

**NORTHERN NEVADA WATER PLANNING COMMISSION
MINUTES**

Wednesday, December 1, 2010

The regular meeting of the Northern Nevada Water Planning Commission (“NNWPC”) was held on Wednesday, December 1, 2010 in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

- 1. Roll Call and determination of presence of a quorum** – Chairman Erwin called the meeting to order at 1:00 p.m. There was a quorum present.

Voting Members Present:

John Erwin, Chairman
Jerry Schumacher, Vice-Chairman
George W. Ball, Jr.
Michael J. DeMartini (arrived at 1:34 p.m.)
John Jackson
Neil Krutz
Rosemary Menard
Darrin Price
Stan Shumaker

Voting Members Absent:

John Flansberg
Mickey Hazelwood

Non-Voting Members Present:

John Bird (arrived at 1:15 p.m.)
Jon Palm

Non-Voting Members Absent:

Mark Clarkson
Harry Fahnestock
Kelvin Hickenbottom

Staff Members Present:

Jim Smitherman
Chris Wessel
June Davis
John Rhodes, Legal Counsel

- 2. Approval of the agenda.**

Commissioner Menard made a motion to approve the December 1, 2010 NNWPC agenda as posted. Commissioner Price seconded the motion, which carried unanimously.

- 3. There are no minutes for approval.**

- 4. Public Comments.**

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

- 5. Final review of the 2011-2030 Comprehensive Regional Water Management Plan, and possible direction to staff.**

Chairman Erwin reported that Chapters 1 through 8 were presented to Commissioners for final review and that comments would be accepted today. He added that some additions were distributed at the meeting. He invited Mr. Smitherman to present this item. Mr. Smitherman provided a brief overview of the revisions that were made since the last meeting. He stated that direction was provided to staff at the last meeting to discuss Policy 3.1.c with the Storm Water Permit Coordinating Committee. He added that

the results of the discussion are reflected in the revision.

Mr. Smitherman reported that staff worked with John Rhodes, Legal Counsel on Policy 4.1.a regarding conformance reviews for facility plans. He stated that Mr. Rhodes revised the language to reflect the existing Western Regional Water Commission (“WRWC”) Act, rather than its predecessor, Nevada Revised Statute 540A. Chairman Erwin asked Mr. Rhodes to briefly explain his revisions.

Mr. Rhodes stated that the purpose of this policy is to bring facility plans of a certain kind or size that affect the working of the Regional Water Plan (“RWP”) for review by the NNWPC and for inclusion in the RWP. He stated that another revision was the addition of Appendix D, which is a list of the facility plans or other source documents referenced in the RWP.

Commissioner Menard referred to the statement that a facility plan (as opposed to a study) that is funded in whole or in part by the Regional Water Management Fund (“RWMF”) shall be subject to conformance review and asked for an instance, if the Storm Water Management Plan would be included (since it is not an actual facility plan). Mr. Rhodes stated that is a good question and explained that he took the word “study” out to be consistent with the Act; and added that we need to use our best judgment on such issues.

Mr. Smitherman stated that the Storm Water Management Plan is not complete at this point. Mr. Rhodes suggested including it as a "future document" under source documents. Commissioner Menard asked whether amendments or revisions to such plans would come before the NNWPC for review. She asked if the criteria should be changed to include more than facility plans only, such as programs. Mr. Rhodes stated he believes that the word “facility” is broad enough in its definition. Commissioner Menard suggested adding a definition of "facility".

Mr. Smitherman stated that the glossary includes a definition of "facility", which was taken from the law. He read the definition, "Pursuant to the Act, and for the purposes of the Regional Water Plan, facilities means flood control, storm drainage, wastewater, or water infrastructure, including but not limited to..." Mr. Rhodes reiterated that he believed the term facility is sufficiently broad. Commissioner Menard stated that the last Storm Water Management Plan included items such as best management practices, which do not pertain to storm drains or other facilities. She summarized that she is a bit concerned with the lack of specificity. Mr. Rhodes offered to work with staff to clarify the definition. Commissioner Menard suggested including related programmatic approaches that implement regulatory or other program direction related to the facilities. Chairman Erwin stated he thought the suggested additions might be going too far and that the policy relates to facilities.

Mr. Rhodes suggested an alternative of removing the third bullet as he did not believe it was necessary. Commissioner Ball stated that in his years of experience, such a study or plan was a precursor to a facility. He stated that he is concerned with the lack of communication between the NNWPC and the Flood Project. Commissioner Price stated that he believed if a project or program is funded by the RWMF, it needs to be included and summarized that he thought the third bullet was needed.

Mr. Smitherman continued with his review of minor revisions to policies in Chapter 1. He directed Commissioners to the edits made to Chapters 3, 4 and 5. Commissioner Shumaker referred to some further references to “levee” that should be changed to “flood structure”. Mr. Smitherman agreed to further review the chapter and make it consistent. Hearing no further questions or comments he referred to a revised version of Chapter 8 and explained some of the edits. Commissioner Price referred to Table 8-5, which is missing a footnote. Mr. Smitherman agreed to make the correction. Commissioner Shumaker referred to the second footnote on Table 8-8 and the reference to the shared capacity of Truckee Meadows Water Reclamation Facility (“TMWRF”), which he did not believe was correct and suggested removing the footnote. Mr. Smitherman stated that the consultant was directed by

Commissioner Seidel and JoAnn Meacham to include the footnote. Mr. Smitherman offered to remove the footnote if Commissioner Krutz agreed. Commissioner Krutz stated that if Mr. Seidel and Ms. Meacham were agreeable to the footnote, it should be left as is. Commissioner Shumaker suggested removing, "Reno's \$1 billion asset value projections", with which Commissioner Krutz agreed. Chairman Erwin clarified that the footnote would read, "estimated values based on Sparks 31.37% share of TMWRF value and assumed 1% to 2% R&R funding level."

Commissioner Menard referred to Table 8-1 and summary Table 8-8 and stated that she believes the developer fee number for Washoe County is "out of whack". She stated she would like to discuss the numbers with the consultant prior to finalization. She clarified that the table reflects that Washoe County will receive \$60.6 million in developer fees over the next five years, which is not comparable to the other jurisdictions.

Chairman Erwin stated that this item needs to be closed in order to open the Public Hearing, which is time specific. He asked if a motion was desired on the edits suggested. Mr. Rhodes stated that discussion could continue under the Public Hearing item as well.

Commissioner Price made a motion to adopt the suggested edits to the 2011-2030 Comprehensive Regional Water Management Plan from today's meeting. Commissioner Menard seconded the motion, which carried unanimously.

6. 1:30 p.m. Public Hearing on the 2011-2030 Comprehensive Regional Water Management Plan.

Chairman Erwin opened the Public Hearing at 1:35 p.m. He publicly welcomed Neil Krutz, as the new City of Sparks's representative on the NNWPC.

Chairman Erwin commended staff on providing a full document into which a lot of work went. He asked Commissioner Menard to repeat her comments on Tables 8-1 and 8-8. Commissioner Menard stated that the numbers reflect that Washoe County will receive over \$60 million in developer fees over the next five years, which is not comparable to the other jurisdictions area and she reiterated that she would like to speak with the consultant regarding the numbers with permission to make revisions as necessary. Mr. Rhodes stated that a motion to adopt the Water Plan could be made with the caveat that the numbers will be verified with the consultant.

Chairman Erwin stated that the entire plan is open for further review and comments from Commissioners. Hearing none, he invited comments from the public.

Chairman Erwin stated that the last section of the RWP for review is the Executive Summary, which is being presented to the NNWPC for the first time. Commissioner Krutz referred to page 18, which references a hypothetical development project in the Patrick area and asked why it was included in the RWP. Mr. Smitherman explained that it was used as an example of what could be done using expanded uses of effluent water. Commissioner Krutz thanked Mr. Smitherman for the explanation. Mr. Rhodes clarified that if the project proceeds it would come before the NNWPC for conformance review.

Mr. Smitherman reported that the Executive Summary consists of four parts:

- The Introduction, which is a summary of the RWP Introduction
- Policies, which summarizes the Policies from the RWP
- Findings, which summarizes the Findings from the different chapters of the RWP
- Issues and Action Items, which are summarized in Tables 9-1 and 9-2. Mr. Smitherman reported that there are 19 action items included on Table 9-1, each of which is briefly summarized in this

section. Chairman Erwin asked if they are action items for the WRWC or the NNWPC. Mr. Smitherman stated they are the items that would comprise the five-year work plan for the NNWPC and the WRWC.

Chairman Erwin asked if the proposed Action Items were being forwarded to the WRWC if it would be useful to identify which are their responsibilities. Mr. Smitherman agreed that it would and offered to add that identification. Commissioner Menard suggested adding a different bullet symbol to distinguish which are responsibilities of the WRWC.

Chairman Erwin asked if the Executive Summary would include graphics. Mr. Smitherman stated not given the time constraints. Chairman Erwin clarified that this Executive Summary would be a part of the RWP. Commissioner Menard suggested that a standalone document (a public communication piece) could be developed in the near future that would include graphics and be more user friendly.

Commissioner DeMartini agreed that the Executive Summary should be part of the RWP and asked when the next update would be due. Mr. Smitherman stated five years. Commissioner DeMartini suggested perhaps having annual public status report that is more user friendly. He commended staff for their work on the RWP and stated he believed it came together very well and is a good document.

Commissioner Ball agreed that the Executive Summary should be included in the RWP and also agreed that a user-friendly separate document should be developed. He suggested a future agenda item to possibly hire a public relations person to write a user friendly summary of the RWP for the public.

Chairman Erwin referred to Section 4, regarding the Proposed Action Item list, which focuses on the activities of the WRWC and NNWPC over the next five years. He suggested possibly adding Reno, Sparks and Washoe County in addition to the WRWC and NNWPC. Mr. Smitherman stated that other entities are responsible for some of the activities as well. Commissioner Price suggested adding "other local government agencies".

Commissioner Menard stated that many of the "to do" items are the responsibility of the flood project. Mr. Smitherman stated that the table includes a column for which agency or entity is responsible, and includes land use planning agencies. He suggested if desired the language could be changed to "water related and planning agencies". Commissioner Price stated that he trusts staff to make the changes to the language as appropriate. Mr. Rhodes summarized that he believed the language was acceptable as is; however, if desired the language could read "NNWPC and other local public and private entities affected by the Regional Water Plan".

Commissioner Menard made a motion to include the Executive Summary at the beginning of the RWP and to recommend that the WRWC reviews it for adoption, which will include the suggested edits from today's meeting.

Commissioner Price asked for direction from Mr. Rhodes as to whether the Public Hearing should be closed prior to making a motion. Mr. Rhodes stated that discussion on edits to the RWP could continue under this agenda item. Once the Public Hearing is closed the next item is possible approval of a Resolution to Recommend the Adoption, which will include the edits suggested at today's meeting. Commissioner Ball seconded the motion, which carried unanimously.

Chairman Erwin closed the Public Hearing at 2:04 p.m.

7. Possible approval of a Resolution to recommend the adoption, by the Western Regional Water Commission, of the 2011-2030 Comprehensive Regional Water Management Plan.

Chairman Erwin stated that this agenda item is for possible approval of Resolution No. 10-02, "Submitting the 2011-2030 Comprehensive Regional Water Management Plan to the Western Regional Water Commission". Commissioner Price asked Mr. Smitherman if in the past a Resolution has been presented with the same language. Mr. Rhodes stated that the language is very similar to that from past resolutions. He added that the only language changes were to reflect the statutory requirements of the Act. Commissioner Price asked if "for consistency review" was included in prior resolutions. Mr. Rhodes stated that the previous language was "conformance review".

Chairman Erwin clarified that a motion on this item will include incorporating all the edits from today's meeting, including clarification of the numbers reflected in Tables 8-1 and 8-8, as determined by staff and the consultant. He stated that if the number decreases, he does not see it as an issue that needs to come back to the NNWPC.

Commissioner Schumacher made a motion to approve the Resolution and submit the 2011-2030 Comprehensive Regional Water Management Plan to the Western Regional Water Commission Board of Trustees for approval and adoption, and to the Truckee Meadows Regional Planning Commission for consistency review. Commissioner Ball seconded the motion. The motion carried unanimously.

8. Discussion regarding agenda items for the January 5, 2011, Commission meeting and other future meetings, and possible direction to staff, Jim Smitherman.

Mr. Smitherman reported that items for the January 5, 2011 NNWPC meeting include:

- Status report on the Glendale Diversion project by TMWA staff
- Status report on the Evapotranspiration ("ET") program by Desert Research Institute ("DRI")
- Briefing on the regional effluent management plan strategic initiatives (if available at that time)
- Staff update on the Truckee River Flood Project

Commissioner Price asked Mr. Rhodes if he still serves as a lobbyist, which Mr. Rhodes stated he does. Commissioner Price requested an agenda item to review any water-related bill draft requests ("BDRs") or issues for the next legislative session. Mr. Rhodes agreed to provide an update.

Commissioner Schumacher asked for information on the upcoming joint meeting. Mr. Smitherman reported that it is scheduled for December 10, 2010 at 1:30 in the Washoe County Commissioner's Chambers. Mr. Smitherman stated that a couple of hard copies of the Water Plan would be available at that meeting. Mr. Rhodes added that the statutory deadline for submitting the Water Plan to the County Clerk's office is December 14, 2010. Commissioner Price requested a DVD copy. Mr. Smitherman offered to canvas members on their preference for receiving the RWP.

Commissioner Ball asked who would be representing the NNWPC at the joint meeting. Commissioner Menard stated that it is a joint meeting and that hopefully all NNWPC members would be present. She requested that when the RWP is provided to the County Clerk's office, it is provided electronically to the WRWC (if not before). Mr. Wessel stated that the latest version of the RWP would be available on the website, www.nnwpc.us under Documents.

9. Commission Comments.

Commissioner Price thanked staff and complimented them for doing a fantastic job on the Water Plan. Chairman Erwin agreed that it was a great job.

10. Staff Comments.

None

11. Public Comments.

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

12. 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 _____ 2011.

John Erwin, Chairman