

**LEGISLATIVE SUBCOMMITTEE
of the
WESTERN REGIONAL WATER COMMISSION ("WRWC")**

AGENDA

Friday, March 15, 2019

12:00 p.m.

Washoe County Department of Community Services
Building A, Slide Mountain Conference Room
1001 East Ninth Street
Reno, Nevada

SUBCOMMITTEE MEMBERS

Kristopher Dahir

Naomi Duerr

Bob Lucey

1. Items on this agenda on which action may be taken are followed by the term "For Possible Action". Non-action items are followed by an asterisk (*).
2. Public comment is limited to three minutes per speaker and is allowed during the public comment periods, and before action is taken on any action item. Comments are to be directed to the Subcommittee as a whole. Persons may not allocate unused time to other speakers. The public may sign-up to speak during the public comment period or on a specific agenda item by completing a Public Comment Information ("Request to Speak") card and submitting it to the clerk.
3. Items on this agenda may be taken out of order, combined with other agenda items for consideration, removed from the agenda, or delayed for discussion at any time. Arrive at the meeting at the posted time to hear item(s) of interest.
4. Supporting material provided to the Subcommittee for items on the agenda is available to members of the public at the Western Regional Water Commission ("WRWC") offices, 1001 E 9th Street, Reno, NV, from Jim Smitherman, Water Resources Program Manager, (775) 954-4657, and on the WRWC website at <http://www.wrwc.us>
5. The Slide Mountain Conference Room is accessible to the disabled. We are pleased to make reasonable accommodations for persons who are disabled and wish to attend meetings. If you require special arrangements for the meeting, please call (775) 954-4657 no later than 24 hours prior to the meeting.
6. 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), Sun Valley GID (5000 Sun Valley Blvd.), TMWA (1355 Capital Blvd.), Washoe County Administration Building (1001 E. Ninth Street), South Valleys Library (15650A Wedge Parkway), the WRWC website at <http://www.wrwc.us>, and the State of Nevada website at <https://notice.nv.gov>

1. Roll Call and Determination of Presence of a Quorum. *
2. Public Comment – limited to no more than three minutes per speaker. *
3. Approval of Agenda. **(For Possible Action)**
4. Approval of the Minutes for meetings of March 31, 2017 and May 5, 2017. **(For Possible Action)**
5. Nomination and election of Chair and Vice Chair of the Legislative Subcommittee of the WRWC. **(For Possible Action)**
6. Discussion and possible direction to staff regarding agenda items and scheduling of meetings of the WRWC Legislative Subcommittee – Jim Smitherman, WRWC Water Resources Program Manager. **(For Possible Action)**

7. Report on legislative activities, including Bill Draft Requests and Bills pending in the 2019 session of the Nevada Legislature that may affect or are of interest to the WRWC – John Rhodes, WRWC Legal Counsel. **(For Possible Action)**
8. Committee Comments. *
9. Staff Comments. *
10. Public comment – limited to no more than three minutes per speaker. *
11. Adjournment. **(For Possible Action)**

**MINUTES OF THE MARCH 31, 2017
CONCURRENT MEETING OF THE LEGISLATIVE SUBCOMMITTEE OF
THE TRUCKEE MEADOWS WATER AUTHORITY AND
THE LEGISLATIVE SUBCOMMITTEE OF
THE WESTERN REGIONAL WATER COMMISSION**

The concurrent meeting of the Legislative Subcommittee of the Truckee Meadows Water Authority (TMWA) and the Legislative Subcommittee of the Western Regional Water Commission (WRWC) at TMWA, 1355 Capital Blvd., Reno, Nevada in the Independence Conference Room. Chair Vaughn Hartung called the meeting to order at 2:30 p.m.

1. ROLL CALL

TMWA Members Present: Chair Vaughn Hartung and Member Jenny Brekhus

TMWA Legal Counsel Present: Debbie Leonard

TMWA Staff Present: John Enloe, Mark Foree, Andy Gebhardt, Steve Walker (Walker & Associates), Michele Sullivan, and John Zimmerman

A quorum of the TMWA Legislative Subcommittee was present.

WRWC Members Present: Chair Naomi Duerr, Member Donald Abbott, and Member Sandra Ainsworth.

WRWC Legal Counsel: John Rhodes

A quorum of the WRWC Legislative Subcommittee was present.

2. PUBLIC COMMENT

There was no public comment

3. APPROVAL OF THE AGENDA

Upon motion duly made and seconded, and carried unanimously, the TMWA Subcommittee approved the agenda.

Upon motion duly made and seconded, and carried unanimously, the WRWC Subcommittee approved the agenda.

4. APPROVAL OF THE MINUTES OF MARCH 24, 2017

Upon motion duly made and seconded, and carried unanimously, the TMWA Subcommittee approved the minutes of March 24, 2017.

Upon motion duly made and seconded, and carried unanimously, the WRWC Subcommittee approved the minutes of March 24, 2017.

5. PRESENTATION OF STATUS REPORT ON LEGISLATION OF INTEREST TO TMWA AND POSSIBLE DIRECTION REGARDING TMWA'S POSITION ON LEGISLATION

Steve Walker, TMWA Lobbyist, and John Zimmerman, TMWA Water Resources Manager, summarized the status of key bills. Mr. Walker and Mr. Zimmerman referred to the table of reviewed bills and provided an overview of the bills and staff recommendations.

Mr. Walker stated AB280, relating to preferences in bidding for certain contracts for businesses based in this State, was not originally on the list, but was added as a *watch*. Discussion followed regarding the provisions related to bids by a Nevada based business and potential impact on local governments.

Member Brekhus inquired if Mr. Walker had provided a position on behalf of TMWA on AB403, AB404 or AB406. Mr. Walker replied no, he had not except for AB406 because he provided public comment in opposition for all his clients and mistakenly included TMWA and offered to retract that position at the next meeting for the record.

Discussion followed regarding SB462, which authorizes the board of county commissioners to create a committee to review general improvement districts, and SB494, which revises provisions relating to grants for water conservation and capital improvements to certain water systems. AB193 has not been heard since March 7, but the deadline for all bills to pass the first house is April 14th.

Chair Duerr asked for a complete list of all bills at the next meeting.

Upon motion made and seconded, and carried by unanimous vote of the members present, the TMWA Subcommittee approved staff's recommendations on all bills, except AB403, AB404, AB406, and SJR9.

6. PRESENTATION OF STATUS REPORT ON LEGISLATION OF INTEREST TO WRWC AND POSSIBLE DIRECTION REGARDING WRWC'S POSITION ON LEGISLATION

John Rhodes, WRWC Legal Counsel, discussed several bills and bill draft requests (BDRs) being monitored and staff recommendations. Mr. Rhodes stated SB74 was added to the list per the last meeting's discussion with a position of *support*, which applies to Section 1 of the Bill, allowing collection of rainwater for certain purposes. Mr. Rhodes recommended including a position of *support* to SB74 for Section 14, which eliminates the member of WRWC appointed by the Chief of the Water Planning Division of Water Resources. Mr. Rhodes recommended deleting BDR 48-934 (now SB461), as it does not apply to WRWC, and adding AB479 with a *neutral/watch* recommendation. AB205 and AB375 have been added with *neutral/watch* recommendations. SB494 has been added with a *support* recommendation.

Discussion followed regarding AB375 to fund flood control projects, including concern about keeping within the scope of the local flood project so as not to lose federal funding, and the issue of taxing citizens subject to voter approval. Additional discussion followed on SB494, for cloud seeding funding, and the Governor's budget for funding cloud seeding through the Desert Research Institute.

Upon motion made and seconded, and carried by unanimous vote of the members present, the WRWC Subcommittee approved staff's recommendations on all bills, except for Section 14 of SB74, which was changed from *support* to *neutral/watch*.

7. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING CERTAIN SUNSET PROVISIONS OF THE NEVADA REVISED STATUTES CONCERNING ELEVATION OF HOMES IN FLOODPLAINS

Discussion regarding certain sunset provisions of the Nevada Revised Statutes (NRS) concerning elevation of homes in floodplains. Chair Duerr commented that the provisions sunset in 2019, and if WRWC wished to take the opportunity to support removal or extension of the sunset provisions applicable to Hidden Valley and Steamboat Creek, it may wish to do so this legislative session if possible. And if such an opportunity presented itself, Chair Duerr requested that staff bring it back to the WRWC legislative subcommittee for consideration.

8. COMMITTEE COMMENTS

There were no committee comments.

9. STAFF COMMENTS

Mark Foree, TMWA General Manager, informed the subcommittee that proponents of the wastewater treatment plant that is part of the proposed West 2nd project is trying to include an amendment to AB72, which revises provision to the Uniform Plumbing Code. Mr. Enloe reported the amendment would allow a package plant within a publicly owned treatment works service area, where currently, NRS does not allow it. They want to build their own on-site water treatment plant and use the effluent water for onsite landscaping, cooling and toilet flushing in a commercial/residential area.

Mr. Walker stated he testified for TMWA supporting the GIDs along river corridors.

Mr. Rhodes informed the subcommittee AB494 has an amendment to the language on cloud seeding; to support water augmentation projects related to drought resiliency including groundwater recharge.

10. PUBLIC COMMENT

There was no public comment.

11. ADJOURNMENT

With no further business, to discuss, Chair Hartung adjourned the meeting at 3:47 p.m.

Approved by the Legislative Subcommittee of the Truckee Meadows Water Authority on June 21, 2017.

Approved by the Legislative Subcommittee of the Western Regional Water Commission on
_____.

Submitted by,

Sonia Folsom, Recording Secretary

**MINUTES OF THE MAY 5, 2017
CONCURRENT MEETING OF THE LEGISLATIVE SUBCOMMITTEE OF
THE TRUCKEE MEADOWS WATER AUTHORITY AND
THE LEGISLATIVE SUBCOMMITTEE OF
THE WESTERN REGIONAL WATER COMMISSION**

The concurrent meeting of the Legislative Subcommittee of the Truckee Meadows Water Authority (TMWA) and the Legislative Subcommittee of the Western Regional Water Commission (WRWC) at TMWA, 1355 Capital Blvd., Reno, Nevada in the Independence Conference Room. Chair Vaughn Hartung called the meeting to order at 2:32 p.m.

1. ROLL CALL

TMWA Members Present: Chair Vaughn Hartung and Member Jenny Brekhus (present by phone)
TMWA Legal Counsel Present: Michael Pagni
TMWA Staff Present: Mark Foree and Steve Walker (Walker & Associates)

A quorum of the TMWA Legislative Subcommittee was present.

WRWC Members Present: Chair Naomi Duerr and Member Donald Abbott
WRWC Legal Counsel: John Rhodes
WRWC Staff Present: Chris Wessel

A quorum of the WRWC Legislative Subcommittee was present.

2. PUBLIC COMMENT

There was no public comment.

3. APPROVAL OF THE AGENDA

**Upon motion duly made and seconded, and carried unanimously, the
TMWA Subcommittee and WRWC Subcommittee jointly approved
the agenda.**

4. APPROVAL OF THE MINUTES OF MARCH 31, 2017

**The draft minutes of March 31, 2017 were not reviewed or
approved. They will be included for approval on the next meeting
agenda.**

**5. PRESENTATION OF STATUS REPORT ON LEGISLATION OF INTEREST TO TMWA
AND POSSIBLE DIRECTION REGARDING TMWA'S POSITION ON LEGISLATION**

Steve Walker, TMWA Lobbyist, reviewed the status of bills on which TMWA had taken a position other than watch or neutral, discussed any changes that had occurred since the previous meeting, and

received feedback for any positions that were going to be changed or altered. Mr. Walker referred to the TMWA table of reviewed bills during this discussion.

AB114, with a position of *watch/support*, passed unamended. Chair Hartung asked about the provisions governing irrigation districts. Mr. Pagni said that the bill would tie irrigation districts' caps to the CPI so that they automatically increase instead of going back to the legislature every five to ten years to request a new increase. This is relevant to TMWA, because Washoe County Water Conservation District (the District) operates Boca, and TMWA is responsible for about 60% of their funding of the assessments because of water rights acquired over the years. This would enable the District to increase the assessments it can make on people other than TMWA to pick up its obligations for payments. Chair Hartung inquired about the ditches which are currently dry, when running the ditches would allow people to use that water. Subcommittee members explained that Steamboat, Last Chance, and Lake Ditches have been difficult to clean due to the very wet winter, which left damage and debris; low flushes have been started or will start and NDOT work on Pyramid has affected Orr Ditch.

AB193 died. It would have to go into the same chapter or be resurrected as a new bill to come back.

Mr. Walker stated that AB271 is a collective bargaining bill and it was not amended. The staff recommendation is to *oppose*. The bill goes instantly to a fact finder; the fact finder would make a decision instead of the fact finder making a recommendation that would then be negotiated. Fact finding would be the end of the process. There would be no arbitration. Ms. Brekhus asked if the Subcommittee had taken a position of *oppose* on this or if opposition was staff's recommendation; she recalled a position of *neutral*. It was determined that previous minutes and/or recordings would be reviewed in order to find record of when the vote was taken.

AB379 was a GID type bill. It was the creation of recreational taxing districts, associated with the efforts on One Truckee River. The bill was very much amended. Assemblywoman Joiner assigned a group to go through the bill to solve problems when it came out of drafting. Mr. Walker did support the bill for TMWA. His testimony was that the intent of the bill is in many ways water quality positive, and that is TMWA's focus. He also acknowledged some mechanical problems with the bill.

AB404 creates the Office of the Inspector General. Mr. Walker questioned whether the position of *oppose* listed on the TMWA bill sheet was correct. He believed they were previously *neutral* on the bill. The bill creates a brand new oversight out of the Governor's Office. The Subcommittee decided that the position would be changed to *watch*.

Chair Hartung and Ms. Brekhus engaged in further discussion regarding the question of the Subcommittee's position on AB271. Chair Hartung suggested directing staff to bring AB271 back to the full Board if a position change is desired. Ms. Brekhus questioned whether the bill had been discussed at the last meeting or the previous meeting. It was decided to review previous meeting records and locate when the position for AB271 was determined and if necessary, be brought back to the Board.

Mr. Foree addressed Ms. Brekhus regarding her request for a summary of AB298, which is Southern Nevada Water Authority's 3M bill. Ms. Brekhus asked if there is any basis where that level of complexity might be applicable as it relates to TMWA. Mr. Walker explained the bill and concept: when there is either an application for an interbasin transfer of water or an application in a single hydrographic basin that would use most of the water in the hydrographic basin, then the senior water right holders could request a 3M plan if the State Engineer wants to move forward with the applications. Discussion ensued regarding how this bill might be applicable/not applicable to TMWA and TMWA's operations.

Upon motion made and seconded, and carried by unanimous vote of the members present, the TMWA Subcommittee approved staff's recommendations except to change AB404 position from *oppose* to *neutral* and to review the position of *oppose* on AB271.

6. PRESENTATION OF STATUS REPORT ON LEGISLATION OF INTEREST TO WRWC AND POSSIBLE DIRECTION REGARDING WRWC'S POSITION ON LEGISLATION

John Rhodes, WRWC Legal Counsel, mentioned that WRWC initially tracked roughly 32 bills; this number has dropped to 14 bills due to failure to pass out of their house of origin on the deadline dates. Of those bills, the WRWC voted to send letters of support for the Governor's budget for cloud seeding for Desert Research Institute (DRI) and for the rainwater portion of SB74, the de minimis collection of rainwater. All of the bills listed on the WRWC bill table passed out of their respective houses. Mr. Rhodes mentioned the amendment of AB109; to exclude Clark and Washoe counties effectively. He made a staff recommendation to delete AB109 from the list. The Subcommittee agreed to add AB379 to their list with a position of *watch/neutral* and delete AB109.

Chair Duerr inquired about SB74. Mr. Rhodes said the bill involves rainwater. Mr. Walker stated that it contains de minimis use, and it also incorporates much of the Governor's Drought Task Force recommendation. The bill strengthens conservation planning, particularly for smaller utilities, and strengthens conservation requirements. Conversation ensued regarding further details of the bill and the mechanism for overseeing/reviewing these conservation plans.

Upon motion made and seconded, and carried by unanimous vote of the members present, the WRWC Subcommittee approved staff's recommendations to delete AB109 and to add AB379 with a position of *watch/neutral*.

Chair Duerr asked the status of AB375, a flood management bill (the bill was heard, no action, on May 2, 2017 and is now in Senate Revenue); information on AB138 and SB74, the duplicate bills on rainwater (SB74 was amended more extensively than AB138 and a combination of the bills will include all amendments); update on AB159, a bill prohibiting hydraulic fracturing (discussion on the hearing for the bill was very anti fracking, and on fracking in Nevada); and the status of AB209, a bill involving forfeiture and abandonment of water rights for non-use during drought conditions and in over-appropriated basins (the criteria by which the permitting deadline can be extended is specific to over-pumped, over-appropriated basins in drought.)

7. COMMITTEE COMMENTS

There were no committee comments.

8. STAFF COMMENTS

There were no staff comments.

9. PUBLIC COMMENT

There was no public comment.

10. ADJOURNMENT

With no further business, to discuss, Chair Hartung adjourned the meeting at 3:23 p.m.

Approved by the Legislative Subcommittee of the Truckee Meadows Water Authority on June 21, 2017.

Approved by the Legislative Subcommittee of the Western Regional Water Commission on
_____.

Submitted by,

Katy Stark, Recording Secretary