

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

August 26, 2020

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

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

Absent: Chris Bierwagen, (Division II)

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

PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

The following members of the public addressed the Board:

- None

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

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

The meeting reconvened into Open Session at 10:15 a.m. and Dustin Cooper, District Counsel, read out the actions/direction from Closed Session.

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code § 54956.9(d)(4). One case: Issuance of Purported 401 Water Quality Certification for Yuba-Bear Project by State Water Resources Control Board

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

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PUBLIC COMMENT FOR ITEMS THAT ARE NOT ON THE AGENDA

The following members of the public addressed the Board:

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

MINUTES – August 12, 2020, Regular Meeting

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

QUARTERLY BUDGET VS. ACTUAL REPORT

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

Public Comment:

- None

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

QUARTERLY INVESTMENT, RESERVES & SHORT-TERM FORECAST

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

Public Comment:

- None

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

WATER PLANNING PROJECTIONS (FATR# 1041)

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

Public Comment:

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

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

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

WATER RATES COMMITTEE RECOMMENDATION

Greg Jones, Interim General Manager, presented the item.

Public Comment:

- None

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

Motion passed on the following roll call vote:

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

WARRANTS/FINANCIALS

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

Public Comment:

- None

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

INTERIM GENERAL MANAGER'S REPORT

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

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

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BOARD OF DIRECTORS' ITEMS / REPORTS

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

- Nothing to report

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

- Nothing to report

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

- Nothing to report

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

- Absent

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

- GM search update

PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

- None

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

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

Board Action: Direction was given to the negotiators

Closed session conference with legal counsel –anticipated litigation was declared at 12:35 p.m. Significant exposure to litigation pursuant to paragraphs (2) and/or (4) of subdivision (d) of Government Code § 54956.9. One potential case related to the District's Hemphill Diversion structure.

Board Action: Direction was given to Legal Counsel.

Closed session be declared pursuant to Government Code Section 54956.9 to confer with District Counsel regarding pending litigation – Claim: Crough

Reject the claim of Mr. Crough M/S/C Wilcox/Miller, approved; 4 ayes/1 absent.

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

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

Board Secretary

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

Division I

Division II

Division III

Division IV

Division V

