Aye</b>
<b>Morebeck, Division IV</b>	<b>Aye</b>
<b>Wilcox, Division V</b>	<b>Aye</b>

Direction was also given to legal counsel concerning Nevada Irrigation District's Petition for Assignment of Water Rights for Centennial Reservoir and the Protest by South Sutter Water District to that Petition pending before the State Water Resources Control Board

MEETING ADJOURNED at 11:40 a.m. to reconvene in regular session on April 26, 2017, at 9:00 a.m. at the District's main office located at 1036 W. Main Street, Grass Valley, California.

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Kris Stepanian  
Board Secretary

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

<u>Wesley Walker</u>	Director Division I
<u>[Signature]</u>	Division II
<u>[Signature]</u>	Division III
<u>[Signature]</u>	Division IV
<u>Nick Volney</u>	Division V