

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

June 14, 2023

The Board of Directors of the Nevada Irrigation District convened in regular session at the District's main office located at 1036 W. Main Street, Grass Valley, on the 14th day of June 2023, at 9 a.m.

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

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

**STANDING ORDERS**

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

**PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

- Ari Hope, member of the public, requested the Board consider an agenda item to discuss two miles of complex NID facilities on his property

**SPECIAL ORDERS**

**DOM LINDARS, AUTHOR OF *THE DITCHES OF NEVADA CITY***

Dom Lindars, a local historian, presented the Board with a copy of his recently published book, shared some pictures and information about the book, and thanked District staff for their support.

**CONSENT AGENDA**

President Hull pulled the following items from the Consent Agenda for discussion at the request of members of the Board:

- Item 4F: Assessment District No. 2008-1 (Rodeo Flat) Special Assessment Levies for FY 2023/2024
- Item 4H: Budget to Actual Reports – FY 2023 Q1, for the period to date ending March 31, 2023

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Public Comment: None

**Director Johansen motioned for approval of the Consent Agenda, excluding Items 4F and 4H. Director Caulder seconded the motion, and it was unanimously approved.**

The following Consent Agenda items were approved:

MINUTES OF THE SPECIAL MEETING ON MAY 23, 2023

**M/S/C Johansen/Caulder, unanimously approved as submitted.**

MINUTES OF THE REGULAR MEETING ON MAY 24, 2023

**M/S/C Johansen/Caulder, unanimously approved as submitted.**

ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA) - NOMINATIONS FOR REGION 3

**Adopted a resolution placing in nomination Jennifer Hanson as a member of the ACWA Region 3 Board. M/S/C Johansen/Caulder, unanimously approved.**

EXCAVATOR PURCHASE

**Approved the purchase of a new 2023 Caterpillar 308 CR (69.5 hp) Track Excavator in the amount of \$163,152.32 from Holt of California located in Pleasant Grove, and authorized the General Manager to execute the appropriate documents. M/S/C Johansen/Caulder, unanimously approved.**

COMMUNITY FACILITIES DISTRICT NO. 2007-1 (CEMENT HILL) SPECIAL TAX LEVIES FOR FY 2023/2024

**Adopted a resolution 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 2023-2024), and received the Fiscal Year 2022-2023 Annual Report. M/S/C Johansen/Caulder, unanimously approved.**

RESOLUTION OF APPRECIATION

**Adopted a Resolution of Appreciation (D. Chen). M/S/C Johansen/Caulder, unanimously approved.**

PURCHASE OF REPLACEMENT PICKUP TRUCKS

**Approved the purchase of three 2023 Toyota Tacoma pickup trucks at a price not to exceed \$135,000 as authorized in the 2023 Water Capitol Budget. M/S/C Johansen/Caulder, unanimously approved.**

WARRANTS, PROJECT AND FACILITY REPORT, AND INVESTMENT REPORT

**Ratified the issuance of warrants by receiving and filing the check registers, the Project and Facility Report, and the Investment Transaction Report for the period May 13, 2023 through June 2, 2023. M/S/C Johansen/Caulder, unanimously approved.**

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Items pulled from the Consent Agenda for discussion:

**ASSESSMENT DISTRICT NO. 2008-1 (RODEO FLAT) SPECIAL ASSESSMENT LEVIES FOR FY 2023/2024**

Sandra Dunlap, Director of Finance, provided information to the Board regarding the process of special assessments.

Public Comment: None

**Adopted a resolution Acting as the Legislative Body of Assessment District (AD) No. 2008-, Authorizing the Levy of Special Taxes Within AD No. 2008-1 for Fiscal Year 2023-2024, and received the Fiscal Year 2022-2023 Annual Report. M/S/C Caulder/Johansen, unanimously approved.**

**BUDGET TO ACTUAL REPORTS – FY 2023 Q1, FOR THE PERIOD TO DATE ENDING MARCH 31, 2023**

Sandra Dunlap, Director of Finance, presented the item and responded to inquiries from the Board.

Board consensus was reached directing staff to place the Budget to Actuals under General Orders on future agendas instead of the Consent Agenda, and Board discussion ensued regarding:

- Outside raw water sales
- Annexations and notifications
- Leases
- Timber Sales

Public Comment: None

**Received and Filed. M/S/C Heck/Johansen, unanimously approved.**

**WORKSHOP ITEMS**

**UPDATE BUDGET POLICY 3100 – WORKSHOP**

Sandra Dunlap, Director of Finance, presented the item.

Public Comment: None

Board discussion ensued regarding

- Updating the Budget Policy before updating the Procurement Policy (#3080)
- Budget development based on strategic priorities identified by the Board and how those strategic priorities will be determined
- CIP (Capital Improvement Plan) priorities and understanding shifts in priorities
- The budget calendar timeline was discussed
- Board input received to include language in the policy reflecting a budget calendar to be approved by the Board annually

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The item will be updated to include annual Board approval of a budget calendar and brought to a future Board meeting for consideration of approval.

### MODIFICATION OF POSITION CLASSIFICATION FOR THE OPERATIONS DEPARTMENT

Chip Close, Director of Water Operations, presented the informational item regarding a proposed replacement of the Water Operations Management Assistant with an Administrative Analyst position.

Public Comment: none

Board discussion ensued regarding the need and benefits of this modification, and the item will be brought back to a future Board meeting for consideration of approval.

The meeting recessed at 9:50 a.m. and reconvened at 10:01 a.m.

### VEGETATION CONTROL PROGRAM PRESENTATION

Steve Prosser, Director of Maintenance, introduced Jason Carroll, Assistant Superintendent – Vegetation, who presented the item.

Board discussion ensued regarding the following:

- Weedblaster benefits, locations used, feasibility, and safety
- Weed steamer regrowth rate and number needed if used
- Using multiple vegetation management methods to cater to canal and accessibility
- Cover crop utilizing clover
- Organic herbicides
- Drone program
- AB5 Legislature impacting an increase for goats and sheep
- Cost to hand clean
- Water sampling/tests for copper and soil sampling
- No Spray Program, indemnification, and insurance clause
- Schedule for herbicide applications sent to property owners and briefly discussed how this information is noticed and shared
- Fee charged for District to turn off water on behalf of property owners for herbicide application
- Everyone doing their best to reduce usage of herbicides

Public Comment:

- Mike Pasner, owner of Indian Springs Organic Farm:
  - o Inquired about the cost of walnut hulls and reloading material
  - o Commented on problems he sees with the District's indemnity contract
  - o Inquired how the excavator gets in ditches for aquatic cleaning
  - o Aquatic herbicide use and responsibility on landowner to turn off water
  - o Finding what works best and how to continue to use less aquatic herbicide
  - o Inquired if able to attend the next Blankenship meeting
  - o District turned off water at his property for approximately 33-years when applying herbicides, but no longer provides this service for free

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- Testing copper from RoundUp
- Commented on chemicals listed on herbicide labels
- Inquired how District reduced herbicide use and asked about plans for further reduction of herbicides

The meeting recessed at 11:25 a.m. and reconvened at 11:35 a.m.

#### GENERAL MANAGER'S REPORT

Greg Jones, Assistant General Manager, announced there was nothing to report.

#### BOARD OF DIRECTORS' ITEMS / REPORTS

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

- Attended a Nevada County Farm Bureau meeting
- Met with Congressman Kevin Kiley and discussed water in California

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

- Participated in quarterly Lincoln, Rocklin, Roseville Chamber meeting, where they had a water panel discussion hosted by PCWA and learned about the Sites Project

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

- Provided an NID presentation about the District with President Hull on a wide range of topics with positive feedback
- Shared constituent concerns about bear activity at Scotts Flat and commented on bear-proofing

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

- Spoke about CPI and inflation
- Spoke about CalPERS and recent negative comments in the news

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

- No report

#### PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

- None

Dustin Cooper, District Counsel, announced for the record that he did not expect any formal action to be announced following Closed Session, and that Director Heck would recuse herself for one of the two anticipated litigation items (Item 9C).

The meeting recessed at 11:45 a.m. and reconvened in Closed Session at 11:48 a.m.

Conference with real property negotiators was declared at 11:48 a.m., pursuant to Government Code §54956.8.

Property: South Yuba Canal and appurtenant facilities; Deer Creek Powerhouse and appurtenant facilities located in unincorporated Nevada County and Placer County Agency.

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Negotiators: Keane Sommers, Hydroelectric Manager; Jennifer Hanson, District General Manager; and District General Counsel. Negotiating Parties: Pacific Gas & Electric Company and Nevada Irrigation District.

Under Negotiation: Instruction to negotiators concerning price and terms and conditions of acquisition

**Board Action: None**

Closed Session Workshop with legal counsel concerning Existing Litigation, was declared at 11:48 a.m., pursuant to Government Code §54956.9(d)(1). All pending litigation in which Nevada Irrigation District is a Named Party, including without limitation:

- a. Michael Rainey and Emerson Pachaud v. Nevada Irrigation District, Nevada County Superior Court, Case No. CU19-084309.
- b. Nevada Irrigation District v. Eileen Sobeck et.al., United States Court for the Eastern District of California, Case No. 2:21-CV-00851.
- c. Nevada Irrigation District v. State Water Resources Control Board et al. Sacramento County Superior Court, Case No. 34-2020-80003544
- d. California State Water Resources Control Board v. Federal Energy Regulatory Commission; and Nevada Irrigation District, et.al., Respondent/Intervenor, United States Court of Appeal for the Ninth Circuit Court, Case No. Case No. 20-72432, consolidated with Nos. 20- 72452, 20-72782, 20-72800, 20-72958, 20-72973.
- e. In re Petition for Assignment of State-Filed Application 5634 and Accompanying Water Right Application 5634X01 of Nevada Irrigation District and the Pending Request for Releases from Priority of State-Filed Applications 5633 and 5634 in Favor of Water Right License 11120 (Application 10221) of South Sutter Water District
- f. Bay-Delta Proceedings, including the Delta Conveyance Project, the associated environmental document and change petition before the State Water Resources Control Board and the planned update to the Bay-Delta Water Quality Control Plan
- g. California Public Utilities Commission Proceeding A-22-09-018, Application of PG&E and Pacific Generation LLC for Approval to Transfer Certain Generation Assets, for a Certificate of Public Convenience and Necessity, for Authorization to File Tariffs and for Related Determinations
- h. Placer County Water Agency v. Pacific Gas and Electric Company, Sacramento County Superior Court Case No. 34-2023-00332647.
- i. Tim Crough v. Nevada Irrigation District - Nevada Co. Superior Court: CU21-085299
- j. Vincent Cauchi v. Nevada Irrigation District- Placer Co. Superior Court: S-CV-0046749.
- k. Marvin Davis v. Nevada Irrigation District - Nevada Co. Superior Court: CU0000073

**Board Action: None**

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Closed Session conference on anticipated litigation was declared at 11:48 a.m., pursuant to Government Code § 54956.9(d)(2) or (d)(3). Significant exposure to litigation; two potential cases.

Director Heck recused herself from one of the two anticipated litigation items, and left the meeting at 1:05 p.m.

**Board Action: None**

MEETING ADJOURNED at 1:30 p.m., to reconvene in regular session on Wednesday, June 28, 2023, at 9:00 a.m. at the District's Business Center located at 1036 West Main Street, Grass Valley, California.

Submitted By

Kris Stepanian, Board Secretary

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