

**NORTHERN NEVADA WATER PLANNING COMMISSION  
MINUTES**

**Wednesday, May 6, 2009**

The regular meeting of the Northern Nevada Water Planning Commission (NNWPC) was held on Wednesday, May 6, 2009 in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

- 1. Roll Call and determination of presence of a quorum** – Chairman Seidel called the meeting to order at 1:32 p.m. There was a quorum present.

Voting Members Present:

George W. Ball, Jr., Vice Chairman  
Michael J. DeMartini  
Greg Dennis  
John Jackson  
Rosemary Menard (arrived at 1:35 p.m.)  
Darrin Price  
Jerry Schumacher  
Wayne Seidel, Chairman

Voting Members Absent:

Michael Cameron  
John Erwin  
Neil Mann

Non-Voting Members Present:

John Bird  
Harry Fahnestock

Non-Voting Members Absent:

Ray Davis  
Kelvin Hickenbottom  
David Noble  
Jon Palm

Staff Members Present:

Jim Smitherman  
Chris Wessel  
June Davis  
John Rhodes, Legal Counsel

- 2. Approval of the agenda.**

Commissioner Price made a motion to approve the May 6, 2009 NNWPC agenda as posted. Commissioner Ball seconded the motion, which carried unanimously.

- 3. Approval of the minutes from the April 1, 2009 meeting.**

The minutes of the April 1, 2009 NNWPC meeting were submitted for approval. Commissioner Price made a motion to approve the minutes as submitted. Commissioner Schumacher seconded the motion, which carried unanimously.

- 4. Public Comments.**

Chairman Seidel called for public comments.

Ginger Pierce stated she had two questions for commissioners. The first being, “Water rights were allotted in the 1850s and again adjusted in 1944 when it rained considerably more and there were fewer people. What would it take to readjust?” Ms. Pierce’s second comment was, “The geothermal wells on Steamboat Hill are all new injection wells, yet they are often not injected. The steam you can see is

thousands of gallons per minute and at just 1,500 feet deep that is the same level as your production wells. What can you do?"

Chairman Seidel thanked Ms. Pierce for her comments and stated that staff would look into it. He called for further comments and hearing none, closed the public comment period.

**5. Report on the success of the Truckee Meadows Water Authority (TMWA) 2008 Water Usage Review Program.**

Chairman Seidel welcomed Lora Richards, Truckee Meadows Water Authority (TMWA). Ms. Richards stated that funding was approved at the March NNWPC meeting for TMWA's Water Use Program, where she was requested to come back to present the amount of water saved over the course of the program to date if it was not too labor intensive. She referred to the staff report and summarized that the information is not easily available. She added that the program is not designed to track the behavior of people who have had audits on a follow up basis. She stated that in order to better track the results, further staff and resources would need to be allocated for the program. She welcomed questions from Commissioners.

Commissioner Price referred to a chart in the staff report and asked to whom the "Washoe County" portion refers, i.e., Washoe County Department of Water Resources (DWR) or TMWA customers. Ms. Richards stated they are TMWA customers who live in Washoe County. Commissioner Price asked if requests for audits have been received from DWR customers and if so, were they granted. Ms. Richards stated she is aware of a couple of requests to DWR and she believes TMWA sent an auditor. Mr. Smitherman agreed there were a couple of requests that he passed on to others. He stated he believes that DWR staff went to the customer to perform an assessment (although they are not trained in the auditor program).

Commissioner Price stated that if the Water Usage Program is regional and educational it would be wise to reach as many customers as possible. Ms. Richards stated that TMWA serves 85% of water customers in the region and therefore, the bulk of customers in the region are being served. She stated that if requested, she would evaluate what additional staff and resources would be needed to serve the entire region. Commissioner Price reiterated that he feels the program should serve all water customers.

Chairman Seidel thanked Ms. Richards for her time.

**6. Discussion and possible approval of augmented funding for an existing purchase order with SNCAT (The Media Center), in an amount not to exceed \$900 from the Regional Water Management Fund (RWMF), for television media coverage of three remaining Northern Nevada Water Planning Commission (NNWPC) and Western Regional Water Commission (WRWC) meetings for the 2008-2009 fiscal year, and, if approved authorize the Program Manager to issue a change order.**

Chairman Seidel invited Mr. Smitherman to speak on this item. Mr. Smitherman stated that this request is for continued funding for television coverage by SNCAT through the end of the current fiscal year. He added that the following item is basically the same type of request. Mr. Smitherman reported that the cost to cover the remaining meetings through the end June is \$900.

Commissioner Price made a motion to augment the budget to cover the expenditure. Commissioner Dennis seconded the motion, which carried unanimously.

**7. Discussion and possible approval of a Scope of Work from G3 Productions and funding from the RWMF in an amount not to exceed \$500 for television media coverage of the May 6, 2009 meeting of the NNWPC at the Washoe County Commission Chambers, and, if approved authorize the Program Manager to issue a change order.**

Based on discussion during the previous agenda item, Commissioner Price made motion to augment the budget to cover the expenditure. Commissioner Dennis seconded the motion, which carried unanimously.

**8. Status report on the Truckee River Coordinated Monitoring Program Memorandum of Understanding and pending Senate Concurrent Resolution 2; possible direction to staff.**

Mr. Smitherman stated that Senate Concurrent Resolution (SCR) 2 is working its way through the legislature. The Bill was proposed by the Senate Committee on Natural Resources on behalf of the Legislative Committee to oversee the Western Regional Water Commission (WRWC). He referred to the copy of SCR-2 that was provided to members along with the latest version of the Memorandum of Understanding (MOU).

Mr. Smitherman reported that SCR-2 encourages entities that are engaged in monitoring water quality of the Truckee River to coordinate certain activities. He added that the Bill was amended before being passed to the Assembly. The Assembly unanimously voted it out of Committee on April 28, 2009.

Mr. Smitherman reported that SCR-2 directs the Nevada Division of Environmental Protection (NDEP) to develop the MOU along with the entities that are engaged in monitoring on the Truckee River, with the purpose of establishing a clear understanding of the coordinated monitoring program and ongoing efforts. He stated that NDEP is required to submit a report to the Legislative Oversight Committee (LOC) at its first meeting in the coming legislative interim.

Mr. Smitherman reported that NDEP has convened a number of meetings with the entities, which includes US Fish and Wildlife Service, Bureau of Reclamation, Army Corps of Engineers, US Geological Survey, the US Forest Service, Bureau of Land Management, Nevada Division of Water Resources, University of Nevada, Reno (UNR), Desert Research Institute (DRI), and the Nevada Department of Wildlife. He added that local governments include Reno, Sparks, Washoe County, TMWA, the Truckee River Flood Project, Pyramid Lake Tribe and The Nature Conservancy, with some participation by the California Water Boards.

Mr. Smitherman reported that the last date to develop the MOU is May 7, 2009. He added it is anticipated that the language will be finalized and the MOU will then be circulated among the participating entities for signatures. He stated the goals of the MOU are to increase efficiency and reduce duplication of efforts in monitoring, provide a central clearinghouse of water-related information, promote future protection of the Truckee River and enable sharing of information among the entities, public and other interested parties. The MOU establishes two working groups; one as an oversight group to ensure MOU implementation, and the other as a monitoring coordination working group.

Mr. Smitherman reported that the MOU is careful not require anything of the parties that is not already being done or that would require funding. He added it is not a binding contract. The MOU will be in effect when at least two parties have signed it. It will then be effective until January 1, 2014 unless terminated by the parties prior to that date.

Chairman Seidel called for questions from Commissioners. Commissioner Price stated that the MOU specifies that Truckee River Information Gateway (TRIG) or another clearinghouse would be used as designated. He asked if other sites had been discussed as the clearinghouse. Mr. Smitherman stated that the parties had TRIG in mind; however, some of the agencies are not using it and were therefore concerned. John Rhodes, Legal Counsel, stated that the concern of some of the parties is that TRIG might not exist in perpetuity although he too believed the group was heading in that direction initially.

Commissioner Dennis made a motion to accept the report. Commissioner Price seconded the motion, which carried unanimously.

**9. Report on the Conservation Element of the Washoe County Comprehensive Plan and its relationship to the Regional Water Management Plan; possible direction to staff.**

Chris Wessel stated that per NNWPC direction at the last meeting, he invited Don Morehouse, Washoe County Community Development, to discuss how the Washoe County Comprehensive Plan's Conservation element relates to the Regional Water Management Plan. Mr. Morehouse gave a brief PowerPoint presentation. He reported that Community Development staff has proposed to replace the existing conservation element with the updated version, which was adopted by the Washoe County Planning Commission on April 7, 2009. It is awaiting review and possible adoption by the Board of County Commissioners (BCC) and possibly to be found in conformance with the Truckee Meadows Regional Plan.

Mr. Morehouse provided a background of the conservation element. He reported that Nevada Revised Statute (NRS) 278.160 requires that counties, and municipalities within counties, that have a population of 100,000 persons or more to adopt three mandatory elements, conservation, housing and population. He reported that the conservation element serves as the "conservation plan" for unincorporated Washoe County.

Mr. Morehouse reported that the current version of the conservation element was last adopted by the BCC in 1991. He stated that the conservation element follows in the footsteps of the land use, transportation, population and housing elements.

Mr. Morehouse reported that the goals and policies of the new conservation element reflect different development patterns that have impacted scenic, land, water and air quality resources. He stated that the new format is easier to read. He referred to the old and new policies related to water resources, one of which states that water resources are currently addressed within Washoe County by regulations and policies contained in a variety of documents, such as the Comprehensive Regional Water Management Plan and the Washoe County Development Code. He added that the water resource goals and policies of the conservation element ensure that the Regional Water Management Plan is supported and implemented at a local level within unincorporated Washoe County.

Mr. Morehouse referred to the map series in the update and stated it is used only for master planning purposes; much more detailed studies and data would be required if and when an actual development process is initiated, such as dedication of water rights through DWR.

Mr. Morehouse welcomed questions from Commissioners. Hearing none, Chairman Seidel thanked Mr. Morehouse for his presentation. Commissioner Price made motion to accept the report. Commissioner Schumacher seconded the motion, which carried unanimously.

**10. Status report on the TMWA / Washoe County Department of Water Resources Integration Study; possible direction to staff.**

Mr. Smitherman stated that the purpose of this agenda item is to convey the staff report that was presented to the WRWC in March 2009. He reported that at the WRWC meeting in September 2008, TMWA and DWR staffs were asked to conduct a focused financial analysis to assess the feasibility of some type of integration between the two entities using their bond council and financial advisors. That portion of the study has been completed. He added that the entity staffs were then asked to prepare a proposed approach to evaluate the opportunities and constraints of integrating certain subjects, including resources, infrastructure, financial planning and management, utility operations and maintenance.

Mr. Smitherman reiterated that the financial analysis has been completed and was submitted to the WRWC. The analysis included three alternatives:

- One entity could issue new bonds to pay off the other entity's bonds
- Certain functions could be integrated via an interlocal agreement

- A combination of the first two alternatives

Mr. Smitherman reported that meetings are occurring among the finance team, human resources team, operations team and water resources team. He added that preliminary reports from the teams should be available soon.

Commissioner Price mentioned the timeline of the end of May for conclusions and asked if the schedule is still on track. Commissioner Menard stated that the work on the System Planning & Engineering should be complete by the end of the fiscal year. She added that the WRWC would be asked for direction on how or whether to proceed in the fall.

Commissioner Price made a motion to accept the staff report. Commissioner Ball seconded the motion, which carried unanimously.

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

Chairman Seidel invited Barry Winzeler, NNWPC representative to the Truckee Meadows Water Authority (TMWA) Standing Advisory Committee (SAC) to provide an informational update. Mr. Winzeler reported that a meeting was held May 5, 2009. He stated that the TMWA staff has been reviewing a possible rate increase, which is proposed to increase 4.5% this summer. He added that flat rate customers would go to metered rates on June 10, 2009 with the 4.5% increase. After the first of the year, the SAC will re-evaluate the rates.

Mr. Winzeler reported that the next SAC meeting is scheduled for August. He offered to report back on any changes or new information.

Commissioner Price mentioned that he had heard discussion of implementing half the increase this year. Mr. Winzeler stated that the 4.5% increase would occur now and possibly another increase might be imposed next year.

### **12. 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 of Projects and Work Plan supported by the Regional Water Management Fund**

The updated Status Report of Projects was provided in the agenda packets.

Commissioner Price asked what the contract for Somach Simmons & Dunn covers. Mr. Smitherman explained they were hired to perform legal services related to the Truckee River Total Maximum Daily Load (TMDL) project based on their water quality expertise. He added that the TMDL group saw a need for legal assistance. Commissioner Menard stated that the contract was approved by the WRWC in March.

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

The updated financial report on the Regional Water Management Fund was provided in the agenda packets.

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

Mr. Smitherman referred to list of Bills. He reported that Assembly Bill (AB) 119 addressing

water issues would be heard by Senate Government Affairs May 8<sup>th</sup> at 1:30 p.m.

Mr. Rhodes stated that the report presented to Commissioners is up to date.

**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.

**13. Discussion and possible direction to staff regarding agenda items for the June 3, 2009, Commission meeting and future meetings.**

Mr. Smitherman referred to the list of agenda items for the June 3, 2009 NNWPC agenda that was included in Commissioner's packets. The potential items include:

1. Discussion and possible approval authorizing the Program Manager to issue purchase orders and execute contracts for fiscal year 2009-2010 in-budget, routine operating expenditures up to \$25,000 from the Regional Water Management Fund (RWMF), including but not limited to:
  - a. Production of minutes of the WRWC and NNWPC meeting, \$20,000.
  - b. Television media coverage of NNWPC meetings and WRWC meetings held at regular meeting locations, \$7,200.
  - c. Television media coverage of meetings held at alternate meeting location, \$2,040.
2. Discussion and possible recommendation to the WRWC for funding in amounts to be determined from the RWMF to support additional work on the Truckee River Total Maximum Daily Load project by MBK Engineers and LimnoTech, Inc.
3. 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
4. Informational report regarding Truckee Meadows Water Authority Standing Advisory Committee – Barry Winzeler
5. Other Informational Items

Mr. Smitherman referred to the Satellite Image Groundwater Monitoring Project funded by the RWMF and reported that Dr. Gary Oppliger no longer works for University of Nevada, Reno (UNR). In order to continue working with Dr. Oppliger on the project, a new contract (in the amount of \$15,000) will be necessary. Commissioner Price asked if a status report would be appropriate, which Mr. Smitherman offered to examine. Chairman Seidel asked if funding is for a five-year cycle and whether it would be ongoing. Mr. Smitherman suggested that Mike Widmer could provide an update on future plans for the project.

Commissioner Schumacher asked if the \$25,000 under the first item was on an annual basis. Mr. Smitherman stated it would be either annually, per vendor or per project.

Commissioner Price requested a legislative update from staff at the next meeting related to Truckee-Carson Irrigation District (TCID) bills or other water-related issues.

Commissioner Ball made a motion to accept the staff report. Commissioner Dennis seconded the motion, which carried unanimously.

**14. Commission Comments.**

Vice Chairman Ball referred to the comment made at the last NNWPC meeting that he might not have time to serve as Vice Chairman to the NNWPC along with serving as an alternate on the TMWA SAC. He stated he would like to remain the alternate for Mr. Winzeler.

Vice Chairman Ball asked Mr. Rhodes for an update on the bill that would prevent governmental entities such as the NNWPC from hiring lobbyists. Mr. Rhodes agreed to provide an update at the June meeting.

**15. Staff Comments.**

None

**16. Public Comments.**

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

**17. Adjournment.**

With no further business, the meeting was adjourned at 2:15 p.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

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

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Wayne Seidel, Chairman