

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

SPECIAL MEETING

THURSDAY

9:00 A.M.

FEBRUARY 9, 2006

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairman
Jim Galloway, Commissioner
David Humke, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel

ABSENT:

Pete Sferrazza, Commissioner

The Board met in special session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

06-143A AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the agenda for the February 9, 2006 special meeting be approved.

06-144A PUBLIC COMMENTS

Chairman Larkin said all public comment would be limited to two minutes beginning in February.

Juanita Cox, local resident, discussed water rights and regional governance.

Katherine Snedigar, local resident, discussed government laws and water resources.

Sharon Gustavson, local resident, read a written statement concerning Warm Springs Valley and the Palomino Valley Subdivision and placed it on file with the Clerk.

06-145A DISCUSSION – POSITION ON MODELS AND RELATED ISSUES
– SENATE CONCURRENT RESOLUTION 26

Steve Bradhurst, Water Resources Director, said the 2005 Nevada Legislature enacted Senate Concurrent Resolution (SCR) 26 calling for a statewide committee to look at water use, allocation, planning, and related issues. He said there was also a call for a subcommittee to study the feasibility and advisability of consolidating water related services in Washoe County. He said the Board, after several discussions, had taken the position to support a single public entity to provide certain water related services and functions in southern Washoe County.

Mr. Bradhurst reviewed the Southern Nevada Water Authority (SNWA) model, stating there were five water purveyors and two wastewater reclamation entities with seven technical committees above them. He said SNWA sat above those technical committees, and individual member boards sat above SNWA. He noted the parent boards discussed major decisions and those decisions were relayed back to SNWA. He stated simpler issues were dealt with by SNWA by a two-thirds majority vote.

Chairman Larkin noted the SNWA Board's General Manager was also the General Manager of the Las Vegas Valley Water District, and staff of that entity was utilized as staff for SNWA.

Mr. Bradhurst discussed three models staff was recommending. He stated Model 1 was a spin off of the Flood Coordinating Committee model and would be similar to SNWA in terms of parent boards making the major decisions. He mentioned, if an entity was not interested in being included in a certain project, that entity could decline to participate. He said the new agency would make recommendations after receiving feedback from the parent entities, and projects would go to the Board of County Commissioners for consent.

Mr. Bradhurst said Model 2 was similar to SNWA with water purveyors and wastewater entities being part of the governing board. He noted the Regional Water Planning Commission would also be involved. He said Model 3 formed a technical board. He explained the entities involved would continue their utility functions but would provide resources to the technical board. He stated the Regional Water Planning Commission would retain its role.

In response to Commissioner Galloway, Mr. Bradhurst said there was a fee percentage coming from all ratepayers receiving water from the Truckee Meadows Water Authority (TMWA) that funded the Regional Water Planning Commission. He said this new authority should rely heavily on the resources of existing entities. He said more funding would be required if they moved into the operation of the mega structures. He noted SNWA made sure they had funding from various sources, stating there was a percentage added to all ratepayers' bills, as well as sales tax monies and connection fees.

Commissioner Humke asked if SNWA was state mandated or if it came together on a local level. He also asked what the time line was to achieve this model. Mr. Bradhurst said it was not mandated. He said there were approximately 30,000 acre-feet of water from the Colorado River that had not been allocated. He said the Department of the Interior would not choose one entity over another, and it was suggested the various entities get together to come up with a regional position on that water.

Commissioner Humke asked if there had been an effort to expand to other counties and if this was possible. Mr. Bradhurst said the focus was only on Washoe County, but it could be looked at as a model for other areas in the future. He said if the 2007 Legislative session worked to form this entity in Washoe County, it could be expanded into other counties in 2009.

In response to Commissioner Weber, Mr. Bradhurst said Model 2 was most like SNWA. Commissioner Weber discussed a prior presentation by Pat Mulroy and wanted public comment on the proposed models.

Michael Pagni, TMWA Counsel, gave an overview of the TMWA model adopted by the TMWA Board on January 19, 2006. He noted governance was still open for discussion. He said the model anticipated there would be a group of technical, professional members. He said it would be the sole agency responsible for acquiring new water resources, facilities, and managing water resources. He stated all purveyors would continue to own and provide services to their customers. He said the model anticipated the planning functions of the Regional Water Planning Commission would be dovetailed into this new entity to eliminate duplication of services. He said a funding mechanism would be needed.

Commissioner Weber said that model did not take into consideration other entities such as the South Truckee Meadows General Improvement District (STMGID). Mr. Pagni said the TMWA Board had not taken a position on member agencies. Commissioner Weber said STMGID and the Sun Valley General Improvement District (SVGID) were important and should be included. Mr. Pagni said, under NRS Chapter 277, there had to be two entities to form a joint powers agreement and noted it had not been decided who would serve on the board.

Chairman Larkin asked how TMWA decided on a joint powers agreement this early in the process, and he said it was unclear why the merging of the service territory agreement would need to take place in any model scenario. Mr. Pagni said TMWA hoped to keep regional control over this regional issue. He stated TMWA was a joint powers authority, and that was how this model came about. He asked if it made sense to be constrained by lines that could become artificial, or did it make more sense to have collaboration and cooperation among purveyors.

In response to Commissioner Galloway, Mr. Pagni said he would not characterize this as an absorption model, but rather a collaboration between TMWA and Washoe County on how to best serve customers in the future. Commissioner Galloway said it seemed to be a way to move ahead without an agreement in place. Mr. Pagni said this was a first step to give them something to discuss.

Chris Barrett, Nevada Water Administration and Management Coalition, reviewed his presentation that offered an alternative model. He said they would like to see one water purveyor and asked how TMWA and Washoe County could be combined. He said an advisory committee would review plans, systems, and allocation.

Commissioner Humke said that model looked like the TMWA model and noted the General Improvement Districts (GID's) were not involved. Mr. Barrett felt the GID's had a voice through the Board of County Commissioners who would have a place at the table. In response to Mr. Barrett, Commissioner Humke said STMGID wanted to control their destiny. Mr. Barrett said there was no preference as to how the purveyors would come together. Commissioner Humke said it would result in the consolidation of purveyors, and the SCR 26 Subcommittee did not ask for that. He stated the TMWA audit would need to be dealt with before moving forward.

Commissioner Weber said the little guy was lost in the process stating two purveyors were left out. She said all ratepayers should be represented. Mr. Barrett said they did not intend to exclude anyone and noted governance had not been addressed. Chairman Larkin said there would be a continued discussion on governance at a later date.

Commissioner Galloway said the staff report indicated the Board was specifically asked to comment on structure, governance, and funding. In response to Commissioner Galloway, Mr. Barrett confirmed his group had gone to the Legislature asking the SCR 26 Subcommittee to investigate the creation of some kind of water management entity.

Commissioner Galloway said it looked like the new entity would create a new water resource management board and regional water technical advisory committee. Mr. Barrett said the advisory committee would be similar to the Regional Water Planning Commission. Commissioner Galloway said this new entity would draft a new regional water plan, basically taking the regional water plan out of the hands of those prescribed by state law to generate the plan. He said it would be generated by two utilities under a joint powers agreement and no one else. Mr. Barrett said that was incorrect and clarified the make up of his model.

Commissioner Galloway asked what happened to a regional water plan generated by a utility when it had to be confirmed by the Regional Planning Governing Board. Mr. Barrett said the Regional Water Authority would have the final say.

10:40 a.m. Commissioner Weber left the meeting.

Mike Dillon, Builders Association of Northern Nevada representative, said they supported a new entity and would like technical input.

10:45 a.m. Commissioner Weber returned.

Steve Cohen, STMGID Local Managing Board, highlighted concerns outlined in a letter to the Board of County Commissioners dated February 7, 2006.

Diana Langs, SVGID, said they were not interested in consolidation, but whatever was created would require a dynamic leader. She said this would require a political truce. She stated Sun Valley was the oldest water purveyor and had been metered since 1967. She said they had the lowest water usage in the County per residence and acted independent of the County Commissioners. She said they liked the SNWA model, stating that model involved all water purveyor agencies in capital improvement projects, capital improvement assessments, and shortage sharing plans. She discussed the SNWA voting structure.

Commissioner Humke discussed setting up a water rights bank. Ms. Langs said the water rights issue was out of control and needed to be addressed. She said those that own rights today would keep their existing resources, but future rights should be placed into one person's hands for purchasing if one entity was created. She thought this could calm the market.

In response to Commissioner Galloway, Ms. Langs said the new entity should have approval of plans and construction. She stated there could be an issue with allocation if costs were shared.

Juanita Cox, local resident, said she did not see any individuals with private water rights included in any of the models. She discussed reused wastewater.

Katherine Snedigar, local resident, discussed water rights and agricultural water.

Sharon Gustavson, local resident, said government did not need to be expanded.

Ted Short, local resident, said he had been involved with water in Washoe County for over 20 years in one capacity or another. He commended Mr. Bradhurst's ability and discussed water wars.

Commissioner Humke asked what the difference was between Models 1 and 2. Mr. Bradhurst said Model 1 was similar to the Flood Committee model. He said it would be actively involved with the County Commissioners. He stated Model 2 did not involve the Board. It would rule by majority decision and approval by the member boards would be required.

Commissioner Weber asked how private water rights owners would be represented. Mr. Bradhurst said representation would be through the Board of County Commissioners. He said one person on the Regional Water Planning Commission, by law, was an individual that represented persons with wells.

Chairman Larkin said technical experts should make technical decisions, and policy makers should make policies. He asked how a technical board related to Models 1 and 2. Mr. Bradhurst said a substructure would have those committees. Chairman Larkin noted SNWA implied that decisions were made at different levels. Mr. Bradhurst said this would be the same for Models 1 and 2.

Commissioner Galloway disclosed he had been contacted by STMGID and SVGID. Commissioner Humke said he had also spoken with the GID's and was a well owner.

Commissioner Weber said she had spoken to SVGID. She stated technical committees should be spelled out better in the models.

Chairman Larkin said he had met with members of Nevada Water Administration and Management Coalition and TMWA. He noted SNWA recognized the need for an inclusionary model, and they had crafted a decision tree.

Commissioner Galloway proposed a motion stating, "Washoe County does support the creation of a new joint powers authority modeled after the successful SNWA including but not limited to: the requirement that the GID's be included with a seat and a vote on the governing board of the new authority, and that the model for structure, governance, and voting shall be that of the SNWA, including the technical committees."

Katy Singlaub, County Manager, noted Sun Valley would be modifying the joint powers authority language in their resolution. Commissioner Galloway said he would eliminate that wording. There was no second to the motion.

Commissioner Humke said Chairman Larkin did not want to look at governance at this time. He said he spoke to the Chairman of the SCR 26 Subcommittee and told the Chair they were being stamped into a decision. He said, after some discussion, he felt the issues were a list that did not have to be completed this month. He moved to offer both Models 1 and 2 for consideration, renew the Board's support for the Regional Water Planning Commission and include technical committees. Commissioner Weber seconded the motion.

Chairman Larkin said in Models 1 and 2, a governing board was identified. He asked if Commissioner Humke's intention was to suggest that be the model for governing. Commissioner Humke said that was implied in his motion.

Ms. Singlaub said Models 1 and 2 were basically replicating the SNWA implied decision-making structure. She suggested staff prepare an organizational structure chart that would take out that level and say “governance to be decided, Washoe County Commission supports an inclusionary model.” She said a layer could be added to show the suggested technical committees.

Commissioner Humke said he would include the County Manager’s comments in his motion and sought a highly developed narrative to go with the charts.

Commissioner Galloway said the motion now would say “governance to be inclusive of TMWA, STMGID, SVGID, Washoe County, Reno, and Sparks.” Commissioner Humke said he would mention all the entities.

Commissioner Weber supported the motion because of the less forceful approach. She said they were asked for a position and suggested changing the wording from governing boards to governing membership.

Commissioner Humke did not accept the change, stating listing the governing boards in the narrative would work. He did accept the suggestion from Commissioner Galloway.

Ms. Singlaub said, as she understood the motion, staff should change governing board to membership, explanatory notes would be attached that would indicate the Board’s support for the SNWA model for decision making, and support of technical committees would be spelled out. Support for the continuation of the Regional Water Planning Commission would continue.

Chairman Larkin said the amendment to change board to membership was not accepted, and they were not deciding governance at this time. Commissioner Galloway asked about equal representation of the boards. Chairman Larkin said that was a governance question, and he wanted to wait to discuss that until they worked through a management model.

Commissioner Humke said he did not wish to discuss governance today but said there would be equal representation. He amended his motion to list governing boards with equal representation. Commissioner Weber said they were sending forward a concept, and she seconded the amendment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered staff be directed to offer both Models 1 and 2 for consideration, the governing boards as listed above would have equal representation, explanatory notes would reflect support for the Southern Nevada Water Authority general model, renew the Board’s support for the Regional Water Planning Commission, and include technical committees.

Commissioner Galloway said the Board had discussed the role of this new entity as it might pertain to mega structures at the last meeting. He said they supported a role in regard to facilities that was limited to approval authority for construction and plans. He submitted a transcript from the meeting for clarification.

Commissioner Weber suggested this issue wait until all Commissioners could be present to discuss it. Commissioner Humke agreed.

Commissioner Galloway stated the Commissioners had the ability to look at the clarified motion and say whether they agreed with it or not. He said there was an issue with what a regional structure was.

Commissioner Weber said she would like more time to digest the information and have Commissioner Sferrazza present.

Chairman Larkin said they could clarify that there was still an issue related to mega structures at a future meeting.

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11:58 a.m. The meeting adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Jill Shelton
Deputy County Clerk*