

Nevada County water board votes to rescind controversial dam resolution



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Photo submitted by SYRCL | Photo courtesy SYRCL

Opponents of the Centennial dam wave blue papers in support of South Yuba River Citizens League during the NID board meeting Oct. 9.

A contentious — and confusing — vote by the Nevada Irrigation District board of directors to cap Centennial Dam spending at \$2 million a year was rescinded Wednesday.

That "compromise" motion was voted on during a public hearing on Oct. 9, called after the South Yuba River Citizens League requested a moratorium on spending on the controversial Centennial project.

More than 500 people had packed the board meeting at the Grass Valley Veterans Memorial Building, which ended with dozens denied a chance

to speak during public comment, and with many unsure exactly what the vote meant.

The agenda item proposed by SYRCL had asked the water district to cease work on the reservoir, where legally possible, until its Raw Water Master Plan update is complete. That plan is intended to project the district's future water supply and demand conditions and develop alternatives to meet those needs.

As the designated cut-off time drew near, Director Scott Miller proposed a potential compromise, making a motion to "re-prioritize" the Centennial Dam project with updating the raw water master plan as the district's highest priority. His motion also limited the annual expenditure for the dam project to no more than \$2 million in the aggregate.

Director Nick Wilcox offered to make a "courtesy motion" on behalf of SYRCL, which failed after it did not receive a second. The board then voted on Miller's motion, which passed on a 3-2 vote with board members John Drew and Will Morebeck voting no.

BROWN ACT VIOLATIONS ALLEGED

The way the hearing was handled became the crux of a Brown Act violation "cure and correct" letter sent to the water board by SYRCL last week.

The letter alleged that Nevada Irrigation District broke specific provisions in its own board policy and violated the Brown Act, a California law designed to guarantee the public's right to meaningful participation in agency meetings.

For one, said SYRCL Executive Director Melinda Booth, public comment was arbitrarily cut off. When the water board facilitator stopped the meeting at 8:30 p.m., many were left standing in line waiting to give public comment, she said.

The water district also violated the Brown Act by not distributing Miller's resolution to the public simultaneously with the board, Booth said, adding that the public did not have access to the new resolution language until two days later.

"NID fundamentally deprived our community of a fair public process on an important issue on Oct. 9," Booth said.

In its letter, SYRCL requested NID hold another hearing on Miller's resolution, allowing for adequate public comment, review and discussion of work and spending on Centennial Dam.

After reviewing SYRCL's letter in closed session at Wednesday's board meeting, the water board directors voted 4-0 to rescind Miller's resolution.

"They did the right thing," Booth said. "We had suggested that a way to cure the error would be to render the resolution null and void."

Booth said she still expected the water district to make a formal response to her organization's letter, adding, "We look forward to hearing from NID and appreciate this first step in restoring trust in the public process."

Water board member Nick Wilcox noted that SYRCL's request for a moratorium had been acted on during the Oct. 9 hearing.

"It was rejected," he said.

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Wilcox added that the resolution proposed by Miller, which capped spending at \$2 million, was essentially meaningless because the district's draft budget for next year proposes spending \$1.5 million for the Centennial project.

"Rescinding it does nothing, either," he said.

The water district board would be open to reconsidering SYRCL's motion, but it would have to be re-submitted, Wilcox said. Any future decisions on the Centennial Dam will be the responsibility of a new board — three new members will be sworn in during the December board meeting.

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