WESTERN REGIONAL WATER COMMISSION
AGENDA

Friday, April 11, 2008
1:30 p.m.

Washoe County Department of Water Resources
Community Meeting Room
4930 Energy Way, Reno, Nevada

NOTICE OF POSSIBLE QUORUM OF THE BOARD OF DIRECTORS OF THE TRUCKEE MEADOWS WATER AUTHORITY ("TMWA"), BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY ("BBC") AND BOARD OF TRUSTEES OF THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT ("STMGID")
(see ‘Notes’)

1. Roll Call and Determination of presence of a Quorum
2. Public Comment* (Three-minute time limit per person)
3. Approval of Agenda
4. Approval of the Minutes of the February 8, 2008 meeting of the Interim Western Regional Water Commission
5. Oath of Office for Western Regional Water Commissioners
6. Election of a Chairman, Vice-Chairman, Secretary and Treasurer of the Western Regional Water Commission (WRWC)
7. Discussion and possible Commission action regarding adoption of Governing Rules and Regulations for the Western Regional Water Commission — Sylvia Harrison
8. Discussion and possible action to recommend to the Commission Members’ Governing Boards the amendment of the Joint Powers Agreement — Rosemary Menard/Lori Williams
9. Discussion and possible Commission action to accept the recommendation of the Washoe County Risk Manager to meet the NRS 531 Section 26 requirement for purchase of a Corporate Surety Bond for the Western Regional Water Commissioners by depositing $45,000 with the Nevada State Treasurer, as provided for in NRS 100.065, in lieu of purchasing individual surety bonds for each commissioner — Rosemary Menard
10. Appointment of members to the Northern Nevada Water Planning Commission (NNWPC) and acknowledgement of NNWPC prescribed membership — Jim Smitherman
11. Report and possible direction to staff regarding the NNWPC meeting schedule, and possible direction to the NNWPC to review the Proposed Work Plan and Budget and provide input to the WRWC — Jim Smitherman
12. Informational Item on the schedule for the public hearing for approval of: a) the budget and b) the continuation of the Water Management Fund — Lori Williams

13. Presentation and request for approval of the WRWC budget for 4th Quarter Fiscal Year 2008 and the tentative budget for Fiscal Year 2009 to be submitted to the Department of Taxation — Ben Hutchins

14. Briefing on the Comprehensive Regional Water Management Plan 2008 Amendment; Discussion and Possible Direction to Staff Regarding Adoption of the Regional Water Management Plan in May — Jim Smitherman

15. Discussion and possible Commission action regarding the pending contracts with a) Kennedy Jenks for a river restoration permitting handbook and b) the City of Reno to implement a community outreach and education program on raising the base flood elevation at Silver Lake playa with a Letter of Map Revision — Jim Smitherman

16. Discussion and possible Commission approval of a) an interlocal agreement with Truckee Meadows Water Authority for Administrative services; and b) an interlocal agreement with Washoe County for Administrative services, including relevant purchasing and contracting policy — Sylvia Harrison/Pete Simeoni

17. Discussion and possible Commission direction and approval of a methodology and process for the recruitment and selection of Legal Counsel for the WRWC and possible contract for part-time transitional legal services — Darrin Price

18. Discussion and possible Commission action regarding coverage of Commission meetings by SNCAT — Wayne Seidel

19. Commission Comments*

20. Staff Comments*

21. Public Comment* (Three-minute time limit per person)

22. Adjournment

*Indicates a non-action item

Notes: Because several of the Commissioners are also members of the Board of Directors of TMWA, or members of the BCC, or members of the Board of Trustees of STMGID, it is possible that a quorum of the TMWA Board, the BCC, and the STMGID Board may be present. Such members will not take action at this meeting as members of the TMWA Board, the BCC, or the STMGID Board, but may take action solely in their capacity as members of the Commission.

Public comment will be taken on agenda items upon the submittal of a request via submittal of a Speaker Information Card. There is a three minute time limit per person.

Items on the agenda without a time designation may not necessarily be considered in the order in which they appear. The Commission may take action on any of the action items listed.

Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language interpreters or assisted listening devices) at the meeting should notify the Washoe County Department of Water Resources, at 954-4663, at least 24 hours prior to the meeting.

In accordance with NRS 241.020, this agenda has been posted at the following locations: Reno City Hall (1 East First Street), Sparks City Hall (431 Prater Way), Sparks Justice Court (630 Greenbrae Dr), Sun Valley GID (5000 Sun Valley Blvd.), TMWA (1355 Capital Blvd.), Washoe County Administration Building (1001 E. 9th Street), Washoe County Clerk’s Office (Court and Virginia Streets), Washoe County Central Library (301 South Center St.), Washoe County Department of Water Resources (4930 Energy Way), Galena Market (19990 Thomas Creek Rd.), Galena High School (3600 Butch Cassidy Way), South Valleys Library (15650A Wedge Parkway), TMWA’s website: http://www.tmh2o.com/about_us/meeting_center, and the Western Regional Water Commission’s website: http://wrwc.us.
INTERIM WESTERN REGIONAL WATER COMMISSION
MINUTES

Friday, February 8, 2008

The regular meeting of the Interim Western Regional Water Commission (IWRWC) was held on Friday, February 8, 2008, at 1:30 p.m., at Washoe County Department of Water Resources, 4930 Energy Way, Reno, Nevada.

1. Roll Call and Determination of presence of a Quorum – Chairman Carrigan called the meeting to order at 1:32 p.m. There was a quorum present.

Commissioners Present:
Mike Carrigan, Chair
Dave Aiazzi, Vice-Chair (arrived at 2:04 p.m.)
Jim Ainsworth
Steve Cohen
Bob Larkin
Geno Martini
Bonnie Weber (arrived at 1:35 p.m.)
Ron Smith
Bob Cashell

Representing:
Truckee Meadows Water Authority (TMWA)
City of Reno
Sun Valley General Improvement District (SVGID)
South Truckee Meadows General Improvement District (STMGID)
Truckee Meadows Water Authority (TMWA)
Truckee Meadows Water Reclamation Facility (TMWRF)
Washoe County
City of Sparks
Truckee Meadows Water Authority (TMWA)

Commissioners Absent:
None

Staff Members Present:
Greg Dennis
Wayne Seidel
Jim Smitherman
John Bronder
Darrin Price
Lori Williams
Mark Force
Sylvia Harrison
Pete Simeoni
Rosemary Menard
Jeanne Ruefer
Neil Mann
Jason Dukes
Janelle Thomas
Stewart White

Representing:
City of Reno Public Works
City of Sparks Public Works
Regional Water Planning Commission (RWPC)
South Truckee Meadows General Improvement District (STMGID)
Sun Valley General Improvement District (SVGID)
Truckee Meadows Water Authority (TMWA)
Truckee Meadows Water Authority (TMWA)
TMWA / McDonald Carano Wilson
Washoe County District Attorney’s Office
Washoe County Department of Water Resources
Washoe County Department of Water Resources
City of Reno Public Works
City of Sparks
City of Sparks Public Works
Sun Valley General Improvement District (SVGID)

2. Approval of Agenda

TMWA Board Member Larkin made a motion to approve the February 8, 2008 IWRWC agenda as posted. SVGID Board of Trustees Chairman Ainsworth seconded the motion, which carried unanimously.

3. Request for Commission discussion and adoption of procedure for taking public comment at the Interim Western Regional Water Commission public meetings.
Pete Simeoni reported that per direction at the last IWRWC meeting, an agenda item was scheduled to discuss the public comment period and options that could be administered. He explained that under the First Amendment, the public is allowed to make comments based on rules that are viewpoint neutral and reasonably / rationally related to the purpose to be served by this commission. He added that the other legal principle is the Nevada Open Meeting Law, which implies reasonableness.

Mr. Simeoni referred to items included in the staff report related to specific rules that many commissioners utilize for public comment at their respective jurisdictions. He explained that staff recommends using the public comment rules as set by the TMWA Board.

Chairman Carrigan requested an overview of the process used by the TMWA Board. Sylvia Harrison briefly reviewed the rules listed in the staff report, which provides a time limit of three minutes per person on an agenda or non-agenda item if requested via a Speaker Information Card. She stated that the TMWA Board typically provides a public comment period at the beginning of the meeting, end of the meeting and in addition, public comment on specific agenda items is allowed if requested.

Chairman Carrigan asked for clarification that the public comment period at the beginning of the meeting allows for comment on any matter (including agenda items), which Ms. Harrison agreed is correct.

SVGID Board of Trustees Chairman Jim Ainsworth stated that Sun Valley uses the same public comment process and added that it works very well. He made a motion to approve the process for public comment as presented. Mayor Martini seconded the motion. Chairman Carrigan clarified that during the public comment period at the beginning and end of the meeting speakers are allowed three minutes to speak on any topic. He added they may also speak on any agenda item for three minutes by completing a Speaker Information Card.

Lori Williams referred to the note on the bottom of the agenda that states speakers can make comment on any agenda item by filling out a Speaker Information Card.

Chairman Carrigan called for a vote on the motion, which carried unanimously.

4. Public Comments

Chairman Carrigan called for public comments. Stuart MacKie stated that at the last meeting he requested something from the District Attorney saying, “This is going to be legal and ethical and congratulations on having your Charter done and approved by the Attorney General.” He stated he had not received anything from the District Attorney at this point. He stated that Chairman Carrigan had pointed out “that someone was going to look into it and get something under number 9 (on the minutes from the last meeting), which says just legal and does not have ethical in there at all.” He stated he tried to stress it. He stated that he understood that Chairman Carrigan would speak with Mr. Balaam (Mr. Gammick) to have something saying this was a legal and ethical Charter group and if not, “I have no problem at all asking you to go to Carson City in front of the Ethics Board to find out why it wasn’t done.”

Chairman Carrigan asked for clarification of what Mr. MacKie was requesting. He added that the Joint Powers Agreement (JPA) was approved by the Attorney General of the State of Nevada. Mr. MacKie reiterated that he specifically asked for something from the District Attorney saying that this was a legal and ethical document and meeting group. Chairman Carrigan stated that the Attorney General and Washoe County approved it. Mr. MacKie again stated he wants something from the District Attorney saying that this is a legal group and an ethical group. Pete Simeoni stated for the record that he is not the District Attorney and added that he is not in a position to evaluate the ethicalness of this group.
Chairman Carrigan stated that if he told Mr. MacKie that he would provide him with something saying this group was ethical, he misunderstood the request.

STMGID Local Managing Board Chairman Steve Cohen stated that Public Comment is supposed to be to hear comments only, with which Chairman Carrigan agreed.

Chairman Carrigan summarized that he would not respond to a question of being ethical and he stated that the legal question was covered by the Attorney General’s approval.

Bonnie Weber, speaking as an individual, stated she finds it interesting that someone would ask about ethical issues when the gentleman (Mr. MacKie) films every meeting without disclosing that fact.

Chairman Carrigan asked for further public comment and hearing none, closed the Public Comment period.

5. **Approval of the Minutes from the December 14, 2007 meeting.**

The minutes of the December 14, 2007 meeting were submitted for approval. SVGID Board of Trustees Chairman Jim Ainsworth made a motion to approve the minutes as submitted. STMGID Local Managing Board Chairman Steve Cohen seconded the motion, which carried unanimously.

6. **Verbal report regarding the adoption of the Joint Powers Agreement and Charter for the formation of the Western Regional Water Commission by signatory agencies and possible action regarding next steps.**

Wayne Seidel, Public Works Director for City of Sparks, reported that the JPA has been approved by all the entities, as well as the Attorney General. He reviewed the staff report, which recommends that each entity determine whether their current Interim Commissioner will continue to serve on the Western Regional Water Commission (WRWC) and if so whether they need to be reappointed or if Commissioners will be replaced. He added that the entities need to determine their need or desire for the appointment of alternates.

Mr. Seidel reported that WRWC Board Members need to file with the Washoe County Clerk an “oath of office” and a corporate surety bond (paid by the WRWC) of not more than $5,000. He provided a sample bond application.

Mr. Seidel reported that the WRWC needs to discuss the meeting schedule, location, whether to televise and to provide any direction to staff regarding future meetings. He added that discussion is also requested regarding the JPA, Charter or any other items. Chairman Carrigan stated and members agreed that the Department of Water Resources Community Meeting Room works well for the meetings. Mayor Cashell suggested getting a quote from SNCAT for televising the meetings. Members agreed that the second Friday of the month at 1:30 p.m. works well for the meetings.

Chairman Carrigan called for questions or comments and hearing none, moved to the next item.

7. 7. **Discussion and direction to staff with possible adoption of operating plan:**

   1. Plans for the provision of administrative support and planning staffing including review of terms of interlocal agreements to implement such plans.
Rosemary Menard referred to the agenda items included in the packet for this item. She gave a brief overview of the proposal to provide administrative services for the WRWC and the Northern Nevada Water Planning Commission (NNWPC), which includes:

- Administrative services for the WRWC would be provided by TMWA.
- Administrative services for the NNWPC would be provided by Washoe County Department of Water Resources.
- Content and operational support for the WRWC would be provided by the collaborative staff working group.

Ms. Menard referred to the staff report, which included some term sheets for potential Interlocal Agreements, which would be initiated for TMWA and Washoe County. She added that the group also proposes an Interlocal Agreement with Sun Valley GID to provide legal services, which she stated would be discussed as a separate item.

Ms. Menard stated that the staff working group agrees that “virtual staffing” by utilizing the resources of the various entities is a good idea and it is recommended at least for the first year of operation.

Ms. Harrison reported that a revised staff report was presented to members, which addresses the issue of services to be provided by Washoe County. She stated that at present the contract for recording and transcription of minutes for the Regional Water Planning Commission (RWPC) is funded by the Regional Water Management Fund (RWMF). She stated the recommendation is to change it to a reimbursable task that will continue status quo.

Chairman Carrigan referred to the three staff positions to serve the NNWPC and asked from where their salaries currently are paid. Ms. Menard stated that currently one position is funded by the RWMF and the other two are paid by Washoe County General Fund. Mayor Cashell asked if currently the three staff members work full-time for the RWPC. Ms. Menard stated yes and the proposal is for them to work full-time for the WRWC although they would remain as County employees for the purposes of benefits and payroll, which would be covered by the Interlocal Agreement. She reiterated that they would work for the WRWC, not the County.

Darrin Price reported that the proposal for staff is the same that SVGID is proposing for an attorney; the attorney would work for the WRWC although he/she would be an employee of SVGID for payroll and benefits purposes.

TMWA Board Member Larkin asked who the two technical and one administrative staff members would be and who would be their supervisor. Ms. Menard stated that the entities formed an Executive Committee of the staff working group, which includes Lori Williams, Darrin Price, Neil Mann, Wayne Seidel and herself. She added that the group would provide supervision of staff. Jim Smitherman introduced himself and stated that he serves as Water Resources Program Manager. He introduced Chris Wessel, Water Management Planner, and June Davis, Administrative Secretary.

Ms. Williams explained that issues such as roles, salary, benefits and the associated responsible party would be defined in the Interlocal Agreements.

TMWA Board Member Larkin made a motion to accept staff’s report recommending two Interlocal Agreements between the WRWC and TMWA and between the WRWC and Washoe County. SVGID Board of Trustees Chairman Jim Ainsworth seconded the motion, which carried unanimously.

2. Plans for the provision of legal counsel for both the Northern Nevada Water Planning Commission (NNWPC) and the Western Regional Water Commission (WRWC).
Ms. Harrison reported that the proposal for legal services is similar to that for administrative services. She stated that many alternatives for legal counsel have been discussed previously. She reported that the staff working group determined the best option would be for the WRWC to have its own attorney as an employee who would be solely responsible to the commission and would represent the WRWC as a full-time job, in order to avoid any potential conflicts of interest. She added that there is a full slate of services that an attorney could provide to the WRWC and the NNWPC. The attorney would also serve as the legal representative to the Well Mitigation Hearing Board.

Ms. Harrison reported that the staff working group discussed how best to handle the salary and benefits for a full-time attorney and their recommendation is that SVGID employ the attorney via an Interlocal Agreement with the WRWC.

Mayor Cashell asked what the reason is for not distributing a request for proposals (RFP). Ms. Harrison stated that it would not be cost-effective to solicit law firms and by the WRWC employing the attorney, that attorney would work solely for the WRWC. Mayor Cashell stated that if an attorney were hired on a contract basis, they would work for the WRWC and would avoid paying for employee benefits and there would be no prejudice. Mr. Price stated that the proposal was that the attorney would only work for the WRWC and would be housed in private firm.

TMWA Board Member Larkin suggested combining this item with agenda item 8, which is the review of the budget. He explained that in discussing funding an attorney, the budget needs to be reviewed. He stated that the Regional Planning Governing Board contracts with an attorney and the maximum funding does not come near $170,000 as set forth in the budget. Ms. Menard explained that the amount includes benefits. TMWA Board Member Larkin stated that the WRWC needs to evaluate whether to hire a full-time attorney or enter into a contract. He added that he is aware of staff working group’s discussion regarding conflicts. He suggested weighing the cost benefits of both options.

Ms. Williams stated that in reviewing the Work Plan and proposed work, including water quality issues, potential regulatory issues, etc., the staff working group foresees that many of those issues will entail negotiations and contracting associated with them, which will require work by an attorney. She added that in examining the issue, it was determined that it would make more sense to hire a full-time attorney who is fully engaged in the activities of this group. She summarized that there would be plenty of work for a full-time attorney.

Mayor Cashell stated that he believes it would create a conflict by having the attorney work for one of the agencies. He stated that he thinks it should be an independent attorney and if the benefits must be paid, they would be paid although if an outside firm were hired, the benefits would be covered by the firm.

TMWA Board Member Larkin asked how the decision was made that SVGID would house the attorney position. Mr. Price stated that based on history, SVGID is the least adversarial entity and he stated that the purpose is only for SVGID to employ the attorney. Ms. Williams stated that other options were explored; however, TMWA, City of Reno, City of Sparks or Washoe County would have to utilize either a City attorney or a County district attorney. She added that for the WRWC to employ an attorney would require human resources services in order to provide salaries and benefits. She stated that the attorney would work with Mr. Smitherman and would be managed by the Executive Committee not by SVGID.

TMWA Board Member Larkin asked to whom the attorney would report. Ms. Menard stated he or she would report to the Executive Committee and the WRWC. Mayor Cashell asked if there would be a conflict if an issue against SVGID arose. Ms. Harrison stated she believed that type of issue could be
handled via an Interlocal Agreement outlining the requirements. She added that SVGID would have to agree by hiring a person and being reimbursed by the WRWC, they would have to waive any conflicts so that the attorney could fully represent the WRWC. She stated that if SVGID, the attorney and the WRWC agree, it would be enforceable. TMWA Board Member Larkin stated that this concept is not new; the same type of arrangement is done with Regional Planning staff where City of Sparks is the administrator of benefits. He suggested that if desired, Incline Village General Improvement District (IVGID) could be requested to serve as the employer of record for the position.

Mr. Price compared the scenario to Mr. Smitherman’s position; he is employed by Washoe County; however, he works for the RWPC. He added that he does not feel Mr. Smitherman is influenced by Washoe County because he knows to whom he reports. Mayor Cashell stated he would not fight the issue; however, he thought it was a conflict and it could turn into a bad thing.

Councilman Aiazzi stated that City of Reno could hire an attorney that would not have to work for the attorney’s office. Chairman Carrigan stated that Sparks could exercise the same option. Councilman Aiazzi clarified that he has no problem with SVGID hiring an attorney and added that as he sees it Washoe County provides resources as does TMWA. He added that he appreciates SVGID’s offer to contribute. Chairman Carrigan agreed that he appreciates the contribution as well; however, he was concerned about where the loyalty would lie. He stated there is a difference between administrative and legal staff. Councilman Aiazzi stated that whoever is hired should report to the WRWC. It was clarified that the attorney hired would not be someone already associated with SVGID.

Chairman Carrigan suggested that the Interlocal Agreement state that the attorney would report to the WRWC rather than the managers. Councilman Aiazzi suggested hiring someone hourly for a while to see if it works into a full-time position. He added that the attorney should be responsible for ensuring compliance with the Open Meeting Law and manning the meetings until such time that a full-time attorney is warranted and can be funded. He stated that he assumed that normally any contracts are drafted by technical staff and reviewed by an attorney, rather than an attorney actually drafting the contract. He stated that Regional Planning decided to hire an hourly attorney in the beginning and to date has not had found it necessary to hire a full-time attorney.

Ms. Menard explained that issues the group foresees the attorney addressing are regulatory issues and working with the State, health department or other regulatory agencies regarding reclaimed water. Councilman Aiazzi asked who would do that type of work if not an attorney. Ms. Menard stated that an outside contractor would be hired. Councilman Aiazzi asked if the WRWC should pay a person who specializes in water the same price when they are sitting in meetings to oversee the rules. He agreed the budget needs to be reviewed prior to making a decision on hiring an attorney.

TMWA Board Member Larkin referred to the 1.5% water fund and the fact that it is already stretched thin. He asked if it would be beneficial to go to the legislature to request an increase in the fee or to pursue another funding source. Ms. Williams stated that the group feels the most cost-effective solution for the WRWC is to bring an attorney onboard, bring them up to speed on all the Clean Water Act issues, Safe Drinking Water Act issues and regulatory issues so they become an integral part of the WRWC moving forward. She agreed that the public Open Meeting Law is probably the least need for the attorney. She stated that when contracting with an attorney, the continuity would not be there. Chairman Carrigan mentioned that even by hiring an attorney, there is no guaranteeing that person will stay in the job. He added that in many situations, one is hired, trained and brought up to speed and they leave.

TMWA Board Member Larkin asked about the type of benefit package, i.e. Public Employees Retirement System (PERS), at will employment, etc. Ms. Harrison stated they have identified the issues that would be included in the Interlocal Agreement. She stated that they envision not only contracts between the
housing agency and the WRWC, but also between the WRWC and the hired employees.

STMGID Local Managing Board Chairman Steve Cohen asked if everything done by the attorney would be reviewed by legal staff of each of the entities. Chairman Carrigan stated no and that was the reason for trying to go with an independent entity. He referred to the funding and budget for the WRWC and added that he would prefer to hire a contract attorney who is already up to speed on water issues. He agreed that if the 1.5% fund is not sufficient to fund the WRWC and its mandates, we should go back to the committee that formed the WRWC and request funds from the State.

Councilman Aiazzi asked if there is anything in the law that would preclude the other entity boards from providing additional funding for the WRWC. Ms. Williams stated that the group proposed that idea in the form of staffing by the entities and entering into agreements for specific services. Councilman Aiazzi stated he would like to see where the budget was being spent prior to formation of the WRWC. Ms. Menard stated that a review of how the fund had been spent and what was earmarked for projects was presented to the WRWC previously.

TMWA Board Member Larkin began to make a motion based on comments made by Ms. Harrison, Ms. Williams and Ms. Menard on the need for a highly specialized attorney. He asked how the position would be recruited, locally or nationally. Ms. Menard stated that it would probably be a national search. TMWA Board Member Larkin made a motion to accept staff’s recommendation to establish an Interlocal Agreement between the WRWC and SVGID for the purposes of hiring legal counsel, which will report to the WRWC via the Executive Committee. SVGID Board of Trustees Chairman Jim Ainsworth seconded the motion. The motion carried with five in favor and three opposed.

8. Request for Commission discussion, direction and possible adoption of a work plan and budget for the WRWC through 2008-2009 fiscal year.

Ben Hutchins, Finance and Customer Service Manager for Washoe County Department of Water Resources, reviewed the proposed work plan and budget for the WRWC through the 2008-2009 fiscal year. He reviewed the Financial Status Report, which includes a project cash balance for June 30, 2008 of $2,865,976 and after water surcharge revenues and expenditures for wages, benefits, overhead and professional services and contracts, the ending estimated cash balance is $2,619,251. He added that Sun Valley’s in-kind services were not included in this budget breakdown.

Mr. Smitherman reported that he and Mr. Hutchins worked on projecting existing obligations to the end of the fiscal year. He added that some of the contracts would continue past that point and those contract amounts were incorporated into the budget for the next fiscal year. He gave a brief overview of the projects that would continue and offered to bring back a summary at the next meeting. TMWA Board Member Larkin agreed that would be helpful and suggested including a list of accomplishments with previous projects.

Mr. Hutchins next referred to the Budget Proposal. He reviewed the following projections from the 1.5% water management fund:

- Water surcharge revenues = $1,452,275
- Personnel = $478,533
- Professional services / supplies = $1,620,000
- Total of $2,098,533

Ms. Williams explained that the Work Plan is a proposal to the IWRWC from the staff working group outlining the items the group feels need to be worked on in the near-term, a more distant term and the
long-term. She explained that the Work Plan includes the items tied to what was set forth in the legislation and the JPA, as well as items staff feels are critical for a regional effort, for example watershed-based water quality planning. Ms. Menard stated that the Work Plan includes some items for the near-term; such as the integrated water resources management plan for the North Valleys and conservation programs.

Councilman Aiazzi asked if the Work Plan had been adopted by the Regional Water Planning Commission (RWPC) and if so, if the WRWC could adopt it based on RWPC approval. Ms. Menard stated that the RWPC would cease to exist April 1, 2008. Councilman Aiazzi clarified he was referring to the NNWPC. Ms. Menard stated that the NNWPC has not yet been convened so they have not reviewed the Work Plan developed by staff. Councilman Aiazzi stated that the NNWPC would be the technical group for the WRWC and would be relied upon to make technical decisions and recommendations.

Chairman Carrigan stated he would like to see projections of timelines and explanations of the projects at the next meeting. He added that he agrees that the technical expertise of the NNWPC is needed. He referred to the projects relating to the Truckee River and suggested seeking funding from TMWA’s Truckee River Fund.

TMWA Board Member Larkin asked what the timeline is for the establishment of the NNWPC. Ms. Williams stated that there is an agenda item for discussion and direction on formation of the NNWPC. TMWA Board Member Larkin suggested that action on this item could be postponed until the NNWPC could review and approve the Work Plan. He added that the new NNWPC would not start from scratch; there would be continuity by retaining most members. Jeanne Ruefer mentioned that the first three items of the Work Plan are legislative requirements.

Ms. Harrison asked Mr. Smitherman if he would be able to provide a more detailed budget for the projects by mid-May, to which Mr. Smitherman stated he could.

Councilman Aiazzi made a motion to postpone action on this item until May. TMWA Board Member Larkin seconded the motion, which carried unanimously.

TMWA Board Member Larkin asked if an audit of the fund would be conducted, which Ms. Menard stated that an independent audit of the Water Resources fund is performed on an annual basis.

9. **Request for Commission discussion and direction to staff regarding the process for making appointments and possible appointments to the NNWPC by the WRWC.**

Mr. Smitherman reported that the WRWC would be responsible for making some appointments to the NNWPC. He added that two positions would represent public at large representing conservation, environmental and biological concerns and a representative for the owners of domestic wells. He explained that the other members are either ex-officio members or they are appointed by other entities. He asked for direction from commissioners on how to proceed. He referred to a comparison of membership of the RWPC and the NNWPC.

Mr. Smitherman reported that there is mention of the appointment of a tribal representative; however, there is a discrepancy in SB 487 that excludes Indian reservations from the planning area. He stated he is unsure how that issue would be resolved. He recommended that the WRWC could appoint a tribal member as a representative for public at large until the issue is worked out in the legislation. Chairman Carrigan referred to the reference that additional members with expertise in any area could be appointed as deemed necessary by the Board. He summarized that there are options.
Mr. Smitherman pointed out another discrepancy, which is the Washoe-Storey Conservation District, which staff believes was intended to be Washoe County Water Conservation District. He added that the discrepancy is being addressed as a drafting error.

Mr. Smitherman reported that currently the RWPC has voting alternate members for when a primary member is unable to attend. He added that it has worked very successfully in the past and suggested continuing that practice.

Mr. Smitherman stated that the incumbent members for the positions he mentioned are as follows:

- Public at large – Michael Cameron
- Domestic well owners – Michael J. DeMartini
- Pyramid Lake Paiute Tribe – John Jackson

Mr. Smitherman explained that the WRWC could choose to reappoint current members to the NNWPC or if desired open recruitment could be instituted to solicit candidates. He asked for direction on how to proceed.

Councilman Aiazzi asked if the three listed incumbents had existing terms on the RWPC. Mr. Smitherman reported that after an initial term, members could be reappointed for 3-year terms.

Councilman Aiazzi made a motion to move forward on staff’s recommendations. SVGID Board of Trustees Chairman Jim Ainsworth seconded the motion. Chairman Carrigan clarified that the WRWC would request that the Pyramid Tribal Council appoint John Jackson as a NNWPC voting member. Chairman Carrigan called for a vote on the motion, which carried unanimously. Ms. Williams clarified that if the members were not willing or able to serve, a new representative would be recruited.

10. Report regarding the status of the Regional Water Planning Commission’s 2008 update to the Comprehensive Regional Water Management Plan, possible discussion and possible direction to staff.

Mr. Smitherman reported that the update to the Comprehensive Regional Water Plan was recently completed and incorporates by reference the concurrency facility plans that were prepared for Reno, Sparks and Washoe County to comply with the requirements set forth in the Regional Plan. He stated that a policy change regarding conformance review was also included in the update. He reported that the conservation chapter was updated to bring it current, a list of flood projects was added and the 208 Water Quality Plan was included.

Mr. Smitherman reported that per NRS 540A, the RWPC is advisory to the Board of County Commissioners (BCC) so if the WRWC had not been formed, the BCC would be scheduled to review and adopt the Water Plan update. He stated that discussion on how to proceed would be appropriate. He added that currently the update documents are on file at the County Clerk’s office for a 30-day public inspection period.

TMWA Board Member Larkin asked what the final date for adoption is, to which Mr. Smitherman reported there really is no deadline. TMWA Board Member Larkin made a motion that the existing Water Plan be filed for review and acceptance by the WRWC sometime in April or May. Councilman Aiazzi seconded the motion. Greg Dennis asked if the NNWPC should review and approve the Water Plan prior to bringing it forward to the WRWC. Chairman Carrigan stated that it would be redundant since most the membership would remain the same. He called for a vote on the motion, which carried unanimously.
11. Verbal overview of the presentation to be made to the SB 487 Legislative Oversight Committee on February 25, 2008 and possible Commission direction to staff.

Ms. Williams reported that a presentation is scheduled for the Legislative Oversight Committee on February 25, 2008 at 9:30 a.m. in the Reno City Council Chambers. She stated that a request was made that the IWRWC Chairman and Vice-Chairman attend if available. She referred to a handout of the proposed Power Point presentation on Truckee River Water Quality, developed by Neil Mann and Wayne Seidel.

Mr. Mann gave a brief background on the water quality issues on the Truckee River watershed, which include growth, diversion projects, TMWRF, Clean Water Act challenges, regulatory oversight through the stormwater program, and some of the goals they hope to achieve through the WRWC.

Ms. Menard referred to a list of areas of interest that was distributed to members. She reported that the list of issues would be addressed over the next few months with the Legislative Oversight Committee.

Chairman Carrigan and Councilman Aiazzi agreed to attend the meeting.

12. Discussion and possible direction to staff regarding agenda items for the March 14, 2008 Interim Western Regional Water Commission meeting.

Chairman Carrigan asked for direction to staff regarding agenda items for the March 14, 2008 meeting. Ms. Ruefer reported that the date conflicts with the League of Cities conference. Members discussed the need for a meeting in March and decided to cancel the March meeting.

Ms. Menard commended the IWRWC on their accomplishments to date.

Chairman Carrigan reported that the next meeting would be scheduled for April 11, 2008. TMWA Board Member Larkin asked if a new Chairman and Vice-Chairman would need to be elected once the WRWC comes into existence, which they will.

13. Commission Comments

Chairman Carrigan thanked everyone for their work on the IWRWC and commended the progress made. TMWA Board Member Larkin expressed his surprise that the JPA was approved so quickly by the Attorney General. Chairman Carrigan agreed and suggested drafting a letter of thanks.

14. Staff Comments

Mr. Smitherman congratulated the IWRWC on the progress made on the JPA.

15. Public Comment

Chairman Carrigan called for additional public comments and hearing none, closed the Public Comment period.

16. Adjournment

With no further business, the meeting was adjourned at 3:19 p.m.
Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on_______________ 2008.

____________________________

Mike Carrigan, Chairman

Note: DRAFT Minutes not approved by Board.
Western Regional Water Commission

STAFF REPORT

DATE: April 4, 2008
TO: Chairman and Members, Western Regional Water Commission
FROM: Sylvia Harrison, Legal Counsel
SUBJECT: Discussion and possible Commission action regarding adoption of Governing Rules and Regulations for the Western Regional Water Commission

RECOMMENDATION
It is recommended that the Commission adopt the Governing Rules and Regulations for the Western Regional Water Commission (WRWC).

DISCUSSION
Section 30(11) of the Western Regional Water Commission Act, Chapter 531, Statutes of Nevada, 2007 (the “Act”) authorizes the Board of Trustees for the Commission to adopt rules and regulations for the conduct of the affairs of the Commission or of the Board as the Board may deem necessary or desirable. The proposed rules pertain primarily to the conduct of meetings.

The proposed rules expressly require compliance with the Open Meeting Law, including NRS 241.0355. Because of the inconsistency between this provision of the Open Meeting Law and the Act regarding voting requirements, adoption of this rule will eliminate any confusion as to the controlling requirements.

The rules are adapted from the governing rules of the Truckee Meadows Water Authority, which were in turn modeled after rules of the local governments.

Additional rules and regulations may be adopted from time to time as the Commission deems necessary.

POSSIBLE MOTION
Should the Board agree with staff’s recommendation, a possible motion would be: “Move to adopt the proposed rules and regulations”
WESTERN REGIONAL WATER COMMISSION
BOARD OF TRUSTEES

GOVERNING RULES AND REGULATIONS

PREAMBLE:

These rules and regulations for the conduct of affairs of the Western Regional Water Commission are promulgated pursuant to the authority granted in Section 30(11) of the Western Regional Water Commission Act, Chapter 531, Statutes of Nevada, 2007.

SECTION I – MINUTES:

The Board of Trustees shall determine its own rules, order of business, and conduct of public meetings, and shall provide for minutes of its proceedings. The Secretary is required to keep accurate minutes, which shall be a public record.

SECTION II – MEETINGS:

Regular Meetings shall generally be held once each month. Regular meetings will normally commence on the second Friday of the month at 1:30 p.m., in a properly noticed location in accordance with the Open Meeting Law.

Special Meetings may be called by the Chairman or the Secretary with at least three days written notice to each Trustee served personally or left at the Trustee’s usual place of residence/business so long as the legal notice is in accordance with the Open Meeting Law.

Teleconference Attendance at meetings by Trustees will be permitted, without further approval, when a Trustee is unable to attend a meeting and desires to participate via the use of teleconferencing. The requesting Trustee must give the Secretary adequate notice of his or her desire to participate via teleconferencing to make any technical arrangements necessary. The minutes of the meeting shall clearly set forth which Trustees are present in person and which are present by telephone conference. Teleconference attendance shall not be considered in establishing a quorum, nor may a Trustee participating telephonically vote on any measure.

SECTION III – COMPLIANCE WITH OPEN MEETING LAW:

The Board shall comply in all respects with the Open Meeting Law, NRS Chapter 241, including specifically NRS 241.0355.
SECTION IV - AGENDA:

Agendas shall use the following order of business:

- Roll Call
- Public Comment
- Approval of Agenda
- Approval of Minutes
- Regular Business Items
- Public Comment
- Labor Relations Session (when necessary)
- Adjournment

SECTION V – PRESIDING OFFICER DUTIES:

The Chairman shall be the presiding officer of the Board of Trustees. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Board. The Presiding officer shall state every question coming before the Board, announce the decision of the Board on all subjects, and decide all questions of order. Any decision or ruling of the Presiding officer may be appealed to the full Board of Trustees by request of any Trustee. The Presiding officer shall call for roll call to see if the chair is upheld; if the roll call loses, the Presiding officer is reversed.

SECTION VI – CALL TO ORDER:

The Chairman, or in the Chairman’s absence the Vice-Chairman, shall call the Board to order at the scheduled meeting time. In the absence of the Chairman or Vice-Chairman, the Secretary shall call the Board to order. A temporary presiding officer shall then be elected by the members of the Board present. When the Chairman or Vice-Chairman arrives, the temporary presiding officer shall relinquish the chair when the business immediately before the Board is finished.

SECTION VII – ORDER OF BUSINESS:

The Presiding officer shall determine the order of business at meetings. The Presiding officer on his/her own initiative, or the Board by majority vote, may consider items out of sequence from the printed agenda. Time certain for particular items may be set at the time the agenda is posted or by request of the Secretary, Chairman, or Trustees at the beginning of the Board meeting during the Approval of the Agenda item.

Getting the floor – improper reference to be avoided: Every Trustee desiring to speak shall address the Presiding officer and, upon recognition by the presiding officer, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.
**Interruptions:** A Trustee, once recognized, shall not be interrupted when speaking unless it is to call the Trustee to order. If a Trustee, while speaking, is called to order, the Trustee shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed.

**Personal privilege:** The right of a Trustee to address the Board on a question of personal privilege shall be limited to cases in which the Trustee’s integrity, character, or motives are questions, or where the welfare of the Board is concerned. A Trustee may interrupt another speaker if the Presiding officer recognizes the “privilege.”

**SECTION VIII – ADDRESSING THE BOARD:**

Citizens attending the meeting may address the Board at the proper time as provided herein. Petitions, remonstrances, communications, comments or suggestions from citizens which are not related to an item included in the agenda must be heard under Public Comment.

Each person desiring to address the Board shall submit an attendance card. Each person addressing the Board shall read his or her name and the city or county of his or her residence into the public record. Oral presentations given during the Public Comment section of the agenda or for any agenda item shall not be repetitious and shall be confined to three minutes maximum duration, unless the Presiding officer or the Board grants additional time. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked of a Trustee except through the presiding officer. No action shall be taken on issues raised under the Public Comment section of the agenda.

After a motion is made, no person shall address the Board without first securing the permission of the Presiding officer to do so.

**SECTION IX – DECORUM:**

**By Trustees:** While the Board is in session, the Trustees must preserve order and decorum. A Trustee shall neither by conversation or otherwise delay nor interrupt the proceedings or the peace of the Board nor disturb any Trustee while speaking, nor refuse to obey the orders of the Board or its presiding officer, except as otherwise herein provided.

**By Persons:** Any person who willfully disrupts a meeting to the point where orderly conduct is impracticable may be barred from further audience before the Board at that meeting, unless permission to continue is granted by a majority vote of the Board.

**Enforcement of Decorum:** The Secretary shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Board meetings.
SECTION X – VOTING:

Roll Call: A roll call vote must be taken upon the request of any member. Roll call votes shall be taken by the Secretary. The Secretary shall endeavor to rotate the order of calling on Trustees on a roll call vote except that the Presiding officer shall always vote last on a roll call vote. It shall not be in order for members to explain their vote during the roll call.

Precedence of Motions: When a motion is before the Board, no motion shall be entertained except (1) to limit comment, (2) to adjourn, (3) to fix hour of adjournment, (4) to lay the motion on the table, (5) to call for the previous question, (6) to continue to a certain day, (7) to refer, (8) to amend, (9) to postpone indefinitely, or (10) to divide the question. These motions shall have precedence in the order indicated.

Amendments: No more than one amendment to an amendment is permitted. When an amendment is before the Board, the Board shall vote first on the amendment. After the amendment has passed or failed, the Board shall vote on the main motion.

Motion to Table: The purpose of this motion is to temporarily by-pass the subject. A motion to lay the matter on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be "taken from the table" at any time prior to the end of the next regular meeting. A matter taken from the table cannot be acted upon if it does not appear on the published agenda.

Motion to Continue: The purpose of this motion is to delay consideration of a subject until a future time. A motion to continue shall include the specific date when the subject shall again be considered.

Motion for Previous Question: The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if the motion passes, then the Board shall vote on the main motion.

Division of Question: If the question contains two or more divisible propositions, the Presiding officer may, or upon successful motion of the Board, shall divide the same.

Withdrawal of Motion: When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.

Conflict of Interest: Trustees shall abide by the provisions of NRS 281A.400 et. seq., relating to Ethics in Government.

Trustee Required to Vote: Trustees are required to vote on all issues placed before them unless prohibited by the Code of Ethical Standards; or, if a Trustee was absent from a meeting, he or she may abstain from voting on the minutes of that meeting.
Recording Votes: The minutes of the proceedings of the Board shall record each individual Trustee's vote on all agenda items.

Affirmative Motion: An affirmative motion which fails to carry shall not be considered a denial and shall require a motion for denial.

Negative Motion: A negative motion which fails to carry is not tantamount to approval and shall require the passage of an affirmative motion before approval.

Motion to Reconsider: A motion for reconsideration of any matter or a request to have a matter placed on a subsequent agenda may be made at any time during the meeting when the matter was voted upon or during the next regularly scheduled meeting by a Trustee voting on a prevailing side of the matter or motion to be reconsidered. A question failing by virtue of tie vote may be reconsidered by motion of any member of the Board, which motion may be made at any time. A majority vote in favor of reconsidering the vote on a subject or motion shall automatically cancel the previous vote on that subject or motion and reopen the subject or motion for discussion and another vote. The procedures of regular business shall be in order. When a Trustee voting on the prevailing side requests the Secretary to place a time for reconsideration on the subsequent agenda, the Trustee should specify his/her intent as to when the item itself should be heard if the Board approves the request to reconsider it.

SECTION XI – RULES OF ORDER

“Roberts Rules of Order Newly Revised” shall govern the proceedings of the Board in all cases, provided they are not in conflict with these rules.
Western Regional Water Commission

STAFF REPORT

DATE:      April 4, 2008
TO:        Chairman and Members, Western Regional Water Commission
FROM:      Sylvia Harrison, Legal Counsel
SUBJECT:   Discussion and possible action to recommend to the Commission Members’ Governing Boards the amendment of the Joint Powers Agreement

RECOMMENDATION
The Commission recommend to its Members’ Governing Boards the amendment of the Joint Powers Agreement as requested by members of the Legislature.

DISCUSSION
Based upon review of the JPA by Legislative Counsel Bureau counsel, members of the Legislative Oversight Committee have requested certain amendments to the JPA to more closely track the legislation. LCB counsel felt that certain language in the JPA created confusion as to the genesis of the Commission, and that other provisions were inconsistent with the enabling legislation, taking a narrower view than did local agency counsel as to the meaning of ‘not inconsistent.’ Staff believes that maintaining a cooperative and collaborative relationship with the Legislative Oversight Committee is of paramount importance for the success of the WRWC and recommends adopting the requested amendments. A redline version of the JPA showing the proposed amendments is attached for your review.

The proposed amendments do not affect the substantive functions of the Commission, with the exception of the requested reversion to the statutory language regarding voting requirements. The statutory language allows an action to be taken by a majority of members of the Board present at a meeting. The JPA provided that an action would require a majority of the members. This provision was adopted in the JPA to ensure consistency with the open meeting law and to afford all members adequate representation on the Commission. Staff will request and pursue changes to the legislation to be consistent with the original JPA language. Until such time as we receive clarification as to the controlling law, we can adopt the requested amendment on this point, but ensure compliance with the open meeting law by adoption of governing rules requiring compliance with NRS 241, including NRS 241.0355.

POSSIBLE MOTION
Should the Board agree with staff’s recommendation, a possible motion would be: “Move to recommend to the Commission Members’ Governing Boards the amendment of the Joint Powers Agreement as requested by members of the Legislature.”
WESTERN REGIONAL WATER COMMISSION

JOINT POWERS AGREEMENT

AMONG

CITY OF RENO
CITY OF SPARKS
SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT
SUN VALLEY GENERAL IMPROVEMENT DISTRICT
TRUCKEE MEADOWS WATER AUTHORITY
WASHOE COUNTY
WESTERN REGIONAL WATER COMMISSION

AMENDED AND RESTATED JOINT POWERS AGREEMENT

This Agreement, made and entered into as of [___________________], is by and among the City of Reno, Nevada (“Reno”), the City of Sparks, Nevada (“Sparks”), South Truckee Meadows General Improvement District (“STMGID”), Sun Valley General Improvement District (“SVGID”), the Truckee Meadows Water Authority (“TMWA”), and the County of Washoe, Nevada (“Washoe County”).

RECITALS

A. The parties desire hereby to establish a separate legal entity to work to sustain our community’s quality of life through efficient total water management and to lead a cooperative approach to stewardship of our region’s water resources through developing and implementing an integrated water resource plan, building understanding and trust among all stakeholders, and establishing water resources public policy.

B. The organization of the Western Regional Water Commission having the purposes, powers, rights, privileges and immunities provided in this Agreement will serve a public use and will promote the general welfare by facilitating unified and cooperative efforts to secure and develop additional water supplies, maintain and cooperatively establish policies for managing existing water resources and water supplies, provide for integrated regional water resources and management of water supplies, provide for integration of efforts to manage storm water, provide for protection of watersheds and provide for regional conservation efforts, subject to and in accordance with the Truckee River Operating Agreement.
C. The planning for the acquisition, development, management and conservation of regional water supplies and any associated facilities by the Western Regional Water Commission is for a public and governmental purpose and a matter of public necessity.

D. Each of the parties is authorized to contract with each other for the joint exercise of any member’s power under Chapter 277 of the Nevada Revised Statutes (“NRS”).

F. The parties desire to amend and restate the cooperative agreement as set forth herein.

NOW, THEREFORE, the parties agree as follows:

ARTICLE 1: DEFINITIONS

1.1. Definitions. For the purposes of this Agreement, the following terms shall have the following meanings:


b. “Board of Trustees” or “Board” means the Board of Trustees of the Regional Water Commission.

c. “Comprehensive Plan” means the plan developed pursuant to sections 34 through 52 of the Act.

d. “Comprehensive Regional Plan” means the plan required to be created pursuant to NRS 278.0272.

e. “Facilities” means any facility necessary for the beneficial use of Water Resources, including, without limitation, any diversion, dam, reservoir, other water storage facility for the Water Resources, water conveyance, well, pump, treatment facility, storage tank, pipe, turnout and any other facility required to provide water services or to provide for the conservation of water or enhanced control of floods.
f. “Governing Board” means:
   i. In the case of the City of Reno, the Reno City Council;
   ii. In the case of the City of Sparks, the Sparks City Council and the mayor of Sparks;
   iii. In the case of Washoe County, its Board of County Commissioners;
   iv. In the case of the Truckee Meadows Water Authority, its Board of Directors;
   v. In the case of Sun Valley GID, its Board of Trustees;
   vi. In the case of South Truckee Meadows GID, its Board of Trustees; and
   vii. In the case of the Truckee Meadows Water Reclamation Facility, the City Councils of Reno and of Sparks.

g. “Member” means an entity which is a party to this Agreement and a Member of the Commission.

h. “Planning Area” means the area within the boundaries of the Commission’s authority, as set forth in Section 22 of the Act, Article 2, section 2.3.

i. “Public Purveyor” means:
   i. The Truckee Meadows Water Authority, or its successor;
   ii. The Washoe County Department of Water Resources, or its successor;
   iii. The South Truckee Meadows General Improvement District, or its successor;
   iv. The Sun Valley General Improvement District, or its successor; or
   v. Any other governmental entity engaged in the delivery or management of Water Resources in the Planning Area.

j. “Purveyor” means any entity engaged in the delivery or management of Water Resources in the Planning Area.

k. “Regional Facilities” means Facilities, other than Facilities that are owned by a single Member, that are or may be constructed, owned or operated jointly by all or some of the Members of the Commission, through interlocal agreement or other agreement, in furtherance of regional water resource management objectives established by the Commission.
l. “Regional Water Commission” or “Commission” means the Western Regional Water Commission created pursuant to the Act.

m. “Truckee River Operating Agreement” means all agreements relating to the implementation of Public Law 101-618, 104 Stat. 3324, as amended, including, without limitation, the Operating Agreement referenced in section 205(a) of Public Law 101-618, 104 Stat. 3324, as amended, whether entered into before, on or after April 1, 2008, to which the Truckee Meadows Water Authority, its predecessor or its successor, if any, is a party.

n. “Water Planning Commission” means the Northern Nevada Water Planning Commission created pursuant to section 36 of the Act.

o. “Water Quality Settlement Agreement” means the Agreement entered into on October 10, 1996, by the City of Reno, the City of Sparks, Washoe County, the United States Department of the Interior, the United States Department of Justice, the United States Environmental Protection Agency, the Nevada Division of Environmental Protection and the Pyramid Lake Paiute Tribe, and any agreements entered into to implement that Agreement including, without limitation, any applicable provisions of the Truckee River Operating Agreement.

p. “Water Rights” means any entitlement to the beneficial use of surface water or groundwater supplies, including, without limitation, an entitlement that exists by contract, by interest in real property, by decree or by rights granted or recognized by the State of Nevada, the State of California or any other governmental agency.

q. “Water Resources” means surface water, groundwater, reclaimed water, waste water, water rights, storm water, and any other water capable of being put to beneficial use.

ARTICLE 2:
EFFECTIVE DATE OF AGREEMENT
CREATION OF WESTERN REGIONAL WATER COMMISSION

2.1. Commission Created. There is hereby established a legal entity to be known as the Western Regional Water Commission. The Commission is established by this Agreement pursuant to the provisions of Chapter 277 of NRS, and as specifically
authorized by the Act. The Commission is a body corporate and politic and a municipal corporation and shall be a political subdivision of the State of Nevada and shall be separate from the Members, pursuant to NRS 277.074 and 277.120.

2.2. The property and revenues of the Regional Water Commission, any interest of any creditor therein and any possessory interest in or right to use that property which the Regional Water Commission may grant are exempt from all state, county and municipal taxation.

2.3. The Regional Water Commission shall, in carrying out the provisions of this Agreement: (1) Make full use of any available resources for sustainability, economic viability and maintenance of environmental values; (2) Communicate the decisions and policies of the Regional Water Commission in an effective manner; (3) Provide for a centralized system of decision making; (4) Facilitate the effective coordination of land use and resource planning; (5) Facilitate the effective and efficient planning, management and operation of Facilities; and (6) Plan for the effective stewardship of Water Resources, including, without limitation, ensuring the quantity and quality of surface water and groundwater and the control of point and nonpoint sources of pollution.

2.4. Effective Date. This amended and restated Agreement shall become effective no later than March 31, 2008, upon its execution by each Party pursuant to approval of their respective Governing Boards and the approval of this Agreement, given or deemed to be given, by the Attorney General of Nevada pursuant to NRS 277.140. The Interim Western Regional Water Commission created by that interlocal agreement among the Parties dated August 27, 2007, as amended, shall become the Western Regional Water Commission upon the effective date of this Agreement.
2.5. **Boundaries of the Commission.** The geographic boundaries of the Commission shall be the entire area of Washoe County except: (1) any land within the region defined by NRS 277.200, the Tahoe Regional Planning Compact; (2) lands located within any Indian reservation or Indian colony which are held in trust by the United States; and (3) land located within the Gerlach General Improvement District or its successor created pursuant to chapter 318 of NRS; Land located within the following administrative groundwater basins established by the United States Geological Survey and the Division of Water Resources of the State Department of Conservation and Natural Resources: (1) Basin 22 (San Emidio Desert); (2) Basin 23 (Granite Basin); and (3) Basin 24 (Hualapai Flat). The Commission may include within the Planning Area any land otherwise excluded if it finds that the land requires alleviation of the effect of drainage of storm waters or requires another benefit from planning or management performed in the Planning Area. For the purposes of planning, the Commission may consider areas outside the boundaries of the Commission as required for regional water resource or watershed management.

**ARTICLE 3:**
**MEMBERS, GOVERNANCE, AND ADMINISTRATION**

3.1. **Membership.** The Members of the Commission shall be the Truckee Meadows Water Authority, Reno, Sparks, Washoe County, Sun Valley General Improvement District and South Truckee Meadows General Improvement District. Additional entities may become Members through amendment to this Agreement.

3.1.2. **Governing Body of the Commission.** The Regional Water Commission shall be directed and governed by a Board of Trustees composed of the following nine
trustees appointed pursuant to this section:

a. Two Members of the Governing Board of the City of Reno;

b. Two Members of the Governing Board of the City of Sparks;

c. Two Members of the Board of County Commissioners of Washoe County;

d. One Member representing the Truckee Meadows Water Reclamation Facility or its successor;

e. One Member designated by the Local Managing Board of the South Truckee Meadows General Improvement District, or its successor; and

f. One Member of the Board of Trustees of the Sun Valley General Improvement District, or its successor.

3.3. The Governing Boards of the City of Reno, the City of Sparks and Washoe County shall each appoint one trustee from their membership for an initial term of 2 years.

3.4. The Board of Directors of the Truckee Meadows Water Authority or its successor shall appoint from its membership, for initial terms of 3 years:

a. One trustee who is a Member of the Governing Board of the City of Reno;

b. One trustee who is a Member of the Governing Board of the City of Sparks; and

c. One trustee who is a Member of the Board of County Commissioners of Washoe County.

The trustees appointed pursuant to this subsection must be different persons than those appointed pursuant to section 3.3.

3.5. The Board of Trustees of the Sun Valley General Improvement District or its successor shall appoint one trustee for an initial term of 3 years.
3.6. The Local Managing Board of the South Truckee Meadows General Improvement District or its successor shall appoint one trustee for an initial term of 3 years.

3.7. The owners of the Truckee Meadows Water Reclamation Facility or its successor shall jointly appoint one trustee for an initial term of 2 years.

3.8. Each Member may appoint one alternate trustee who must be an elected official qualified to represent such Member as a trustee and who may act in the absence of a duly appointed trustee.

3.9. After the initial terms, each trustee who is appointed to the Board of Trustees serves for a term of 2 years. A trustee may be reappointed.

3.10. All trustees must be elected officials. No trustee may serve beyond his or her term of office.

3.11. The position of a trustee must be considered vacated upon loss of any of the qualifications required for his or her appointment.

3.12. The Board of Trustees shall annually elect one of its Members as Chairman and one of its Members as Vice Chairman. The Board shall select a Secretary and a Treasurer, who are not required to be trustees of the Board. The Secretary and the Treasurer may be the same person.

3.13. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio
recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places.

3.14. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board.

3.15. The Board shall meet regularly at a time and in a place to be designated by the Board. The Board shall provide for the calling of a special meeting when action is required before a regular meeting would occur. The Board shall comply with the requirements of NRS Chapter 241.

3.16. Except as otherwise provided in this subsection, a majority of the Board of Trustees constitutes a quorum at any meeting. Each motion and resolution of the Board must be adopted by at least five (5) trustees.

3.17. The Regional Water Commission is a public employer within the meaning of NRS 286.070, and the provisions of Chapter 286 of NRS apply to the Regional Water Commission and its employees.

3.18. Administrative and technical support shall be provided to the Commission by the cooperative and collaborative efforts of the staffs of the Members, through in-kind services, or otherwise. The Members may provide for such services through interlocal agreement among the Members.

ARTICLE 4: CONFERRED FUNCTIONS

4. Conferred Functions of the Commission. Subject to the provisions of Article 6, the Conferred Functions of the Commission are as follows:
a. To promote the general welfare by facilitating unified and cooperative efforts to manage, secure and develop Water Resources.

b. To maintain and establish policies for managing existing Water Resources.

c. To provide for integrated regional Water Resources and management of Water Resources.

d. To provide for integration of efforts to manage storm water.

e. To provide for protection and enhancement of watersheds and groundwater resources.

f. To provide for regional conservation efforts, subject to and in accordance with the Truckee River Operating Agreement.

g. To provide for planning for the acquisition, development, management and conservation of regional Water Resources and any associated Facilities.

h. To provide for water quality management.

i. To develop a Water Resources shortage sharing plan among Purveyors and implement such plan with the approval of all affected entities.

j. To perform such other functions as may be conferred upon the Commission by amendment to this Agreement or by statute.

ARTICLE 5: POWERS OF COMMISSION

5.1. Powers. In furtherance of the Conferred Functions set forth in Article 4 of this Agreement, and subject to the limitations of that article, the Commission shall have the power in its own name to do any of the following:

a. Sue and be sued.

b. Enter into agreements with any government entity and any person.
c. Prepare, adopt, update and oversee the implementation of the Comprehensive Plan.

d. Plan for the implementation of a mechanism for:

   i. Scheduling the delivery of Water Resources held by Public Purveyors and Members to maximize the yield of regional Water Resources and facilitate the cooperative administration of regional water conveyance and treatment Facilities for the benefit of the Public Purveyors and Members.

   ii. Maximizing conjunctive use by and among the Members to optimize resources.

e. Prepare, adopt and update a water conservation plan for the use of municipal, industrial and domestic Water Resources within the Planning Area, and make recommendations for water conservation agreements among Purveyors and Members.

f. Study and recommend to Members ordinances or tariffs for implementation of a water conservation plan and the Comprehensive Plan.

g. Contract with Purveyors and Members for the provision of services to or by the Commission, and, in the performance of its functions, use the officers, agents, employees, services, Facilities, records and equipment of any Purveyor or Member, with the consent of the respective Purveyors or Members, and subject to such terms and conditions as may be agreed upon.

h. Employ or contract with such persons as deemed necessary and hire and retain officers, agents and employees, including fiscal advisers, engineers, attorneys or other professional or specialized personnel.

i. Seek, apply for and otherwise solicit and receive from any source, public or private, such contributions, gifts, grants, devises and bequests of money and personal property, or any combination thereof, as the Commission determines is necessary or convenient for the exercise of any of its powers.

j. Participate with relevant agencies of the United States, the State of Nevada, the State of California, the Pyramid Lake Paiute Tribe, and other entities on issues concerning Water Resources.

k. Adopt such rules and regulations for the conduct of the affairs of the Commission as deemed necessary or desirable.
I. Develop a plan for the establishment of services territories within the Planning Area in which the Public Purveyors and Members and all systems for the supply of Water Resources which are controlled or operated by the Public Purveyors and Members may provide new retail or wholesale Water Resources to new customers. In developing and updating such plans, the Commission shall:

   i. Seek to ensure the coordination of the delivery of water at the lowest reasonable cost, considering all the Facilities, improvements and operations required to provide that water as measured by the net present value of those Facilities, improvements and operations existing at the time of the determinations, generally using current dollars;

   ii. Seek to ensure that existing or future customers are not affected inequitably;

   iii. Seek to provide for the most effective management, development and integration of systems for the efficient use of Water Resources and associated Facilities; and

   iv. Consider:

      aa. Any specific planning conducted by Public Purveyors and Members before April 1, 2008, for existing or new customers;

      bb. The topography of the service territories and the readiness and ability of Public Purveyors and Members to serve customers with existing Facilities;

      cc. Any policies for land use that affect the service territories; and

      dd. The rate of growth within the service territories projected over a reasonable period.

m. Upon the recommendation of the Water Planning Commission:

   i. Adopt and revise the Comprehensive Plan;

   ii. Make recommendations concerning methods for conserving existing Water Resources which are consistent with any other plans required by law;
iii. Make recommendations concerning methods of collecting and treating sewage to protect and conserve Water Resources;

iv. Provide information to members of the public regarding present and potential uses of Water Resources; and

v. Make recommendations concerning the management and use of Water Resources within the Planning Area to:

   aa. The Governing Boards of the Members and the Planning Commission of Washoe County and the Cities of Reno and Sparks;

   bb. The Governing Board for Regional Planning and the Regional Planning Commission established in Washoe County pursuant to NRS 278.0264 and 278.0262, respectively;

   cc. The State Engineer;

   dd. The Federal Government; and

   ee. Such other entities as the Commission deems appropriate.

n. To impose a fee adopted by resolution at a public hearing to fund planning, administration and implementation of the Comprehensive Plan at a rate not to exceed 1.5 percent of the amount otherwise billed, to be collected by each Public Purveyor and supplier of Water Resources from customers within the Planning Area. A public purveyor or supplier of water must state separately on its billings to customers the amount charged as a result of any fee charged pursuant to this paragraph.

o. To perform all other acts, and to exercise all rights and powers including the authority to perform such actions and powers exercisable by any of its Members, necessary or incidental to or implied from the powers granted in this Agreement, and including specifically oversight over the Water Planning Commission, as set forth in Article 7.

ARTICLE 6: PROHIBITED FUNCTIONS AND POWERS

6.1. The Commission shall take no action that will impair the bond obligations
of any Member.

6.2. Except to the extent the Commission may become a successor or party to the following agreements;

a. The Commission shall not abridge the exclusive power and authority of the Truckee Meadows Water Authority to negotiate, execute, and implement its obligations under the Truckee River Operating Agreement, as the successor in interest to Sierra Pacific Power Company.

b. The Commission shall not alter the rights and obligations under the Truckee River Operating Agreement.

c. The Commission shall not alter the rights and obligations of the Water Quality Settlement Agreement.

6.3. A plan developed pursuant to powers set forth in Article 5 above does not apply to any Public Purveyor and Member unless each Public Purveyor and Member agrees to the provisions of the plan.

6.4. The Commission shall not dispose of or encumber property belonging to a Member of the Commission without the consent of such Member.

6.5. Absent the written consent of the affected Governing Board of a Public Purveyor, the Commission shall not render any retail service rendered by a Public Purveyor within the service area of a Public Purveyor.

6.6. The Commission shall not take any action inconsistent with the provisions of NRS Chapter 534 with respect to domestic wells.

6.6. The Commission shall not have the power to impose any general tax unless such tax is duly authorized by the State Legislature.

ARTICLE 7:
OVERSIGHT OF NORTHERN NEVADA WATER PLANNING COMMISSION
7.1. The Act creates the Northern Nevada Water Planning Commission (defined herein as the “Water Planning Commission”), effective April 1, 2008. Pursuant to the Act, the Water Planning Commission is required to develop, and as necessary recommend revisions to, a Comprehensive Plan for the Planning Area covering the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control of floods. The initial Comprehensive Plan must be developed on or before January 1, 2011. The provisions of the Comprehensive Plan developed and revised pursuant to the former provisions of NRS 540A.130 before April 1, 2008, remain in effect until the Commission adopts the initial Comprehensive Plan.

7.2. The Commission shall exercise oversight over the Water Planning Commission including the authority to adopt the Comprehensive Plan and to ensure the consistency between the Comprehensive Plan and Comprehensive Regional Plan.

7.3. The Commission shall establish, publish, and implement procedures for public input into the development and adoption of the Comprehensive Plan.

ARTICLE 8: GENERAL PROVISIONS

8.1. Liabilities of the Commission. The debts, liabilities, and obligations of the Commission shall be the debts, liabilities, and obligations of the Commission alone and not of the Members.

8.2. Liabilities of the Board. The funds of the Commission shall be used to defend, indemnify, and hold harmless the Commission, its trustees, officers, and
employees, and any Member for actions taken within the scope of the authority of the Commission. Nothing herein shall limit the right of the Commission to purchase insurance to provide coverage for any of the foregoing.

8.3. **Term.** The Agreement shall continue in existence until it is rescinded and the Commission terminated as provided in section 8.6.

8.4. **Other Cooperative Agreements.** Nothing in this Agreement shall prevent the Members from entering into other cooperative agreements.

8.5. **Withdrawal of Member.** A Member may withdraw from the Commission on terms and conditions specified in an agreement of withdrawal executed by all Members.

8.6. **Termination.**

   a. This Agreement may be rescinded and the Commission terminated by a written agreement of termination executed by all Members, except during the outstanding term of any indebtedness incurred by, on behalf of, or at the request of the Commission, or for which the Commission is otherwise responsible, the terms of which preclude such termination.

   b. Upon termination of the Commission by Act of the Legislature (1) the obligations of the Commission shall be paid, and (2) all other assets shall be distributed as provided in the termination agreement.

8.7. **Amendment.** This Agreement may be amended by action taken by the Governing Board of each Member and upon any required approval given, or demand to be given, by the Attorney General of Nevada.

8.8. **Assignment; Binding on Successors.** Except as otherwise provided in this Agreement, the rights and duties of the Members may not be assigned or delegated without the written consent of all Members. Any attempt to assign or delegate such rights or duties in contravention of this Agreement shall be null and void. Any approved
assignment or delegation shall be consistent with the terms of any contracts, resolutions, indemnities, and other obligations of the Commission then in effect. Subject to the foregoing, this Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of the Members.

8.9. **Choice of Law.** This Agreement shall be governed by the laws of the State of Nevada.

8.10. **Severability.** If any provision of this Agreement should be held to be invalid or unenforceable by a final decision of a court of competent jurisdiction, then this Agreement shall terminate unless the remaining provisions are reaffirmed by action of the Governing Board of each Member within 120 days from the date on which such decision of invalidity or unenforceability becomes final.

IN WITNESS WHEREOF, the Members have caused this amended Agreement to be executed as of the date written above.

**CITY OF RENO**

By: __________________________
    Robert A. Cashell, Sr.
    Mayor

Date: _______________________

ATTEST:
By: _______________________
    Reno City Clerk

APPROVED AS TO FORM:
__________
Susan Ball Rothe
Deputy City Attorney

**CITY OF SPARKS**

By: __________________________
    Geno Martini
    Mayor

Date: _______________________

ATTEST:
By: _______________________
    Sparks City Clerk

APPROVED AS TO FORM:
__________
Shirle Eiting
Senior Assistant City Attorney
WASHOE COUNTY

By:________________________________
    Robert M. Larkin, Chairman
    Washoe County Commission

Date:______________________________

ATTEST:

By:________________________________
    Amy Harvey, Washoe County Clerk

APPROVED AS TO FORM:

Pete Simeoni
Deputy District Attorney

TRUCKEE MEADOWS WATER AUTHORITY

By:________________________________
    Mike Carrigan, Chairman
    Board of Directors

Date:______________________________

ATTEST:

By:________________________________
    Lori Williams, Secretary

APPROVED AS TO FORM:

Sylvia Harrison
McDonald Carano Wilson LLP

SUN VALLEY GENERAL IMPROVEMENT DISTRICT

By_______________________________
    James Ainsworth, Chairman
    Board of Trustees

Date:______________________________

Attest:

By_______________________________
    Margaret Reinhardt, Secretary
    Board of Trustees

SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT

By_______________________________
    Robert M. Larkin, Chairman
    Board of Trustees

Date:______________________________

Attest:

By_______________________________
    Amy Harvey, Washoe County Clerk
APPROVED AS TO FORM:

Stewart White
White Meany & Weatherall

APPROVED AS TO FORM:

Pete Simeoni
Deputy District Attorney

OFFICE OF ATTORNEY GENERAL

Approved as to form and legality:

________________________________________
Attorney General
Western Regional Water Commission

STAFF REPORT

DATE: April 4, 2008
TO: Chairman and Members, Western Regional Water Commission
FROM: Staff
SUBJECT: Discussion and possible Commission action to accept the recommendation of the Washoe County Risk Manager to meet the NRS 531 Section 26 requirement for purchase of a Corporate Surety Bond for the Western Regional Water Commissioners by depositing $45,000 with the Nevada State Treasurer, as provided for in NRS 100.065, in lieu of purchasing individual surety bonds for each commissioner.

SUMMARY
Section 26 of NRS 531 includes the following provisions:

Sec. 26. Board: Oath; bond. [Effective April 1, 2008.] Each member of the Board shall file with the County Clerk of Washoe County:
1. His oath of office.
2. A corporate surety bond furnished at the Regional Water Commission’s expense, in an amount not to exceed $5,000, and conditioned for the faithful performance of his duties as a member of the Board.

Staff has consulted Washoe County’s Risk Manager, Jim Jeppson, regarding the options for complying with this requirement and has been advised that two options exist:
1. Obtain surety bonds for each of the nine WRWC Board Members, as individuals, with subsequent requirement to obtain surety bonds for new commissioners as they are appointed, by paying what amounts to a non-refundable insurance payment, including periodic renewals requiring additional non-refundable payments; or
2. Take advantage of the provisions of NRS 100.065 (see below), which would allow the WRWC to deposit $45,000 with the State Treasurer to meet the surety bond requirement. This cash payment would accrue interest payable to the WRWC’s Water Management Fund and would provide coverage for the nine WRWC Board Members as they might change over time.

NRS 100.065 Deposits authorized in lieu of cash payment or surety bond for protection of State; surety bond must be issued by authorized insurer.
1. In lieu of any cash payment or surety bond required as protection for the State of Nevada, the person required to provide the cash payment or surety bond may deposit with the State Treasurer, unless a different custodian is named by specific statute:
   (a) Bonds of the United States or of the State of Nevada of an actual market value of not less than the amount of the required cash payment or surety bond;
(b) A letter of credit from a bank, savings bank, credit union or savings and loan association situated in Nevada, which meets the requirements set for that purpose by the State Treasurer; or

(c) A savings certificate, certificate of deposit or investment certificate of a bank, savings bank, credit union or savings and loan association situated in Nevada, which must indicate an account of an amount not less than the amount of the required cash payment or surety bond and, except as otherwise provided by specific statute, that the amount is not available for withdrawal except by direct order of the State Treasurer.

2. Whenever a savings certificate, certificate of deposit or investment certificate is deposited as provided in this section, interest earned on the certificate accrues to the account of the depositor.

3. If a surety bond is provided as protection for the State of Nevada, the bond must be issued by an insurer who is authorized or otherwise allowed under title 57 of NRS to issue such a bond pursuant to title 57 of NRS.

**PREVIOUS ACTION**
None

**FISCAL IMPACT**
Funds on deposit would be unavailable for use and considered an asset on the WRWC balance sheet.

**RECOMMENDATION**
It is recommended that the Commission accept the recommendation of the Washoe County Risk Manager to meet the NRS 531 Section 26 requirement for purchase of a Corporate Surety Bond for the Western Regional Water Commissioners by depositing $45,000 with the Nevada State Treasurer, as provided for in NRS 100.065, in lieu of purchasing individual surety bonds for each commissioner.

**POSSIBLE MOTION**
Should the Board agree with staff’s recommendation, a possible motion would be: “Move to accept the recommendation of the Washoe County Risk Manager to meet the NRS 531 Section 26 requirement for purchase of a Corporate Surety Bond for the Western Regional Water Commissioners by depositing $45,000 with the Nevada State Treasurer, as provided for in NRS 100.065, in lieu of purchasing individual surety bonds for each commissioner.”

rm

c: Ben Hutchins, WRWC Treasurer
Western Regional Water Commission

STAFF REPORT

DATE: April 11, 2008
TO: Chairman and Members, Western Regional Water Commission
FROM: Staff
SUBJECT: Appointment of members to the Northern Nevada Water Planning Commission (NNWPC) and acknowledgement of NNWPC prescribed membership

SUMMARY
In response to the Commission’s direction on February 8, 2008, staff inquired of Mr. Michael Cameron and Mr. Michael DeMartini as to their willingness and availability to serve on the NNWPC in the following positions:

- Mr. Cameron, public at large, to represent environmental, biological, conservation or public concerns, and
- Mr. DeMartini to represent owners of domestic wells.

Both are willing and able to serve on the NNWPC, and are available for appointment on April 11, 2008.

In addition, the Commission directed staff to request that the Washoe County Water Conservation District appoint a representative pending correction of a drafting error in SB 487. Attached is a letter (attachment 1) dated September 5, 2007, from the District President regarding the error and possible action to make the District a voting member of the NNWPC. A second letter (attachment 2) dated April 4, 2008, indicates that the District Board wishes to retain Mr. George Ball as its representative on the water planning commission. Mr. Ball is available for appointment on April 11, 2008.

Finally, the Commission directed staff to request that the Pyramid Lake Paiute Tribal Council appoint a representative. A letter making that request was mailed on or about March 3, 2008. Staff has not yet received a response.

The attached table (attachment 3) shows NNWPC positions and members appointed to date.

PREVIOUS ACTION
On February 8, 2008, the WRWC directed staff to inquire of Mr. Michael Cameron and Mr. Michael DeMartini as to their willingness and availability to serve on the NNWPC. Additionally, staff was directed to request that the Washoe County Water Conservation District and the Pyramid Lake Paiute Tribe make appointments to the NNWPC.

FISCAL IMPACT
No fiscal impact
RECOMMENDATION
It is recommended that the WRWC:
1. Appoint Mr. Cameron as the public at large member to represent environmental, biological, conservation or public concerns, and appoint Mr. DeMartini as the member to represent owners of domestic wells.

2. Add the Washoe County Water Conservation District to the NNWPC as a voting member and appoint Mr. George Ball as its representative.

3. Add the Pyramid Lake Paiute Tribe to the NNWPC as a voting member and direct staff to accept the Tribal Council’s appointment once it is received.

POSSIBLE MOTION
Should the Board agree with staff’s recommendation, a possible motion would be: “Move to
1. Appoint Mr. Cameron as the public at large member to represent environmental, biological, conservation or public concerns, and appoint Mr. DeMartini as the member to represent owners of domestic wells.

2. Add the Washoe County Water Conservation District to the NNWPC as a voting member and appoint Mr. George Ball as its representative.

3. Add the Pyramid Lake Paiute Tribe to the NNWPC as a voting member and direct staff to accept the Tribal Council’s appointment once it is received.”

jrs
April 4, 2008

Mike Carrigan, Chairman
Western Regional Water Commission
4930 Energy Way
Reno, NV 89502

RE: Voting Member

Dear Mr. Carrigan,

Please be advised that the Washoe County Water Conservation District would like to retain George W. Ball, Jr. as our representative/voting member on the newly formed Northern Nevada Water Planning Commission.

Please accept this letter as our appointment of Mr. Ball. If you need anything further from our District, please do not hesitate contacting the undersigned. Thank you for co-operation in this matter.

Sincerely,

Gwyn S. Estrella,
Office Manager

cc: Jim Smitherman, Program Manager
   Washoe County
   Dept. of Water Resources
   4920 Energy Way
   Reno, NV 89502-4106

   Mike Pagni
   McDonald Carano Wilson LLP
   PO BOX 2670
   Reno, NV 89505-2670

   George W. Ball
   4790 Caughlin Parkway
   Box 503
   Reno, NV 89519
September 5, 2007

Lori Williams
Truckee Meadows Water Authority
1355 Capital Blvd., Reno, NV 89502
P.O. Box 30013
Reno, NV 89420-3013

Rosemary Menard
Washoe County Department of Water Resources
4930 Energy Way
Reno, NV 89502

Re: Northern Nevada Water Planning Commission

Dear Ladies and Gentlemen:

As you know, S.B. 487 which was passed by the Legislature in 2007, has renamed the existing Regional Water Planning Commission the Northern Nevada Water Planning Commission. In the process of converting the description of members from the broad language used in NRS Chapter 540A to more specific descriptions of the current members, the final version of the law erroneously names the Washoe Storey Water Conservation District rather than the Washoe County Water Conservation District as a member.

A member of the Washoe County Water Conservation District has held a voting membership on the Regional Water Planning Commission Board since its inception. The district representative has held the seat reserved for “One member appointed by the governing body of the irrigation district which has the largest number of members in the region.” NRS 540A.080. When S.B. 487 was introduced, it specifically referred to the Washoe County Water Conservation District as the appointing body for this position. However, we understand that in the waning hours of the legislative session, as other unrelated changes recommended by the conference committee were revised by LCB, somehow the reference to the Washoe County Water Conservation District was changed to the Washoe Storey Conservation District. We believe this change was clearly an error, and intend to address it in the next legislative session.
In the meantime, however, it is critical that the Washoe County Water Conservation District continue to hold a voting seat on the planning commission. S.B. 487 specifically authorizes the Board of the new Western Regional Water Commission to appoint such other persons as it determines necessary. Given the historic and critical role of the Washoe County Water Conservation District, and given the last second typographical error that has lead to the current circumstance, the Washoe County Water Conservation District asks that you support action to add it as a voting member of the Northern Nevada Planning Commission until the legislation can be corrected.

Please contact me or George Ball and let us know whether you are willing to support this appointment. I appreciate your attention to this matter.

Sincerely,
Washoe County Water Conservation District

[Signature]
Don Casazza, President

cc George W. Ball
4790 Caughlin Parkway
Box 503
Reno, NV 89519

Mike Pagni
McDonald Carano Wilson LLP
PO Box 2670
Reno, NV 89505-2670
### Western Regional Water Commission

#### Appointment of Voting Members to the Northern Nevada Water Planning Commission

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Appointed By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neil Mann</td>
<td>The Director Public Works for the City of Reno, or his designee</td>
<td>Reno City Council</td>
</tr>
<tr>
<td>Wayne Seidel</td>
<td>The Director Public Works for the City of Sparks, or his designee</td>
<td>Sparks City Council</td>
</tr>
<tr>
<td>Rosemary Menard</td>
<td>The Director of Water Resources for Washoe County, or his designee</td>
<td>Washoe County</td>
</tr>
<tr>
<td>Steve Cohen</td>
<td>A member of the South Truckee Meadows General Improvement District or its successor</td>
<td>STMGID Local Managing Board</td>
</tr>
<tr>
<td>Darrin Price</td>
<td>The General Manager of the Sun Valley General Improvement District or its successor, or his designee</td>
<td>SVGID Board of Trustees</td>
</tr>
<tr>
<td>Lori Williams</td>
<td>The General Manager of the Truckee Meadows Water Authority or its successor, or his designee</td>
<td>TMWA Board of Directors</td>
</tr>
<tr>
<td>Greg Dennis</td>
<td>TMWRF General Manager or designee</td>
<td>Reno and Sparks</td>
</tr>
<tr>
<td></td>
<td>One member appointed by the governing body of the Indian reservation which is largest in area in the planning area, if the planning area contains an Indian reservation, or, if there is not an Indian reservation located within the planning area or the governing body of the reservation does not appoint a member, one member appointed by the Board to represent the public at large</td>
<td>Governing body of largest Indian reservation or WRWC</td>
</tr>
<tr>
<td>Michael Cameron *</td>
<td>One member of the public at large appointed by the Board to represent environmental, biological, conservation or public concerns</td>
<td>WRWC</td>
</tr>
<tr>
<td>Michael DeMartini *</td>
<td>One member appointed by the Board to represent owners of domestic wells</td>
<td>WRWC</td>
</tr>
<tr>
<td></td>
<td>One member appointed by the Board of Supervisors of the Washoe Storey Conservation District or its successor</td>
<td>Board of Supervisors of the Conservation District</td>
</tr>
<tr>
<td>George Ball *</td>
<td>Washoe County Water Conservation District</td>
<td>WRWC</td>
</tr>
</tbody>
</table>

* Pending Appointment by the WRWC
Western Regional Water Commission

STAFF REPORT

DATE: April 11, 2008
TO: Chairman and Members, Western Regional Water Commission
FROM: Jim Smitherman, Water Resources Program Manager
SUBJECT: Report and possible direction to staff regarding the Northern Nevada Water Planning Commission (NNWPC) meeting schedule and possible direction to the NNWPC to review the Proposed Work Plan and Budget and provide input to the Western Regional Water Commission

SUMMARY
The initial meeting of the Northern Nevada Water Planning Commission (NNWPC) is scheduled for April 30, 2008 at 1:30 p.m. The tentative location is the Washoe County Department of Water Resources. Staff will recommend to the NNWPC that it hold its regular meetings thereafter on the first Wednesday afternoon of each month beginning on May 7. The April 30 meeting will be the earliest opportunity for the NNWPC to review and approve the proposed work plan and budget, and provide advice to the WRWC in advance of its May meeting.

PREVIOUS ACTION
On February 8, 2008, the WRWC reviewed the proposed work plan and budget and directed staff to have the NNWPC review them and prepare to bring them back with input from the NNWPC for action in May.

FISCAL IMPACT
No fiscal impact

RECOMMENDATION
It is recommended that the WRWC direct staff to present the proposed work plan and budget to the NNWPC for review, input and possible approval at its first meeting on April 30, 2008.

POSSIBLE MOTION
Should the Board agree with staff’s recommendation, a possible motion would be: “Move to direct staff to present the proposed work plan and budget to the NNWPC for review, input and possible approval at its first meeting on April 30, 2008, and report back any NNWPC input and approvals to the WRWC at its May meeting.”

jrs

Attachment
NORTHERN NEVADA WATER PLANNING COMMISSION
AGENDA

Wednesday, April 30, 2008
1:30 p.m.

Washoe County Department of Water Resources
Community Meeting Room
4930 Energy Way, Reno, Nevada

1. Roll Call and Determination of presence of a Quorum.
2. Approval of Agenda.
3. Election of Chairman.
4. Establish a schedule for selection of Chairman for a term of 1 year in rotation from among the members.
5. Establish a schedule of regular meetings.
6. Commission discussion and possible adoption of procedure for taking public comment at Northern Nevada Water Planning Commission (NNWPC) public meetings.
7. Public Comments.* (Three-minute time limit per person.)
8. Commission discussion, possible approval and possible input to the Western Regional Water Commission (WRWC) concerning the proposed WRWC work plan and budget through the 2008-2009 fiscal year, and possible direction to staff.
9. Discussion and possible direction to staff regarding agenda items for the May 7, 2008, NNWPC meeting and future meetings.
11. Staff Comments.

*Indicates a non-action item

Notes: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear. The Commission may take action on any of the action items listed.

Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language interpreters or assisted listening devices) at the meeting should notify the Washoe County Department of Water Resources, at 954-4663, 24 hours prior to the meeting.

In accordance with NRS 241.020, this agenda has been posted at the following locations: Reno City Hall (1 East First Street), Sparks City Hall (431 Prater Way), Sparks Justice Court (630 Greenbrae Dr), Sun Valley GID (5000 Sun Valley Blvd), TMWA (1355 Capital Blvd), Washoe County Administration Building (1001 E. 9th Street), Washoe County Clerk’s Office (Court and Virginia Streets), Washoe County Central Library (301 South Center St), Washoe County Department of Water Resources (4930 Energy Way), Galena Market (19990 Thomas Creek Rd.), Galena High School (3600 Butch Cassidy Way), South Valleys Library (15650A Wedge Parkway) and TMWA’s website: http://www.tmw2o.com/about_us/meeting_center.
Western Regional Water Commission

STAFF REPORT

DATE: April 7, 2008
TO: Chairman and Commission Members
FROM: Lori Williams, TMWA General Manager
SUBJECT: Informational item on the schedule for the public hearing for approval of: a) the budget and b) the continuation of the Water Management Fund

The public hearing for the approval of a) the budget and b) the continuation of the Water Management Fund will be held on Friday, May 16, 2008 at 1:30 p.m. at the Washoe County Department of Water Resources, 4930 Energy Way, Reno.
Western Regional Water Commission

Staff Report

DATE: April 4, 2008

TO: Chairman and Members, Western Regional Water Commission

FROM: Ben Hutchins, WRWC Treasurer

SUBJECT: Presentation and request for approval of the WRWC Budget for 4th Quarter Fiscal Year 2008 and the Tentative Budget for Fiscal Year 2009 to be submitted to the Department of Taxation

SUMMARY
In response to the Western Regional Water Commission (WRWC) direction at the February 8, 2008 meeting, staff has developed a budget for the 4th quarter fiscal year 2007/08 and tentative budget for fiscal year 2008/09. The budget for the 4th quarter fiscal year 2007/08 is based on the Regional Water Planning Commission (RWPC) approved work plan. These projects are in progress and have current contractual obligations.

BACKGROUND
The attached budgets were developed by staff to be consistent with the Regional Water Planning Commission (RWPC) current approved work plan and the proposed WRWC administration and work plan as presented February 8, 2008.

The budget for the 4th quarter fiscal year 2007/08 (Attachment 1) shows Water Management Fund (WMF) expenditures that include one full time staff, professional services, and service contract agreements necessary to address near-term work plan items formerly reviewed and approved by the RWPC and the Board of County Commissioners. Approval of this budget is needed to continue and finalize the work currently in progress where contractual obligations exist.

The attached tentative budget for fiscal year 2008/09 (Attachment 2) shows WMF expenditures that include four full time staff (including one full time attorney), professional services, and service contract agreements necessary to address the work plan yet to be reviewed by the Northern Nevada Water Planning Commission (NNWPC) and adopted by the WRWC. The scope and cost for each individual project is yet to be developed.

The scope and cost for each individual project is yet to be developed.

Approximate TMWA and Washoe County in-kind contributions are also shown. It should be noted that the professional services budget includes $1,600,000 for contracting out project work related to the work plan as adopted by the WRWC. It is expected that the member agencies will contribute the balance of the work/contracts to complete the work plan either through provision
of in-kind services or through contracts paid for directly by the agencies in support of this WRWC effort if the budget is insufficient.

To properly account for all WRWC financial transaction, Washoe County staff has established an Agency Fund to properly account for all WRWC activities. The creation of the new WRWC Agency Fund recognizes the separate legal structure of the WRWC, now that the JPA is in effect.

**RECOMMENDATIONS**
Staff recommends that the WRWC approve the budget for the 4th quarter fiscal year 2007/08 and tentative budget for fiscal year 2008/09 and authorize staff to submit the required budget filings with the State of Nevada.
Western Regional Water Commission  
April 1, 2008 - June 30, 2008  
Budget

Revenues  
Water Surcharge Revenues  
Interest Income  
Total Revenue

Expenditures (professional service & service contracts)

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Project or Service Description</th>
<th>Balance @ 3/20/08</th>
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<td>Washoe County</td>
<td>Administration: Water Management Planner</td>
<td>24,293.00</td>
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<td>NIMBUS ENGINEERS, INC.</td>
<td>Truckee Meadows Flood Storage Volume Mitigation - Phase II</td>
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<td>WRC NEVADA INC</td>
<td>Hydrologic Criteria Drainage Design Manual</td>
<td>13,586.70</td>
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<td>LINN, NIKI J</td>
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<td>LINN, NIKI J</td>
<td>Editing &amp; Formatting Comprehensive Regional Water Management Plan</td>
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<td>Regional Reclaimed Water System Plan</td>
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<td>Technical Assistance for Comprehensive Regional Water Management Plan</td>
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<td>Evapotranspiration Controller Study</td>
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<td>RENO, CITY OF</td>
<td>Watershed-Based Water Quality Education Outreach Program</td>
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Total outstanding project obligations @ March 20, 2008  
436,772.96

Net Income (loss)  
(56,382)
Western Regional Water Commission  
July 1, 2008 - June 30, 2009  
Tentative Budget

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Net Income (loss)  
(576,969)  

1. Proposed budget provides legal spending authority for projects yet to be approved by the WRWC upon recommendations provided by the NNWPC. Specific per project scope and cost yet to be developed and approved by the WRWC.
2. $478,533 for three full time administrative staff members and one attorney; $20,000 for NNWPC & WMHB meeting minutes services.
3. Washoe County estimate for labor overhead: WRWC Treasurer, 1.5% fund management, accounting, purchasing, human resources, information technology, & routine/administrative GIS/drafting, services.
4. TMWA estimate to perform administrative tasks such as drafting and posting agendas, producing staff reports, delivering agenda packets, contracts to provide WRWC minutes and website postings and updates.
5. TMWA estimate for supplies to produce agendas, staff reports and agenda packets.
6. Washoe County estimate for services and supplies overhead: office space, utilities, computer hardware, software, copier, supplies.
7. TMWA estimate for office space, copier, computer expenditures.
8. SVGID human resources, accounting and payroll.
9. Budget expenses exceed revenues by $576,969 which reduces projected cash reserves to approx. $2.04M @ 6/30/09 ($45,000 reserved and on deposit for surety bond requirements).
Western Regional Water Commission

STAFF REPORT

DATE: April 3, 2008
TO: Chairman and Members, Western Regional Water Commission
FROM: Jim Smitherman, Water Resources Program Manager
SUBJECT: Briefing on the Comprehensive Regional Water Management Plan 2008 Amendment; Discussion and Possible Direction to Staff Regarding Adoption of the Regional Water Management Plan in May.

SUMMARY
The Regional Water Planning Commission (RWPC) was required by statute to review the Washoe County Comprehensive Regional Water Management Plan (Regional Water Plan) every three years and prepare an amendment if one was deemed necessary. The 2008 Amendment was prepared as a result of the RWPC’s review of the 2004 – 2025 Regional Water Plan, which was adopted in January 2005 and amended in January 2006. The purpose of the 2008 Amendment is to include pertinent information and documents that have been completed since 2006. This amendment is not a comprehensive re-write of the entire plan, therefore the 2004 – 2025 Regional Water Plan as amended remains an essential part of the Plan. Additionally, this Amendment, along with the 2004 – 2025 Regional Water Plan, is intended to provide a current foundation for the development of the comprehensive plan required by the Western Regional Water Commission Act (SB 487). Once adopted these documents will collectively serve as the comprehensive plan in effect until the Western Regional Water Commission (WRWC) adopts its plan on or before January 1, 2011.

The RWPC completed all noticing, public inspection and public hearing requirements, and adopted a resolution on February 6, 2008, which recommended adoption of the Amendment.

PREVIOUS ACTION
No previous action.

BACKGROUND
The documents listed below are included in the 2008 Amendment to the Regional Water Plan.

1. Revised “Policy 4.1.a. Facility Plans and Infrastructure Studies – Conformance with Regional Water Plan”.
2. City of Reno and Washoe County TMSA/FSA Water Wastewater and Flood Management Facility Plan, November 2007, prepared for the City of Reno, Washoe County and the Regional Water Planning Commission by ECO:LOGIC Engineering.
4. Sun Valley General Improvement District Water System Master Plan Update, September 2007; Water System Master Plan Update, July 2003; Wastewater System Master Plan, April
2004; and Sun Valley West Basin Water System Improvements, November 2004, each prepared for Sun Valley GID by Shaw Engineering.

5. Water Baseline Table for Selected Basins.
6. Revised Water Conservation Chapter.
7. Truckee River Flood Project Update including “TRACTION” Projects.
8. Washoe County 208 Water Quality Management Plan, October 2007, prepared for the Truckee Meadows Regional Planning Agency by Farr West Engineering and MWH.
9. Reclaimed Water Programs.

FISCAL IMPACT
No fiscal impact

RECOMMENDATION
It is recommended that the WRWC direct staff to bring back the Regional Water Plan Amendment for adoption by the WRWC at a public hearing scheduled during its May 2008 meeting.

POSSIBLE MOTION
Should the Board agree with staff’s recommendation, a possible motion would be: “Move to schedule a public hearing during the May 2008 meeting for review and possible adoption of the Regional Water Plan Amendment.

jrs/crw
Western Regional Water Commission

STAFF REPORT

DATE: April 1, 2008
TO: Chairman and Members, Western Regional Water Commission
FROM: Jim Smitherman, Water Resources Program Manager

SUMMARY
On November 7, 2007, the Regional Water Planning Commission (RWPC) voted to recommend that the Board of County Commissioners (BCC) approve an expenditure of $54,325 from the Water Management Fund (WMF) to support the development of a River Construction Site Permitting Handbook and web-based information to assist in permitting.

This recommendation came before the BCC for consideration on February 12, 2008. The Commissioners agreed to defer review of the item to the Western Regional Water Commission (WRWC) for consideration and possible approval.

This effort supports Policy 3.1.d “Truckee River Restoration” in the 2004 – 2025 Washoe County Comprehensive Regional Water Management Plan, and is consistent with the Plan’s priority of “Truckee River Sustainability Planning”.

PREVIOUS ACTION
No previous action

BACKGROUND
Lower Truckee River restoration has been among the RWPC’s priorities since the adoption of the 1995-2015 Washoe County Comprehensive Regional Water Management Plan.

In 2002, The Nature Conservancy (TNC) purchased the 305-acre McCarran Ranch located along the Truckee River between Mustang and Patrick. With this purchase, TNC initiated an ambitious restoration program, and asked the Regional Water Planning Commission to participate. The Nature Conservancy hired KJC to provide permitting and environmental compliance services. The first phase of the McCarran Ranch restoration project was completed in the fall of 2003 and the second phase was completed in 2004.
In response to the RWPC’s continued interest in follow up work involving river restoration, Kennedy/Jenks Consultants in 2006, provided a scope of work to document and streamline the regulatory process in order to facilitate consistent river and stream restoration on the Truckee River system. This project was successfully completed in July 2007.

The RWPC considers KJC’s experience with the permit process for the McCarran Ranch project and the regulatory agencies to be invaluable for helping with future restoration projects. That experience includes interaction with each regulatory agency, securing restoration permits, developing, designing and gaining approval for best management practices, water quality monitoring and reporting compliance with permit conditions.

Again, in response to the RWPC’s request for follow up work, Kennedy/Jenks Consultants in November 2007 provided a scope of work for the development of a river construction site permitting handbook and web-based information to assist in permitting.

**FISCAL IMPACT**
The fiscal impact to the WMF for the development of a River Construction Site Permitting Handbook and web-based information to assist in permitting will be $54,325. Budget authority is located in Fund Group 766, Fund 7066, Account Number 710100, Professional Services, Cost Object 310100.4.

**RECOMMENDATION**
The Regional Water Planning Commission recommends approval of an expenditure from the WMF, and authorization for the Chairman to execute an Agreement for Consulting Engineering Services with Kennedy/Jenks Consultants [$54,325] to develop a River Construction Site Permitting Handbook and Web-based Information to Assist in Permitting.

**POSSIBLE MOTION**
Should the Board agree with the recommendation, a possible motion would be: “Move to approve an expenditure from the WMF, and authorize the Chairman to execute an Agreement for Consulting Engineering Services with Kennedy/Jenks Consultants [$54,325] to develop a River Construction Site Permitting Handbook and Web-based Information to Assist in Permitting.”

jrs:jd

Attachments

c: Trish Gonzales, Comptroller
    Jim Jeppson, Risk Manager
    Ben Hutchins, Finance and Customer Services Manager
    Ted Rolfs, Fiscal Compliance Officer
    Betsy Mellinger, Public Information Officer
Scope of Work

“Development of a River Construction Site Permitting Handbook and Web-based Information to Assist in Permitting”

For Washoe Regional Water Planning Commission
By Kennedy/Jenks Consultants

Introduction

Rivers throughout the United States are being restored to more natural conditions, removing some of the dams, concrete walls, straight channels and other “improvements” that were installed over the last century for navigation, hydropower, irrigation and flood control. There is a growing philosophy among community planners, conservationists, floodplain managers and engineers that healthy, beautiful streams and rivers are an important part of the civilized environment and are to be protected and incorporated into the functions of flood control, environmental protection, recreation and water supply for all uses. More funding has become available from private, local, state and federal sources to build river restoration as stand alone projects or to incorporate restoration into other river projects.

Although river restoration has become more popular in recent years, the construction of riffles, meanders, wetlands and river banks are governed by standards and regulations that were generally written 25 – 30 years ago. According to the Army Corps of Engineers, those standards and regulations were adopted to protect waterways from the construction impacts of pipeline crossings, bridge piers, flood walls, channel widening or narrowing, gravel mining and all the dewatering and heavy equipment activity that occurs with such construction. They were not written to encourage restoration or to guide the natural features of flood control, recreation and other construction along streams and rivers.

Recent work by The Nature Conservancy to restore reaches of the Truckee River has been strongly supported by the Regional Water Planning Commission, the Cities of Reno and Sparks, Nevada Division of Environmental Protection (NDEP), Nevada Department Of Wildlife (NDOW), and the Pyramid Lake Paiute Tribe. The experience of permitting, design, construction and water quality monitoring can be used to facilitate more restoration in Northern Nevada. The experience of environmental improvement projects in the Lake Tahoe Basin, watershed protection by the Carson Water Subconservancy District, erosion control in the Las Vegas Wash by the Southern Nevada Water Authority all can provide up-to-date perspectives on practices that create sustainable rivers and support desirable fish and wildlife habitat.

Background

Kennedy/Jenks Consultants has prepared recommendations to the Washoe County Regional Water Planning Commission (WCRWPC) to create a “River Construction Site Permitting Handbook” and to place a Permitting Flowchart to facilitate river restoration as well as a “Truckee River” specific map that will show jurisdictional boundaries within and around the Truckee River. Kennedy/Jenks has also created a River Restoration Best Management Practice: A Planned Approach for In-Channel River Restoration” for the Truckee River at McCarran Ranch, facilitated the construction permitting and has conducted water quality monitoring during construction at McCarran Ranch. Kennedy/Jenks has also been the engineering and scientific consultant to the RWPC, City of Reno,
City of Sparks, Washoe County, Washoe Storey Conservation District and the Truckee Meadows Storm Water Permit Coordinating Committee on water quality, watershed management, NPDES permits and storm drainage on various portions of the Truckee River system. This experience in government policies and procedures, along with design and construction, will be applied to this proposed scope of work to update standards and regulatory framework to facilitate permitting work in rivers or work such as river restoration.

Goals and Objectives:
- To provide consistency in the permitting process for work within the river such as, river restoration, flood control, and other projects on the Truckee River.
- To provide the materials needed in the future to host a “River Permitting Short Course” for the public.
- To provide web support to post the Permitting Flowchart on WCRWPC’s website, and to create the shape files and database for a “Truckee River” specific GIS/jurisdictional boundaries map to be posted onto the RWPC website.

Task 0 Management

Task 0.1 Project Management
- Kennedy/Jenks project manager will oversee the accomplishment of tasks, assignment of staff, compliance with the budget and conformance with the intent of the scope, and project charges and reimbursement.

Task 0.2 Communication
Kennedy/Jenks will communicate with the WCRWPC project manager regularly on project progress and findings, making monthly progress reports and sending them directly to the RWPC project manager.

Task 1 River Restoration Construction Site BMP Handbook

Task 1.1 Permitting Process
Kennedy/Jenks will compile the findings of the permitting process from the three previous workshops that were held with all of the Truckee River Stakeholders, into a section within the BMP Handbook. This will include the following:
- A copy of the Permitting Flowchart
- Insertion of the findings in Tech Memo #2 and Tech Memo #3 on the permitting process and the Army Corps of Engineer’s Pre Application Meetings

Task 1.2 Appropriate Permit Applications
Kennedy/Jenks will provide a section that contains all of the permit applications which are necessary to obtain the proper permits for working within the Truckee River. Permit applications will be current at the time the project is finished, and will need to be updated as necessary by the WCRWP.

Task 1.3 Review of Successful River Construction Site Permitting Applications
By acquiring copies of recent major (up to 5) projects that have been successfully permitted in the Truckee River, Kennedy/Jenks will analyze the permitting process that each applicant went
through. Kennedy/Jenks will create fictitious examples out of each project application illustrating the proper permit process and acceptable BMP’s that facilitated the permitting process.

Task 1.4 Public Outreach Appendix
This section will include all of the necessary materials for teaching a “Working within the Truckee River Short Course”. These materials will include:
  o Syllabus
  o An electronic copy of the “River Construction Site Permitting Handbook”
  o A PowerPoint presentation of the permitting process and detailed explanation of the Army Corps of Engineer’s Pre Application Meeting.

Task 2 Material for RWPC’s Website

Task 2.1 Kick-off Meeting
Identify the needs and wants of the WCRWPC for implementing the Permitting Flowchart and creating a Truckee River Specific Jurisdictional Map. Coordination of web security, software, guidelines, etc., will need to be further discussed at this meeting.

Task 2.2 Create Truckee River GIS/Jurisdictional Map
Create the shape files and database for the Truckee River Jurisdictional Map. Kennedy/Jenks will perform the research and data for the RWPC to install into their current Truckee River mapping system. This map will allow the public to access a specific point on or near (within 500’ from the centerline of the river) the River in which they plan to perform construction. Kennedy/Jenks will provide shapefile and MS Access database tables to the County’s web master, ready to be inserted into the County’s web based MapGuide application. Kennedy/Jenks will not provide any web-related contents or programming services under this task.

Task 2.3 Communication and Revisions
Kennedy/Jenks will work with the County’s Webmaster to ensure that the product (shapefile and MS Access data tables) is appropriate and amicable to the County’s website standards.

Subsequent work
The budget for this project was created with a maximum of 6 hours devoted to meeting with key members of The Truckee River Flood Control Project. Should this time need to be increased, the budget and scope will be discussed with the RWPC project manager for approval.

Budget
Compensation will be on a time and materials reimbursement basis, in accordance with the standard Schedule of Charges dated 1 January 2007. The budget of $54,325.00 will not be exceeded without written approval of the RWPC. The respective RWPC and Kennedy/Jenks project managers may adjust the level of effort and scope of the tasks within the total budget in order to adapt to the findings as the work progresses.
**Task 3.0 Deliverables**

Kennedy/Jenks will provide the following items to the RWPC:

- 20 draft hard copies of the “River Construction Site Permitting Handbook” for review
- 20 final hard copies of the “River Construction Site Permitting Handbook” in three ring binders
- 1 electronic copy of the final “River Construction Site Permitting Handbook” both in a pdf form and an editable version.
- Electronic copies of all materials produced by Kennedy/Jenks in the creation of the shapefiles and database for the Truckee River GIS/Jurisdictional Map and the Permitting Flowchart. This will allow for proper installment and manipulation of the product for future use.

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<td>Website Material Kick-off Meeting, Permittion Handbook communication</td>
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<td>- Continue efforts on development of material for the RWPC website - Continue efforts on Permitting Handbook development</td>
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<td>Communication and revisions for the website material work completed - Continue efforts on development of the Permitting Handbook</td>
<td><strong>-</strong> Go over any changes, revisions, complications, etc with K/J staff and County Webmaster</td>
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<td>April</td>
<td>- Submit the Permitting Flowchart and Shapefiles for the Truckee River Map to the County’s web master - Draft Permitting Handbook</td>
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<td>Final River Construction Site Permitting Handbook</td>
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## Fee Schedule

**Development of a River Construction Site Permitting Handbook and Web-based Information to Assist in Permitting**

for Washoe County Regional Water Planning Commission

**CONSULTING BUDGET**

Kennedy/Jenks Consultants

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| **Task 1**  | River Construction Site Permitting Handbook |                     |                             |                     |                        |                        |                           |                   |          |               |
| 1.1         | Permitting Process | 2                   | 2                           | 3                   | 20                     | 2                      |                           |                   |          | $3,645        |
| 1.2         | Appropriate Permit Applications             | 2                   | 3                           | 8                   | 16                     | 2                      |                           |                   |          | $3,835        |
| 1.3         | Acquire and Analyze Previous Successful Applications | 4               | 8                           | 16                  | 35                     | 55                     |                           |                   |          | $15,520       |
| 1.4         | Public Outreach Appendix                    | 2                   | 4                           | 2                   | 10                     | 30                     | 2                         |                   |          | $6,350        |
|             | Subtotal Task 2                               | 10                  | 14                          | 24                  | 53                     | 121                    | 0                         | 10                | $100     | $29,350       |

| **Task 2**  | Materials for RWPC Website                   |                     |                             |                     |                        |                        |                           |                   |          |               |
| 2.1         | Kick-off Meeting                             | 4                   | 2                           | 2                   |                        |                        |                           |                   |          | $1,160        |
| 2.2         | GIS/Jurisdictional Map                       | 30                  | 10                          | 2                   |                        |                        |                           |                   |          | $5,140        |
| 2.3         | Communication and Revisions                  | 8                   | 2                           | 2                   |                        |                        |                           |                   |          | $1,400        |
| 2.4         | Submittal of Permitting Flow Chart and files created for the Truckee River Map | 2                   | 2                           | 2                   |                        |                        |                           |                   |          | $680          |
|             | Subtotal Task 1                              | 0                   | 0                           | 0                   | 44                     | 12                     | 8                         | 0                 | 300      | $8,380        |

| **Task 3**  | Deliverables                                  |                     |                             |                     |                        |                        |                           |                   |          |               |
| 3           | 20 draft copies of the BMP Handbook          | 5                   |                             |                     |                        |                        |                           |                   |          | $1,625        |
| 3           | 20 Final copies of the BMP Handbook          | 10                  |                             |                     |                        |                        |                           |                   |          | $5,650        |
|             | materials for the RWPC website               |                      |                             |                     |                        |                        |                           |                   | $100    |               |
|             | Subtotal                                     | 0                   | 0                           | 0                   | 0                      | 0                      | 0                         | 15                | $6,400   | $7,375        |

**TOTAL HOURS AND BUDGET**  
14 32 24 107 163 8 18  
$7,150 $54,325
Client/Address: Western Regional Water Commission
Washoe County Department of Water Resources
Planning Division
4930 Energy Way
Reno, NV 89502

Contract/Proposal Date: November 7, 2007

Fee Schedule

Schedule of Charges

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In addition to the above Hourly Rates, a three percent Communications Charge will be added to Personnel Compensation for normal and incidental copies, communications and postage.

Direct Expenses

Reimbursement for direct expenses, as listed below, incurred in connection with the work, will be at cost plus ten percent for items such as:

a. Maps, photographs, reproductions, printing, equipment rental, and special supplies related to the work.
b. Consultants, soils engineers, surveyors, contractors, and other outside services.
c. Rented vehicles, local public transportation and taxis, travel and subsistence.
d. Specific telecommunications and delivery charges.
e. Special fees, insurance, permits, and licenses applicable to the work.
f. Outside computer processing, computation, and proprietary programs purchased for the work.

Reimbursement for vehicles used in connection with the work will be at the rate of 48 cents per mile or at a negotiated monthly rate.

Reimbursement for use of computerized drafting systems (CAD), geographical information systems (GIS), and other specialized software and hardware will be at the rate of $12 per hour.

Rates for professional staff for legal proceedings or as expert witnesses will be at rates one and one-half times the Hourly Rates specified above.

Other in-house charges for prints and reproductions, equipment usage, laboratory analyses, etc. will be at standard company rates.

Excise and gross receipts taxes, if any, will be added as a direct expense.

The foregoing Schedule of Charges is incorporated into the agreement for the services provided, effective January 1, 2007 through December 31, 2007. After December 31, 2007, invoices will reflect the Schedule of Charges currently in effect.
Western Regional Water Commission

STAFF REPORT

DATE: April 11, 2008
TO: Chairman and Members, Western Regional Water Commission
FROM: Staff
SUBJECT: Staff recommends that the Western Regional Water Commission approve an expenditure not to exceed $77,072 from the Regional Water Management Fund and authorize the Chairman to execute an Interlocal Agreement with the City of Reno to Develop and Implement a Community Outreach Education Program on Raising the Base Flood Elevation at Silver Lake Playa by way of a Letter of Map Revision.

SUMMARY
On November 7, 2007, the Regional Water Planning Commission (RWPC) voted to recommend that the Board of County Commissioners (BCC) approve an expenditure not to exceed $108,276 from the Water Management Fund (WMF) to implement a community outreach education program. The program was to focus on the process and costs of raising the base flood elevation in Silver Lake Playa to 2005 existing conditions through a Letter of Map Revision (LOMR). An Interlocal Agreement was prepared and forwarded to the BCC on its February 12, 2008, agenda. The Commissioners agreed to forward the item to the Western Regional Water Commission (WRWC) for consideration and possible approval.

In an effort to initiate the project, the City of Reno approved funding and commenced the effort notwithstanding funding through the WRWC from the RWMF. Reno staff recommended and received approval for a reduced work scope from the Reno City Council in the amount of $77,072. The reduced work scope does not include an assessment of costs to municipal infrastructure of raising the BFE relative to other options such as mitigating upstream runoff to the existing (pre-2005) FEMA BFE. The City of Reno is requesting funding for the multi-jurisdictional effort described below in the amount of $77,072.

PREVIOUS ACTION
No previous action.

BACKGROUND
On June 6, 2007, the RWPC accepted the North Valleys Flood Control Hydrologic Analysis and Mitigation Options Report (Report) by Quad Knopf Consulting Engineers, a study funded by the RWMF on the basis of multi-jurisdictional involvement. The City of Reno provided project management for the study and contract. The Report evaluated the impact of development in Silver and Swan Lake watersheds since 1987, and the effect of recent precipitation data on the projected water surface elevations. The study determined that 1) the existing conditions 100-year water surface elevation for Silver Lake, and 2) the build-out conditions 100-year water surface elevations for Silver Lake are higher than the current regulatory Federal Emergency Management Agency (FEMA) BFE. Based on 2005 existing conditions, the report demonstrates a 3.06 foot rise in the 100 year water surface elevation for Silver Lake and a volume increase of 3,249 acre-feet compared to the current FEMA regulatory Base Flood Elevation (BFE). The recommended mitigation option accepted by the RWPC included the submittal of a Letter of
Map Revision (LOMR) to FEMA to raise the BFE in Silver Lake by approximately three feet to reflect current conditions.

The program will develop an inventory of property owners affected by a BFE change. Information on the process and costs for securing flood insurance will be distributed through a public outreach / education campaign to the property owners affected by the change. The community would be educated as to why raising the BFE in Silver Lake is necessary. Another part of the work scope is to apply for the Letter of Map Revision through application to FEMA, together with the necessary reports and supporting information.

As above, the City of Reno was concerned about delaying the Letter of Map Revision and Public Outreach process until possible funding could be obtained from the WRWC, and opted to proceed with a reduced work scope toward the most critical tasks. Funding in the amount of $77,072 was approved by the Reno City Council. The revised work scope was as above: to conduct a public outreach campaign and apply for a Letter of Map Revision. Compared to the original funding request to the RWPC in the amount of $108,276, the reduced work scope does not include an assessment of costs to municipal infrastructure of raising the BFE relative to other options such as mitigating upstream runoff to the existing (pre-2005) FEMA BFE. However, the costs of options to fully mitigate back to the existing (pre-2005) FEMA BFE range from $60 to $155 million, and would take years to achieve. Based on this, it seemed to Reno staff that the costs of mitigating back to the pre 2005 FEMA BFE outweigh the costs of potential flood damage to municipal infrastructure that could occur within the boundary of an updated regulatory water surface elevation. For this reason, we are asking for the Western Regional Water Commissions’ support of the reduced work scope in the amount of $77,072. However, if it is the Commission’s preference to conduct the municipal infrastructure assessment prior to the LOMR, Reno could accept $108,276 to include this analysis, and will amend the work scope.

Of note, Reno’s contract to conduct the effort described above was with Quad Knopf. Quad Knopf has closed its Reno office, and the contracts between Reno and Quad Knopf have been cancelled. Attached is a work scope by Reno staff. Reno will contract with a qualified engineering and consulting firm to complete the work described.

The proposed project is consistent with the intent and purpose of the NNWPC, the WRWC and the proposed work plan, in particular, the North Valleys Initiative and is consistent with the Commission’s goal of improving regional collaboration.

**FISCAL IMPACT**
The fiscal impact to the Regional Water Management Fund will be [$77,072]. Budget authority is located in Fund Group 766, Fund 7066, Account Number 710100, Professional Services, Cost Object 310400.3.

**RECOMMENDATION**
Staff recommends that the Western Regional Water Commission approve an expenditure not to exceed [$77,072] from the RWMC and authorize the Chairman to execute an Interlocal Agreement with the City of Reno to develop and implement a community outreach education program on raising the base flood elevation at Silver Lake Playa by way of a Letter of Map Revision.

**POSSIBLE MOTION**
Should the Board agree with staff’s recommendation, a possible motion would be: “Move to approve an expenditure not to exceed [$77,072] from the WMF and authorize the Chairman to execute an Interlocal Agreement with City of Reno to develop and implement a community outreach education
program on raising the base flood elevation at Silver Lake Playa by way of a Letter of Map Revision.”

jrs:jd

Attachment

c:  Trish Gonzales, Comptroller
    Jim Jeppson, Risk Manager
    Ben Hutchins, Finance and Customer Services Manager
    Ted Rolfs, Fiscal Compliance Officer
    Betsy Mellinger, Public Information Officer
Scope of Work

LOMR and Community Outreach Related to the Change in BFE on Silver Lake Playa

SCOPE OF WORK

Task 1—Prepare a LOMR application and submit to FEMA
Michael Baker Jr., Inc. (Baker) will prepare and submit a Letter of Map Revision (LOMR) application to FEMA, based on the information in the accepted study mentioned above. Additional study or restudy will not be provided under this scope of work. Baker anticipates no more than two (2) meetings with the City of Reno for this task. Response to requests for additional information from FEMA will not be provided under this task.

Baker can complete this task for an estimated $17,200.00 on a time and materials basis (FEMA fees not included). FEMA fees are estimated at $6000.00. This task, initial submission of the LOMR application to FEMA, will take approximately five months to complete, following receipt of a notice to proceed.

Task 2—Develop an inventory of property owners affected by the change in BFE
Utilizing GIS and AutoCAD, Baker will identify parcels and buildings that will potentially be affected by the change in the BFE. Baker will prepare a mailing list based on parcel information obtained from the Washoe County Assessor’s Office. Affected properties may include single and multi-family residences, businesses, civic buildings, vacant land or other parcels. Baker will prepare a mailer suitable to the City of Reno for the purpose of informing affected property owners of the change in the BFE and the potential impacts to their property. Deliverables will include a map of the affected area, a mailing list and a mailer, in hard copy and electronic formats.

Task 2 can be completed for an estimated amount of $13,930.00, not including mailer production and postage fees. Mailer production and postage fees are not anticipated to exceed $3,500.00 and will be billed at cost plus 15%. Baker can work on this task concurrently with Task 1. This task will take approximately two months to complete following receipt of a notice to proceed.

Task 3—Develop and implement a Community Outreach Education Program
Baker will prepare a presentation for affected property owners, describing the purpose and means of the map change. The presentation will also include information regarding flood insurance, flood insurance rate “grandfathering”, and general information regarding the NFIP. Baker will give the presentation at three (3) outreach meetings. It is anticipated that Baker will coordinate with the City of Reno on meeting locations, equipment, supplies, and facilitation. Baker anticipates no more than three (3) meetings with the City of Reno in preparation for the outreach meetings.

Task 3 can be completed for an estimated $21,180.00, not including any fees for location and equipment rentals. It is anticipated that the City of Reno will provide appropriate meeting locations and equipment. This task can be completed approximately two months following completion of Task 2.
Scope of Work

Task 4—Project Management
Baker will manage the project effort from its local Reno, Nevada office. Work associated with this task includes, but is not limited to: agency coordination, meeting attendance, financial billing and reconciliation and other administrative tasks as needed for efficient project delivery to the City of Reno.

Task 4 is proposed to be completed for an estimated amount of $3000.00. This task effort will be ongoing throughout the life of the project

Task 5—Contingency
Task 5, 20% contingency of $12,262.00, may include, but is not limited to: responding to requests for additional information from FEMA or other entities, mailer production and postage fees, equipment rental fees, unforeseen project management activities and/or location rental fees.
Western Regional Water Commission

STAFF REPORT

DATE: April 7, 2008
TO: Chairman and Members, Western Regional Water Commission
FROM: Sylvia Harrison, Legal Counsel
SUBJECT: Discussion and possible Commission approval of a) an interlocal agreement with Truckee Meadows Water Authority for Administrative services; and b) an interlocal agreement with Washoe County for Administrative services, including relevant purchasing and contracting policy

RECOMMENDATION
It is recommended that the Commission approve a) an interlocal agreement with Truckee Meadows Water Authority for Administrative services; and b) an interlocal agreement with Washoe County for Administrative services, including relevant purchasing and contracting policy.

DISCUSSION
As discussed during prior meetings of the Interim Western Regional Water Commission, the Truckee Meadows Water Authority and Washoe County are each willing to provide services to the WRWC for certain administrative functions. As described in the proposed interlocal agreements, TMWA would provide administrative services (posting agendas, etc.) for the WRWC, while Washoe County would provide similar services for the Northern Nevada Water Planning Commission, as well as purchasing and contracting oversight for the WRWC. As previously discussed, these services will be provided at no cost to the WRWC except as specifically provided in the proposed agreements.

POSSIBLE MOTION
Should the Board agree with staff’s recommendation, a possible motion would be: “Move to approve a) an interlocal agreement with Truckee Meadows Water Authority for Administrative services; and b) an interlocal agreement with Washoe County for Administrative services, including relevant purchasing and contracting policy.”
INTERLOCAL AGREEMENT
FOR
ADMINISTRATIVE SERVICES

This Agreement is between the Western Regional Water Commission (the “WRWC”) and the Truckee Meadows Water Authority (“TMWA”), each a Party and collectively Parties.

RECITALS

A. Pursuant to Chapter 531 Statutes of Nevada 2007, (the Western Regional Water Commission Act), the Cities of Reno and Sparks, Nevada; Washoe County, Nevada; the Truckee Meadows Water Authority; the South Truckee Meadows General Improvement District; and the Sun Valley General Improvement District, have entered into a Joint Powers Agreement (“JPA”) to implement the Western Regional Water Commission.

B. Pursuant to Section 3.18 of the JPA, the members of the WRWC have agreed to provide administrative and technical support for the WRWC through the cooperative and collaborative efforts of the staffs of the members, through in-kind services, or otherwise, and that such services may be provided through interlocal agreements.

C. The Parties are public agencies authorized by the Nevada Revised Statutes to enter into interlocal and cooperative agreements with each other for the performance of governmental functions.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Effective Date and Term: This Agreement shall be effective on the date last approved by the governing boards of the Parties, and is subject to such approval. This Agreement shall continue in effect until June 30, 2009, unless sooner terminated pursuant to Paragraph 4 or renewed pursuant to Paragraph 5.
2. **Administrative Services Provided by TMWA**: During the term of this Agreement, TMWA agrees to provide the WRWC the following administrative services: printing and posting of WRWC meeting agendas, providing for the recording of WRWC and meetings, preparation of WRWC minutes, secretarial support for WRWC correspondence and communications as required, and housing of official WRWC records (recordings of meetings, meeting materials, resolutions, etc.). These services shall be provided at no charge to the WRWC, with the exception of the costs of any official recording (e.g. court reporters) requested by the WRWC. In the event of other extraordinary expenses, TMWA agrees to seek approval of WRWC in advance for payment. The WRWC shall direct any requests for non-routine administrative services to the General Manager of TMWA.

3. **Responsibilities of the Parties**. The WRWC shall be responsible for timely notification to TMWA of the content, form, and directions for posting of WRWC meeting agendas, including compliance with NRS Chapter 241. The WRWC agrees that it shall deliver final meeting agendas to TMWA no later than seven business days prior to the meeting for which the agenda is prepared. Subject to the foregoing, TMWA shall be responsible for the timely and accurate posting of such agendas and for the preparation and distribution of copies of meeting materials. TMWA agrees to keep WRWC records segregated from its own records.

4. **Termination**. This Agreement may be terminated by either Party by delivering to the other Party notice of intention to terminate no later than sixty (60) days prior to the date of termination. In the event of termination of the Agreement, either through operation of this Paragraph or the expiration of the term of the Agreement, TMWA shall deliver all WRWC records to WRWC as directed by WRWC.

5. **Amendment or Renewal**. This Agreement may be amended or renewed by action taken by the Governing Board of each Party.
6. **Choice of Law.** This Agreement shall be governed by the laws of the State of Nevada.

7. **Attorneys’ Fees.** In the event any legal action or other proceeding becomes necessary to enforce the terms of this Agreement, the prevailing Party shall recover its costs and reasonable attorneys’ fees incurred in such action or proceedings.
IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on the
day and year stated below.

WESTERN REGIONAL WATER COMMISSION

By ____________________________, Chairman Dated: _________________

STATE OF NEVADA )
) ss:
COUNTY OF WASHOE )

On this _____ day of _________, 2008, personally appeared before me, Notary Public in and for said County and State, _______________________,

Chairman of the Western Regional Water Commission, known to me to be the Chairman, who acknowledged to me that he executed the above instrument freely and voluntarily and for the uses and purposes therein mentioned.

_____________________________
Notary Public

TRUCKEE MEADOWS WATER AUTHORITY

By ____________________________, Chairman Dated: _________________

Mike Carrigan

ATTEST:
_____________________________
Lori Williams, Secretary of the Board
Western Regional Water Commission

STAFF REPORT

DATE: April 7, 2008
TO: Chairman and Members, Western Regional Water Commission
FROM: Sylvia Harrison, Legal Counsel
SUBJECT: Discussion and possible Commission approval of a) an interlocal agreement with Truckee Meadows Water Authority for Administrative services; and b) an interlocal agreement with Washoe County for Administrative services, including relevant purchasing and contracting policy

RECOMMENDATION
It is recommended that the Commission approve a) an interlocal agreement with Truckee Meadows Water Authority for Administrative services; and b) an interlocal agreement with Washoe County for Administrative services, including relevant purchasing and contracting policy.

DISCUSSION
As discussed during prior meetings of the Interim Western Regional Water Commission, the Truckee Meadows Water Authority and Washoe County are each willing to provide services to the WRWC for certain administrative functions. As described in the proposed interlocal agreements, TMWA would provide administrative services (posting agendas, etc.) for the WRWC, while Washoe County would provide similar services for the Northern Nevada Water Planning Commission, as well as purchasing and contracting oversight for the WRWC. As previously discussed, these services will be provided at no cost to the WRWC except as specifically provided in the proposed agreements.

POSSIBLE MOTION
Should the Board agree with staff’s recommendation, a possible motion would be: “Move to approve a) an interlocal agreement with Truckee Meadows Water Authority for Administrative services; and b) an interlocal agreement with Washoe County for Administrative services, including relevant purchasing and contracting policy.”
INTERLOCAL AGREEMENT
BETWEEN
THE WESTERN REGIONAL WATER COMMISISON
AND
WASHOE COUNTY

THIS AGREEMENT is entered into this _____ day of _______________, 2008 by and between Washoe County, a political subdivision of the State of Nevada (hereafter “County”) and the Western Regional Water Commission, a Joint Powers Authority created pursuant Chapter 531, Statutes of Nevada 2007, the “Western Regional Water Commission Act” and cooperative agreement under Chapter 277 (Hereafter the "WRWC"), or collectively, as the context requires, “Party” or “Parties”.

WITNESSETH

WHEREAS, the Parties are public agencies authorized by Chapter 277.100 of the Nevada Revised Statutes to enter into interlocal agreements with each other for the performance of governmental functions; and

WHEREAS, pursuant to the “Western Regional Water Commission Act” (the “Act”), the Truckee Meadows Water Authority (“TMWA”), the City of Reno, Nevada (“Reno”), the City of Sparks, Nevada (“Sparks”), the County of Washoe, Nevada (“Washoe County”), the Sun Valley General Improvement District (“SVGID”) and the South Truckee Meadows General Improvement District (STMGID”) entered into a Joint Powers Agreement (“JPA”) pursuant to NRS 277.110, and in furtherance of the Act, in order to exercise those powers, privileges and authorities that each of the Parties holds and that are necessary for coordinated and cooperative planning and management of water resources in the area; and

WHEREAS, pursuant to the Act and Section 3.18 of the JPA, the Parties have agreed to provide necessary and appropriate administrative and technical support for the WRWC and the Northern Nevada Water Planning Commission (“NNWPC”) through the cooperative and collaborative efforts of the Parties, through in-kind services, or otherwise, and that such services may be provided through interlocal agreement.

WHEREAS, the Parties wish to formalize this Agreement to provide necessary and appropriate administrative and professional services and technical support for the WRWC and the NNWPC, as more particularly described herein; and

NOW THEREFORE, in consideration of the mutual covenants and conditions herein, the Parties agree as follows:

1. **Effective Date and Term:** This Agreement shall be effective on the date last approved by the governing boards of the Parties, and is subject to such approval. This Agreement shall
continue in effect until June 30, 2009, unless sooner terminated pursuant to Paragraph 4 or
renewed pursuant to Paragraph 5.

2. **Administrative Services Provided by County.** During the term of this Agreement, County
agrees to provide the NNWPC the following administrative services: printing and posting of
NNWPC meeting agendas; secretarial support for NNWPC correspondence and communications
as required, and housing of official NNWPC records (recordings of meetings, meeting materials,
resolutions, etc.). These administrative services shall be provided at no charge to the WRWC,
with the exception of the costs of any official recording (e.g. court reporters) requested by the
NNWPC or the WRRC. In the event of other extraordinary expenses, County agrees to seek the
approval of WRWC in advance of payment for such extraordinary expenses. The NNWPC shall
direct any requests for non-routine administrative services to the Director of the Washoe County
Department of Water Resources.

3. **Contracting, Purchasing and Accounting Services performed by County.**

   A. The County, through its designated Department of Water Resources administrative
staff, agrees to provide all financial and accounting services, including annual audited financial
statements that are in compliance with Generally Accepted Accounting Principles and applicable
state law and regulations. County further agrees to provide the services necessary to prepare and
present the WRWC budget to the WRWC for approval and to administer the budget throughout
the fiscal year in accordance with WRWC policy. The budget services shall include: making
estimates of revenues and expenditures, preparing a tentative budget, preparing a final budget,
adjusting and augmenting the budget as directed by the WRWC in compliance with State
Taxation Laws and regulations. The financial services shall include establishing accounts and
producing reports of financial activities as requested by WRWC and the NNWPC. The
contracting and purchasing services shall include preparation, publication and administration of requests for bids, preparation and administration of contracts in accordance with applicable provisions of state law and WRWC policy to submit to NNWPC, when directed by the WRWC, for recommendation and the WRWC for its execution and purchase of supplies, materials, equipment, contractual and consulting or professional services required by the NNWPC and WRWC, and the preparation of recommendations and staff reports for the WRWC and the NNWPC. Accounts payable services shall include timely payment of all WRWC invoices and claims authorized for payment by the WRWC.

B. Except as provided in any subsequent interlocal agreement(s) between the Parties, other services hereunder may be requested by the NNWPC and/or the WRWC, and may be provided at the County’s discretion, through either in-kind services or as otherwise agreed to by the Parties.

4. Responsibilities of the Parties. The NNWPC shall be responsible for timely notification to County of the content, form, and directions for posting of NNWPC meeting agendas, including compliance with NRS Chapter 241. The NNWPC agrees that it shall deliver final meeting agendas to County no later than seven business days prior to the meeting for which the agenda is prepared. Subject to the foregoing, County shall be responsible for the timely and accurate posting of such agendas and for the preparation and distribution of copies of meeting materials. County agrees to keep NNWPC records segregated from its own records.

5. Termination. This Agreement may be terminated by either Party by delivering to the other Party notice of intention to terminate no later than sixty (60) days prior to the date of termination. In the event of termination of the Agreement, either through operation of this
Paragraph or the expiration of the term of the Agreement, County shall deliver all NNWPC and, if applicable, WRWC records to NNWPC and WRWC, as directed by WRWC.

6. Amendment or Renewal. This Agreement may be amended or renewed by action taken by the Governing Board of each Party.

7. Choice of Law. This Agreement shall be governed, enforced and construed by and under the laws of the State of Nevada.

8. Attorneys’ Fees. In the event any legal action or other proceeding becomes necessary to enforce the terms of this Agreement, the prevailing Party shall recover its costs and reasonable attorneys’ fees incurred in such action or proceedings.

9. Severability. In the event any provision in this Agreement is judicially declared invalid, the Party asserting the validity thereof will have the option of continuing this Agreement without such provision or terminating the entire Agreement.

10. This Agreement constitutes the entire understanding and agreement of the Parties with respect to the subject matter hereof, and supersedes and replaces all prior understandings and agreements, whether verbal or in writing, with respect to the subject matter hereof.

11. Notices. All notices, demands or other communications required or permitted to be given in connection with this Agreement, shall be in writing, and shall be deemed delivered when personally delivered to a party (by personal delivery to an officer or authorized representative or a corporate party) or, if mailed, three (3) business days after deposit in the United States mail, postage prepaid, certified or registered mail, addressed to the Parties designated representative, whose name and contact information shall be made available and
provided to each Party within ten (10) days of this Agreement’s Effective Date. Any person may change its address for notice by written notice given in accordance with the foregoing provisions.

12. The Agreement may be executed in one or more counterpart copies, and each of which so executed, irrespective of the date of execution and delivery, shall be deemed to be an original, and all such counterparts together shall constitute one and the same instrument.

Parties hereto represent and warrant that the person executing this Agreement on behalf of each party has full power and authority to enter into this Agreement and that the parties are authorized by law to perform the services set forth herein.
IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on the day and year stated below.

WESTERN REGIONAL WATER COMMISSION

By ____________________________, Chairman   Dated: ____________________________

STATE OF NEVADA       )
) ss:  
COUNTY OF WASHOE      )

On this _____ day of _________, 2008, personally appeared before me, Notary Public in and for said County and State, ____________________________,

Chairman of the Western Regional Water Commission, known to me to be the Chairman, who acknowledged to me that he executed the above instrument freely and voluntarily and for the uses and purposes therein mentioned.

_______________________________
   Notary Public

WASHOE COUNTY

By ____________________________, Chairman   Dated: ____________________________

ATTEST:

_______________________________,
Amy Harvey, Washoe County Clerk
Western Regional Water Commission

STAFF REPORT

DATE: 4-04-08
TO: Chairman and Members, Western Regional Water Commission
FROM: Darrin Price, General Manager – Sun Valley GID
SUBJECT: Discussion and possible Commission direction and approval of a methodology and process for the recruitment and selection of Legal Counsel for the Western Regional Water Commission and possible contract for part-time transitional legal services

SUMMARY
In response to the WRWC’s question regarding a potential conflict of interest of having an entity who is a member of the WRWC hire legal counsel, a request was submitted to the State of Nevada Bar Counsel for comments. Phil Pattee, attorney at the State Bar of Nevada that handles ethics questions indicated that he could not give an opinion in writing as only the Bar’s Standing Committee of Ethics could provide this and that it could take a period of several months to obtain such written opinion. He did, however, provide verbal comments (attached letter dated March 21, 2008 from SVGID legal counsel to Darrin Price, General Manager SVGID).

To summarize, Nevada Rules of Professional Conduct would apply and there are several sections that provide for independence of the proposed WRWC legal counsel and protection from any influence of SVGID as the employer of said legal counsel. In addition, a Contract of Employment would be drafted to further address the concerns.

During this investigation, staff also brought forth the potential for hiring an attorney on an interim basis until such time as a full-time attorney could be selected and hired as suggested by Board member Dave Aiazzi. John Rhodes recently retired attorney for Washoe County was contacted and has expressed an interest in this part time position. His restriction is his PERS retirement that only allows potential earnings of no more than $11,000 dollars a year.

I have asked Mr. Rhodes to attend the April 11th, 2008 meeting of the WRWC to further explain and address any questions the commission might have.

Staff is looking for direction from the Commission regarding how they want to proceed with the advertising and recruitment of the full-time attorney position and methodology for the selection.

PREVIOUS ACTION
On February 8th, 2008 the IWRWC voted and approved to accept an interlocal agreement between the WRWC and SVGID for the purposes of hiring legal counsel.
FISCAL IMPACT
The fiscal impact to the budget of the Western Regional Water Commission will be the reimbursement to the Sun Valley GID for wages and benefits for this position which are currently budgeted to be $170,000 dollars.

RECOMMENDATION
It is recommended that the Western Regional Water Commission approve to hire John Rhodes on a contractual basis until such time as the recruitment and hiring of a full time attorney can be completed.

POSSIBLE MOTION
Should the Board agree with staff’s recommendation, a possible motion would be: “Move to accept staff’s recommendation to hire John Rhodes on a contractual basis until such time as the recruitment and hiring of a full time attorney can be completed.”

dp

Attachments: Letter dated March 21st, 2008 from Stewart White, Attorney for SVGID to Darrin Price, General Manager SVGID.
March 21, 2008

Dear Darrin:

I discussed the items noted on the enclosed March 10 letter with attorney Phil Pattee, the attorney at the State Bar of Nevada that handles ethics questions. He indicated that he could not give me an opinion in writing, as written opinions are only given by the Bar’s Standing Committee on Ethics. As he also indicated that it would take a period of several months to obtain such a written opinion, and as I believe our group needed an answer sooner than that, I report here his informal verbal response to my inquiry.

On the issue of a conflict of interest looming in the event the WRWC attorney on Sun Valley GID’s payroll were to desire to issue a legal opinion expressly contrary to what Sun Valley GID felt was in the best interests of Sun Valley GID (i.e., him being afraid to “bite the hand that feeds him”), he referred me first to Nevada Rules of Professional Conduct, Rule 1.13 as to an attorney having an organization as a client. That rule applies here, he felt. In paragraph (a) of that rule, it provides that a lawyer employed by an organization represents the organization acting through its duly authorized constituents. In paragraph (g) it provides that such lawyer can represent an organization and also represent any of its constituents. Then, in Rule 1.7, it provides that if there is a perceived conflict of interest (or an actual one), it can be waived by the parties affected giving informed consent.

Ethics attorney Pattee also referred us to Rule 5.4, as to professional independence of an attorney. In paragraph c of that Rule, it states that a lawyer shall not permit the person who employs him to direct or regulate the lawyer’s professional judgment in rendering legal services.

Thus, under these rules, I believe we could have a properly drafted Contract of Employment with the WRWC attorney that recognized the fiction we created in

In a rare instance of error on my office’s part, copies of the letter of March 10 were not sent out to the persons noted at the end of the letter. It is supplied now, with my apologies.
having him technically paid by Sun Valley GID. It would state that while he would be subject to
all our employee personnel rules, paid by us, etc., he would in actuality be rendering legal advice
for another entity of which we were a member, WRWC. Under the above rules, and in the
employment agreement we would provide that, WRWC would be his employing organization,
and the entities that made up the WRWC would be his constituents. We would include a waiver
of any conflict of interest as to which we are here concerned. Under the above rules, it would not
be ethical for him (or Sun Valley GID) to use the technicality that his actual paycheck came from
SVGID to attempt to influence his independent judgment on behalf of the WRWC, his true
client.

I also agree with Sylvia Harrison's associate's assessment that other matters of concern
related to liability of the WRWC as an entity for wrongs of the attorney could properly be
handled by all entities signing an appropriate indemnity agreement, whereby WRWC would
indemnify any member entity affected by claims of liability imposed on WRWC and its member
entities.

Please contact me with any questions or comments.

Very truly yours,

J. Stewart White
Western Regional Water Commission

STAFF REPORT

DATE: April 3, 2008

TO: Chairman and Members, Western Regional Water Commission

FROM: Wayne Seidel, P.E., City of Sparks Public Works Director

SUBJECT: Discussion and possible Commission action regarding coverage of meetings by SNCAT

SUMMARY
The WRWC has requested information on costs related to using SNCAT for coverage of WRWC meetings held at Washoe County Water Resources facility. This facility does not have SNCAT facilities installed for immediate use and therefore, SNCAT was contacted to provide additional information on the options available from them for coverage of the WRWC meetings.

PREVIOUS ACTION
On February 8, 2008, the IWRWC held a meeting and the idea of whether the WRWC should have SNCAT coverage for their meetings was discussed. The City of Sparks was tasked with researching the options available from SNCAT so that more information could be provided at the next WRWC meeting.

BACKGROUND
SNCAT provided information to the City of Sparks related to coverage of meetings in four optional methods as follow:

1. The WRWC could have SNCAT cover the meetings with a mobile crew that would be taped on DVD that could be aired at a later date and time on Channels 13, 15 and/or 17 (Reno, Sparks, or Washoe County Public Access Channels). This option would not allow live coverage. The mobile crew will include 3 cameras and a switcher operated by two cameramen.

2. The WRWC could have SNCAT cover the meetings “live” with a mobile crew, the purchase of an encoder to enable this process, and a 3MB DSL line either from Washoe County or Charter for the video streaming. Again, the mobile crew will include 3 cameras and a switcher operated by two cameramen.

3. The WRWC could opt out of using SNCAT’s mobile crews and hold the future meetings at any of the existing facilities that currently have SNCAT capabilities, such as Reno Council Chambers, Sparks Council Chambers, or Washoe County Chambers. This option would allow for “live” coverage if the WRWC decides that the meetings should have SNCAT coverage.

4. The WRWC could continue status quo and have no SNCAT coverage.
FISCAL IMPACT
The four options above have varying costs related to each as follows:

1. Mobile Unit - The cost of the mobile crew will be $170/hour or a quarterly payment of $1,200/quarter with unlimited number of hours of coverage. Using the $1,200 quarterly rate for unlimited number of hours would be a very economical option when using 2-3 meetings per quarter with a 2-3 hour average meeting length, which equates to 6-9 hours ($1,020-$1,530) per quarter, and 9-12 monthly meetings annually. The annual cost for this mobile unit recording would be $4,800.

2. Live Streaming – This option would include the mobile crew cost of $4,800; an additional initial cost for an encoder of approximately $20,000; and a 3MB DSL line from Washoe County or from Charter at a monthly rate of $30. So for live streaming of these meetings the initial cost would be about $20,000 with and annual cost of $5,160.

3. Use of Existing Facilities – Based on our discussions with SNCAT there will be a cost of $85 per hour for the SNCAT operator at the 3 existing facilities.

4. Status Quo - The last option would be to continue on with status quo and no SNCAT coverage. With this option no additional costs would be incurred.

RECOMMENDATION
It is recommended that option 1 with a mobile unit crew, is the most economical way at this time to record and then distribute the WRWC meetings coverage for the entitles and with SNCAT at the Washoe County Water Resources facility, with an annual cost of around $5,000, and direct staff to proceed with the procurement of this service with SNCAT. The Commission may also redirect staff to stay with no cost options of status quo or relocating to one of the entities Council/Commission Chambers, or the live streaming option with the first year and initial cost of $25,160.

POSSIBLE MOTION
Should the Board agree with staff’s recommendation, a possible motion would be “I move to approve the mobile unit option with SNCAT with and annual cost of $5,000 and direct staff to proceed with the procurement of this service with SNCAT.”

/WS