

**WESTERN REGIONAL WATER COMMISSION
DRAFT MINUTES**

Wednesday, May 20, 2021

The Western Regional Water Commission (WRWC) Board of Trustees held a budget meeting on Thursday, May 20, 2021, via Teleconference, and conducted the following business.

1. Roll Call and Determination of Presence of a Quorum

Chair Hartung called the meeting to order at 9:00 a.m. There was a quorum present.

<u>Commissioners Present:</u>	<u>Appointed by:</u>
Sandra Ainsworth	Sun Valley General Improvement District (SVGID)
Paul Anderson	Truckee Meadows Water Authority (TMWA) (Sparks)
Jenny Brekhus	TMWA (Reno)
Kristopher Dahir	City of Sparks
Naomi Duerr	City of Reno
Vaughn Hartung	Washoe County
Alexis Hill	TMWA (Washoe County)
Bob Lucey (<i>absent at 9:47</i>)	TMWA (STMGID Successor)
Bonnie Weber (<i>present at 9:07</i>)	Truckee Meadows Water Reclamation Facility (TMWRF)

<u>Commissioners Absent:</u>	<u>Appointed by:</u>
None	

2. Public Comment

Michael DeMartini submitted an email for public comment to be included in the record.

3. Approval of Agenda (For Possible Action)

Chair Hartung noted that Agenda Item 6 does not state that it can be considered for possible action and will be continued to the next WRWC meeting.

COMMISSIONER HILL MADE A MOTION TO APPROVE THE AGENDA AS AMENDED, SECONDED BY COMMISSIONER DAHIR. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) COMMISSIONERS PRESENT.

Public Comment:

Michael DeMartini stated that he thought today's meeting agenda would include an update on the meeting minutes discussed at yesterday's WRWC meeting.

4. Public Hearing on Budget

- a. Discussion and action on the WRWC Tentative Budget for Fiscal Year (FY) 2021-2022 and discussion and action on adoption of the WRWC Final Budget for FY 2021-2022 -- Chris Wessel, WRWC Water Resources Program Manager (**For Possible Action**)

Chris Wessel, WRWC Water Resources Program Manager, reported that staff has developed a FY 2021 – 2022 Tentative Budget for the WRWC including revenues and expenses for staff and

non-staff professional services. The staff report includes State of Nevada budget forms that show projected revenues of \$1,643,544, and expenditures of \$2,568,212; the balance of which will come from cash reserves. Budget expenses include a maximum of \$1,930,148 for work plan activities, \$571,064 for three staff positions and legal services, and \$67,000 for various routine operating expenses. Mr. Wessel answered questions from Commissioners regarding various budget line items.

(Commissioner Weber present at 9:07 a.m.)

Mr. Wessel explained for Commissioner Brekhus the status of the Regional Plan Update.

Commissioner Brekhus noted the need for a discussion on the implementation of the Regional Plan and the need for public participation.

Commissioner Brekhus discussed the need for clarity on how far west the Steamboat Ditch Study will go.

Mr. Wessel explained that Washoe County is taking the lead on that and he would expect they will look at any input to the ditch as it is a cumulative problem. Mr. Wessel will have Dwayne Smith present more information on the study at a future meeting.

Mr. Wessel clarified for Commissioner Brekhus that the Long Valley budget line item is for an extension of time and that the funds will be carried over to a new fiscal year. He will have Mr. Smith provide an update on that at a future meeting as well.

Commissioner Duerr also expressed interest in an update on the Steamboat Ditch Study.

Mr. Wessel explained that the budget line items in green are proposed projects that will be coming and have not been presented yet.

(Public Comment was heard at this time under Agenda Item 4.b.)

COMMISSIONER ANDERSON MADE A MOTION TO ADOPT AND CERTIFY THE WRWC FINAL BUDGET FOR FISCAL YEAR 2021 – 2022, AND DIRECT STAFF TO TRANSMIT A COPY TO THE NEVADA TAX COMMISSION, TOGETHER WITH AN AFFIDAVIT OF PROOF OF PUBLICATION OF THE NOTICE OF THE PUBLIC HEARING, IN ACCORDANCE WITH LAW, SECONDED BY COMMISSIONER LUCEY. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) COMMISSIONERS PRESENT.

b. Public Comment

Michael DeMartini stated the public would probably like to know a little more about how these projects unfold as they do. He also stated that some of the issues out in Cold Springs may need funding and it looks like funding may be available based on the flexibility in the budget.

5. Public Hearing on Conformance Review

- a. Discussion and action on revised Facility Conformance Review Procedures pursuant to Section 51 of the WRWC Act recommended by the Northern Nevada Water Planning commission (NNWPC) and discussion, action and possible adoption of an amendment to Resolution No. 5: a resolution adopting facility conformance review procedures; and possible direction to staff -- Chris Wessel (**For Possible Action**)

Michael Pagni, Legal Counsel, made the following disclosure: My firm is involved in some litigation involving a challenge by Mr. DeMartini to a tentative map approval by the City of Reno. While the issues on appeal are really limited to standing questions, one of the underlying questions he has raised is whether the City of Reno appropriately considered conformance review procedures. While I don't believe this creates an actual conflict, out of excess of caution I have asked Mr. Rhoades to step in as Legal Counsel and to work with staff to develop the proposed amendment that is in front of you and to bring that forward to the NNWPC and this Commission. I will be recusing myself from this matter.

The NNWPC, at its meeting held May 5, 2021, recommended that the WRWC adopt an amendment to Resolution No. 5. The revised Facility Conformance Review Procedures: designate certain classes of facilities for conformance review; provide a process for conformance review of other facilities not specifically designated; and delegate final conformance decisions to the NNWPC, with appropriate rights of appeal to the WRWC for both applicants and protestants.

Jim Smitherman noted that the recommended revisions are for clarification and there are no major changes. The revisions clarify that the conformance review pertains to proposals to construct major regional facilities.

Mr. Smitherman confirmed for Chair Hartung that projects already on CIPs are precluded from this conformance review process. The WRWC would get involved if a major regional facility comes up that didn't make it into a Plan update.

Commissioner Brekhus stated she is pleased to hear that conformity reviews are required by this body. She noted that not everything that the City of Reno funds appears on the CIP and asked if there is a list of projects that have triggered this conformance review process.

Mr. Smitherman stated that he reviewed conformance reviews back to 2008, to the beginning of the WRWC, and there have been no proposals for major regional facilities that have come through for a conformance review.

Commissioner Brekhus asked whose obligation it is to bring those through.

Mr. Smitherman stated it would be whoever is proposing to construct a facility.

Commissioner Brekhus asked if Reno's expansion of Reno/Stead Water Reclamation Facility (RSWRF) would have triggered a conformance review.

Mr. Smitherman stated if it wasn't in the Plan, it would trigger it, but the last adopted Plan from five (5) years ago includes the expansion of RSWRF to 2mgd.

Commissioner Brekhus asked about the American Flats Irrigation Project or the water extension lines out to StoneGate.

Mr. Smitherman stated those major facilities are not specifically included. In concept there are some statements about needing to go certain directions to manage effluent or to extend service, but those would be included in the update of the Plan that is being worked on right now.

Commissioner Brekhus asked if it is Mr. Smitherman's view that no projects were missed for conformance review and they were all covered under the Plan and so there is no need for retroactive curing.

Mr. Smitherman stated that is his understanding as of right now, yes.

(Public Comment was heard at this time under Agenda Item 4.b.)

(Commissioner Lucey absent at 9:47 a.m.)

COMMISSIONER HILL MADE A MOTION TO ADOPT THE PROPOSED AMENDMENT TO RESOLUTION NO. 5, APPROVING THE PROPOSED REVISED FACILITY CONFORMANCE REVIEW PROCEDURES, SECONDED BY COMMISSIONER DAHIR. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) COMMISSIONERS PRESENT.

b. Public Comment

Michael DeMartini stated he thinks the proposed list as it stands right now is in variance to the spirit and the intent of the act of the Legislature. We need to worry about the public and how they may be affected by projects that are built. There is a Supreme Court case going on that is addressing this situation. It is important to note that Mr. Pagni has previously made opinions that I believe provided the basic structure of the current proposed list of classes that we are looking at here. That should go back to the NNWPC to start over because it appears to be out of line with the act. Further, there is an issue with regard to the StoneGate project which is the issue at the Supreme Court and Mr. Pagni has appeared in that case and Mr. Smitherman has also provided information that is relevant to that case. This all should be taken into account moving forward regarding this conformance review.

Staff received an email from Matthew DeMartini that was forwarded to the Commissioners and entered into the record.

6. Discussion, action, and possible approval of a Seventh Amendment to the Cooperative Agreement for Contractual Professional and Administrative Staff Services with Washoe County to provide staff services for the WRWC and the NNWPC and authorization of the WRWC Chair to execute the Amendment

This item was continued.

7. Discussion and possible direction to staff regarding agenda items and dates for future WRWC meetings

Mr. Wessel confirmed for Chair Hartung that they are working on an unsolicited proposal policy. The next WRWC meeting will be on June 16.

8. Commission Comments

None

9. Staff Comments

None

10. Public Comment

None

11. Adjournment (For Possible Action)

The meeting was adjourned at 9:52 a.m.

Respectfully submitted by,
Christine Birmingham, Recording Secretary

Approved by Commission in session on _____ 2021.

Chair Vaughn Hartung

DRAFT