

# Western Regional Water Commission

## STAFF REPORT

**DATE:** June 10, 2021  
**TO:** Chair and Members, Western Regional Water Commission ("WRWC")  
**FROM:** Michael Pagni, Legal Counsel  
Chris Wessel, WRWC Program Manager  
**SUBJECT:** Discussion and action on possible recommendation to the Western Regional Water Commission ("WRWC") on an amendment to the WRWC Governing Rules and Regulations addressing unsolicited proposals.

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### **SUMMARY**

During Commission comments at a prior meeting in 2021, concern was expressed over how the Commission's governing rules apply to unsolicited proposals. Staff and legal counsel have reviewed methods other governing bodies use to address unsolicited proposals and developed proposed revisions to the Governing Rules and Regulations of the WRWC to address the concern. Under the proposed revisions, unsolicited proposals must be sponsored by a member of the NNWPC, WRWC or staff in order to be considered, and should include information about proposed funding sources. Proposals would be submitted first to the NNWPC for review and recommendation. No unsolicited proposals made during public comment would be eligible for action or consideration.

The proposed changes were presented to the Northern Nevada Water Planning Commission ("NNWPC") for their review and comment at their June 2, 2021 meeting and the NNWPC recommended approval of the amended procedures to the WRWC, with minor edits, which are reflected in the attached red line version. Staff is looking for the WRWC to adopt the amended procedures with or without changes.

### **PREVIOUS ACTION**

On April 11, 2008, the WRWC adopted the existing Governing Rules and Regulations adapted from the governing rules of the Truckee Meadows Water Authority, which were modeled after rules of the local governments.

### **FISCAL IMPACT**

None

### **RECOMMENDATION**

Staff recommends that the WRWC adopt the proposed amendment to the Governing Rules and Procedures with or without changes.

### **POSSIBLE MOTION**

"Move to approve the NNWPC's recommendation to the WRWC to adopt the proposed amended Governing Rules and Procedures with or without changes."

CW:jp

**WESTERN REGIONAL WATER COMMISSION  
BOARD OF TRUSTEES**

**GOVERNING RULES AND REGULATIONS**  
*(Revised \_\_\_\_\_, 2021)*

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**PREAMBLE:**

These rules and regulations for the conduct of affairs of the Western Regional Water Commission are promulgated pursuant to the authority granted in Section 30(11) of the Western Regional Water Commission Act, Chapter 531, Statutes of Nevada, 2007.

**SECTION I - MINUTES:**

The Board of Trustees shall determine its own rules, order of business, and conduct of public meetings, and shall provide for minutes of its proceedings. The Secretary is required to keep accurate minutes, which shall be a public record.

**SECTION II - MEETINGS:**

Regular Meetings shall generally be held once each month. Regular meetings will normally commence on the second Friday of the month at 1:30 p.m., in a properly noticed location in accordance with the Open Meeting Law.

Special Meetings may be called by the Chairman or the Secretary with at least three days written notice to each Trustee served personally or left at the Trustee's usual place of residence or business so long as the legal notice is in accordance with the Open Meeting Law.

**Teleconference Attendance at meetings** by Trustees will be permitted, without further approval, when a Trustee is unable to attend a meeting and desires to participate via the use of teleconferencing. The requesting Trustee must give the Secretary adequate notice of his or her desire to participate via teleconferencing to make any technical arrangements necessary. The minutes of the meeting shall clearly set forth which Trustees are present in person and which are present by telephone conference. Teleconference attendance shall not be considered in establishing a quorum, but a Trustee participating telephonically may vote on any measure.

**SECTION III - COMPLIANCE WITH OPEN MEETING LAW:**

The Board shall comply in all respects with the Open Meeting Law, NRS Chapter 241, including specifically NRS 241.0355.

#### **SECTION IV • AGENDA:**

Agendas shall use the following order of business:

Roll Call

Public Comment

Approval of Agenda

Approval of Minutes

Regular Business Items

Public Comment

Labor Relations Session (when necessary)

Adjournment

#### **SECTION V - PRESIDING OFFICER DUTIES:**

The Chairman shall be the Presiding Officer of the Board of Trustees. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Board. The Presiding Officer shall state every question coming before the Board, announce the decision of the Board on all subjects, and decide all questions of order. Any decision or ruling of the Presiding Officer may be appealed to the full Board of Trustees by request of any Trustee. The Presiding Officer shall call for roll call to see if the Chair is upheld; if the roll call loses, the Presiding Officer is reversed.

#### **SECTION VI - CALL TO ORDER:**

The Chairman, or in the Chairman's absence the Vice-Chairman, shall call the Board to order at the scheduled meeting time. In the absence of the Chairman or Vice Chairman, the Secretary shall call the Board to order. A temporary presiding officer shall then be elected by the members of the Board present. When the Chairman or Vice-Chairman arrives, the temporary presiding officer shall relinquish the chair when the business immediately before the Board is finished.

#### **SECTION VII - ORDER OF BUSINESS:**

The Presiding Officer shall determine the order of business at meetings. The Presiding Officer on his/her own initiative, or the Board by majority vote, may consider items out of sequence from the printed agenda. Time certain for particular items may be set at the time the agenda is posted or by request of the Secretary, Chairman, or Trustees at the beginning of the Board meeting during the Approval of the Agenda item.

**Getting the floor - improper reference to be avoided:** Every Trustee desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.

**Interruptions:** A Trustee, once recognized, shall not be interrupted when speaking unless it is to call the Trustee to order. If a Trustee, while speaking, is called to order, the Trustee shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed.

**Personal privilege:** The right of a Trustee to address the Board on a question of personal privilege shall be limited to cases in which the Trustee's integrity, character, or motives are questioned, or where the welfare of the Board is concerned. A Trustee may interrupt another speaker if the Presiding Officer recognizes the "privilege."

#### **SECTION VIII - ADDRESSING THE BOARD:**

Citizens attending the meeting may address the Board at the proper time as provided herein. Petitions, remonstrances, communications, comments or suggestions from citizens which are not related to an item included in the agenda must be heard under Public Comment.

Each person desiring to address the Board shall submit a speaker information card. Each person addressing the Board shall read his or her name and the city or county of his or her residence into the public record. Oral presentations given during the Public Comment section of the agenda or for any agenda item shall not be repetitious and shall be confined to three minutes maximum duration, unless the Presiding Officer or the Board grants additional time. No person other than the individual speaking shall enter into the discussion without the permission of the Presiding Officer. No question shall be asked of a Trustee except through the Presiding Officer. No action shall be taken on issues raised under the Public Comment section of the agenda.

After a motion is made, no person shall address the Board without first securing the permission of the Presiding Officer to do so.

#### **SECTION IX - DECORUM:**

**By Trustees:** While the Board is in session, the Trustees must preserve order and decorum. A Trustee shall neither by conversation or otherwise delay nor interrupt the proceedings or the peace of the Board nor disturb any Trustee while speaking, nor refuse to obey the orders of the Board or its Presiding Officer, except as otherwise herein provided.

**By Persons:** Any person who willfully disrupts a meeting to the point where orderly conduct is impracticable may be barred from further audience before the Board at that meeting, unless permission to continue is granted by a majority vote of the Board.

**Enforcement of Decorum:** The Secretary shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Board meetings.

## **SECTION X - VOTING:**

**Roll Call:** A roll call vote must be taken upon the request of any member. Roll call votes shall be taken by the Secretary. The Secretary shall endeavor to rotate the order of calling on Trustees on a roll call vote except that the Presiding Officer shall always vote last on a roll call vote. It shall not be in order for members to explain their vote during the roll call.

**Precedence of Motions:** When a motion is before the Board, no motion shall be entertained except (1) to limit comment, (2) to adjourn, (3) to fix hour of adjournment, (4) to lay the motion on the table, (5) to call for the previous question, (6) to continue to a certain day, (7) to refer, (8) to amend, (9) to postpone indefinitely, or (10) to divide the question. These motions shall have precedence in the order indicated.

**Amendments:** No more than one amendment to an amendment is permitted. When an amendment is before the Board, the Board shall vote first on the amendment. After the amendment has passed or failed, the Board shall vote on the main motion.

**Motion to Table:** The purpose of this motion is to temporarily by-pass the subject. A motion to lay the matter on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be "taken from the table" at any time prior to the end of the next regular meeting. A matter taken from the table cannot be acted upon if it does not appear on the published agenda.

**Motion to Continue:** The purpose of this motion is to delay consideration of a subject until a future time. A motion to continue shall include the specific date when the subject shall again be considered.

**Motion for Previous Question:** The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if the motion passes, then the Board shall vote on the main motion.

**Division of Question:** If the question contains two or more divisible propositions, the Presiding Officer may, or upon successful motion of the Board, shall divide the same.

**Withdrawal of Motion:** When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.

**Conflict of Interest:** Trustees shall abide by the provisions of NRS 281A.400 et. seq., relating to Ethics in Government.

**Trustee Required to Vote:** Trustees are required to vote on all issues placed before them unless prohibited by the Code of Ethical Standards; or, if a Trustee was absent from a meeting, he or she may abstain from voting on the minutes of that meeting.

**Recording Votes:** The minutes of the proceedings of the Board shall record each individual Trustee's vote on all agenda items.

**Affirmative Motion:** An affirmative motion which fails to carry shall not be considered a denial and shall require a motion for denial.

**Negative Motion:** A negative motion which fails to carry is not tantamount to approval and shall require the passage of an affirmative motion before approval.

**Motion to Reconsider:** A motion for reconsideration of any matter or a request to have a matter placed on a subsequent agenda may be made at any time during the meeting when the matter was voted upon or during the next regularly scheduled meeting by a Trustee voting on a prevailing side of the matter or motion to be reconsidered. A question failing by virtue of a tie vote may be reconsidered by motion of any member of the Board, which motion may be made at any time. A majority vote in favor of reconsidering the vote on a subject or motion shall automatically cancel the previous vote on that subject or motion and reopen the subject or motion for discussion and another vote. The procedures of regular business shall be in order. When a Trustee voting on the prevailing side requests the Secretary to place a time for reconsideration on a subsequent agenda, the Trustee should specify his/her intent as to when the item itself should be heard if the Board approves the request to reconsider it.

## **SECTION XI - RULES OF ORDER**

"Roberts Rules of Order Newly Revised" shall govern the proceedings of the Board in all cases, provided they are not in conflict with these rules.

## **SECTION XII – UNSOLICITED PROPOSALS**

Unsolicited proposals or ideas presented in public comment at any meeting of the Western Regional Water Commission shall not be considered by the Board for comment, action or acceptance. Unsolicited proposals from the private sector proposing use of Western Regional Water Commission property, financial support, staff support, or in-kind support (including regulatory or social support or collaboration), must be sponsored by a member of the Western Regional Water Commission, Northern Nevada Water Planning Commission, or member of the staff of the Western Regional Water Commission in order to be presented to the Board for consideration. Sponsored unsolicited proposals shall be presented first to the Northern Nevada Water Planning Commission for review and recommendation to the Western Regional Water Commission before being presented to the Board for consideration and possible action.