

**WESTERN REGIONAL WATER COMMISSION
AND
NORTHERN NEVADA WATER PLANNING COMMISSION**

CONCURRENT MEETING DRAFT MINUTES

Wednesday, March 20, 2019

The concurrent meeting of the Western Regional Water Commission (“WRWC”) Board of Trustees and the Northern Nevada Water Planning Commission (“NNWPC”) was held on Wednesday, March 20, 2019, at the Sparks City Hall, Basement Training Room, 431 Prater Way, Sparks, Nevada.

1. Roll Call and Determination of Presence of a Quorum

Chair Hartung called the meeting to order at 8:05 a.m. There was a quorum present.

<u>WRWC Commissioners Present:</u>	<u>Appointed by:</u>
Vaughn Hartung	Washoe County
Paul Anderson	Truckee Meadows Water Authority (“TMWA”) (Sparks)
Donald Abbott	TMWRF
Kristopher Dahir	City of Sparks
Naomi Duerr (<i>present at 8:08 a.m.</i>)	City of Reno
Jeanne Herman	TMWA (Washoe County)
Vacant	TMWA (Reno)
Bob Lucey	TMWA (STMGID Successor)

<u>WRWC Commissioners Absent:</u>	<u>Appointed by:</u>
Sandra Ainsworth	Sun Valley General Improvement District (“SVGID”)

NNWPC Commissioners Present: Danielle Henderson, Michael DeMartini, Michael Drinkwater, John Enloe, Bill Hauck, John Flansberg, Mickey Hazelwood, John Martini, Jon Combs, David Solaro, Mervin Wright (*present at 8:08 a.m.*), John Zimmerman

NNWPC Commissioners Absent: None

Non-Voting NNWPC Members Present: Cindy Turiczek

Non-Voting NNWPC Members Absent: Harry Fahnestock, Thomas Pyeatte, My-Linh Nguyen, Ron Penrose

Staff Members Present: Jim Smitherman; Chris Wessel; John Rhodes, Legal Counsel; and Jennifer Purgitt

2. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner DeMartini.

3. Public Comment

None

4. Approval of Agenda (For Possible Action)

WRWC COMMISSIONER LUCEY MADE A MOTION TO APPROVE THE AGENDA, SECONDED BY WRWC COMMISSIONER HERMAN. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) WRWC AND ELEVEN (11) NNWPC COMMISSIONERS PRESENT.

5. Election of WRWC Chair, Vice Chair, Secretary, and Treasurer for the 2019 calendar year - Jim Smitherman, WRWC Water Resources Program Manager. (For Possible Action)

WRWC COMMISSIONER LUCEY MADE A MOTION TO APPOINT COMMISSIONER HARTUNG AS WRWC CHAIR, SECONDED BY WRWC COMMISSIONER HERMAN. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) WRWC COMMISSIONERS PRESENT.

WRWC COMMISSIONER LUCEY MADE A MOTION TO APPOINT COMMISSIONER DAHIR AS WRWC VICE CHAIR, SECONDED BY WRWC COMMISSIONER HARTUNG. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) WRWC COMMISSIONERS PRESENT.

(WRWC Commissioner Duerr and NNWPC Commissioner Wright present at 8:08 a.m.)

WRWC COMMISSIONER LUCEY MADE A MOTION TO APPOINT COMMISSIONER AINSWORTH AS WRWC SECRETARY/TREASURER, SECONDED BY WRWC COMMISSIONER DAHIR. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) WRWC COMMISSIONERS PRESENT.

6. Approval of the Minutes for the WRWC meeting of December 13, 2018. (For Possible Action)

WRWC COMMISSIONER DAHIR MADE A MOTION TO APPROVE THE MINUTES, SECONDED BY WRWC COMMISSIONER HERMAN. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) WRWC COMMISSIONERS PRESENT.

7. Review, discussion, and possible approval of funding in an amount not to exceed \$107,000, over a three year period, to partially fund a contract for the Nevada Water Innovations Institute (“NWII”) to obtain professional services, including project management, from a qualified consultant for the Regional Category A+ Reclaimed Water Feasibility Study (“OneWater Nevada”); if approved, authorize the Chair to execute an Interlocal Agreement with the University of Nevada, Reno, for that purpose; and possible direction to staff - Jim Smitherman. (For Possible Action)

Jim Smitherman, WRWC Water Resources Program Manager, presented the staff report. OneWater Nevada leadership and project management have largely come from the Regional Effluent Management Team (“REMT”); however, recent and upcoming changes in the REMT participants have raised issues concerning continuity of leadership, and project management going forward. Rick Warner, Washoe County Senior Engineer, has retired from Washoe County employment. His retirement from Washoe County creates significant shortfall in OneWater Nevada leadership and project management.

The NWII has requested local governing bodies, and the NWII Board of Advisors, to each consider providing partial funding for a contract to obtain professional services from a qualified consultant, for a period of three years, March 2019 through February 2022, to provide for continuity of OneWater Nevada leadership and project management. This proposal offers a critical opportunity to provide continuing leadership and project management for OneWater Nevada. The anticipated scope of work and budget are included in the meeting packet. The required funding will be provided through a combination of contributions for partial funding from the WRWC, TMWA, City of Reno, Washoe County, and possibly, private sector participants.

Mr. Smitherman confirmed for WRWC Commissioner Dahir that he will schedule a status update for the next WRWC meeting.

NNWPC Commissioner Enloe provided a brief update and answered questions.

WRWC Chair Hartung asked Mr. Smitherman and NNWPC Commissioner Solaro to organize a tour of STMWRF.

WRWC COMMISSIONER DUERR MADE A MOTION TO APPROVE THE NNWPC RECOMMENDATION, SECONDED BY WRWC COMMISSIONER ANDERSON. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) WRWC COMMISSIONERS PRESENT.

8. Workshop to review and discuss NNWPC recommendations on annual priorities for ongoing and future projects and studies, and the WRWC tentative professional services budget for Fiscal Year 2019 – 2020; and possible direction to staff – Jim Smitherman, and Chris Wessel, WRWC Water Management Planner. (For Possible Action)

Mr. Smitherman stated this workshop will provide an opportunity for the WRWC to discuss priority recommendations with the NNWPC, and possibly develop and adopt strategic priorities.

In addition to the attached priority recommendations, the NNWPC recommended that the WRWC Board consider developing and adopting policies regarding the Regional Water Management Fund (“RWMF”) which would: 1) Restrict or prohibit the use of the RWMF to pay for construction projects; and 2) Provide a contingency fund for possible use on projects not specifically identified during the budgeting process.

There was discussion regarding possible exceptions to allow the use of RWMF to pay for certain construction projects.

John Rhodes, Legal Counsel, will bring an amendment to the rules and regulation for review and approval at the next WRWC meeting.

WRWC COMMISSIONER LUCEY MADE A MOTION TO DIRECT STAFF TO MOVE FORWARD WITH THE NNWPC SUGGESTION IN REGARDS TO CONSTRUCTION PROJECTS, HOWEVER ALLOWING FOR THE ABILITY TO SUSPEND RULES OF SOME NATURE FOR CERTAIN CONSTRUCTION PROJECTS, SECONDED BY WRWC COMMISSIONER DAHIR. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) WRWC COMMISSIONERS PRESENT.

The WRWC discussed a contingency fund, examples of contingencies, and the need for a limit on the amount allowed in a contingency fund.

WRWC COMMISSIONER DAHIR MADE A MOTION TO APPROVE A CONTINGENCY FUND NOT TO EXCEED TWENTY PERCENT (20%) OF THE PROFESSIONAL SERVICES BUDGET, SECONDED BY WRWC COMMISSIONER ABBOTT. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) WRWC COMMISSIONERS PRESENT.

There was discussion regarding the NNWPC's priority ranking of projects.

NNWPC Commissioners Solaro and Flansberg summarized some of the decisions made by NNWPC and answered questions from WRWC Commissioners regarding the priority ranking.

Mr. Smitherman explained for WRWC Commissioner Duerr that the Truckee Meadows Regional Planning Agency ("TMRPA") completed a Phase 1 GIS mapping project that included a gap analysis. The NNWPC decided it would be better to co-fund a project sponsored by the City of Reno and Washoe County to get the next phase of GIS mapping done and then bring TMRPA in after that. He also confirmed that a proposal will come later in the year or next year.

NNWPC Commissioner Henderson clarified that the Regional Flood Planning ranking is not meant to say that it is not a priority of the NNWPC but that those issues are currently being handled by the Truckee River Flood Management Authority so other issues were ranked higher in priority.

WRWC COMMISSIONER DAHIR MADE A MOTION TO APPROVE THE PRIORITIES/ CATEGORIES AS RECOMMENDED BY THE NNWPC, SECONDED BY WRWC COMMISSIONER DUERR.

NNWPC Commissioner Enloe explained for WRWC Commissioner Duerr that one reason the Climate Variability line item does not have funds budgeted is because TMWA is doing a very extensive effort looking at climate variability issues.

NNWPC Commissioner DeMartini discussed the need for a study on the effects of snow levels rising.

NNWPC Commissioner Enloe explained that the evaluation TMWA is doing with Desert Research Institute ("DRI") and Precision Engineering is looking at climate change scenarios.

NNWPC Commissioner Hazelwood explained that The Nature Conservancy has done research using the state transition models looking at changes in vegetation in the Truckee River Watershed over time.

NNWPC Commissioner Hauck further explained the work that Precision Engineering is doing with DRI and stated that a presentation on the results will be given at the June TMWA meeting. They will capture effects of climate change on runoff and how the snow level has been changing.

THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) WRWC COMMISSIONERS PRESENT.

9. Review, discussion and possible approval of the WRWC tentative budget for Fiscal Year 2019 – 2020; and possible direction to staff regarding the time and place for a

public hearing on the tentative budget – Jim Smitherman and Chris Wessel. (For Possible Action)

Chris Wessel, WRWC Water Management Planner, presented the tentative budget. The NNWPC recommends that the WRWC approve the draft WRWC tentative budget for Fiscal Year 2019 - 2020. Staff further recommends direction to submit the tentative budget to the Washoe County auditor, file the tentative budget for public inspection with the Washoe County Clerk, and the Nevada Department of Taxation, and establish an appropriate time and date for the public hearing on the tentative budget.

WRWC COMMISSIONER DUERR MADE A MOTION TO APPROVE, SECONDED BY WRWC COMMISSIONER ABBOTT. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) WRWC COMMISSIONERS PRESENT.

10. Review, discussion, and possible approval of a scope of work for legal services for the WRWC and NNWPC; and possible direction to staff regarding the scope of work, and a possible request for qualifications and/or proposals from interested attorneys – Jim Smitherman, and John Rhodes, WRWC Legal Counsel. (For Possible Action)

On October 17, 2018, the WRWC directed staff to prepare a scope of work for legal services for the WRWC and the NNWPC. The scope of work has been developed in close coordination with current legal counsel for the Board's review, discussion and possible approval.

WRWC Commissioner Lucey stated he is happy with what staff has brought forward.

WRWC COMMISSIONER LUCEY MADE A MOTION TO ACCEPT THE STAFF REPORT, SECONDED BY WRWC COMMISSIONER DAHIR.

WRWC Chair Hartung stated that he sees this as the minimum qualifications and asked if a budget will be attached.

WRWC Commissioner Lucey replied that he does not think a budget should be attached but wait to see what we get back.

THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) WRWC COMMISSIONERS PRESENT.

11. Report on legislative activities, including Bill Draft Requests and Bills pending in the 2019 session of the Nevada Legislature that may affect or are of interest to the WRWC / NNWPC; and possible approval of WRWC Legislative Subcommittee recommendations regarding pending legislation – John Rhodes. (For Possible Action)

John Rhodes, Legal Counsel, reported that 28 bills are being tracked that may affect or are of interest to the WRWC. The Legislative Subcommittee has recommended support for three bills: AB84, AB220, and SB96.

WRWC Chair Hartung expressed concern regarding SB287 that redefines the term of public record for public access to state and local governments.

WRWC Commissioner Lucey proposed that the WRWC take a position of opposition to SB287 as written due to the financial impacts it will have to the WRWC and NNWPC, and the ramifications it could have for staff.

WRWC COMMISSIONER LUCEY MADE A MOTION TO ADOPT AND APPROVE THE RECOMMENDATIONS OF THE WRWC LEGISLATIVE SUBCOMMITTEE, AND OPPOSE SB287 AS WRITTEN, SECONDED BY WRWC COMMISSIONER DAHIR.

WRWC Commissioner Dahir requested that at Tuesday's meeting they have more information on SB287.

THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) WRWC COMMISSIONERS PRESENT.

12. Discussion and possible direction to staff regarding agenda items and dates for future WRWC or NNWPC meetings – Jim Smitherman. (For Possible Action)

The next scheduled WRWC meeting is the budget hearing meeting on Thursday, May 23, 2019.

There was discussion regarding the possibility of meeting in April as well. It was suggested that an April meeting should be scheduled as it can be cancelled later if it is not needed.

WRWC COMMISSIONER DAHIR MADE A MOTION TO HOLD THE NEXT WRWC MEETING ON APRIL 17, SECONDED BY WRWC COMMISSIONER LUCEY. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) WRWC COMMISSIONERS PRESENT.

13. Commission Comments

None

14. Staff Comments

None

15. Public Comment

None

16. Adjournment (For Possible Action)

The meeting was adjourned at 9:35 a.m.

Respectfully submitted by,
Christine Birmingham, Recording Secretary

Approved by Commission in session on _____ 2019.

Chair Vaughn Hartung