

**NORTHERN NEVADA WATER PLANNING COMMISSION (“NNWPC”)  
AGENDA**

Wednesday, October 5, 2011  
1:30 p.m.

Washoe County Commission Chambers  
1001 East Ninth Street  
Reno, Nevada

**Notes:**

1. Items on this agenda on which action may be taken are followed by the term "for possible action". Non-action items are followed by an asterisk (\*).
2. Public comment is limited to three minutes per speaker and is allowed during the public comment periods, and before action is taken on any action item. Comments are to be directed to the Commission as a whole. Persons may not allocate unused time to other speakers. The public may sign-up to speak during the public comment period or on a specific agenda item by completing a "Request to Speak" card and submitting it to the clerk.
3. Items on this agenda may be taken out of order, combined with other agenda items for consideration, removed from the agenda, or delayed for discussion at any time. Arrive at the meeting at the posted time to hear item(s) of interest.
4. In accordance with NRS 241.020, this agenda closes three working days prior to the meeting. We are pleased to make reasonable accommodations for persons who are disabled and wish to attend meetings. If you require special arrangements for the meeting, please call 954-5665 no later than 24 hours prior to the meeting.
5. In accordance with NRS 241.020, this agenda has been posted at the following locations: Reno City Hall (1 East First Street), Sparks City Hall (431 Prater Way), Sparks Justice Court (630 Greenbrae Dr), Sun Valley GID (5000 Sun Valley Blvd.), TMWA (1355 Capital Blvd.), Washoe County Administration Building (1001 E. 9th Street), Washoe County Clerk's Office (Court and Virginia Streets), Washoe County Central Library (301 South Center St.), Washoe County Department of Water Resources (4930 Energy Way), Galena Market (19990 Thomas Creek Rd.), Galena High School (3600 Butch Cassidy Way), South Valleys Library (15650A Wedge Parkway), Sparks City Hall (645 4<sup>th</sup> St), and the NNWPC website: <http://www.nnwpc.us>

1. Roll Call and determination of presence of a quorum. \*
2. Public Comments. \* (Three-minute time limit per person.)
3. Approval of agenda. **(for possible action)**
4. Approval of the minutes from the September 7, 2011, meeting. **(for possible action)**
5. Report on pilot test of advanced oxidation processes for treatment of effluent at the Reno-Stead Water Reclamation Facility, and the Indirect Potable Reuse workshop held on August 10, 2011, and possible direction to staff, Michael Drinkwater, City of Reno. **(for possible action)**
6. Discussion and possible recommendation to the Western Regional Water Commission ("WRWC") to approve a Second Amendment to the Agreement for Legal Services for the WRWC and the NNWPC, to extend the term of the Agreement and provide for an additional reduction in attorney compensation, Jim Smitherman, NNWPC Water Resources Program Manager, and John Rhodes, Legal Counsel. **(for possible action)**

7. Update on the Truckee Meadows Regional Planning Agency's Regional Data Development project, and possible direction to staff, Jim Smitherman. **(for possible action)**
8. Update on WRWC and NNWPC website features, and possible direction to staff, Chris Wessel, NNWPC Water Management Planner **(for possible action)**
9. Program Manager's Report, Jim Smitherman. \*
  - 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")
10. Discussion regarding agenda items for the November 2, 2011, NNWPC meeting, and other future meetings, and possible direction to staff, Jim Smitherman. **(for possible action)**
11. Commission comments. \*
12. Staff comments. \*
13. Public Comments. \* (Three-minute time limit per person.)
14. Adjournment.

\*Indicates a non-action item

**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.

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George W. Ball, Jr., Chairman

# Northern Nevada Water Planning Commission

## STAFF REPORT

DATE: September 26, 2011

TO: Chairman and Members, Northern Nevada Water Planning Commission

FROM: Michael Drinkwater P.E., Associate Civil Engineer, City of Reno

SUBJECT: Report on pilot test of advanced oxidation processes for treatment of effluent at the Reno-Stead Water Reclamation Facility, and the Indirect Potable Reuse workshop held on August 10, 2011.

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### **SUMMARY**

On June 1, 2011, the Northern Nevada Water Planning Commission (“NNWPC”) approved a \$23,000 expenditure from the Regional Water Management Fund and authorized the execution of an agreement with the City of Reno (“Reno”) for the referenced project. Reno in turn retained Stantec Inc. to present the results of the 2008-2010 Advanced Oxidation Pilot Test to the Nevada Division of Environmental Protection (“NDEP”) and other regional stakeholders and then prepare a final report of the pilot test, incorporating any comments or questions from NDEP or the other stakeholders.

The workshop, held on August 10, 2011, in the Reno City Council chambers included a presentation by Stantec staff on the results of the pilot study and a question and answer session among approximately 35 individuals representing at least 14 public and private entities.

### **BACKGROUND**

The City of Reno and Eco:Logic Consulting Engineers (now Stantec) conducted a pilot test of advanced oxidation processes at the Reno-Stead Water Reclamation Facility from 2008 through 2010. The project investigated the removal of residual pharmaceuticals, personal care products and endocrine disrupting compounds from secondary effluent to determine the suitability of the effluent for an Indirect Potable Reuse (“IPR”) project.

### **DISCUSSION**

The pilot test workshop was held at Reno City Hall on August 10, 2011. Attendees represented many of the local stakeholders, including NDEP Water Pollution Control Bureau and Safe Drinking Water Bureau, Truckee Meadows Water Authority, Washoe County District Health Department, Washoe County Department of Water Resources and the Pyramid Lake Paiute Tribe. Additionally, representatives were present from the Southern Nevada Water Authority.

The presentation outlined the test and the results of the three sampling events which validated the Microfiltration-Ozone-Biological Activated Carbon (“MF-O3-BAC”) treatment process as an alternative to reverse osmosis. Additionally, the MF-O3-BAC pilot project has successfully demonstrated multi-barrier process capabilities to:

- Reduce wide range contaminants of emerging concern<sup>1</sup> to very low and non-detect concentrations
- Provide effective disinfection by inactivating virus and coliform bacteria
- Produce a stable and less corrosive final effluent with no residual toxicity
- Significantly reduce biodegradable dissolved organic carbon concentrations to minimize biofouling in injection wells
- Remove ozonation transformation byproducts such as bromate and nitroso-dimethylamine<sup>2</sup>
- Provide sustainable treatment in terms of energy and chemical use

**FISCAL IMPACT**

No fiscal impact.

**RECOMMENDATION**

Staff recommends the Commission accept the report presented by the City of Reno.

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<sup>1</sup> Contaminants of Emerging Concern, typically used synonymously with micro constituents, emerging contaminant, micro contaminants.

<sup>2</sup> Nitroso-dimethylamine, a cancer causing agent that can be generated during the disinfection of nitrogen containing water or wastewater.

# Northern Nevada Water Planning Commission

## STAFF REPORT

**DATE:** September 30, 2011

**TO:** Northern Nevada Water Planning Commission

**FROM:** Jim Smitherman, Water Resources Program Manager

**SUBJECT:** Discussion and possible recommendation to the Western Regional Water Commission ("WRWC") to approve a Second Amendment to the Agreement for Legal Services for the WRWC and the Northern Nevada Water Planning Commission ("NNWPC"), to extend the term of the Agreement and provide for an additional reduction in attorney compensation.

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### **SUMMARY**

Both the WRWC and the NNWPC require legal services on a regular and continuing basis. Since May 1, 2008, the required legal services have been provided on a contractual basis by Rhodes Law Offices, Ltd., a Nevada corporation solely owned by John B. Rhodes, a former Deputy District Attorney for Washoe County. The current Agreement for Legal Services expires on November 1, 2011. Mr. Rhodes has many years of legal experience in local governmental law, water law, water resource planning, and the Nevada Open Meeting Law; for the ten-year period prior to his retirement from Washoe County, he served as legal counsel to the Regional Water Planning Commission ("RWPC"), predecessor to the NNWPC.

Mr. Rhodes has offered to renew the Agreement for representation of the WRWC and the NNWPC for a three-year period commencing November 1, 2011, upon the same general terms and conditions, with the exception that Mr. Rhodes has proposed a 10% reduction in compensation. This fee reduction is comparable to or exceeds existing and future compensation reductions currently proposed for Washoe County employees, and would be effective for all payments due for legal services provided commencing November 1, 2011.

### **PREVIOUS ACTION**

On November 1, 2009, the WRWC approved an Agreement for Legal Services with Rhodes Law Offices, Ltd. (the "Agreement") for the required legal representation for a two-year period beginning November 1, 2009, and ending November 1, 2011. The Agreement included a voluntary 2.5% retroactive and prospective fee reduction in the amount of \$2,700 for the period April 1, 2009 through December 31, 2009, to coincide with compensation reductions in effect for Washoe County employees during that period of time. The 2.5% reduction was deducted from the payment due for legal services provided in November 2009.

On September 2, 2010, the WRWC approved an Amendment to the Agreement to accept a 3.0% voluntary reduction in attorney compensation, retroactive to July 1, 2010, to implement an adjustment comparable to and coinciding with the 2.84% overall reduction in total labor costs adopted by Washoe County for the 2010/2011 fiscal year. (This reduction resulted in a savings of

\$5,760 which, together with the prior voluntary reduction in the amount of \$2,700, resulted in a total discount or savings of \$8,460 over the term of the Agreement.)

### **BACKGROUND**

Mr. Rhodes has provided a broad scope of legal services required by the WRWC and the NNWPC, including: working closely with staff to ensure that all meeting agendas and staff reports comply with Nevada Open Meeting law and other legal requirements; providing legal representation at all public meetings of the WRWC, and its subcommittees, and the NNWPC; drafting legal documents such as interlocal agreements and contracts with planning consultants and other service providers; addressing specific Open Meeting Law and other statutory compliance issues; assessing potential liability from a risk management perspective; advising/representing the WRWC /NNWPC on federal, state, and local legislative issues; and, providing services as a registered lobbyist at the Nevada Legislature. Mr. Rhodes initially estimated, based upon his prior experience in representing the RWPC, that the necessary legal services for both entities would average approximately 20 hours per week (80 hours monthly), exclusive of any civil litigation, and that estimate, since 2008, has continued to be accurate. Over the preceding 23-month period, through September 30, 2011, the time required for providing the required legal services has ranged from 58 to 87 hours per month, for a monthly average of 75 hours, resulting in a corresponding average billing rate of \$155 per hour for all legal services provided pursuant to the terms of the Agreement.

### **FISCAL IMPACT**

The fiscal impact to the budget of the WRWC will be \$129,600 for each one-year period, which is \$14,400 less than initially provided for in the Agreement, and \$40,400 less than the \$170,000 initially and currently budgeted for legal representation on an annual basis.

### **RECOMMENDATION**

Staff recommends that the NNWPC recommend to the WRWC that the WRWC approve the proposed Second Amendment to the Agreement for Legal Services, for the WRWC and the NNWPC, with Rhodes Law Offices, Ltd.

### **POSSIBLE MOTION**

Should the NNWPC agree with the recommendation, a suggested motion is: “ Move to recommend to the WRWC that the WRWC approve the Second Amendment to the Agreement for Legal Services, for the WRWC and the NNWPC, with Rhodes Law Offices, Ltd.”

# Northern Nevada Water Planning Commission

## STAFF REPORT

DATE: September 26, 2011

TO: Chairman and Members, Northern Nevada Water Planning Commission

FROM: Jim Smitherman, Water Resources Program Manager

SUBJECT: Update on the Truckee Meadows Regional Planning Agency ("TMRPA") Regional Data Development Project, and possible direction to staff

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### **SUMMARY**

Work completed since the last staff report included meeting with Washoe County Department of Water Resources staff to identify parcels likely to develop in the near future in the South Truckee Meadows and the North Valleys areas, based on facility and resource constraints, developer intent and general professional judgment.

Staff has also continued to assist TMRPA in developing an application to the U.S. Department of Urban Development ("HUD") for a Sustainable Communities Regional Planning Grant. The Sustainable Communities Initiative is a HUD partnership with the U.S. Department of Transportation and the U.S. Environmental Protection Agency. Staff has committed to participation on the 2011 HUD Sustainable Communities Planning Grant Regional Consortium, which has helped TMRPA complete the application packet for submission before the October 6, 2011 deadline. Should TMRPA be awarded a grant, it will provide additional funding for the Regional Data Development Project and Water Management Funds will help to meet the non-federal match requirement.

### **BACKGROUND**

In March 2011, the Western Regional Water Commission ("WRWC") approved and entered into an Interlocal Agreement ("ILA") with the Regional Planning Governing Board to provide partial funding for the Regional Data Development and Analytical Program, a TMRPA project involving multiple phases and stakeholders. The ILA provides for funding and in-kind services, including as much as 60 percent of the WRWC Program Manager's time in Fiscal Years 2011-2012 and 2012-2013.

The data base and scenario planning and modeling tools to be developed by the project will, with the addition of appropriate supplemental elements related to water, facilitate the effective coordination of land use and water resource planning, and assist in the planning and administration required by the Western Regional Water Commission Act, and the implementation of the Comprehensive Regional Water Management Plan.

In July 2011, per the ILA, WRWC staff started working approximately 16 hours a week at the TMRPA offices. The scope of work for the current quarter includes the following tasks.

- Assist TMRPA staff and peer review team in the development of the population and employment model, specifically with water-related elements
- Help TMRPA staff to understand the linkages between future land use development and planning for water and wastewater infrastructure
- Assist with Housing and Urban Development (“HUD”) grant application

Activities to date include two workshops with TMRPA staff, peer review team and local government planners and model users. Staff also coordinated a workshop with water and wastewater utility technical staff to explore possible refinement of the existing water-related model input factor.

The short term goal concerning water-related factors is to improve on the existing “proximity to water infrastructure” factor for use in the initial model runs to be conducted in October. It appears that a parcel’s proximity to water and/or sewer infrastructure should function adequately for initial model runs provided utility technical staff review infrastructure maps and identify specific infrastructure or areas that should be weighted differently because of capacity constraints. Over the long term, more work will be necessary to better define capacity constraints and develop efficient methods to incorporate capacity constraints into the model input factors.

In addition, staff is working with TMRPA staff and Stantec to explore the incorporation of the Regional Water Balance model, developed by ECO:LOGIC for the Regional Water Plan. The five planning areas identified in the Water Balance model may help to define service areas having infrastructure or resource constraints that can be weighted and used to further develop the model input factors.

**RECOMMENDATION**

Staff recommends that the NNWPC accept this report on the TMRPA project and provide direction as appropriate.

JS:jd

# Northern Nevada Water Planning Commission ("NNWPC")

## STAFF REPORT

**DATE:** September 26, 2011  
**TO:** Chairman and Members, Northern Nevada Water Planning Commission  
**FROM:** Chris Wessel, Water Management Planner  
Jim Smitherman, Water Resources Program Manager  
**SUBJECT:** Update on the Western Regional Water Commission ("WRWC") and NNWPC website feature, and possible direction to staff.

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### **SUMMARY:**

In 2008, the WRWC directed staff to continue development of the initial WRWC website developed by the Truckee Meadows Water Authority ("TMWA"), and to develop a website for the NNWPC. The initial efforts of the website development were completed and presented to the NNWPC in May 5, 2010. Several substantive improvements/updates have been made since the initial development efforts. Staff will provide a brief interactive presentation of the latest updates and change to the website.

### **DISCUSSION**

The initial staff report on the WRWC/NNWPC Website occurred on May 5, 2010. At that time the following status regarding website development was presented:

- The initial WRWC website, developed by Olsen & Associates at the request of TMWA, was transferred to the County and was maintained as an interim site during the development of the new websites. It was determined that the functionality of the webpage was limited and that a new template was necessary to allow for the expanded development of the site.
- Washoe County Technical Services purchased the necessary hardware, software and licensing needed to expand the Washoe County system capacity and set up the virtual server to host the site. Technical Services began researching various options for collaborative worksites and digital document archiving database software.
- Both the WRWC and NNWPC webpages have been developed within the new template design. Currently all meeting agendas, staff reports and minutes are posted online and can be accessed through the websites.
- Both sites have direct links to the Comprehensive Regional Water Management Plan and Plan Amendments as well as other key documents.
- Users will be able to access the digital document library developed using an open source software database known as Knowledge Tree. Knowledge Tree will provide access to a variety of relevant documents and reference materials and will allow users to search the database, view documents and download digitally archived materials. Although the library is currently available in a limited capacity, its interface will continue to be developed to

make it more user friendly. The library content is limited at present but will continue to expand over time.

- Concerning the development of a collaborative workspace, staff has been advised of possible open meeting law issues if Commissioners were to deliberate on documents outside of a public meeting. Staff will require clarification regarding appropriate collaborative work boundaries should the Commission wish to consider this option further.

Staff will present and demonstrate the following updates to the website:

- A review of how to access meeting agendas and staff reports on both the WRWC and NNWPC websites and introduction to the updated live meeting broadcast;
- Updates to the *Relate Links* menu which includes direct links to *Planning, Water Purveyors, Wastewater and Reclaimed Water Providers, Truckee River, Related Water Agencies*, and *WRWC/NNWPC Sponsored or Supported Programs*;
- Update on knowledge tree digital library system along with review of simple and advanced search capabilities.

# Northern Nevada Water Planning Commission

## STAFF REPORT

**DATE:** September 30, 2011  
**TO:** Chairman and Members, Northern Nevada Water Planning Commission  
**FROM:** Jim Smitherman, Water Resources Program Manager  
**SUBJECT:** Program Manager's Report

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Attached are updated reports for items a) and b) for your review; a verbal report will be given at the meeting updating item c).

- 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")

**Status Report of Projects and Work Plan  
Supported by the Regional Water Management Fund**

	Approved by Water Planning Commission	Approved by WRWC	Project Name	Contractor/Provider	Amount	Balance Remaining	Percent Complete	Target Completion Date	Notes
1	N/A	7/10/09	Amendment to TMDL Phase I	City of Reno (LimnoTech)	400,000	234,577	41%	ILA 7/31/12 PO 12/31/12	Work is in progress Amended to 7/31/12
2	N/A	3/13/09	TMDL Legal Services	Somach Simmons & Dunn	50,000	4,863	90%	6/30/12	Work is in progress & will continue with Amendment for \$50,000 (see next row)
3	N/A	5/20/10	Amendment to TMDL Legal Services	Somach Simmons & Dunn	50,000	50,000	0%	Amended to 6/30/12	work in progress
4	9/1/10	9/10/10	Cloud Seeding Program Winter 2010	(DRI) Desert Research Institute	100,000	20,000	80%	ILA 12/31/11 PO 3/31/12	Work is in progress
5	12/2/09	N/A	Certified Landscape Technician Program	Nevada Landscape Association (NLA)	25,000	6,730	73%	Agmt & PO 12/30/11	Work is in progress (2010 and 2011)
6	2/2/11	N/A	Washoe Evapotranspiration (ET) Project Maintenance	DRI (Desert Research Institute)	10,000	10,000	0%	6/30/13	FY 2012 - \$4,000 FY 2013 - \$6,000
7	N/A	6/10/11	Regional Storm Water Quality Management Program	City of Reno	262,500	262,500	0%	6/30/12	Awaiting issuance of Purchase Order
8	6/1/11	N/A	Effluent Recharge Workshop	City of Reno (Stantec)	23,000	23,000	0%	6/30/12	Work is in progress
9	6/1/11 Routine Operating Expense Budget	N/A	Website support Fiscal Year 2011-12	Washoe County Technology Services	10,000	10,000	0%	6/30/12	ILA in approval process
10	5/5/10 Routine Operating Expense Budget	5/20/10	G3 Productions NNWPC FY 10-11	G3 Productions	5,000	2,637	47%	6/30/12	Work is in progress
11	N/A	5/20/10	Reimburse TMWA and DWR for consolidation efforts (Fiscal Years 2010, 2011)	DWR, TMWA	550,000	0	100%	6/30/11	Fiscal years 2010 and 2011 completed, billed and paid
12	N/A	6/10/11	First Amendment to Reimburse TMWA and DWR for consolidation efforts	DWR, TMWA	300,000	300,000	0%	7/30/12	Work is in progress
13	5/5/10 Routine Operating Expense	5/20/10	TRIG Website Support	City of Reno	7,500	530	93%	6/30/11	Work is in progress, awaiting final invoice
14	N/A	2/11/11	Regional Data Development	Truckee Meadows Regional Planning Agency	486,000	386,987	20%	6/30/13	Work is in progress
15	5/5/10 Routine Operating Expense Budget	2/11/11	Financial Audit of Fiscal Year ending 2011	Schettler, Macy & Silva	8,000	8,000	0%	12/31/11	Work in progress
16	6/1/11 Routine Operating Expense Budget	N/A	Envision Video Televising WRWC	Envision Video	2,300	1,150	50%	6/30/12	Work in progress

**Financial Report on the Water Management Fund**

10-5-11: NNWPC Agenda Item 9b

Run Date: 9/28/11  
 Fund 766  
 Report: 400/ ZF15  
 Period 1 thru 3 - 2012 Fiscal Year

<b>Accounts</b>	<b>Plan Budget</b>	<b>Actual (Revenue &amp; Expenses)</b>	<b>PO Commit (Remaining PO Balance)</b>	<b>Actual + PO</b>	<b>Available (Budget Minus Actual + PO)</b>	<b>Avail%</b>	<b>PreCommit (PO's Requested)</b>	<b>Available (Budget Minus PO Requisitions)</b>	<b>Avail%</b>
481000 Interest-Pooled Inv.	31,380.00-	14,897.18-		14,897.18-	16,482.82-	53-		16,482.82-	53-
482100 RGL Pooled Inv.		1,474.82-		1,474.82-	1,474.82			1,474.82	
482200 URGL Pooled Inv.		33,967.81-		33,967.81-	33,967.81			33,967.81	
491060 Water Surcharge 1.5%	1,284,980.00-	244,704.01-		244,704.01-	1,040,275.99-	81-		1,040,275.99-	81-
** REVENUE	1,316,360.00-	295,043.82-		295,043.82-	1,021,316.18-	78-		1,021,316.18-	78-
710100 Professional Services	1,384,500.00	150,000.00	653,434.22	803,434.22	581,065.78	42	262,500.00	318,565.78	23
710110 Contracted/Temp Svcs	334,532.00	34,365.98		34,365.98	300,166.02	90		300,166.02	90
710120 Legal Fees	144,000.00	23,280.00	29,040.00	52,320.00	91,680.00	64		91,680.00	64
710139 Fin Consult Services	23,000.00		8,000.00	8,000.00	15,000.00	65		15,000.00	65
710149 Invest Pool Alloc Ex		661.17		661.17	661.17-			661.17-	
710155 Lobbying Services	600.00				600.00	100		600.00	100
710200 Service Contract	50,000.00	2,430.00	18,816.00	21,246.00	28,754.00	58		28,754.00	58
710400 Pmts to O Agencies	1,700,000.00				1,700,000.00	100		1,700,000.00	100
710509 Seminars and Meetings	3,000.00				3,000.00	100		3,000.00	100
710511 Support Service - Reim		568.70		568.70	568.70-			568.70-	
710512 Auto Expense	2,400.00				2,400.00	100		2,400.00	100
710546 Advertising	10,000.00				10,000.00	100		10,000.00	100
710585 Undesignated Budget	10,000.00				10,000.00	100		10,000.00	100
711210 Travel	7,000.00				7,000.00	100		7,000.00	100
** EXPENDITURES	3,669,032.00	211,305.85	709,290.22	920,596.07	2,748,435.93	75	262,500.00	2,485,935.93	68
<b>*** Total</b>	<b>2,352,672.00</b>	<b>83,737.97-</b>	<b>709,290.22</b>	<b>625,552.25</b>	<b>1,727,119.75</b>	<b>73-</b>	<b>262,500.00</b>	<b>1,464,619.75</b>	<b>62-</b>