

# Western Regional Water Commission

## STAFF REPORT

**DATE:** December 7, 2018  
**TO:** Chairman and Members, Western Regional Water Commission (“WRWC”)  
**FROM:** Jim Smitherman, Water Resources Program Manager  
John Rhodes, WRWC Legal Counsel  
**SUBJECT:** Presentation, discussion, and possible approval of a scope of work for legal services for the WRWC and Northern Nevada Water Planning Commission (“NNWPC”), and possible direction to staff.

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### **SUMMARY**

On October 17, 2018, the WRWC directed staff to prepare a scope of work for legal services for the WRWC and the NNWPC, and to present the same at its next meeting. The attached scope of work has been developed in close coordination with current legal counsel for the Board’s review, discussion and possible approval, and possible direction to staff.

### **FISCAL IMPACT**

None

### **RECOMMENDATION**

Staff recommends that the WRWC review and discuss the scope of work and provide appropriate direction to staff.

### **POSSIBLE MOTION**

“Move to approve the scope of work for legal services (with or without revisions), and direct staff to [take action as desired by the Board]”.

**LEGAL COUNSEL POSITION**

**WESTERN REGIONAL WATER COMMISSION**

**QUALIFICATIONS**

Attorney must be licensed to practice law in the State of Nevada, and be a member in good standing of the State Bar of Nevada. Attorney should have knowledge and demonstrated substantial experience with codes, laws, rules, and legal procedures in the following areas: administrative law, state and local government law, water resource law, water resource planning law, the Nevada Open Meeting Law, the Nevada Public Records Law, and general civil law and procedure.

**SCOPE OF WORK**

Attorney must be able to work independently to identify and provide a broad range of legal services required by the Western Regional Water Commission (“WRWC”) and its advisory body, the Northern Nevada Water Planning Commission (“NNWPC”), including, but not limited to: working closely with staff to ensure that all meeting agendas and staff reports comply with Nevada Open Meeting Law and other legal requirements; providing legal representation at all public meetings of the WRWC, and its subcommittees, and the NNWPC; drafting legal documents such as interlocal agreements and contracts with planning consultants, other service providers, and independent contractors; confirming that consultants, other service providers, and independent contractors are adequately insured, and in compliance with state and local licensing and workers compensation requirements; addressing specific Open Meeting Law and other statutory compliance issues; evaluating the propriety of proposed expenditures from the Regional Water Management Fund; coordinating and collaborating with legal counsel and staff for the Truckee Meadows Regional Planning Agency (“TMRPA”) on legal issues involving both land use and water resource planning; coordinating and collaborating with legal counsel and staff for Reno, Sparks, Washoe County, and the Truckee Meadows Water Authority (“TMWA”) on legal issues involving water resource planning, and continuing required updates of the Regional Water Management Plan; assessing potential liability from a risk management perspective, and providing advice on and recommendations for risk reduction measures; advising/representing the WRWC and the NNWPC on federal, state, and local legislative issues; providing services as a registered lobbyist at the Nevada Legislature; tracking relevant pending bill draft requests and pending legislation during legislative sessions, and providing continuing updates on those matters to the WRWC and NNWPC; providing continuing statutory review to assure that both the WRWC and the NNWPC comply, at all times, with all mandates and provisions of the Western Regional Water Commission Act, Chapter 531, Statutes of Nevada 2007, and all other state and local laws and requirements; developing, preparing, and presenting legal issues that may require appearances before local governing bodies, and state administrative agencies; and, representing the WRWC in civil litigation, as directed by the WRWC Board of Trustees.