

Western Regional Water Commission

STAFF REPORT

DATE: May 17, 2019

TO: Chair and Members, Western Regional Water Commission (“WRWC”)

FROM: Jim Smitherman, WRWC Water Resources Program Manager

SUBJECT: Report on the Request for Proposals/Qualifications to provide legal services for the WRWC and Northern Nevada Water Planning Commission; discussion and possible direction to the WRWC Chair and Water Resources Program Manager to review submittals and present qualified candidates for interview and possible selection at the June WRWC meeting.

SUMMARY

A Notice to Attorneys concerning the Request for Qualifications (“RFQ”) and Proposals (“RFP”), and Legal Counsel Position Scope of Work (attached) was published in the Reno Gazette Journal on April 24 and May 1, 2019, and in the Washoe County Bar Association monthly newsletter, the “Writ”, on April 30, 2019. The Notice is also posted on the Washoe County Bar Association’s website in the classifieds section. Each publication refers to the Scope of Work posted on the WRWC website, and also refers to the Water Resources Program Manager contact information. Responses are due by May 31, 2019.

PREVIOUS ACTION

On March 20, 2019, the WRWC accepted without revision the Legal Counsel Position Scope of Work submitted by staff.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends that the WRWC Chair and Water Resources Program Manager review legal services submittals and present qualified candidates for interview and possible selection at the June WRWC meeting.

POSSIBLE MOTION

“Move to direct the WRWC Chair and the Water Resources Program Manager to review legal services submittals and present qualified candidates for interview and possible selection at the June WRWC meeting.”

JS:jp

Attachment

NOTICE TO ATTORNEYS

REQUEST FOR QUALIFICATIONS (“RFQ”) AND PROPOSALS (“RFP”)

The Western Regional Water Commission (“WRWC”) is seeking qualifications/proposals for all legal services required by the WRWC and the Northern Nevada Water Planning Commission (“NNWPC”).

For a statement of minimum qualifications, and complete scope of work, please contact Jim Smitherman, WRWC Water Resources Program Manager, (775) 954-4657, jsmitherman@washoecounty.us, or refer to the WRWC website at <http://www.wrwc.us>

All responses must be received by email to jsmitherman@washoecounty.us no later than May 31, 2019.

LEGAL COUNSEL POSITION WESTERN REGIONAL WATER COMMISSION

BACKGROUND

The Western Regional Water Commission (“WRWC”) was created in 2007, effective April 1, 2008, by the Nevada Legislature, and by Cooperative Agreement among the WRWC member agencies, which include the City of Reno, the City of Sparks, Washoe County, Sun Valley General Improvement District and the Truckee Meadows Water Authority.

Chapter 531, Statutes of Nevada 2007, the Western Regional Water Commission Act (the “Act”) also created the Northern Nevada Water Planning Commission (“NNWPC”) and required the NNWPC to develop a comprehensive regional water management plan for the Planning Area covering municipal and industrial water supply, water quality, sanitary sewerage, sewage treatment, storm water drainage and flood control. The overall purpose is to deal with current and future problems affecting the Planning Area as a whole with respect to the subjects of the plan.

The WRWC Board of Trustees meets generally five or six times a year and the NNWPC meets 10 times a year.

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, 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”), to include:

1. Work with staff to ensure that all meeting agendas, staff reports and minutes comply with Nevada Open Meeting Law and other legal requirements.
2. Provide legal representation at all public meetings of the WRWC, and its subcommittees, and the NNWPC.

3. Attend all WRWC Staff Working Group meetings to ensure Open Meeting Law compliance, provide advice on the propriety of proposed actions and future WRWC agenda items, and legal documentation required for implementation.
4. Evaluate the propriety of proposed expenditures from the Regional Water Management Fund.
5. Draft 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.
6. Address specific Open Meeting Law and other statutory compliance issues.
7. Coordinate and collaborate with legal counsel and staff for local and regional agencies, such as Reno, Sparks, Washoe County, Truckee Meadows Water Authority (“TMWA”) and the Truckee Meadows Regional Planning Agency (“TMRPA”) on legal issues involving both water resources planning and land use planning, and continuing required five-year updates of the Regional Water Management Plan.
8. Assess potential liability from a risk management perspective, and provide advice on and recommendations for risk reduction measures.
9. Provide an annual written report to the WRWC’s financial auditors regarding pending or threatened litigation, claims or assessments.
10. Advise/represent the WRWC and the NNWPC on federal, state, and local legislative issues.
11. Provide services as a registered lobbyist at the Nevada Legislature, track relevant pending bill draft requests and pending legislation during legislative sessions, and provide continuing updates on those matters to the WRWC and NNWPC.
12. Provide 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.
13. Develop, prepare, and present legal issues that may require appearances before local governing bodies, and state administrative agencies.
14. Assist the WRWC in determining the scope of Attorney’s representation and services in any civil litigation, as directed by the WRWC Board of Trustees.