

Western Regional Water Commission

STAFF REPORT

DATE: March 14, 2019
TO: Chairman and Members, Western Regional Water Commission (“WRWC”)
FROM: Jim Smitherman, Water Resources Program Manager
John Rhodes, WRWC Legal Counsel
SUBJECT: Presentation, discussion, and possible approval of a scope of work for legal services for the WRWC and Northern Nevada Water Planning Commission (“NNWPC”), and possible direction to staff.

SUMMARY

On October 17, 2018, the WRWC directed staff to prepare a scope of work for legal services for the WRWC and the NNWPC, and to present the same at its next meeting. The attached scope of work has been developed in close coordination with current legal counsel for the Board’s review, discussion and possible approval, and possible direction to staff.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends that the WRWC review and discuss the scope of work and provide appropriate direction to staff.

POSSIBLE MOTION

“Move to approve the scope of work for legal services (with or without revisions), and direct staff to [take action as desired by the Board]”.

LEGAL COUNSEL POSITION

WESTERN REGIONAL WATER COMMISSION

BACKGROUND

The Western Regional Water Commission (“WRWC”) was created in 2007, effective April 1, 2008, by the Nevada Legislature, and by Cooperative Agreement among the WRWC member agencies, which include the City of Reno, the City of Sparks, Washoe County, Sun Valley General Improvement District and the Truckee Meadows Water Authority.

Chapter 531, Statutes of Nevada 2007, the Western Regional Water Commission Act (the “Act”) also created the Northern Nevada Water Planning Commission (“NNWPC”) and required the NNWPC to develop a comprehensive regional water management plan for the Planning Area covering municipal and industrial water supply, water quality, sanitary sewerage; sewage treatment, storm water drainage and flood control. The overall purpose is to deal with current and future problems affecting the Planning Area as a whole with respect to the subjects of the plan.

The WRWC Board of Trustees meets generally five or six times a year and the NNWPC meets 10 times a year.

SCOPE OF WORK

Attorney must be able to work independently, identify and provide a broad range of legal services required by the Western Regional Water Commission (“WRWC”) and its advisory body, the Northern Nevada Water Planning Commission (“NNWPC”), to include:

1. Work with staff to ensure that all meeting agendas, staff reports and minutes comply with Nevada Open Meeting Law and other legal requirements.
2. Provide legal representation at all public meetings of the WRWC, and its subcommittees, and the NNWPC.
3. Attend all WRWC Staff Working Group meetings to ensure Open Meeting Law compliance, provide advice on the propriety of proposed actions and future WRWC agenda items, and legal documentation required for implementation.
4. Evaluate the propriety of proposed expenditures from the Regional Water Management Fund.
5. Draft legal documents such as interlocal agreements and contracts with planning consultants, other service providers, and independent contractors; confirming that consultants, other service providers, and independent contractors are adequately insured, and in compliance with state and local licensing and workers compensation requirements.
6. Address specific Open Meeting Law and other statutory compliance issues.

7. Coordinate and collaborate with legal counsel and staff for local and regional agencies, such as Reno, Sparks, Washoe County, Truckee Meadows Water Authority (“TMWA”) and the Truckee Meadows Regional Planning Agency (“TMRPA”) on legal issues involving both water resources planning and land use planning, and continuing required five-year updates of the Regional Water Management Plan.
8. Assess potential liability from a risk management perspective, and provide advice on and recommendations for risk reduction measures.
9. Provide an annual written report to the WRWC’s financial auditors regarding pending or threatened litigation, claims or assessments.
10. Advise/represent the WRWC and the NNWPC on federal, state, and local legislative issues.
11. Provide services as a registered lobbyist at the Nevada Legislature, track relevant pending bill draft requests and pending legislation during legislative sessions, and provide continuing updates on those matters to the WRWC and NNWPC.
12. Provide continuing statutory review to assure that both the WRWC and the NNWPC comply, at all times, with all mandates and provisions of the Western Regional Water Commission Act, Chapter 531, Statutes of Nevada 2007, and all other state and local laws and requirements.
13. Develop, prepare, and present legal issues that may require appearances before local governing bodies, and state administrative agencies.
14. Assist the WRWC in determining the scope of Attorney’s representation and services in any civil litigation, as directed by the WRWC Board of Trustees.