

# WESTERN REGIONAL WATER COMMISSION BOARD OF TRUSTEES MINUTES

Friday, June 10, 2011

The regular meeting of the Western Regional Water Commission (WRWC) Board of Trustees was held on Friday, June 10, 2011, at Sparks Council Chambers, 431 Prater Way, Sparks, Nevada.

- 1. Roll Call and Determination of presence of a Quorum** – Chairman Carrigan called the meeting to order at 1:30 p.m. There was a quorum present.

Commissioners Present:

Mike Carrigan, Chair  
Steve Cohen  
Geno Martini  
Margaret Reinhardt  
Ron Smith

Representing:

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

Commissioners Absent:

Bob Larkin, Vice-Chair  
Dave Aiazzi  
John Breternitz  
Bob Cashell

Representing:

Washoe County  
Truckee Meadows Water Authority  
City of Reno  
Truckee Meadows Water Authority

- 2. Pledge of Allegiance**

Chairman Carrigan asked Commissioner Smith to lead the Western Regional Water Commission in the Pledge of Allegiance.

- 3. Approval of Agenda**

Commissioner Martini made a motion to approve the June 10, 2011 WRWC agenda as posted. Commissioner Smith seconded the motion, which carried unanimously.

- 4. Public Comment**

Chairman Carrigan called for public comments and hearing none, closed the public comment period.

- 5. Approval of the Minutes of the May 19, 2011 meeting.**

The minutes of the May 19, 2011 Western Regional Water Commission meeting were submitted for approval. Commissioner Smith made a motion to approve the minutes as submitted. Commissioner Martini seconded the motion, which carried unanimously.

- 6. Discussion and possible approval of funding in an amount not to exceed \$262,500 from the Regional Water Management Fund to support the Truckee Meadows Regional Storm Water Quality Management Program, and activities related to the implementation of the storm water drainage provisions of the Comprehensive Regional Water Management Plan; and, if approved, authorize the Chairman to execute an Interlocal Agreement with the City of Reno**

**for that purpose.**

Chairman Carrigan invited Jim Smitherman to present this item. Mr. Smitherman reported that in January the WRWC approved an Interlocal Agreement in the amount of \$218,000 to cover expenses and a consultant contract through June 30, 2011, at which time it expires. The project is in support of the Truckee Meadows Storm Water Quality Management Program. He explained that the current request is for funding in the amount of \$262,500 for Fiscal Year 2011/2012, (each entity previously paid approximately \$87,500 per year). He added that the WRWC previously agreed to provide annual funding.

**Commissioner Cohen made a motion to approve the requested funding in an amount not to exceed \$262,500, and authorize the Chairman to execute the proposed Interlocal Agreement. Commissioner Martini seconded the motion, which carried unanimously.**

- 7. Discussion and possible approval of an Amendment No. 2 to the Attorney-Client Fee Contract with Somach Simmons & Dunn, to extend the expiration date to June 30, 2012, for specialized legal services required in connection with the Truckee River Total Maximum Daily Load (“TMDL”) process; and, if approved, authorize the Chairman to execute the Amendment.**

Chairman Carrigan invited Mr. Smitherman to present this item. Mr. Smitherman referred to the staff report and stated that this project is currently midway in the TMDL and Water Quality Standard review process with the State and Federal Environmental Protection Agency (EPA). He reported that not much was required of this contract in the last year; however, in the next two years, the technical review will require legal services. He summarized that he is not asking for additional funding but rather to extend the deadline of the contract to carry it through the next fiscal year.

**Commissioner Martini made a motion to approve the proposed Amendment No. 2 to the Attorney-Client Fee Contract with Somach Simmons & Dunn, to extend the expiration date to June 30, 2012, for specialized legal services required in connection with the Truckee River TMDL process, and authorize the Chairman to execute the Amendment. Commissioner Cohen seconded the motion, which carried unanimously.**

- 8. Discussion and possible approval of a First Amendment to the Interlocal Agreement among the WRWC, TMWA and Washoe County for reimbursement of certain expenses incurred in evaluating and implementing recommendations regarding consolidation of the County’s Department of Water Resources and TMWA; and if approved, authorize the Chairman to execute the Amendment.**

Mr. Smitherman stated that this previously-approved agreement was in the amount of \$550,000 for two years for partial reimbursement of expenses associated with the feasibility of consolidation of TMWA and Department of Water Resources (DWR). He explained that the purpose of today’s request is to extend the deadline for the contract and add \$300,000 as recommended by the Northern Nevada Water Planning Commission as part of the fiscal year 2011-2012 budget. He stated that approximately \$300,000 was spent last year and the remaining \$250,000 is for this fiscal year. This amendment would be for the next fiscal year (2011-2012).

**Commissioner Smith made a motion to approve the requested funding, and authorize the Chairman to execute the proposed First Amendment to the Interlocal Agreement among the WRWC, TMWA, and Washoe County for reimbursement of certain expenses incurred in evaluating and implementing the recommendations regarding integration/consolidation of TMWA and DWR. Commissioner Martini seconded the motion, which carried unanimously.**

**9. Report on legislative activities, including Bills pending in the 2011 Nevada Legislature that may affect the WRWC; and, possible direction to staff.**

Mr. Rhodes stated that the two bills supported by the WRWC presented by the Legislative Committee to Oversee the WRWC (LOC) were Assembly Bills (AB) 237 and 238. He explained that both passed. Ms. Menard reported that she, Mark Foree, Jeff Tissier and John Sherman went to Carson City the previous day for the bill signing.

Chairman Carrigan asked for clarification that AB 238 was amended to apply to Washoe County only. Ms. Menard stated yes and added that the financial portion of the bill was directed to only apply to water projects.

Mr. Rhodes stated that under the ethics bill, AB 59, each member of a public body who attends a meeting of that public body where action is taken in any violation of provision of Open Meeting Law is subject to a civil penalty in an amount not to exceed \$500; however, it was amended to provide that the violator must have knowledge of the violation. Chairman Carrigan asked if the language was changed to address an issue where legal counsel did not believe a violation was occurring. Mr. Rhodes stated it was not; however, in his opinion, Board members are covered if Legal Counsel determines and advises them that they are not in violation.

**10. Discussion and possible direction to staff regarding agenda items for the July 8, 2011 meeting and future meetings.**

Chairman Carrigan asked if pending items were scheduled for the July meeting. Ms. Menard stated there were not and suggested the meeting could be cancelled. She added that a special meeting of the TMWA Board and Washoe Board of County Commissioners is scheduled for July 7<sup>th</sup> to discuss consolidation.

**11. Commission Comments**

None

**12. Staff Comments**

None

**13. Public Comment**

Chairman Carrigan called for public comments and hearing none, closed the public comment period.

**14. Adjournment**

With no further business, the meeting was adjourned at 1:40 p.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on November 16, 2011.

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Mike Carrigan, Chairman