

**WESTERN REGIONAL WATER COMMISSION  
MINUTES**

**Friday, May 16, 2008**

The regular meeting of the Western Regional Water Commission (WRWC) was held on Friday, May 16, 2008, at Washoe County Department of Water Resources, 4930 Energy Way, Reno, Nevada.

- 1. Roll Call and Determination of presence of a Quorum** – Chairman Carrigan called the meeting to order at 1:38 p.m. There was a quorum present. Chairman Carrigan requested moving this item to number one prior to Public Comment.

Commissioners Present:

Mike Carrigan, Chair  
Dave Aiazzi, Vice-Chair  
Jim Ainsworth  
Steve Cohen  
Bob Larkin  
Geno Martini  
Ron Smith

Representing:

Truckee Meadows Water Authority (TMWA)  
City of Reno  
Sun Valley General Improvement District (SVGID)  
South Truckee Meadows General Improvement District (STMGID)  
Truckee Meadows Water Authority (TMWA)  
Truckee Meadows Water Reclamation Facility (TMWRF)  
City of Sparks

Commissioners Absent:

Bob Cashell  
Bonnie Weber

Representing:

Truckee Meadows Water Authority (TMWA)  
Washoe County

**Staff Members Present:**

John Bronder  
Sylvia Harrison  
Ben Hutchins  
Neil Mann  
Rosemary Menard  
Darrin Price  
Jeanne Ruefer  
Fred Schmidt  
Wayne Seidel  
Pete Simeoni  
Jim Smitherman  
Lori Williams

South Truckee Meadows General Improvement District (STMGID)  
TMWA / McDonald Carano Wilson  
Washoe County Department of Water Resources  
City of Reno Public Works  
Washoe County Department of Water Resources  
Sun Valley General Improvement District (SVGID)  
Washoe County Department of Water Resources  
Sun Valley General Improvement District (SVGID)  
City of Sparks Public Works  
Washoe County District Attorney's Office  
Northern Nevada Water Planning Commission (NNWPC)  
Truckee Meadows Water Authority (TMWA)

**2. Public Comment**

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

**3. Approval of Agenda**

Commissioner Martini made a motion to approve the May 16, 2008 WRWC agenda as amended by Chairman Carrigan. Commissioner Smith seconded the motion, which carried unanimously.

**4. Approval of the Minutes of the April 11, 2008 meeting.**

The minutes of the April 11, 2008 Western Regional Water Commission meeting were submitted for approval. Commissioner Martini made a motion to approve the minutes as submitted. Commissioner Ainsworth seconded the motion, which carried unanimously.

**OPEN PUBLIC HEARING** – Chairman Carrigan opened the public hearing at 1:41 p.m.

**5. Public Comment.**

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

**6. Adoption of Budget for FY2009.**

Ben Hutchins referred to the budget items included in the agenda packets. He stated that some procedural revisions were made; however, none of the numbers changed.

Ms. Williams reported that the budget was presented to the NNWPC at their last meeting.

Commissioner Cohen made a motion to approve adoption of the budget as presented. Commissioner Ainsworth seconded the motion, which carried unanimously.

**7. Adoption of Regional Water Management Fee.**

Ms. Williams referred to the packet item, Resolution No. 1 – A Resolution to Impose a Regional Water Management Fee. She requested that commissioners adopt the Resolution. She explained that originally the Regional Water Management Fee was instituted in Nevada Revised Statute (NRS) 540A and the fee has been collected since the mid-nineties at a rate of 1.5%. She reported that the Act designates the continuation of the collection until the WRWC makes a Resolution to continue or change it. She summarized that staff recommends keeping the fee at 1.5%, with all the purveyors continuing to collect it as in the past and using the funds for the planning and administration functions of the WRWC.

Commissioner Ainsworth made a motion to approve staff's recommendation. Commissioner Larkin seconded the motion, which carried unanimously.

**CLOSE PUBLIC HEARING** – Chairman Carrigan closed the public hearing at 1:46 p.m.

**8. Assignment and assumption by the Commission of prior Regional Water Management Fund contracts.**

Jim Smitherman referred to the packet item, which included a list of twelve ongoing projects that were previously approved by the Regional Water Planning Commission (RWPC). He requested direction for staff to prepare "Consent to Assignment" documents for each of the agreements to be administered by the WRWC.

Commissioner Price asked why Niki Linn has two separate contracts for preparation of minutes, one of which is for subcommittees, and asked if there are any subcommittees currently. Mr. Smitherman stated that currently there are not, other than the Well Mitigation Hearing Board. He added that Ms. Linn is present for the WRWC and NNWPC meetings; however, she does not attend the subcommittee meetings.

Commissioner Larkin made a motion to direct staff to prepare Consent to Assignment documents for each

of the twelve agreements, obtain signatures by the parties and authorize the chairman to execute the documents. Commissioner Ainsworth seconded the motion, which carried unanimously.

**9. Discussion, direction and possible adoption of WRWC Work Plan including establishment of priorities for funding of projects with the Regional Water Management Fund.**

Mr. Smitherman reported that he presented the Work Plan to the NNWPC on Wednesday, April 30, 2008. He stated that the NNWPC provided input, which he included as mark-ups to the original Work Plan. He briefly reviewed the revisions. He explained that three of the first four items, which include scheduling and delivery of water resources, maximizing conjunctive use, and establishing service territories would be addressed by staff. He added that the timeframe would vary from one to three years depending on what the item entails. He added that the NNWPC did not envision any sub-consultant agreements for these projects.

Mr. Smitherman reported that the goal for water conservation was to establish a "base" conservation plan that would apply to all the local purveyors; however, each individual agency could go above and beyond the base plan if desired. He added that one need identified is the measurement of water saved by the programs, which will be possible with all water customers being metered.

Commissioner Larkin asked when the County would be fully metered. Ms. Menard reported that the system is fully metered, although there are still some flat-rate customers. Commissioner Cohen stated that STMGID has about 240 flat-rate customers currently. He explained STMGID's plan is that if a customer exceeds a certain amount of water for two consecutive months, they have to justify why they should be able to remain on a flat-rate. Commissioner Larkin asked how that compares with TMWA. Ms. Williams stated that by January 2010 all TMWA customers would be on metered billing. Mr. Smitherman stated that the County sends out letters to Lemmon Valley flat-rate customers informing them how much they could have saved by being on a metered rate. Commissioner Larkin stated that one of the goals of the WRWC is to provide uniformity among the entities.

Ms. Menard stated that within the next eight months, the County will review and revise their rates. Commissioner Larkin asked if the proposed rates would be presented to the WRWC, which Ms. Menard stated she could provide. Vice-Chairman Aiazzi stated that the legislation for the WRWC specifically stated that the WRWC would not get involved in the operation of each entity. Commissioner Larkin stated he was referring to the uniformity between the entities. Commissioner Cohen stated he did not think the actual uniformity could be reviewed without including domestic well owners.

Mr. Smitherman referred to the item for development of a Truckee River third-party total maximum daily load (TMDL). He reported that a request for funding in the amount of \$500,000 would be forthcoming. Mr. Smitherman referred to the item to develop an integrated water resources management plan for the North Valleys, for which there is ongoing work. He stated there is a scope of work with a request for funding in the amount of approximately \$100,000 that will be brought forward to the NNWPC, probably at the June meeting.

Mr. Smitherman referred to the item regarding the regional hydrologic model and reported that the Board of County Commissioners (BCC) recently approved moving forward with a request for qualifications (RFQ). He stated that in the past the Flood Project Coordinating Committee (FPCC) and the RWPC discussed jointly funding the model development. He stated that the NNWPC was planning to invite Naomi Duerr, Director of the Flood Project, to provide an update at their next meeting.

Mr. Smitherman referred to the item regarding conservation and requested the addition of a bullet item for the Certified Landscape Technician program, which was previously funded by the RWPC in the amount

of \$10,000 per year for two years. He added that it has been determined that outdoor irrigation provides the best opportunity for water savings. He reported that the Nevada Landscape Association (NLA) would report on the success of the program and request continuation of funding. He reported that TMWA would probably request funding for continuation of their Water Use Review Program (formerly called the Water Audit Program).

Mr. Smitherman reported that the NNWPC also requested including a list of the ongoing projects in the Work Plan. Mr. Smitherman stated there was a request to add, "Potential implications to our region related to climate change".

Vice-Chairman Aiazzi asked if there was a dollar amount or timeframe associated with any of the items. Mr. Smitherman stated that those items were not included. Ms. Menard stated that the Work Plan includes all the items that the WRWC and NNWPC need to address, although some would be short-term and some long-term. She added that in-kind staff services would cover some of the items. She stated that any potential contracts would have to be approved by the WRWC.

Vice-Chairman Aiazzi stated that any work plans he has seen included dollar amounts and timeframes.

Chairman Carrigan referred to the item related to climate change and asked for clarification of "status of the science concerning climate change". Mr. Smitherman stated that it refers to a review of what scientists are recommending for water planners to consider. Ms. Williams stated that she anticipates different scenario planning based on different models being used in the region. Mr. Price stated that the RWPC requested that Desert Research Institute (DRI) perform a temperature observation study. Mr. Smitherman stated that the project was not funded; however, some preliminary information was received.

Mr. Smitherman stated that staff's recommendation was to approve the revised Work Plan; however, since members received it today, it might be appropriate to wait. Chairman Carrigan requested that staff incorporate the requests and input, including dollar amounts and timeframes, provided by commissioners and further revise the Work Plan. Mr. Smitherman agreed to provide the revised Work Plan at the July meeting.

#### **10. Update on the Northern Nevada Water Planning Commission (NNWPC).**

Mr. Smitherman reported that at the first NNWPC meeting commissioners elected Darrin Price as Chairman and Wayne Seidel as Vice-Chairman. Meetings have been scheduled for the first Wednesday of each month. He provided the draft agenda for the NNWPC's next meeting.

Chairman Carrigan reported that he received a letter from the Pyramid Lake Tribal Council announcing that they appointed a representative, John Jackson, to the NNWPC.

#### **11. Update regarding the status of Regional Water Plan Amendments.**

Mr. Smitherman reported that senior staff of the member agencies met with Regional Planning to discuss the issues in the media. Discussion ensued over some of the incorrect information circulating in the press, including the 1.2 million population estimate and the 2030 water deficit. Mr. Smitherman reported that the senior staff group and Regional Planning staff would be meeting with the editorial board in the next couple of weeks to try to diffuse the misinformation. He offered to do whatever the commissioners request.

Mr. Smitherman referred to the revisions to the Plan Amendment and stated they would be addressed as clearly as possible. He stated that he has a professional services agreement in place with ECO:LOGIC

Engineering, who will assist with disaggregating the information and ensuring that it is split between the "current to 2030" timeframe and "beyond 2030" timeframe.

Commissioner Larkin stated it is frustrating in that the numbers are attributable to Mr. Smitherman in some type of fashion. He stated that the Regional Planning Governing Board authorized Rosanna Coombes, Truckee Meadows Regional Planning Agency Director, to distribute the correct information. Ms. Menard stated that staff has been working on developing a version of corrected information to be presented to the media on May 19, 2008. Commissioner Larkin stated it would be nice to have an official document with the correct information.

Ms. Menard stated that the WRWC needs to adopt the Plan Amendment and asked commissioners if they would like a concurring action by the member agencies to make it more official. Commissioner Larkin asked whether it is required that Regional Planning find the Plan Amendment to be consistent with the Regional Plan, which Mr. Smitherman stated it is required. Ms. Menard stated that the staff working group has recognized that a tighter working relationship with Regional Planning is needed. Members welcomed Ms. Coombes to join the staff working group.

Mr. Smitherman reported that the revised Plan Amendment would be presented at the July WRWC meeting. He added that if approved by the WRWC, a thirty-day public inspection period would then begin. Any comments from the public would then be addressed and the public hearing for adoption would be scheduled in October, 2008.

**12. Request for Commission clarification of the amendments to the Joint Powers Agreement to be recommended to member agencies.**

Ms. Menard reported that two versions of the revised JPA were distributed, a clean copy and a red-lined copy. She reviewed and clarified the amendments that were requested at the last WRWC meeting.

Chairman Carrigan referred to the edits made to Section 3.15 regarding a quorum and asked if the WRWC would be in compliance with Open Meeting Law. Ms. Menard stated it would.

Vice-Chairman Aiuzzi made a motion to approve the JPA as amended. Commissioner Ainsworth seconded the motion, which carried unanimously.

**13. Review and request for approval of contract for legal services with John Rhodes.**

Darrin Price reported that staff was directed to negotiate an agreement with John Rhodes to provide legal representation for a period of six months. He reported that staff and Mr. Rhodes agreed that the most efficient cost would be the flat retainer fee of \$12,000 per month for all legal services, excluding civil litigation. He summarized the funding amount would be \$72,000, which is less than what was originally budgeted. He added that the agreement for legal services was distributed to commissioners.

Mr. Price stated that Mr. Rhodes would provide legal representation at all WRWC and NNWPC meetings.

Commissioner Larkin referred to the staff report and the reference to 15, 20 and 30 hours per week. Mr. Rhodes stated that the flat fee would remain in place. Based on his prior experience in representing the RWPC, he estimated approximately 20 hours per week for the WRWC and NNWPC. Commissioner Larkin suggested specifying a minimum of 20 hours per week. Ms. Menard suggested adding, "Based on the assumption of an average of 20 hours per week for the six-month period". Mr. Rhodes agreed to add that language.

Vice-Chairman Aiazzi asked if the contract required time cards. Mr. Rhodes stated no; however, it does require a summary of time spent.

Commissioner Larkin made a motion to accept Mr. Rhodes contract with the provision that he add an item relating to time spent in a manner that is consistent with the WRWC. Commissioner Ainsworth seconded the motion, which carried unanimously.

**14. Request for approval of agreement for the investment of Regional Water Management Funds in the Washoe County Investment Pool.**

Ben Hutchins reported that this item would be continued, due to the Washoe County Treasurer's Office requesting revisions. He added that he has the final document; however, it was not received early enough for distribution. Chairman Carrigan asked when Mr. Hutchins wished to bring the item back. Mr. Hutchins stated at the June 13, 2008 meeting.

Commissioner Martini made a motion to continue this item to June 13, 2008. Commissioner Smith seconded the motion, which carried unanimously.

**15. Discussion and possible Commission action regarding coverage of Commission meetings by SNCAT and meeting venues – City of Sparks Council Chambers or City of Reno Council Chambers.**

Ms. Williams reported that the meeting location options for the current meeting schedule include Reno or Sparks Council Chambers or continuing at Department of Water Resources. She reported that staff's recommendation is the City of Sparks because administrative staff is familiar with the technology.

Members discussed SNCAT costs, which were included in the budget. Ms. Williams stated that the cost would be minimal.

Members discussed the meeting locations and SNCAT coverage. Some members preferred the informal meeting structure provided at Department of Water Resources and some preferred having meetings televised.

Commissioner Cohen made a motion to hold future meetings at the City of Sparks Legislative Council Chambers. Vice-Chairman Aiazzi seconded the motion, which carried unanimously. Chairman Carrigan confirmed that the June meeting would be held in Sparks.

**16. Proposal for Western Regional Water Commission summer meeting dates.**

Ms. Williams reported that several commissioners and staff members had conflicts with some of the summer meeting dates. She stated that staff's recommendation is to meet on the regular meeting date of June 13, 2008, move the July meeting date to either July 18 or July 25, and cancel the August meeting.

Chairman Carrigan stated that most commissioners sit on a number of different boards and stated his preference is to leave the meeting schedule as is. He added that if there is no quorum, there would not be a meeting. He agreed that if the meeting in August is not needed, it should be cancelled.

Ms. Williams summarized that the next two meeting dates would be June 13 and July 11. Mr. Rhodes stated he would be unavailable on July 11. Ms. Williams added that the meetings would be held at City of Sparks Council Chambers, which has already been reserved.

**17. Discussion and possible direction to staff regarding agenda items for the June 13, 2008 Western Regional Water Commission meeting.**

Ms. Menard stated that a meeting is scheduled on June 9, 2008 at 9:00 a.m. with the Legislative Oversight Committee (LOC). She added the meeting will be held at City of Sparks. She reported that the following items would be discussed at the meeting:

- Discussion of the JPA – Direction is needed regarding who should present the item.
- Possible LOC actions, which will be the subject of the LOC's workshop on August 11, 2008. She reported that staff suggested discussion of the following items proposed for action.
  - Clean up amendments of the legislation, including the tribal issue inconsistency, Washoe Storey Conservation District versus Washoe County Water Conservation District
  - Possibility of a request for funding by the LOC for joint funding with the WRWC on a consolidation study
  - Possibility of enabling legislation related to direction regarding septic systems and the need for enforcement authority for abandonment of septic systems when the community sewer system is available

Ms. Menard stated the plan is to discuss the abovementioned items with the LOC on June 9 and provide an update to the WRWC on June 13. Ms. Williams welcomed further suggestions for agenda items. Ms. Menard reported that the LOC has 10 bill draft requests (BDRs).

Ms. Menard stated that the June 13 WRWC agenda would also include:

- The item related to investing, which was continued from today's meeting
- Funding request for North Valleys

**18. Commission Comments**

None

**19. Staff Comments**

None

**20. Public Comment**

Chairman Carrigan called for additional public comments and hearing none, closed the Public Comment period.

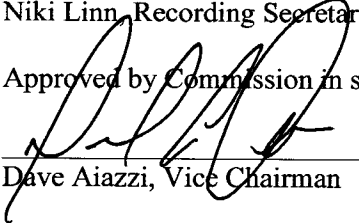
**21. Adjournment**

With no further business, the meeting was adjourned at 2:46 p.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on June 13, 2008.



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Dave Aiazzi, Vice Chairman