

**NORTHERN NEVADA WATER PLANNING COMMISSION  
MINUTES**

**Wednesday, April 30, 2008**

The first meeting of the Northern Nevada Water Planning Commission (NNWPC) was held on Wednesday, April 30, 2008, at 1:30 p.m., in the Washoe County Department of Water Resources Community Meeting Room, 4930 Energy Way, Reno, Nevada.

- 1. Roll Call and determination of presence of a quorum** - Darrin Price called the meeting to order at 1:36 p.m. There was a quorum present.

Voting Members Present:

George W. Ball, Jr.  
Michael Cameron (left at 3:30 p.m.)  
Michael J. DeMartini  
Greg Dennis  
Neil Mann (left at 2:58 p.m.)  
Rosemary Menard  
Darrin Price  
Jerry Schumacher  
Wayne Seidel  
Lori Williams (arrived at 1:47 p.m.)

Voting Members Absent:

Staff Members Present:

Jim Smitherman  
Chris Wessel  
June Davis

- 2. Approval of the agenda.**

Commissioner Dennis made a motion to approve the April 30, 2008, NNWPC agenda as posted. Commissioner Cameron seconded the motion, which carried unanimously.

- 3. Election of chairman and vice-chairman.**

Commissioner Price reported that the Regional Water Planning Commission (RWPC) had guidelines regarding chairmanship; however, under the NNWPC, any commissioner may serve as chairman. He added that the Act that establishes the NNWPC does not call for a vice-chairman; however, this commission can elect one if desired.

Commissioner Price called for discussion or nominations for a chairman. Commissioner Menard nominated Darrin Price as chairman. Commissioner Schumacher seconded the motion, which carried unanimously.

Chairman Price called for nominations for vice-chairman. Commissioner Menard nominated Wayne Seidel as vice-chairman. Commissioner Schumacher seconded the motion, which carried unanimously.

Jim Smitherman reported that legal counsel was not present at today's meeting. He explained that John Rhodes was recommended to provide legal counsel to the Western Regional Water Commission (WRWC) and the NNWPC; however, he is not yet under contract. He added that Mr. Rhodes was present although he would not provide legal counsel.

Chairman Price introduced Mr. Rhodes and reported that he previously served as legal counsel to the RWPC.

**4. Commission discussion and possible adoption of procedure for taking public comments at Northern Nevada Water Planning Commission (NNWPC) public meetings.**

Chairman Price referred to the staff report included in the meeting packet. He stated that staff's recommendation is to proceed with the same procedure for taking public comments that was adopted by the WRWC. Commissioner Dennis made a motion to accept staff's recommendation. Commissioner Seidel seconded the motion, which carried unanimously.

**5. Public Comments.**

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

**6. Establish a schedule for selection of Chairman for a term of one year.**

Mr. Smitherman stated that the topic of chairmanship terms is addressed in Section 36 of the WRWC Act (SB 487), which requires a schedule for the selection of Chairman. Commissioner Williams asked if the schedule could be annually at this time of year, to which Mr. Smitherman stated yes. He stated there was also mention of the schedule coinciding with the calendar year. Commissioner Menard stated that the WRWC is required to elect a new chairman on December 31<sup>st</sup>. Mr. Smitherman stated his recommendation would be to mimic the WRWC. Chairman Price asked if it might be better to stagger the appointment dates.

Commissioner Menard made a motion to establish a provision for selecting a chair and vice-chair the first meeting of the second quarter (in April) moving forward until such time that a change is desired. She added that her motion also would establish that any member of the NNWPC could serve as chair or vice-chair. Commissioner Williams seconded the motion, which carried unanimously.

Mr. Smitherman offered to include this procedure in the new NNWPC Administrative Policies and Procedures.

**7. Establish a schedule for regular meetings.**

Chairman Price stated that staff's recommendation is that meetings be scheduled the first Wednesday of the month at 1:30 p.m. Commissioner Menard made a motion to approve staff's recommendation. Commissioner Ball seconded the motion, which carried unanimously.

Commissioner Dennis mentioned that the Reno City Council sometimes schedules meetings at that time.

Commissioner Seidel asked if the location would remain at Washoe County Department of Water Resources or the County Commissioners Chambers. Mr. Smitherman reported that the Chambers are available for the meetings if desired. Chairman Price asked if the meetings should be televised as in the past. Mr. Smitherman reported that the WRWC is moving forward to schedule its meetings at a venue with SNCAT capability.

Chairman Price suggested adding this item to the next agenda for discussion. He added that the next meeting would be held at Department of Water Resources.

**8. Commission discussion and possible direction to staff concerning recruitment of a public at large non-voting member.**

Chairman Price reported that a letter was received and distributed to Commissioners from Harry Fahnestock. He stated that Mr. Fahnestock expressed interest in serving as an at large non-voting member of the NNWPC.

Commissioner Dennis referred to the staff report, which indicates that if desired a public advertisement could be used for recruitment. Mr. Smitherman stated that if desired, he would place an ad in the Reno and Sparks newspapers and on the website. He added that if Commissioners have recommendations for members, he would make contact with them.

Commissioner Menard asked if the NNWPC is limited to one public non-voting member. Mr. Smitherman stated he believes more than one member could be appointed at the NNWPC voting members' discretion. Commissioner Menard stated that she thought Mr. Fahnestock's membership would be appropriate; however, she suggested adding additional members. She suggested that possible groups that might be appropriate for representation on the NNWPC include:

- Washoe County Leadership Academy
- Recent graduates
- Homeowner's Associations

Commissioner Williams suggested City of Reno's Citizen's Institute.

Mr. Smitherman agreed those were good suggestions and asked if those suggestions should serve as direction to staff to solicit those public groups. Commissioner Menard stated yes, and suggested a goal to have a list of names of interested parties by the July or August meeting.

Commissioner Dennis mentioned that Nevada Revised Statute (NRS) 540A included requirements for commissioner qualifications and asked if the same would apply to the NNWPC. Mr. Smitherman stated yes, it would be the same. He read the qualifications (one of which must apply):

- Professional Engineer licensed pursuant to the provisions of the NRS
- Experienced in comprehensive planning, natural resources, or environmental protection
- A specialist in hydrologic science
- Experienced in law, management, or planning related to water
- Experienced in municipal finance or resource economics
- Experienced in construction, planning or operation of facilities for supply or treating water for collecting or treating sewage or drainage of stormwater or control of floods
- Knowledgeable in areas of water conservation, biology, natural systems, water quality and water management

Mr. Smitherman stated that the last time he placed a newspaper advertisement for recruitment, he received no response. He agreed more direct outreach is needed.

Commissioner Menard suggested Sarah Tone who did a lot of work with Citizen's Advisory Boards (CABs). Commissioner Williams suggested if advertisements were posted, they include links to the entities, the CABs and Neighborhood Advisory Boards (NABs). Mr. Smitherman agreed.

Commissioner Schumacher suggested posting the advertisement at the Registrar of Voters. Commissioner Seidel stated that the Mayor announces such openings at the City Council meetings. Commissioner Dennis agreed that City of Reno could make the announcements as well.

Commissioner Ball referred to Section 37, number 8, which states that one member of the public at large may be appointed; however, number 9 allows that additional members with expertise may be appointed by a majority of the voting members as necessary. Commissioner Williams suggested representation by an economist or groundwater hydrologist.

Commissioner Seidel asked about the status of tribal representation. Mr. Smitherman reported that the chairman of the WRWC sent two letters regarding appointment of a member; however, he has not heard from the Tribe to date.

Commissioner DeMartini asked if there was a provision for additional voting members as well as non-voting. Commissioner Williams stated that the WRWC could appoint additional voting members if desired.

**9. Commission discussion, possible approval and possible input to the Western Regional Water Commission (WRWC) concerning the proposed WRWC work plan and budget through the 2008-2009 fiscal year, and possible direction to staff.**

Chairman Price referred to information that was included in Commissioners' packets of what went before the WRWC. He reported that Ben Hutchins, Finance Director for DWR, presented the budget information to the WRWC. He stated that the WRWC discussed the follow-up projects and encumbrances from the RWPC.

Mr. Smitherman referred to the "RWPC Project Contract Encumbrances" for the April through June 2008 budget that were included in the packet. He briefly reviewed the contracts that have been approved, along with the budget amount, balance remaining and percent complete. He stated that Mr. Hutchins recommended including the project encumbrances in the "Work Plan". He suggested that the NNWPC direct staff to do so. Commissioner Menard made a motion to direct staff to include the project encumbrances in the Work Plan. Commissioner DeMartini seconded the motion, which carried unanimously.

Mr. Smitherman reviewed the "Tentative Budget" for the next fiscal year (2008-2009). He referred to the "Net Income (loss)" amount of <\$576,969> and explained that amount would be covered by carry-over money from the fund. He reported that the projects included in the Work Plan are included in the tentative budget in the amount of \$1.6 million. Chairman Price stated that the WRWC requested a revision to how the budget is laid out so it does not show a shortfall. Mr. Smitherman stated he has not seen a revised budget and added that the tentative budget was presented to the State.

Chairman Price requested that a status update on the projects be included in the budget. He mentioned that he thought the City of Sparks Facility Planning was complete. Mr. Wessel stated he believed the final invoice was submitted to Sparks by the consultant but he had not yet received a copy.

Mr. Smitherman reiterated that \$1.6 million was set aside in the budget for approved contracts. Commissioner Williams asked what the balance is currently. Mr. Smitherman stated the balance is \$2.04 million.

Mr. Smitherman reviewed the Work Plan briefly and mentioned there was a typo in item 7, which should be "effect" rather than "affect". He explained that some of the items are set forth by Senate Bill (SB) 487 legislation, which include scheduling and delivery of water resources, maximizing conjunctive use, water conservation, and establishment of service territories. He explained that most likely the WRWC would refer these items to the entities and suggested that the NNWPC establish a process or procedure to address the issues.

Commissioner Williams stated that the intention is for entity staffs to work toward a project in Spanish Springs to address conjunctive use management. Commissioner Menard agreed. Commissioner Williams clarified that staff would need to address the issues and possibly a contractor might be hired to do a portion of the evaluation at some time.

Commissioner Cameron asked for clarification of the relationship between the WRWC and the NNWPC, particularly on the Work Plan. Mr. Smitherman stated that the NNWPC is advisory to the WRWC. He

added that the Act sets forth tasks for which the WRWC is responsible. He reported that he and member agency staff developed the Work Plan for the WRWC. He added that the WRWC would address some of the issues; however, the NNWPC would be responsible for others. He reported that the WRWC directed staff to bring the Work Plan to the NNWPC for advice, recommendations and input.

Commissioner Menard stated that previously the RWPC was driven by NRS 540A but more recently was focused heavily on the Regional Water Plan Update. She added that the Water Plan would still be a focus of the NNWPC; however, other items were added by the legislature for the entities to address together. She suggested that the NNWPC choose items in which they wish to be involved, i.e. water conservation. Commissioner Williams suggested that the NNWPC recommend additional items to the WRWC as necessary.

Commissioner Cameron asked if there would be separate Work Plans for the WRWC and the NNWPC. Commissioner Williams stated there is only one; however, it is dynamic and will continue to evolve. Chairman Price clarified that the Act is established by legislation; however, the entities created and signed a Joint Powers Agreement (JPA) that varies somewhat from the Act. Commissioner Williams stated the biggest change in the JPA was that the original Act focused on water supply; however, the JPA was expanded to include water quality, environmental water, stormwater, flood control, and all the issues the RWPC previously addressed.

Commissioner Ball asked about the timeline to address scheduling and delivery of water resources, maximizing conjunctive use and the other “near-term” items. Commissioner Menard stated her definition of “near-term” is one to three years. She explained that the near-term items were set forth in the legislation and added that the only item from the legislation that was not included on the list is the consolidation study. She clarified that the reason it is not on the list is that the Legislative Oversight Committee (LOC) has a requirement to do a consolidation study and it is better to have one than two. She added that the hope is to receive more clarity or direction during the next legislative session.

Commissioner Williams briefly explained how the entity staffs would work together on some of the issues, for instance Spanish Springs or the North Valleys. She stated that status reports with requests for input would be provided to the NNWPC as progress is made.

Commissioner DeMartini asked about the monetary obligations for the work being discussed. He asked if “staff” refers to the WRWC or entity staff. Commissioner Menard clarified it would be TMWA and Washoe County staff because they are the major water purveyors. Commissioner DeMartini asked if the reviews would include service territories that are not part of the TWMA or County service territories and if so, how the funding would work. Commissioner Menard clarified that in-kind work would be provided by staff. Commissioner Williams stated that in examining facilities, projects, connectivity, integration and costs for instance in Cold Springs, the local area purveyor (i.e. Utilities Inc.) would be included in the review. She stated that she sees the reviews being divided into sub-sets by area and in the end integrating the information.

Commissioner DeMartini stated he thought TMWA staff could only work on projects directly related to the benefit of TMWA and its customers. Commissioner Menard explained that the legislation directs the WRWC to address these items.

Commissioner DeMartini asked if he, as the domestic well representative, should start performing his own studies on areas outside the service territories. Commissioner Menard explained that the Act was driven by how Washoe County and TMWA were operating their water systems. Commissioner DeMartini asked when the studies are done, if recharging the aquifers to the benefit of domestic well owners outside the service territories would be included. Commissioner Menard stated that such a program was implemented in Golden Valley and as a result, Golden Valley became customers. Chairman Price reiterated that as the studies are implemented, status updates will be provided to the NNWPC.

Mr. Smitherman summarized that he would report to the WRWC that purveyor staff members would work on the programs and make a recommendation for a procedure to accomplish the planning. The recommendation will also include providing status reports as the studies progress. He added that there might be a small professional service agreement in the future.

Commissioner Menard recommended that the NNWPC and staff work on scoping the near-term items over the next month to develop a timeline and procedure. She added that once the timeline and any potential funding amount are developed, a report would be provided to the WRWC.

Chairman Price referred to the item on establishment of service territories and clarified that it refers to "future" service territories.

Chairman Price asked if a timeline for water conservation needs to be established. Mr. Smitherman stated that the revised Conservation Chapter, which is part of the Water Plan Amendment, could be considered as the starting point. Commissioner Dennis stated that one addition made to the chapter was lawn and turf area preparation. Mr. Smitherman reviewed some of the other revisions, such as updating the drought standard, updating dates and numbers, etc. Commissioner Williams stated that the intention of the legislation regarding conservation was for consistency among the entities and asked if there is an opportunity for the NNWPC to work on a regional approach. Mr. Smitherman stated there is such an opportunity. Members discussed a base conservation plan for the region with each entity adding individual components as needed.

Commissioner Menard asked if the conservation plan is based on what people are doing or from an end-use perspective. Commissioner Dennis stated that measurable numbers from reduced lawn runoff are not available currently. Commissioner Menard suggested defining the problem to be solved by conservation. Mr. Smitherman agreed and added that he has discussed that issue with TMWA staff regarding the benefits of conservation. Mr. Smitherman briefly reviewed the components of the Conservation Chapter.

Commissioner Dennis stated that he liked Commissioner Menard's comment regarding what problem conservation needs to solve. Commissioner Menard stated that clarity is needed for the communication aspect related to conserving water. She suggested performing data analysis to discover the opportunities and what has been done in other areas. Chairman Price mentioned the global issue of conservation. He suggested directing staff to explore the issue and bring back a list of existing conservation programs being done by other entities.

Commissioner DeMartini stated that the Water Conservation Plan developed by the RWPC was constrained by what could and could not be done. He added that the NNWPC and WRWC have authority to do more in the area of conservation. He suggested the formation of a committee to examine the issue with the NNWPC's new empowerment, for instance the NNWPC could recommend to the WRWC that a new ordinance be established restricting the size of yards in new development.

Commissioner Menard suggested that rather than focusing on amending the current Water Plan, perhaps the NNWPC should focus on the new plan that is required by 2011. She also suggested a staff review of what other areas, such as Australia, are doing to conserve water.

Commissioner Cameron suggested examination of climate change issues concerning water supply. Chairman Price summarized that direction has been provided to staff to develop an outline of what other areas are doing. Commissioner Dennis clarified that the intent would be an outline of what issues to examine in the future. Commissioner Menard recommended that staff begin to develop a scope of work, which would allow for conversation and input and to evaluate what resources might be needed and who might perform the work. Mr. Smitherman stated that he thought he had adequate guidance to begin development of a scope of work.

Commissioner DeMartini referred to the first four near-term items on the list, scheduling and delivery of water resources, maximizing conjunctive use, water conservation, and establishment of service territories. He suggested that perhaps every two months, an update would be provided to the NNWPC. Commissioner Williams suggested providing updates when there is something to report. Commissioner DeMartini mentioned that the RWPC previously had a standing agenda item for updates from TMWA and DWR. Mr. Smitherman agreed that a quarterly update could be added to the agenda, which could be deferred if there is nothing to report. Commissioner Dennis suggested a verbal update rather than a formal report.

Mr. Smitherman continued to review the items on the list. He referred to the item regarding the regional hydrologic model and reported that the Flood Project Coordinating Committee (FPCC) had an agenda item for a request for proposals (RFP). He offered to keep the NNWPC up to date on any progress.

Mr. Smitherman referred to the item to develop an integrated water resources management plan for the North Valleys, which is utility-driven. He stated there is a scope of work that will be brought forward to the NNWPC, probably at the June meeting.

Mr. Smitherman referred to the item regarding conservation and suggested adding a bullet item for the Certified Landscape Technician program, which was funded by the RWPC in the amount of \$10,000 per year for two years. He reported that the Nevada Landscape Association (NLA) would request continuation of funding.

Mr. Smitherman referred to the intermediate and long-term items on the list, development of the Water Management Plan by 2011, water conservation ordinances or tariffs, establishment of service territories, consolidation of water purveyors, and water resources shortage sharing. He provided a brief overview of each item. Members discussed costs associated with customers abandoning septic systems and hooking up to municipal systems and possible funding assistance options.

Mr. Smitherman summarized that he would provide a staff report to the WRWC that will include a status update of each item on the Work Plan and any direction provided by the NNWPC along with any associated funding estimates and who would be responsible for each. Commissioner Williams agreed that is a good start. Commissioner Menard summarized that the items are all included in the \$1.6 million set aside in the budget, although the amounts might be lower.

Commissioner Williams reported that the WRWC is required to file their budget with the State and hold a budget hearing due to being recognized as a government. She asked if NNWPC commissioners had additional items for the Work Plan.

Commissioner Dennis made a motion to include the "work scope item agenda" on the next NNWPC agenda.

Commissioner Cameron mentioned his earlier request to include climate change discussion to the long-term items. He suggested inclusion of what projects or studies are available regarding climate change. Commissioner Menard suggested adding an item to the list, "Potential implications of climate change".

Commissioner Dennis clarified his motion to include an agenda item for additional Work Plan items. Mr. Smitherman reported that the next scheduled NNWPC meeting is June 4, 2008.

Commissioner Dennis amended his motion to include Commissioner Cameron's suggestion to include climate change implications. Chairman Price stated that the motion needs to include approval of what was presented today on the Work Plan and budget. Commissioner Dennis withdrew his motion.

Commissioner Menard made a motion to recommend that the WRWC approve the proposed budget and Work Plan with the addition of the item, "Potential implications to our region related to climate change". Commissioner DeMartini seconded the motion, which carried unanimously.

#### **10. Discussion and possible direction to staff regarding agenda items for the June 4, 2008, NNWPC and future meetings.**

Commissioner Dennis requested that item 5, regarding the development of a Truckee River third-party TMDL be placed on the agenda with a request for funding in the amount of \$500,000. Chairman Price mentioned there is not an agenda committee for the NNWPC as there was with the RWPC.

Commissioner Dennis requested that item 6, regarding the integrated water resources management plan for the North Valleys be placed on the next agenda with a request for funding in the amount of \$100,000.

Commissioner Williams requested an agenda item to review a conservation scoping document as directed to be developed by staff.

Chairman Price requested an update from the Flood Planning staff regarding the scope of work for the regional hydrologic model and any other progress updates. Mr. Smitherman offered to request an oral update from Naomi Duerr or her staff.

Commissioner DeMartini mentioned the lack of an agenda committee and requested that information be provided to commissioners in a timelier manner to provide time for review. Mr. Smitherman agreed that packets could be provided one week before the meeting to provide adequate time to review. Members discussed the need for an agenda committee and agreed to forego such a committee at this time; however, if needed in the future a committee could be appointed.

Chairman Price referred to the need for NNWPC Administrative Policies and Procedures, which Mr. Smitherman agreed to implement. Commissioner Dennis requested addition of an agenda item to discuss additional policies and procedures.

Mr. Smitherman reported that the following items would be placed on the June 4, 2008 NNWPC agenda:

- Funding request for items 5 and 6 from the Work Plan as requested by Commissioner Dennis
- Scope of work for conservation planning
- Status report from the FPCC or staff
- Recommendations for additions to the Administrative Policies and Procedures

Commissioner Menard requested a status report on the items from the first page of the Work Plan.

Commissioner Schumacher made a motion to place the above items on the June 4, 2008 meeting agenda. Commissioner Seidel seconded the motion, which carried unanimously.

#### **11. Commission Comments.**

Commissioner Schumacher suggested being able to add agenda items as needed. Chairman Price suggested discussing the issue at the next meeting.

#### **12. Staff Comments.**

None

#### **13. Public Comments.**

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

**14. Adjournment.**

With no further business, the meeting was adjourned at 3:41 p.m.

Respectfully submitted by,

Niki Linn, Recording Secretary

Approved by Commission in session on \_\_\_\_\_ 2008.

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Darrin Price, Chairman