

**NORTHERN NEVADA WATER PLANNING COMMISSION  
MINUTES**

**Wednesday, April 1, 2009**

The regular meeting of the Northern Nevada Water Planning Commission (NNWPC) was held on Wednesday, April 1, 2009 in the Reno City Council Chambers, One East First Street, Reno, Nevada.

- 1. Roll Call and determination of presence of a quorum** – Chairman Price called the meeting to order at 1:36 p.m. There was a quorum present.

Voting Members Present:

George W. Ball, Jr.  
Michael Cameron  
Michael J. DeMartini  
Greg Dennis  
John Erwin (arrived at 1:40 p.m.)  
John Jackson  
Neil Mann  
Rosemary Menard  
Darrin Price  
Jerry Schumacher

Voting Members Absent:

Wayne Seidel

Non-Voting Members Present:

Harry Fahnestock (arrived at 1:53 p.m.)  
Jon Palm

Non-Voting Members Absent:

John Bird  
Ray Davis  
Kelvin Hickenbottom  
David Noble

Staff Members Present:

Jim Smitherman  
Chris Wessel  
June Davis  
John Rhodes, Legal Counsel

**2. Approval of the agenda.**

Commissioner Dennis made a motion to approve the April 1, 2009 NNWPC agenda as posted. Commissioner Ball seconded the motion, which carried unanimously.

**3. Approval of the minutes from the March 4, 2009 meeting.**

The minutes of the March 4, 2009 NNWPC meeting were submitted for approval. Commissioner Dennis made a motion to approve the minutes as submitted. Commissioner Ball seconded the motion, which carried unanimously.

**4. Public Comments.**

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

**5. Election of Chairman and Vice Chairman for the term April 2009 to April 2010, and possible direction to staff.**

Chairman Price welcomed suggestions or nominations for Chair and Vice Chair. Commissioner Menard nominated Chairman Price to continue in his role as Chair for the next year. Commissioner Dennis

seconded the motion, which carried unanimously.

Chairman Price called for nominations for Vice Chair. Commissioner Schumacher nominated Commissioner Ball as Vice Chair.

John Rhodes, Legal Counsel, referred to Section 39 of Chapter 531 of the Statutes of Nevada. He read from the Statute, "The Water Planning Commission shall establish a schedule for the selection of Chairman for a term of one year in rotation from among the members." He clarified that based on that, he did not believe that a Chairman could serve two consecutive terms.

Chairman Price reopened nominations for Chair. Commissioner Mann nominated Commissioner Seidel as Chair. Commissioner Erwin seconded the motion, which carried unanimously.

Chairman Price asked for nominations for Vice Chair. Commissioner Schumacher reiterated his nomination of Commissioner Ball as Vice Chair. Commissioner Erwin seconded the motion, which carried unanimously.

Chairman Price stated that in Chairman Seidel's absence, he would turn the meeting over to Vice Chairman Ball.

#### **6. Review and possible acceptance of the final report on the River Restoration Best Management Practices (BMP) Handbook.**

Vice Chairman Ball introduced Tom Swan, Kennedy Jenks Consultants (KJC). Mr. Swan reported that Candice Siwarga from KJC was present as well. Mr. Swan thanked Terri Svetich, Mickey Hazelwood and Janelle Thomas for their work on the Handbook.

Mr. Swan reviewed a Power Point Presentation, which provided a background of the project. Some of the highlights included:

- The purpose of permits is to protect the water quality of downstream users.
- A permitting flow chart was developed to show the processes and agencies involved in the permitting process for working in the Truckee River. It also shows the links between the agencies and the requirements of each.

Commissioner Price commended KJC for their work on the Handbook. He added that he reviewed it and found it a great product.

Vice Chairman Ball thanked Mr. Swan for his presentation. Commissioner Erwin made a motion to accept the report. Commissioner Price seconded the motion, which carried unanimously.

Vice Chairman Ball asked if there were any public comments. Terri Svetich, City of Reno Public Works, thanked KJC for their work. She stated that the Handbook paves the way for a workshop that is tentatively scheduled for May 5, 2009 from 9:00 a.m. to 4:00 p.m. The workshop will be held at Harrah's and will include representatives from the regulatory agencies. She added that the workshop information will be available on the [www.tmstormwater.com](http://www.tmstormwater.com) website.

Vice Chairman Ball thanked Ms. Svetich for her comments.

#### **7. Discussion and possible recommendation to the Western Regional Water Commission (WRWC) to initiate the regional integrated wastewater system planning project with Regional Water Management Funds not to exceed \$40,000, to be supplemented by Clean Water Act Grant funds when they become available to the WRWC to support this project and /or related projects, and possible direction to staff.**

Vice Chairman Ball turned over the presentation to Jim Smitherman. Mr. Smitherman referred to the staff report and stated that funding from the Clean Water Act might not be available to the WRWC until May. The Regional Planning Governing Board (RPGB), which will need to authorize the WRWC to receive the money as the 208 Agency, will not meet until May 14, 2009.

Mr. Smitherman reported that he has been involved with Reno, Sparks and Washoe County wastewater engineering representatives, who have been discussing what needs to be done with regional wastewater planning. The group liked the scope of work that was presented by John Enloe, ECO:LOGIC Engineering (included in the staff report) and would like to initiate work as soon as possible.

Mr. Smitherman reported that there is sufficient money in the Regional Water Management Fund (RWMF) to support the project and once the Clean Water Act money is available, it would be applied to a larger scope of work. He explained that the previous scope of work presented was a "bare bones" scope to not exceed \$40,000. Per direction from the NNWPC, the scope was expanded by ECO:LOGIC, which he reviewed. Mr. Smitherman reported that the not to exceed amount for the expanded scope is \$96,000. He summarized that the scope could be funded by RWMF and Clean Water Act funds.

Commissioner Price asked if it is possible to request more money from the Clean Water Act (CWA) fund. Mr. Smitherman stated that the funds are not available for work that has been completed. Commissioner Price also asked if it might be better to wait a couple of months to ensure the funds are received and that the WRWC is designated as the 208 Agency.

Commissioner Menard stated that her understanding is that there are no additional CWA grant funds available. Mr. Smitherman clarified that he was told that there was \$40,000 available from the CWA fund. Commissioner Menard stated that the regional wastewater / reclaimed water agencies are developing a proposal that requires moving ahead with the activities listed in the scope of work, in addition to other activities in order to meet a deadline at the end of September. At that time, a workshop will be held. She clarified that she does not think it would be prudent to delay the project.

Commissioner Price mentioned that the scope of work lists Reno, Sparks and Washoe County and asked if Sun Valley General Improvement District (SVGID) would be included as a wastewater purveyor. Mr. Smitherman stated it was an oversight and clarified that SVGID flows were included. Commissioner Dennis stated that he had sent an email requesting the equivalent residential unit (ERU) information for SVGID, Lemmon Valley and other areas to provide for a good foundation with which to begin working.

Commissioner Erwin referred to the scope of work and asked how much effort would be put into future forecasting in relation to the update of the Regional Water Plan. John Enloe, ECO:LOGIC, stated there would be very little new work related to demand projections. He added that the community has done considerable work on population demand forecasts and therefore ECO:LOGIC will compile that information from the Regional Water Plan and the Truckee Meadows Service Area / Future Service Area Facility Plans. He reiterated that the available information will be used to provide the order of magnitude of the future wastewater flows and water demands.

Commissioner Schumacher asked if the NNWPC approves this item, would it be funding not to exceed \$40,000 or \$96,000. Vice Chairman Ball stated that his understanding is that approval of the scope of work would need to specify the amount of \$40,000 with the understanding that future funding would come from the CWA. Mr. Smitherman stated that the funding would come up short of the \$96,000. Mr. Rhodes clarified that the agenda item as written limits approval of funding to \$40,000.

Commissioner Menard asked if the NNWPC approves a scope for \$40,000 whether the staff recommendation to the WRWC could be for a larger amount. She added that this work is very important and needs to be done regardless of who pays what amount. Mr. Rhodes stated that if funding of \$40,000

is approved today, when the item is heard by the WRWC, staff could explain that the amount falls short of what is needed. He stated that a motion could also be made with no specific funding amount. Commissioner Price stated he was not in support approving the scope of work without a not to exceed amount.

Mr. Rhodes stated that in rethinking the issue, a motion could be made on record that \$40,000 is not sufficient for the scope of work so the amount was increased.

Commissioner DeMartini stated he appreciates the need to move forward on these issues; however, he just received the scope of work a few minutes ago. He stated without sufficient time to review the information, he would abstain from voting. Vice Chairman Ball stated he appreciates the concern; however, the original scope of work was provided quite some time ago.

Vice Chairman Ball asked Mr. Enloe if 120 days to complete the project is still sufficient. Mr. Enloe stated that the intent is to have everything in the scope completed prior to the September workshop mentioned by Commissioner Menard.

Commissioner Menard made a motion to approve the scope of work as provided today, recognizing that the original scope was expanded beyond \$40,000 and that the recommendation for approval is for the not to exceed amount of \$96,000. Mr. Rhodes asked for clarification of from where the funding would come. Commissioner Menard stated that the goal from her perspective is that if the entire amount is funded from the RWMF so be it. Commissioner Mann seconded the motion.

Commissioner Dennis asked if the CWA funding could still be requested if the project is fully funded by the RWMF. Mr. Smitherman stated that in speaking with Nevada Division of Environmental Protection (NDEP), funding could only be requested for work that has not been completed. Commissioner Menard referred to the RWMF budget, which includes projected funding in the amount of \$50,000 per year for the Water Plan Update and asked if CWA funding could be used for that purpose, to which Mr. Smitherman stated yes.

Commissioner Price asked Mr. Enloe to explain the intention of "clean water rights". Mr. Enloe stated the intent is related to reclaimed water uses offsetting potable water uses. He stated that the original scope proposed a water balance. He added that the intent is to account for water rights obligations, such as Truckee Meadows Water Reclamation Facility (TMWRF) being required to dispose all their effluent to the Truckee River with the exception of 6,700 acre-feet that could be used for reuse. Commissioner Price summarized and Mr. Enloe agreed that it would address water rights obligations and commitments.

Vice Chairman Ball called for a vote on the motion, which carried with all in favor. Commissioner DeMartini abstained from voting.

#### **8. Informational report regarding Truckee Meadows Water Authority Standing Advisory Committee.**

Vice Chairman Ball invited Barry Winzeler, NNWPC representative to the Truckee Meadows Water Authority (TMWA) Standing Advisory Committee (SAC) to provide an informational update on the meetings. Mr. Winzeler reported that no meeting was held since the last NNWPC meeting; however, the next meeting is scheduled for April 7, 2009. He stated that the main topic of the meeting would be discussion of a rate increase.

Mr. Winzeler stated that Vice Chairman Ball is his alternate on the SAC and asked with his new commitment as Vice Chair if perhaps someone else should be appointed. Vice Chairman Ball reiterated that the rate discussion is a big issue and agreed that consideration should be given to appointment of an alternate. Mr. Rhodes stated that the issue of appointment of a different alternate could be scheduled for

the next NNWPC meeting.

### **9. Program Manager's Report**

Mr. Smitherman reported that he included updates on the following topics as requested or that he thought would be of interest to Commissioners. He stated that the purpose of this agenda item is for Commissioners to review the information included in the agenda packets and feel free to ask questions, make comments, or request additional information.

#### **a. Status report on projects and Work Plan supported by the Regional Water Management Fund**

Commissioner Price referred to the percent complete for the River BMP Handbook, which is 92% and asked if that would now be updated to 100%, which Mr. Smitherman stated it would.

Vice Chairman Ball referred to the report and the reference that some of the projects are a "work in progress". He asked if updates would be scheduled by staff. He particularly referred to the North Valleys Initiative and asked if Mr. Enloe would be providing a status report. Mr. Smitherman stated that most scopes include regular updates to the NNWPC so additional requests would probably be outside the budget. He added that staff does schedule updates as appropriate.

#### **b. Financial report on the Regional Water Management Fund**

#### **c. Report on Legislative Activities**

Mr. Smitherman referred to the list of Bills. He stated that Legislative Sub-Committee meetings of WRWC and TMWA are normally held on Fridays. Mr. Rhodes stated that a meeting is scheduled for April 3, 2009; however, he is unaware of any changes since the last meeting so it might be cancelled.

Mr. Rhodes reported that the Sub-Committee has basically supported five Bills, including Assembly Bill (AB) 119 addressing water issues with numerous Amendments. He stated that the Sub-Committee has taken a neutral position on the other bills. To date they have not opposed any Bills.

Commissioner Price mentioned a Bill that restricted lobbyists for governmental entities and asked if that would impact the WRWC or NNWPC. Mr. Rhodes stated that the Sub-Committee has not tracked that Bill but offered to examine it. Commissioner Price asked if the NNWPC should get involved.

Mr. Rhodes stated that all positions on the status report that were questionable "?" are now neutral. Commissioner Menard mentioned that the WRWC is comprised of a number of member agencies, which is why they have stayed neutral on most Bills. The thought is that the agencies would take positions individually. Mr. Rhodes agreed that was his understanding based on the possibility of conflicting positions between a member agency and the WRWC.

#### **d. Truckee River Flood Management Project status report**

Mr. Smitherman reported that a status update on the Truckee River Flood Project was included as an informational item.

Mr. Smitherman welcomed questions or comments from Commissioners. Vice Chairman Ball thanked him for his update.

### **10. Discussion and possible direction to staff regarding agenda items for the May 6, 2009, Commission meeting and future meetings. (Note: The agenda referenced the date of April 1,**

**2009, which was a typographical error.)**

Mr. Smitherman referred to the list of agenda items for the May 6, 2009 NNWPC Agenda that was included in Commissioner's packets. The potential items include:

1. Report on the success of the Truckee Meadows Water Authority (TMWA) 2008 Water Usage Review Program, Lora Richards, Truckee Meadows Water Authority.
2. Discussion and possible approval of Scope of Work and funding from the Regional Water Management Fund in an amount not to exceed \$20,000 for recording the minutes of the Western Regional Water Commission (WRWC) and the NNWPC meetings and if approved, authorize the Program Manager to execute an Independent Contractor Agreement for Services with Niki Linn for the fiscal year 2009-2010, Jim Smitherman.
3. Discussion and possible approval of quote from SNCAT (The Media Center) and funding from the Regional Water Management Fund in an amount not to exceed \$7,200 for the fiscal year 2009-2010 for television media coverage of the monthly NNWPC meetings and WRWC meetings, and if approved, authorize the Program Manager to issue a purchase order, Jim Smitherman.
4. Discussion and possible approval of quote from G3 Productions and funding from the Regional Water Management Fund in an amount not to exceed \$2,040 for the fiscal year 2009-2010 for television media coverage of as many as six meetings held at the alternate location of the County Commission Chambers, and if approved, authorize the Program Manager to issue a purchase order, Jim Smitherman.
5. Program Manager's Report:
  - a. Status of projects and Work Plan supported by the Regional Water Management Fund
  - b. Financial report on the Regional Water Management Fund
  - c. Report on Legislative Activities
  - d. Truckee River Flood Management Project status report
6. Informational report regarding Truckee Meadows Water Authority Standing Advisory Committee – Barry Winzeler
7. Other Informational Items

Mr. Smitherman reported that NNWPC's next meeting is scheduled for Wednesday, May 6, 2009 at 1:30 p.m. He added that the meeting will be held at Washoe County Commission Chambers because the Reno City Council Chambers are not available.

Commissioner Price requested an item on the agenda for a report about the Washoe County Planning Commission's April 7, 2009 agenda regarding their Comprehensive Plan Amendments "to replace the existing conservation element with a new one". Chris Wessel offered to attend the meeting and provide an update.

Commissioner Price mentioned that City of Reno is considering terminating the agreement with SNCAT for televised coverage. He asked if staff will consider that issue in making any future decisions related to item 3 above. Mr. Smitherman stated that it will be considered.

Commissioner Schumacher mentioned the appointment of a new TMWA SAC alternate needs to be added to the next agenda.

Commissioner Erwin asked why some of the listed agenda items are even being scheduled based on the Program Manager's authorization to approve contracts up to \$25,000. Mr. Rhodes stated that recommendations still need to be made by the NNWPC.

**11. Discussion and possible direction to staff regarding an alternate meeting location.**

Vice Chairman Ball stated this item was covered under the previous agenda item. Mr. Rhodes asked if this item refers to the May 6, 2009 meeting only or all future meetings. Mr. Smitherman stated the intent was to cover the May meeting; however, he stated direction could be provided on alternate meeting locations for the future. He offered to explore meeting locations and the ability to televise meetings.

**12. Commission Comments.**

Vice Chairman Ball referred to the Truckee River Monitoring Memorandum of Understanding (MOU). He stated that the draft MOU is now available and today starts the two-week review process. He requested inclusion as an informational item the status of the MOU.

Vice Chairman Ball stated that another item of which he believes the NNWPC should be kept apprised is the Status Report on the Activities of the Integration Project for TMWA and Department of Water Resources. He mentioned the report is very well-done and encouraged members to review the report, which is available at [www.wrwc.com](http://www.wrwc.com).

**13. Staff Comments.**

None

**14. Public Comments.**

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

**15. Adjournment.**

With no further business, the meeting was adjourned at 2:46 p.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on \_\_\_\_\_ 2009.

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Wayne Seidel, Chairman