

**WESTERN REGIONAL WATER COMMISSION (“WRWC”)
BOARD OF TRUSTEES
AGENDA**

**Thursday, July 15, 2010 @ 8:00 a.m.
Washoe County Commission Chambers
1001 E. 9th Street, Reno, Nevada**

NOTICE OF POSSIBLE QUORUM OF THE BOARD OF DIRECTORS OF THE TRUCKEE MEADOWS WATER AUTHORITY (“TMWA”), BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY (“BCC”), BOARD OF TRUSTEES OF THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT (“STMGID”), AND NORTHERN NEVADA WATER PLANNING COMMISSION (“NNWPC”)

(See ‘Notes’)

1. Roll Call and Determination of presence of a Quorum*
2. Pledge of Allegiance*
3. Approval of Agenda **(ACTION)**
4. Public Comment* (Three-minute time limit per person)
5. Approval of the minutes of the May 20, 2010 meeting **(ACTION)**
6. Discussion and possible approval of a Second Amendment to an Interlocal Agreement with the City of Reno, extending the term for 24 months at no additional cost, for continuation of technical services by Limno-Tech, Inc. for water quality planning and the Truckee River total maximum daily load for nutrients (“TMDL”), and, if approved, authorize the Chairman to execute the Amendment — Chris Wessel, WRWC Water Management Planner **(ACTION)**
7. Discussion and possible approval of funding in the amount of \$64,100 from the Regional Water Management Fund (RWMF) for TMWA’s 2010 Water Usage Review Program, and if approved, authorize the Chairman to execute an Interlocal Agreement with TMWA for that purpose – Lora Richards, TMWA and Chris Wessel **(ACTION)**
8. Status report on the WRWC and NNWPC websites; and possible direction to staff — Chris Wessel **(ACTION)**
9. Discussion and possible direction to staff regarding agenda items for the August 13 (or September 10), 2010 meeting and future meetings **(ACTION)**
10. Commission Comments*
11. Staff Comments*
12. Public Comment* (Three minute time limit per person)
13. Adjournment

*Indicates a non-action item

Notes: Because several of the WRWC Trustees are also members of the Board of Directors of TMWA, it is possible that a quorum of the TMWA Board may be present. Such members will not take action at this meeting as members of the TMWA Board, but may take action solely in their capacity as WRWC Trustees. A quorum of the BCC, STMGID and the NNWPC may also be in attendance but will not be taking action.

Public comment will be taken on agenda items upon the submittal of a request via submittal of a Speaker Information Card. There is a three-minute time limit per person.

Items on the agenda without a time designation may not necessarily be considered in the order in which they appear. The WRW C may take action on any of the action items listed.

Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language interpreters or assisted listening devices) at the meeting should notify TMWA at 775-834-8002 at least 24 hours prior to the meeting.

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), and the WRWC website: <http://wrwc.us>.

WESTERN REGIONAL WATER COMMISSION BOARD OF TRUSTEES *DRAFT* MINUTES

Thursday, May 20, 2010

The meeting of the Western Regional Water Commission (WRWC) Board of Trustees was held on Thursday, May 20, 2010, at Sparks Council Chambers, 745 Fourth Street, Sparks, Nevada.

- 1. Roll Call and Determination of presence of a Quorum** – Chairman Carrigan called the meeting to order at 9:00 a.m. There was a quorum present.

Commissioners Present:

Mike Carrigan, Chair
John Breternitz
Steve Cohen
Patricia Lancaster
Bob Larkin
Geno Martini
Ron Smith

Representing:

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

Commissioners Absent:

Dave Aiazzi, Vice-Chair
Bob Cashell

Representing:

City of Reno
Truckee Meadows Water Authority (TMWA)

- 2. Pledge of Allegiance**

Chairman Carrigan asked Commissioner Martini to lead the Western Regional Water Commission in the Pledge of Allegiance.

- 3. Approval of Agenda**

Commissioner Breternitz made a motion to approve the May 20, 2010 WRWC agenda as posted. Commissioner Larkin seconded the motion, which carried unanimously.

- 4. Public Comment**

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

- 5. Approval of the Minutes of the April 9, 2010 meeting.**

The minutes of the April 9, 2010 Western Regional Water Commission meeting were submitted for approval. Chairman Carrigan requested a correction to page 3 of 4 – the Fiscal Year should be 2009-2010 (versus 2010-2011). Commissioner Martini made a motion to approve the minutes as amended. Commissioner Larkin seconded the motion, which carried unanimously.

Open Public Hearing – Chairman Carrigan opened the Public Hearing at 9:02 a.m.

6. Public Hearing on the WRWC Tentative Budget for Fiscal Year 2010/2011; discussion and adoption of the WRWC Final Budget for Fiscal Year (FY) 2010/2011

Chairman Carrigan invited Jim Smitherman to present this item. Mr. Smitherman provided a brief PowerPoint presentation summarizing the budget to be presented to the State Taxation Department. He explained that the Public Hearing and submittal of the Budget to the State is required by law annually. He reported that since the last presentation of the tentative budget to the WRWC, a change in the amount of one dollar was made to the beginning fund balance (due to a rounding error). The overview of the WRWC FY 2010/2011 budget included:

- Total revenue projected = \$1,400,852
- Projected professional services / supplies (Total = \$2,470,632)
 - Projected interlocal agreements and contract work for professional services = \$1,886,700
 - Projected staff services = \$480,932
 - Projected non-staff operating expenses = \$103,000
- Net decrease in cash reserves = \$1,069,780 (If all money budgeted is spent)
- Ending fund balance = \$2,580,690

The WRWC Project Work Plan and cost estimates include:

- Wastewater Planning = \$700,000 (Most work is related to the third party Truckee River Total Maximum Daily Loads [TMDLs])
- Reclaimed Water Planning = \$465,000 (Work includes planning, including aquifer recharge and storage [ASR], other potential industrial uses and regulatory requirements for reclaimed water use.) There is a possibility for a federal grant.
- Water Supply Planning = \$250,000
- Water Conservation Planning = \$351,700 (Amount includes TMWA's Water Usage Program, Desert Research Institute (DRI)'s Cloud Seeding, Certified Landscaped Technician Examination program, and the Washoe Evapotranspiration Website.) Commissioner Smith asked if further funding for DRI's Cloud Seeding program is anticipated. Mr. Smitherman stated most likely DRI would request additional funding. He added that the direction from the WRWC during DRI's last update was to form a regional coalition of beneficiaries to assist with funding the program (of which WRWC is one). Chairman Carrigan stated that DRI agreed to provide a report based on the success of the program prior to a request for further funding. Commissioner Smith stated that he recently read a report that DRI estimated creation of 13 billion gallons of additional water. Members agreed an explanation of the quantification was warranted. Mr. Smitherman stated that staff would follow up with DRI.
- Drainage and Flood Control Planning - No money is set aside in the upcoming budget because no work is anticipated; however, funding can be moved if needed based on changing priorities. (Work was performed last year by Washoe County Public Works in the Lemmon Valley area.)
- Comprehensive Regional Water Management Plan = \$120,000 (The deadline for the Plan update is the end of this calendar year. The schedule is on track to meet that deadline.)
- Administrative Management of the WRWC and Northern Nevada Water Planning Commission (NNWPC) = \$480,000 for staff services

Mr. Smitherman provided a comparison of last year's FY 2009-2010 budget to the current FY 2010-2011 budget and stated they are very comparable. He added that last year's budget estimate was close to the actual at the end of the FY. He briefly reviewed some of the small differences. He reported that the plan is to have sufficient funds budgeted to address any priority issues on a timely basis.

Commissioner Larkin referred to the County's proposed wage reductions and asked if those were factored into the budget. Mr. Smitherman stated that the County's projected wage decrease is 2.8%, which was not included because it has not been finalized. He added that any cost reduction would result in an increased ending fund balance.

Mr. Smitherman stated that an additional form was provided to commissioners at today's meeting that is required by law for lobbying expense estimates, of which there were none. Chairman Carrigan confirmed that the form shows a zero amount estimated for lobbying expenses.

Commissioner Larkin made a motion "To adopt and certify the WRWC Final Budget for Fiscal Year 2010/2011 and direct staff to transmit a copy of it to the Nevada Tax Commission in accordance with law." Commissioner Smith seconded the motion, which carried unanimously.

Close Public Hearing - Chairman Carrigan closed the Public Hearing at 9:13 a.m.

7. Discussion and possible approval of an Amendment to the Contract with Somach Simmons & Dunn, in an additional amount not to exceed \$50,000, for specialized legal services required in connection with the Truckee River Total Maximum Daily Load ("TMDL") process; and, if approved, authorize the Chairman to execute the Amendment

Mr. Smitherman reported that an amendment was requested to the contract for specialized legal services related to the TMDL process in an amount not to exceed \$50,000. He stated that the scope of work was expanded based on reclassification of certain reaches of the river related to the Clean Water Act and water quality standards. He stated that the Working Group advised that \$50,000 would be sufficient to carry the work through the next year.

Commissioner Breternitz made a motion "To approve the proposed Amendment No. 1 to the contract with Somach Simmons & Dunn, in an amount not to exceed \$50,000 from the RWMF, for specialized legal services required in connection with the Truckee River TMDL process; and, authorize the Chairman to execute the Amendment." Commissioner Larkin seconded the motion, which carried unanimously.

8. Status report on integration/consolidation of the Washoe County DWR and TMWA, and possible direction to staff.

Chairman Carrigan invited Rosemary Menard, Director of Washoe County Department of Water Resources (DWR) and Mark Foree, General Manager of TMWA, to provide an update. Mr. Foree referred to the staff report, which summarizes work completed on the TMWA and DWR Integration Efforts, as well as proposed work. He stated that current efforts are focused on facility assessments, engineering hydraulic modeling, land easement review, Supervisory Control and Data Acquisition (SCADA) and Information Technology (IT) assessments, and ordinance and rules review. He reported that the work will lead to the development of an integrated operating plan, followed by additional financial analysis.

Ms. Menard reported that based on the Interlocal Agreement approved by the Board of County Commissioners (BCC) and TMWA Board, one of the next major steps in the integration process is to create the addendum that assesses the allocation of risks and benefits, which is scheduled for completion by late-summer / early-fall. She stated that staffs of TMWA and DWR continue to work well together in a collaborative process with a lot of ongoing work and progress.

Commissioner Martini asked how much has been spent on the process to date. Ms. Menard stated she was unsure; however, staff time is charged to a certain charge code so that reimbursement may be requested. She explained that the work expended will be beneficial to the community whether or not the integration occurs because it provides a good review of facilities and planning infrastructure. Commissioner Martini stated he agrees that the study will be beneficial to the community and he supports the effort; however, he stated that citizens need to be aware that such an effort does not come free. He added that it is costly to evaluate and possibly move forward with integration. Ms. Menard agreed and added that the money spent is a good investment for the community.

Mr. Foree added that the amount for reimbursement in the Interlocal Agreement (under the next agenda item) is approximately half of what has been spent.

Commissioner Martini made a motion to accept the report. Commissioner Larkin seconded the motion, which carried unanimously.

9. Discussion and possible approval of an Interlocal Agreement among the WRWC, TMWA, and Washoe County for reimbursement of certain expenses incurred in evaluating and implementing recommendations regarding integration/consolidation of the County's Department of Water Resources ("DWR") and TMWA; and, if approved, authorize the Chairman to execute the Agreement.

Mr. Smitherman stated this item is related to the report under the previous agenda item and added that the presentation was made earlier to the TMWA Board. Chairman Carrigan agreed that it was not necessary to provide the full presentation.

Mr. Smitherman reported that the request for reimbursement is for \$300,000 from this year's FY budget, and \$250,000 from FY 2010-2011 budget to support regional water planning by TMWA and DWR. He added that the WRWC Act requires the study of consolidation of the two entities.

Commissioner Larkin made a motion "To approve the Interlocal Agreement among the WRWC, TMWA and Washoe County for reimbursement of certain expenses incurred in evaluating and implementing the recommendations regarding integration/consolidation of TMWA and DWR, and authorize the Chairman to execute the Agreement." Commissioner Breternitz seconded the motion, which carried unanimously.

10. Discussion and possible reappointment of Mickey Hazelwood and Michael DeMartini to the Northern Nevada Water Planning Commission.

Mr. Smitherman stated that the two expiring positions are appointed by the WRWC Board of Trustees. He reported that Mr. Hazelwood was appointed recently to finish the term (vacated by Michael Cameron) of the public at large position to represent environmental, biological, conservation or public concerns. Mr. DeMartini has served as the representative of domestic well owners. Mr. Smitherman stated that both appointees agreed to serve an additional term on the NNWPC.

Commissioner Smith made a motion "To approve the staff recommendation to reappoint Michael DeMartini to the NNWPC as the member to represent domestic well owners, and reappoint Mickey

Hazelwood to the NNWPC as the public at large member to represent environmental, biological, conservation or public concerns.” Commissioner Larkin seconded the motion, which carried unanimously.

11. Discussion and possible direction to staff regarding the July 15, 2010 meeting of the Legislative Committee to Oversee the WRWC.

Ms. Menard reported that Patrick Guinan was present. She stated that the April 15, 2010 meeting of the Legislative Committee to Oversee the WRWC was cancelled and reported that the next meeting is scheduled for 9:00 a.m. on July 15, 2010 in the Washoe County Commissioners Chambers. She stated she has not yet seen an agenda for the meeting but assumed it would include an update on the consolidation efforts. She added that a planned work session is tentatively scheduled for August, at which time proposed legislative bills would be discussed. She stated that one bill draft request (BDR) will be proposed to allow for change to the Washoe County bond bank provision that would allow bonds to be issued to finance or refinance new projects. She clarified that staff had mentioned the BDR to the interim commission, which will be further discussed at the work session.

Chairman Carrigan invited Mr. Guinan to speak. Mr. Guinan introduced himself and stated he serves as staff to the Legislative Committee to Oversee the WRWC. He stated that the committee chose to cancel the April meeting to allow time for progress on the consolidation effort, and that another issue to be discussed is the water quality issue related to the environmental working group. He clarified that the committee is aware of the proposed BDR related to the bond bank. He welcomed any questions.

Chairman Carrigan thanked Ms. Menard and Mr. Guinan for the update.

12. Discussion and possible direction to staff regarding agenda items for the June 11 or July 9, 2010 Commission meeting and future meetings.

Ms. Menard reported that based on the May WRWC meeting being scheduled late in the month; staff recommended possibly canceling the June meeting, with the next meeting to be scheduled July 9, 2010. Items for the July agenda would include:

- Amendments to the Interlocal Agreement between Reno and the WRWC for TMDL-related work with the technical consultant
- Additional discussion regarding the July 15, 2010 Legislative Committee meeting
- Discussion of amendment to the contract for legal services with John Rhodes, including salary concessions (in line with County staff)

Commissioner Larkin asked if there would be merit in scheduling the July meeting as a joint meeting with the Legislative Committee. Ms. Menard stated that at this time she does not believe it is necessary but agreed to examine any merit associated with a joint meeting.

Commissioner Martini made a motion to cancel the June WRWC meeting. Commissioner Larkin seconded the motion, which carried unanimously.

13. Commission Comments

Commissioner Lancaster suggested to staff that if there are any savings in the budget that the reserve be built back up. She added that she does not believe we can continually draw down without making an increased effort to rebuild it because we are going to need it. Chairman Carrigan stated he agreed.

14. Staff Comments

Mr. Smitherman reported that work is being performed on the websites of the WRWC and the NNWPC so there will be a transition. He added that there is a link from the NNWPC to the WRWC. He added that the websites might look a little different.

15. Public Comment

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

16. Adjournment

With no further business, the meeting was adjourned at 9:27 a.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on _____ 2010.

Mike Carrigan, Chairman

Note: DRAFT Minutes not approved by Board.

Western Regional Water Commission

STAFF REPORT

DATE: June 17, 2010

TO: Chairman and Members, Western Regional Water Commission

FROM: Chris Wessel, Water Management Planner
Jim Smitherman, Water Resources Program Manager

SUBJECT: **Discussion and possible approval of a Second Amendment to an Interlocal Agreement with the City of Reno, extending the term for 24 months at no additional cost, for continuation of technical services by LimnoTech, Inc. (“LTI”) for water quality planning and the Truckee River total maximum daily load for nutrients (“TMDL”), and, if approved, authorize the Chairman to execute the Amendment.**

SUMMARY

Since July 2008, the Western Regional Water Commission (“WRWC”) has supported a collaborative, multi-year, phased effort among Reno, Sparks, Washoe County and Truckee Meadows Water Authority staff, to use a watershed-based water quality planning approach in the development of a Truckee River third-party TMDL for nutrients. The multi-agency working group has engaged the Nevada Division of Environmental Protection (“NDEP”) in the planning process. Over time, other stakeholders will be invited to participate. The Regional Water Management Fund (“RWMF”) is the source of revenue for the technical and legal assistance required for this effort.

In fiscal years 2008/2009 and 2009/2010, the coordinated effort has been managed and administered by way of an Interlocal Agreement (and First Amendment) between the WRWC and the City of Reno. The project staff working group recommends using LTI for fiscal years 2010/2011 and 2011/2012 by amending the existing agreement with Reno to extend the term for an additional 24 months. This is a no-cost amendment and the original scope of work remains unchanged. The approved RWMF budget for fiscal year 2010/2011 includes this project.

BACKGROUND:

The watershed-based water quality planning and Truckee River third-party TMDL project is a phased effort for assessing Truckee River water quality regarding both river health and the discharge of effluent from the Truckee Meadows Water Reclamation Facility (“TMWRF”) that was approved by the Northern Nevada Water Planning Commission (“NNWPC”) and the WRWC in July and August 2008, respectively. The approved work scope outlines an approach for a phased, multi-track effort that moves the TMDL process forward to completion while concurrently building understanding and planning for other important and complimentary physical and biological river improvement strategies. The Phase I work scope provides for the needed core educational components and furthers research elements requested by NDEP. The

tasks required to successfully revise the Truckee River TMDL and obtain its acceptance and approval are varied, and include complex technical work requiring specialized scientific and engineering skills, and other items needing professional facilitation or specialized legal expertise.

The Cities of Reno and Sparks have been working with NDEP for a number of years to review and conceivably modify the Truckee River TMDL for nutrients. One objective of past work has been to develop updated modeling tools and compile applicable data for a new TMDL that is protective of the Truckee River, and provides TMWRF with additional operational flexibility.

PREVIOUS ACTION

On July 10, 2009, the WRWC approved the First Amendment providing additional funding, with total funding not to exceed \$400,000 from the RWMF for the continuation of technical services provided by LTI, and execution of the First Amendment to the Agreement with the City of Reno, to include the expanded scope of work and additional funding.

On June 3, 2009, the NNWPC recommended that the WRWC approve funding in an amount not to exceed \$400,000 from the RWMF for the continuation of technical services provided by LTI, and execution of the First Amendment to the existing agreement with the City of Reno, to include the expanded scope of work and additional funding.

On June 13, 2008, the WRWC approved \$197,500 from the RWMF and a scope of work for LTI to provide technical services concerning the watershed-based water quality planning and Truckee River third-party TMDL project; and on July 11, 2008, the WRWC authorized execution of the Interlocal Agreement with the City of Reno for the project.

FISCAL IMPACT

There is no additional fiscal impact.

RECOMMENDATION

Staff recommends that the WRWC approve the Second Amendment to the Interlocal Agreement, extending the term for 24 months, for the continuation of technical services provided by LTI; and authorize the Chairman to execute, upon receipt, the Second Amendment to the Interlocal Agreement with the City of Reno.

POSSIBLE MOTION

Move to approve the Second Amendment to the Interlocal Agreement, extending the term for 24 months, for the continuation of technical services provided by LTI; and authorize the Chairman to execute, upon receipt, the Second Amendment to the Interlocal Agreement with the City of Reno.

CW:jd

**SECOND AMENDMENT
To
INTERLOCAL AGREEMENT**

THE INTERLOCAL AGREEMENT (the "Agreement"), dated July 16, 2008, entered into between the Western Regional Water Commission , a political subdivision of the State of Nevada (the "Commission"), and the City of Reno ("Reno"), collectively the "Parties", is hereby amended as follows:

ARTICLE 3 – RIGHTS & DUTIES

[Sub-paragraph 3.1.1 was Amended on July 17, 2009, extending the term of the Agreement by twelve months.] Sub-paragraph 3.1.1 is hereby further amended as follows:

Work on the Project will progress and be completed no later than twenty-four (24) months after the effective date of this Amendment.

The Interlocal Agreement as amended to include the revisions set forth above is incorporated herein by reference with all other terms and conditions of the Interlocal Agreement, which shall remain in full force and effect.

This Amendment is effective upon the date of execution by the last signing Party ("Effective Date").

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment.

WESTERN REGIONAL WATER COMMISSION

CITY OF RENO

Dated this ___ day of _____, 2010

Dated this ___ day of _____, 2010

By _____
Mike Carrigan, Chairman

By _____
Robert A. Cashell, Sr., Mayor

APPROVED AS TO FORM:
Rhodes Law Offices, Ltd.

ATTEST:

By _____
John B. Rhodes, Legal Counsel

Lynnette Jones
Reno City Clerk

APPROVED AS TO FORM:

Deputy City Attorney

Western Regional Water Commission

STAFF REPORT

DATE: June 17, 2010

TO: Chairman and Members, Western Regional Water Commission

FROM: Chris Wessel, Water Management Planner
Jim Smitherman, Water Resources Program Manager

SUBJECT: Discussion and possible approval of funding in the amount of \$64,100 from the Regional Water Management Fund (“RWMF”) for the Truckee Meadows Water Authority (“TMWA”) 2010 Water Usage Review Program, and if approved, authorize the Chairman to execute an Interlocal Agreement with TMWA for that purpose.

SUMMARY

On May 5, 2010, Ms. Lora Richards of TMWA made a presentation to the Northern Nevada Water Planning Commission (“NNWPC”) and requested financial support in the amount of \$64,100 for TMWA’s 2010 Water Usage Review Program (formerly known as the Commercial and Residential Water Audit Program). The RWMF has provided TMWA with 60% program support since its inception in 2003. TMWA reported that the program has been highly successful and continues to grow in popularity and demand.

BACKGROUND

In 2003, TMWA initiated a pilot residential water audit program to help the then existing Regional Water Planning Commission further its water conservation goals. The pilot was considered a success and the program has expanded over time. The table below summarizes the number and type of water use reviews conducted to date.

	Total	Commercial	Residential	Reno	Sparks	Washoe Co.
2009	2,675	300	2,375	1,766	787	122
2008	2,461	265	2,196	1,601	769	91
2007	2,025	221	1,804	1,290	645	90
2006	731	70	661	469	238	24
2005	894	123	771	538	281	75
2004	497	66	431	324	135	38
2003	444	42	402	275	149	20

In 2009, 2,675 water use reviews were conducted, an increase of 8% over 2008. Eighty-nine percent of the reviews conducted in 2009 were residential and 11% were commercial reviews; the same percentage splits as in 2008 and 2007. The proportion of water use reviews by jurisdiction was similar in 2009 as in 2008: approximately 65% of the total performed in 2009

were in Reno, 30% were in Sparks, and the remaining 5% were in Washoe County. The water use reviews were provided for TMWA retail customers.

Customer response to this program continues to be extremely positive. Working with customers one-on-one at their homes and businesses where auditors can advise them of ways to better manage their on-site water use, based on site characteristics, is highly effective. In light of the current economic recession, customers who realize water savings through this program are grateful for assistance with lowering their bills and understanding better how conservation works in our community.

General findings from the 2009 program are similar to past years. The majority of recommendations for residential water conservation involve outdoor water use. One of the major sources of outdoor water inefficiency is inappropriate settings on irrigation clocks. Water auditors more often recommend reduced watering times for lawns and landscapes. When addressing indoor water use, water efficiency improvements are primarily related to toilets.

TMWA considers the Water Usage Review Program a success in expanding awareness of responsible water use through personal customer education. Based on strong customer interest in the program, TMWA is continuing its program in 2010.

PREVIOUS ACTION

On May 5, 2010, the NWNPC approved a motion recommending support in an amount not to exceed \$64,100 from the RWMF for the TMWA 2010 Water Usage Review program.

On April 10, 2009, the WRWC approved funding in an amount not to exceed \$64,100 from the RWMF for the TMWA 2009 Water Usage Review Program, executing the Interlocal Agreement.

On March 4, 2009, the NNWPC approved a motion recommending support in an amount not to exceed \$64,100 from the RWMF for the TMWA 2009 Water Usage Review Program.

FISCAL IMPACT

The fiscal impact to the Regional Water Management Fund would not exceed \$64,100. Budget authority is located in Fund Group 766, Fund 7066, Account Number 710100, Professional Services, Cost Object 310100.3.

RECOMMENDATION

The NNWPC recommends that the WRWC approve funding from the RWMF in an amount not to exceed \$64,100 to support the TMWA 2010 Water Usage Review Program, and if approved, authorize the Chairman to execute an Interlocal Agreement with TMWA for that purpose.

POSSIBLE MOTION

Move to approve funding from the RWMF in an amount not to exceed \$64,100 to support the TMWA 2010 Water Usage Review Program, and authorize the Chairman to execute an Interlocal Agreement with TMWA for that purpose.

INTERLOCAL AGREEMENT

1) PARTIES

This Interlocal Agreement ("Agreement") is entered into between the Western Regional Water Commission, a political subdivision of the State of Nevada, (the "Commission") and the Truckee Meadows Water Authority, a Joint Powers Authority created under Chapter 277, Nevada Revised Statutes, ("TMWA"), collectively the "Parties". In consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

2) RECITALS

2.1 The Parties are public agencies as defined in NRS 277.100(1)(a).

2.2 NRS 277.180 provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any public agency, entering into the contract, is authorized to perform.

2.3 On May 5, 2010, TMWA presented to the Northern Nevada Water Planning Commission ("NNWPC") a funding request in the amount of \$61,400 for TMWA's 2010 Water Usage Review Program, a water conservation and education program, including assistance in auditing customer water use (the "Project").

2.4 The NNWPC, at its regular meeting held May 5, 2010, recommended that the Commission approve the necessary funding from the Regional Water Management Fund ("RWMF").

2.5 The Commission, at its regular meeting held July 9, 2010, approved the Scope of Work and Budget attached hereto as Exhibit "A" and funding from the RWMF in the amount of \$61,400, to fund approximately 60% of the costs of the Project for calendar year 2010, as set forth in the Budget.

3) **RIGHTS & DUTIES**

3.1 TMWA

3.1.1 TMWA shall conduct the Project and will submit an invoice to the Commission through its Contract Administrator, for the Commission's share of the Project for the work described in the Scope of Work and Budget attached hereto as Exhibit "A", and incorporated herein by reference. Work on the Project will progress and be completed within calendar year 2010.

3.1.2 TMWA will provide or contract for all services required to complete the Project.

3.1.3 TMWA shall, through its designated representative or Contract Administrator, provide to the Commission any information requested by the Commission's Contract Administrator, relating to any invoice submitted for payment.

3.1.4 TMWA shall set up a separate account for the Project, if not already existing, so that check numbers along with copies of cancelled checks for all expenditures can be submitted, as well as an exact itemization of Project expenditures, copies of itemized invoices, and properly documented timesheets.

3.1.5 RWMF monies will cover salary, benefits, and related costs for two auditors as set forth in the Budget. The remaining program costs, including salary and benefits for a third auditor, will be contributed by TMWA. Further, if additional temporary or permanent staff is needed to operate the Project, TMWA will cover the costs associated with these expenses. TMWA may shift funding between line items if costs necessitate a transfer of funds.

3.1.6. Any remaining funds after payment of authorized expenses for the 2010 calendar year will either be refunded to the Commission or used for Project continuation.

3.2 The Commission

3.2.1 The NNWPC Program Manager, Jim Smitherman, is hereby designated as the Commission's Contract Administrator.

3.2.2 Upon the submission of an invoice for payment, pursuant to Paragraph 3.1.1 above, the Contract Administrator shall promptly review the invoice, request any further information or documentation required, and process the invoice for payment within thirty (30) days following his approval.

3.2.3 The Commission, at its discretion, may conduct an audit of compliance with this Agreement and the funding provided for herein, relating to performance of this Agreement, compliance with the scope of the Project, and compliance with all applicable State, Federal and local laws, policies and procedures. Such audit shall be at the Commission's expense.

3.2.4 The total amount of invoices paid pursuant to this Agreement shall not exceed the sum of \$61,400 from the RWMF.

3.3 Joint Rights and Responsibilities

3.3.1 Either Party may terminate this Agreement with thirty (30) day advance written notice to the other.

3.3.2 Both Parties agree to coordinate and use their best efforts to complete the Project and to collaborate in a timely manner in order to maximize the efficient use of funding and other resources.

4) INDEMNIFICATION

4.1 Each Party agrees to be responsible for any liability or loss that may be incurred as a result of any claim, demand, cost, or judgment made against that Party arising from any negligent act or negligent failure to act by any of that Party's employees, agents in connection with the performance of obligations assumed pursuant to this Agreement.

4.2 Each Party further agrees, to the extent allowed by law pursuant to Chapter 41 of the Nevada Revised Statutes (“NRS”), to hold harmless, indemnify and defend the other from all losses, liabilities or expenses of any nature to the person or property of another, to which the indemnified party may be subjected as a result of any claim, demand, action or cause of action arising out of the negligent acts, errors or omissions on the part of employees or agents of the indemnifying party in relation to this Agreement.

5) MISCELLANEOUS PROVISIONS

5.1 This Agreement is binding upon and inures to the benefit of the Parties and their respective heirs, estates, personal representatives, successors and assigns.

5.2 This Agreement is made in, and shall be governed, enforced and construed under the laws of the State of Nevada.

5.3 This Agreement constitutes the entire understanding and agreement of the Parties with respect to the subject matter hereof, and supersedes and replaces all prior understandings and agreements, whether verbal or in writing, with respect to the subject matter hereof.

5.4 This Agreement may not be modified or amended in any respect, except pursuant to an instrument in writing duly executed by the Parties.

5.5 In the event the Commission fails to appropriate or budget funds for the purposes as specified in this Agreement, TMWA hereby consents to the termination of this Agreement. In such event, the Commission shall notify TMWA in writing and the Agreement will terminate on the date specified in the notice. The Parties understand that this funding out provision is required under NRS 244.320 and NRS 354.626.

5.6 In the event either Party brings any legal action or other proceeding with respect to the breach, interpretation, or enforcement of this Agreement, or with respect to any dispute relating to any transaction covered by this Agreement, the losing Party or

Parties in such action or proceeding shall reimburse the prevailing Party or Parties therein for all reasonable costs of litigation, including reasonable attorneys' fees.

5.7 No delay or omission by either Party in exercising any right or power under this Agreement shall impair any such right or power or be construed to be a waiver thereof, unless this Agreement specifies a time limit for the exercise of such right or power or unless such waiver is set forth in a written instrument duly executed by the person granting such waiver. A waiver of any person of any of the covenants, conditions, or agreements hereof to be performed by any other Party shall not be construed as a waiver of any succeeding breach of the same or any other covenants, agreement, restrictions or conditions hereof.

5.8 All notices, demands or other communications required or permitted to be given in connection with this Agreement, shall be in writing, and shall be deemed delivered when personally delivered to a Party or, if mailed, three (3) business days after deposit in the United States mail, postage prepaid, certified or registered mail, addressed to the Parties as follows:

To Commission: Jim Smitherman, Water Resources Program Manager
Western Regional Water Commission
4930 Energy Way
Reno, Nevada 89502

To TMWA: Mark Foree, General Manager
Truckee Meadows Water Authority
P.O. Box 30013
Reno, Nevada 89520-3013

4.9 This Agreement is effective upon the date the last signing Party signs this Agreement ("Effective Date").

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

WESTERN REGIONAL WATER COMMISSION

TRUCKEE MEADOWS WATER AUTHORITY

Dated this ____ day of _____, 2010

Dated this ____ day of _____, 2010

By _____
Mike Carrigan, Chairman
Western Regional Water Commission

By _____
Mark Foree, General Manager
Truckee Meadows Water Authority

APPROVED AS TO FORM:
Rhodes Law Offices, Ltd.

APPROVED AS TO FORM:

By _____
John B. Rhodes, Legal Counsel

Sylvia Harrison, Legal Counsel

EXHIBIT A

Scope of Work and Budget

The attached budget for TMWA's 2010 Water Usage Review Program, (the "Project") indicates the total estimated Project costs for calendar year 2010 to be \$106,856. TMWA is requesting \$61,400, or approximately 60%, of the funding from the WRWC. The Project scope of work includes the following goals and actions:

Program Objectives

- Aid customers in understanding water consumption at their premise
- Provision of retrofit devices (such as shower heads, toilet bags, flappers, faucet aerators, etc.) by TMWA for customer or plumber installation
- Education on the benefits of conserving water including property-specific recommendations for customers to follow to use water more efficiently

Program Administration

- Measurement and evaluation of the landscaped area
- Soil and turf type analysis and recommendation of a watering schedule
- Consultation regarding water conservation inside the home
- Analysis of the water bill and print out of recommendations

2010 Cost Proposal

Cost Item	Comment	Estimated Total Cost	Proposed NNWPC Share	Proposed TMWA Share
Salaries & Expenses	(1)	\$89,856	\$64,114	\$25,742
Vehicle(s) & Fuel	(2)	\$12,500	\$0	\$12,500
Equipment & Supplies	(3)	\$3,000	\$0	\$3,000
Outreach		\$1,500	\$0	\$1,500
Total Estimated Program Cost		\$106,856	\$64,114	\$42,742
Recommended NNWPC/WRWC Funding for 2010			\$64,100	

- (1) Average hourly rate of \$21.61 includes auditor salary plus FICA, Medicare, and workman's comp.
Assumes 1 full time auditor (2080 hours) and 2 half time auditors (1,039 hours per auditor).
- (2) Based on 2010 mileage rate of \$0.50 per mile
- (3) Includes wireless computers, telephone, auditing equipment & supplies, office supplies, and clothing

TMWA requests the ability to shift funding between line items if costs necessitate a transfer of funds.

Western Regional Water Commission

STAFF REPORT

DATE: June 24, 2010

TO: Chairman and Members, Western Regional Water Commission

FROM: Chris Wessel, Water Management Planner
Jim Smitherman, Water Resources Program Manager

SUBJECT: **Status report on the Western Regional Water Commission (“WRWC”) and Northern Nevada Water Planning Commission (“NNWPC”) websites; and possible direction to staff**

SUMMARY

In 2008, the WRWC directed staff to continue development of the initial WRWC website developed by TMWA and to develop a website for the NNWPC. Staff will provide a brief interactive tour of both the WRWC and NNWPC websites and provide an update as to what remains to be accomplished.

DISCUSSION

During initial meetings of the WRWC, Commissioners indicated their preference for receiving information in electronic format. Based on this, staff began distribution of WRWC information related to meetings, agendas and staff reports electronically to members and the public through the initial website developed by TMWA. At the same time information for the NNWPC was being distributed through the NNWPC webpage on the County website, which served the former Regional Water Planning Commission. Subsequently, staff was directed to begin development of a combined website to serve both commissions.

Staff obtained several bids for the development of a website specifically for the WRWC and the NNWPC. The lowest bid was submitted by Washoe County, and was presented for consideration and approved at the February 4, 2009 NNWPC meeting.

The WRWC, through its Water Resources Program Manager, contracted with Washoe County Technical Services to host the site on the County’s server system. The decision to use Washoe County Technical Services to host website development was considered efficient in terms of updating or modifying the site and accessibility by staff for support services. It was also deemed economical, as cost for staff services are significantly less than those of outside contractors and hosting solutions.

In addition to the development of a website, staff was also asked to develop a web-based collaborative workspace where member agency staff can store, share, review and comment on documents. The document sharing routine would be developed using a product similar to SharePoint, which would be accessible to Commission members and their staff.

The following outlines the current status of the website development:

- The initial WRWC website, developed by Olsen & Associates at the request of TMWA, was transferred to the County and has been 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.
- 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 with logins 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 concerns 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.