

**NORTHERN NEVADA WATER PLANNING COMMISSION
MINUTES**

Wednesday, September 7, 2011

The regular meeting of the Northern Nevada Water Planning Commission (“NNWPC”) was held on Wednesday, September 7, 2011 in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

- 1. Roll Call and determination of presence of a quorum** – Chairman Ball called the meeting to order at 1:30 p.m. There was a quorum present.

Voting Members Present:

George W. Ball, Jr., Chairman
Neil Krutz, Vice Chairman
Michael DeMartini (arrived at 1:32 p.m.)
John Flansberg (left at 2:40 p.m.)
Mickey Hazelwood
John Jackson
Rosemary Menard (arrived at 1:35 p.m.; left at 2:30 p.m.)
Darrin Price (left at 2:50 p.m.)
Jerry Schumacher

Voting Members Absent:

John Erwin
Stan Shumaker

Non-Voting Members Present:

My-Linh Nguyen

Non-Voting Members Absent:

John Bird
Mark Clarkson
Harry Fahnestock
Kelvin Hickenbottom

Staff Members Present:

Jim Smitherman
Chris Wessel
June Davis
John Rhodes, Legal Counsel

2. Public Comments.

Chairman Ball called for public comments.

Cathy Brandhorst commented on several items not related to the agenda.

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

3. Approval of the agenda

Commissioner Price made a motion to approve the September 7 meeting agenda as posted. Commissioner Flansberg seconded the motion, which carried unanimously.

4. Approval of minutes from the June 1, 2011 meeting.

Commissioner Flansberg made a motion to approve the minutes as submitted. Commissioner Schumacher seconded the motion, which carried unanimously.

Report on and request for a letter of support from the NNWPC for the Bureau of Reclamation ("BOR") Truckee River Basin Study; and, if approved, authorize the Chairman to sign the letter, Arlan Nickel, Senior Project Manager, BOR.

Jim Smitherman reported that representatives from the Bureau of Reclamation (BOR) were prepared to give a presentation if desired by the Northern Nevada Water Planning Commission (NNWPC). He provided a brief background and stated that the Truckee River Flood Project staff requested a letter of support from the NNWPC. He explained that the BOR has been working with the Flood Project and Truckee Meadows Water Authority (TMWA) on the Truckee River Basin Study.

Arlan Nickel, Senior Project Manager for BOR, reported that he is the Mid-Pacific Region's basin study coordinator. He stated that Dr. Michael Tansey would provide a presentation on some of the ongoing assessment work.

Dr. Tansey thanked the NNWPC for the opportunity to provide the presentation (copy on file). The highlights of the presentation included:

- The project is part of the Secure Water Act (Public Law 111-11). He explained that the program is intended to assess the risk of climate change to water resources in the west's major river basins. Updates will be provided every five years.
- He explained the components of the Water Smart program, in which Desert Research Institute (DRI) participates.
- The eight basins included in BOR's climate change and environmental impact program include:
 - Great Plains
 - Pacific Northwest
 - Klamath
 - Sacramento
 - San Joaquin
 - Truckee
 - Colorado River
 - Rio Grande

Dr. Tansey referred to a number of graphs for each basin showing precipitation levels and increases or decreases.

Dr. Tansey summarized that based on anticipated climate changes; groundwater will decrease with less recharge. He stated it could present opportunities to better manage the early season runoff and recharge.

Chairman Ball asked about the projected temperature increases under present water scenarios, for instance there would be increased water consumption during summer, which is projected to extend and asked if that issue is included in BOR's analyses. Dr. Tansey stated that issue was not examined specifically; however, other studies have focused on that issue and concluded that growing seasons could potentially be extended. He summarized that further examination of that issue is planned in conjunction with DRI.

Chairman Ball asked if the runoff characteristics are expected to change in the new hydrologic model based on earlier runoff. He asked if that is the case, do we need to examine increased storage needs and whether BOR's study would address the issue. Dr. Tansey stated that to date, the west-wide risk assessment has not examined that issue; however, one of the goals of the Truckee-Carson basin study would include those issues.

Chairman Ball called for additional questions from Commissioners and hearing none, thanked Dr. Tansey and Mr. Nickel for their presentation. He added that a draft letter of support was included in the staff report and asked for direction.

Commissioner Price asked if the request is to support BOR; why the letter is addressed to the Truckee River Flood Management Agency ("TRFMA"). Mr. Smitherman stated that the Flood Project requested the letter of support because a Memorandum of Agreement ("MOA") concerning the Study is scheduled for consideration by the TRFMA Board at a meeting on Friday, September 9.

Commissioner Menard explained that the Flood Project is a major cost share partner, in that the money expended on the Regional Hydrologic Model is being used as an in-kind contribution in the amount of \$800,000. She added that the only other local cost share partner is TMWA in the amount of \$25,000.

Commissioner Price asked the BOR if they are receiving major funding from the Secretary of the Interior, as the MOA states. Mr. Nickel stated that the Truckee Basin Study will be a 50-50 cost share program so the BOR has been working to develop a group of non-federal cost share partners, which includes TRFMA, DRI, the Placer County Water Agency and the Tahoe Regional Planning Agency, which are contributing in-kind services. He added that the TRFMA is the last non-federal cost share partner to sign the MOA.

Commissioner Menard made a motion to move forward with signing the letter in support of the project and forward it to the TRFMA. Commissioner Krutz seconded the motion, which carried unanimously.

5. Discussion and request by the Truckee Meadows Storm Water Permit Coordinating Committee for a letter of support from the NNWPC for a Clean Water Act Section 319(h) Grant Application to the Nevada Division of Environmental Protection, as part of the State of Nevada's Non-Point Source Program for watershed awareness and improvement projects (leveraging in-kind services); and, if approved, authorize the Chairman to sign the letter, Jim Smitherman, NNWPC Water Resources Program Manager.

Chairman Ball invited John Flansberg, City of Reno, to present this item. Mr. Flansberg stated that this item was coordinated through the Storm Water Permit Coordinating Committee (SWPCC). He explained that the purpose of the grant is to create a map for public education to steer the public toward the on-line map tools that are available and also to provide signage for major drainages and streams.

Commissioner Krutz made a motion to approve the letter of support. Commissioner Price seconded the motion, which carried unanimously.

6. Report on amendments to the Open Meeting Law made by the 2011 Nevada Legislature, John Rhodes, Legal Counsel.

Chairman Ball invited John Rhodes, Legal Counsel, to present this item. Mr. Rhodes reported that included in his staff report is a summary of new bills passed by the legislature that change the open meeting laws and affect the NNWPC. He referred to the agenda, which was written to reflect some of those changes.

Mr. Rhodes summarized that Assembly Bill ("AB") 257 addresses public comment and requires that public comment be accepted at the beginning and end of the meeting, which has always been the practice of the NNWPC. He added that the new law also allows for comment on any action items, with which the NNWPC has always allowed.

Mr. Rhodes stated that AB59 deals with specific notices that must be included in the agenda. He explained that the law also provides that if an open meeting law is violated, it must be noted in the following meeting's minutes. He stated that also included is that any sub committee of a public body is also recognized as a public body, which has always been the case for the NNWPC. He added that the law also covers misdemeanor violations that could result in a civil fine of \$500 if known violations occurred. He stated that he has always taken the position that if legal counsel advises that the open meeting law is being met, Board members would not be subject to a violation.

Mr. Rhodes reported that other items covered by the Bill include revisions to the agenda, such as delaying or cancelling an item or taking an item out of order. The bill also requires any action item to include "for possible action" next to the agenda item.

Mr. Rhodes summarized that the NNWPC has always been in compliance with the law.

Commissioner Schumacher asked if the NNWPC had violated any open meeting laws to date. Mr. Rhodes stated he is not aware of any such violations but added that the Interim Committee had a complaint filed that was found not to be a violation.

7. Update on the Truckee Meadows Regional Planning Agency (TMRPA)'s Regional Data Development project, and possible direction to staff, Jim Smitherman.

Chairman Ball invited Jim Smitherman to present this item. Mr. Smitherman reported that last May the TMRPA staff presented an item referred to as, "modeling future population and employment in the Truckee Meadows". The purpose of the presentation was to orient the NNWPC to the project that Jim Smitherman is now involved in by way of an Interlocal Agreement between the Western Regional Water Commission ("WRWC") and the Regional Planning Governing Board ("RPGB").

Mr. Smitherman reported that he began working with TMRPA staff approximately two days per week in July. He added that funding was set aside for three fiscal years. He stated that for this quarter, he is assisting staff and their peer review team to examine water related factors that would be input into the model. He added that he is also working with water and sewer service providers to gather input into how the model input factors could be improved.

Mr. Smitherman stated that he is also working on a Housing and Urban Development grant application that would help with the project. He summarized that to date he has participated in a couple of workshops with the peer review team, which includes Wilson and Associates (Boulder, CO) and ECON Northwest (Portland, OR).

Mr. Smitherman reported that he convened a workshop of service providers (TMWA, Reno, Sparks, Washoe County Department of Water Resources and the General Improvement Districts) focused on engineers and planners. He added that the purpose of the workshop was to discern what the providers need from the model, as well as what they could offer to improve the model.

Mr. Smitherman stated that TMRPA staff and he are working toward two timeframes, which include a short-term goal (October through December) to have model runs completed for RTC's planning purposes. He stated that the focus would be on the likelihood of one parcel developing versus another, which would be based on factors such as proximity to water infrastructure. He added that another task was to explore whether the factors could take into account the capacity of infrastructure. He explained some of the aspects of the model.

Mr. Smitherman reported that the two-year planning goal is to implement model runs to assist with scenario and strategic planning, which would be more sophisticated in not only dealing with constraints in infrastructure capacity, but resource capacities as well. He summarized that staff has discussed the possibility of incorporating the costs to develop in the model input factors, which he plans to present to the peer review team.

Mr. Smitherman stated that he is also involved with the development of a Housing and Urban Development (HUD) grant application under the Sustainable Communities Region Planning Grant Program. He added that HUD is partnering with the U.S. Department of Transportation ("USDOT") and the U.S. Environmental Protection Agency ("USEPA"). He explained that last year TMRPA applied for a grant (for approximately \$2 million) but was turned down. Based on lessons learned, TMRPA is again applying for a grant, for which the application is due September 26.

Peter Gower, TMRPA Planner, confirmed that the grant application is for approximately \$1.95 million.

Mr. Smitherman stated that a total of approximately \$17.5 million is available for grants for medium-sized communities.

Chairman Ball thanked Mr. Smitherman for his presentation and referred to the first discussion related to limits on water service availability or effluent disposal or reuse. He asked if a consultant firm is on board to provide the rational decision making tools and requested a more detailed presentation at a later meeting on how the model works. Mr. Smitherman agreed that once some model run results are in place, they would be presented to the NNWPC.

Commissioner Price stated that the NNWPC has budgeted almost \$1 million for TMWA and the Department of Water Resources ("DWR") to continue their consolidation efforts although he sees the date changing constantly. He asked if another \$1 million would be needed for next year's budget. He requested a status report on the effort. Mr. Smitherman clarified that Commissioner Price is referring to support of the consolidation analysis. Mr. Rhodes stated for the record, that Commissioner Price's comments were related to the next agenda item. Commissioner Price agreed and apologized for jumping ahead.

Related to Agenda Item 8, Commissioner Flansberg made a motion to accept the report with the understanding that Mr. Smitherman would present an update on the model runs when they are available. Commissioner Schumacher seconded the motion, which carried unanimously.

8. Program Manager's Report

- a. Status report of projects and Work Plan supported by the Regional Water Management Fund**
- b. Financial report on the Regional Water Management Fund**
- c. Informational report from the NNWPC representative on the Truckee Meadows Water Authority Standing Advisory Committee ("TMWA SAC")**

Mr. Smitherman reported that the items included in the agenda packet are provided as informational items. He addressed Commissioner Price's previous comment regarding consolidation efforts and stated there is \$300,000 remaining in the budget for this fiscal year's consolidation efforts. Commissioner Price stated there are a couple of amounts listed; i.e. \$550,000, of which \$250,000 remains and there is an additional \$300,000, of which none has been spent. Mr. Smitherman explained that the amounts cover three fiscal years. Commissioner Price stated that his concern is that the previous agreement was to spend the money on consolidation because there is a benefit to the community. He stated that he constantly sees the date changing. Mr. Smitherman agreed that the consolidation effort is taking longer than anticipated. He added that refinancing the bonds is one of the last critical tasks to be implemented; however, the bond market has to be right to do so. He asked Commissioner Price if an update on the consolidation efforts would satisfy his concerns. Chairman Ball stated he thought that would be appropriate.

Mr. Smitherman summarized that he would schedule an update on consolidation efforts. Commissioner Price asked about the funding related to the Work Plan items 12 and 13. Mr. Smitherman offered to provide further detail on the budget amounts for the fiscal years during the update.

Mr. Smitherman stated that the remaining Program Manager's items were included in the agenda packet and he welcomed any questions.

Chairman Ball asked if Mark Foree, TMWA General Manager, and Commissioner Menard, Director of DWR, were the appropriate staff to provide an update. Mr. Smitherman stated yes, and offered to include an update on the next NNWPC agenda. Chairman Ball requested ensuring that Mr. Foree (or Commissioner Erwin) and Commissioner Menard would be present at the meeting.

Commissioner Schumacher referred to the line item for \$600 for lobbying services. Mr. Smitherman

stated that the cost covers the requirement that he and John Rhodes register as lobbyists during the session.

9. Discussion regarding agenda items for the October 5, 2011, NNWPC meeting, and other future meetings, and possible direction to staff.

Mr. Smitherman reported that items for the October NNWPC meeting include:

- Status report on the Workshop conducted by City of Reno and Stantec related to indirect potable reuse at the Reno-Stead Water Reclamation Facility's pilot project
- Update from Nevada Landscape Association on the Certified Landscape Technician program and request for further funding
- John Rhodes, Legal Counsel, contract renewal
- SWPCC update on the Storm Water Management Plan document – Mr. Smitherman stated that Reno, Sparks and Washoe County are working on the update of the document, which will include a public process for approval
- Update on consolidation efforts underway by TMWA and DWR
- Program Manager's report

Mr. Smitherman reported that the November agenda would include:

- Update on the Truckee River Flood Management Project (could be in November or December)
- SouthEast Connector Update, which includes realignment of the Steamboat Creek
- Report on TMWA's Water Usage program and possible request for continued funding
- Chris Wessel will provide an update on the NNWPC and WRWC websites
- Update on the HSPF water quality model in relation to the Total Maximum Daily Loads (TMDLs) as requested by Chairman Ball
- Program Manager's report

10. Commission Comments.

Commissioner Price commended staff on all their hard work.

11. Staff Comments.

Mr. Rhodes mentioned that Commissioner Erwin previously requested information on the Legislative Oversight Committee (LOC), which will not be convened or members appointed, until after the first of the year. He offered to provide an update when appropriate.

12. Public Comments.

Chairman Ball called for public comments.

Cathy Brandhorst made further public comments not related to water or the agenda.

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

13. Adjournment.

With no further business, the meeting was adjourned at 2:52 p.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on _____ 2011.

George W. Ball, Jr., Chairman