

**BOARD OF TRUSTEES
SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT
WASHOE COUNTY, NEVADA**

TUESDAY

5:00 P.M.

AUGUST 28, 2007

PRESENT:

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

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel
Paul Orphan, Engineering Manager, Water Resources

The Board met in regular session in the Health Department Conference Rooms A and B, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, and conducted the following business:

5:20 p.m. Chairman Larkin announced that Gary Schmidt had been ordered out of the Board of County Commissioners meeting and asked Sheriff's deputies to escort him off the premises.

07-32STM AGENDA

In accordance with the Open Meeting Law, on motion by Trustee Humke, seconded by Trustee Weber, which motion duly carried, Chairman Larkin ordered that the agenda for the August 28, 2007 meeting be approved.

07-33STM MINUTES

On motion by Trustee Weber, seconded by Chairman Larkin, which motion duly carried, it was ordered that the minutes of the budget meeting of May 22, 2007 and the regular meetings of May 22, June 26 and July 24, 2007 be approved.

**07-34STM REQUEST FOR ABANDONMENT-IN-PLACE – ARSENIC
REMOVAL SYSTEM EQUIPMENT, WELL NO. 9**

Paul Orphan, Engineering Manager for Water Resources, explained that the Abandonment-in-place contract would allow the South Truckee Meadows General Improvement District to receive title for the equipment from the Environmental Protection Agency.

Upon recommendation of Paul Orphan, Engineering Manager, on motion by Trustee Galloway, seconded by Trustee Weber, which motion duly carried, it was ordered that the Request for Abandonment-in-Place, Contract Number 68-C-00-185, Task Order No. 0019, be approved for arsenic removal system equipment associated with the South Truckee Meadows General Improvement District Well No. 9 and the Chairman be authorized to execute the same.

07-35STM AGREEMENT/APPOINTMENTS – INTERIM WESTERN REGIONAL WATER COMMISSION

Steve Cohen, Chairman of the Local Managing Board (LMB), stated the LMB voted unanimously to accept the interim committee as part of Senate Bill (SB) 487. He suggested either Trustee Galloway or Trustee Humke be appointed to the Commission.

Chairman Larkin questioned whether the appointee had to be a member of the Board of Trustees or could be designated by the Board of Trustees. Rosemary Menard, Director of Water Resources, reviewed two parts to the legislation and stated it was the interpretation of legal counsel that only a member of the Board could be appointed. Chairman Larkin recalled it had been the intent to structure the Commission so as to include membership from the Sun Valley and South Truckee Meadows General Improvement Districts. He preferred to have Mr. Cohen appointed to the Commission. Ms. Menard acknowledged that the final drafting of SB 487 was not consistent with that intent. Mr. Cohen suggested that an Interim Commission might not fall under SB 487. Chairman Larkin asked about the wording of the Interlocal Agreement. Ms. Menard responded that the Agreement did not provide that level of detail but it did say that members appointed in the interim would stay on the Commission once the legislation took effect April 1, 2008.

Chairman Larkin suggested getting an opinion from the Legislative Counsel Bureau (LCB). Melanie Foster, Assistant District Attorney, pointed out that the County could not ask for an opinion from the LCB. A legislator could request a policy opinion from the LCB or the County could request an opinion from the State Attorney General.

Trustee Galloway proposed appointing Mr. Cohen subject to ratification. Ms. Menard read from Section 2 of the Interlocal Agreement, "...shall appoint an interim trustee who must be qualified pursuant to the Act..." Trustee Galloway suggested incorporating a statement into the motion that the Board deemed Mr. Cohen qualified. John Rhodes, Deputy District Attorney, stated he was one of the two attorneys who issued the opinion that only a member of the Board of Trustees was permissible as an appointee to the Commission. He explained that the South Truckee Meadows General Improvement District (STMGID) was a separate legal entity from Washoe County with a separate governing body in the form of the Board of Trustees. Mr. Rhodes pointed out that the specific provision in SB 487 calling for a member from the Board of Trustees took precedence over the general provision referring to an appointee representing

STMGID. Additionally, the language in the Interlocal Agreement required an appointee "qualified pursuant to the Act." Mr. Rhodes concluded that both the Legislation and the Agreement called for the appointment of a Trustee.

In response to a question by Trustee Humke, Mr. Rhodes stated there was no provision for the appointment of alternates. Chairman Larkin suggested there was nothing prohibiting the appointment of alternates. Mr. Rhodes opined that a future agenda item would be needed for the Board to appoint alternates.

Chairman Larkin remarked it was his intent to seek an opinion from the Legislative Counsel Bureau.

Mr. Cohen thanked the Board for their support.

On motion by Trustee Galloway, seconded by Trustee Weber, which motion duly carried, it was ordered that the Interlocal Agreement for the Formation of the Interim Western Regional Water Commission be approved and the Chairman be authorized to execute the same. It was further ordered that Trustee Humke be appointed to said Commission, that Trustee Galloway be appointed as first alternate, and that every other Trustee for the South Truckee Meadows General Improvement District be authorized to serve as an alternate if neither Trustee Humke nor Trustee Galloway was available to attend a meeting. It was noted that the Board could revise its appointments in the future should subsequent legal opinions provide more latitude for appointing a member from the Local Managing Board.

07-36STM MANAGEMENT REPORTS

The following management reports were submitted to the Board:

1. Customer Water Usage Report – July 2007
2. Well Level Report – July 2007
3. Work Order Summary – July 2007
4. Financial Report – June 2007
5. Minutes of Local Managing Board regular meeting of August 20, 2007.

No action was taken on this item.

PUBLIC COMMENTS

There was no response to the call for public comment.

BOARD, LOCAL MANAGING BOARD AND STAFF COMMENTS

Trustee Humke suggested the Board consider obtaining an opinion from the State Attorney General, in addition to seeking a legislator from Carson City to request

an opinion from the Legislative Counsel Bureau, regarding appointments to the Interim Western Regional Water Commission. Chairman Larkin proposed a future agenda item to accomplish that. Trustee Galloway requested a related agenda item to discuss making the Local Managing Board (LMB) the governing body for the South Truckee Meadows General Improvement District. He pointed out there was a Division of Service Agreement that allowed for balancing the books and keeping things fair to the ratepayers. Trustee Humke added that the LMB could have a successor in interest.

Steve Cohen, Chairman of the Local Managing Board, announced an upcoming special meeting of the LMB to discuss bids for the drilling of Well No. 12.

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5:53 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
South Truckee Meadows General
Improvement District

ATTEST:

AMY HARVEY, County Clerk and
Ex-Officio Secretary, South Truckee
Meadows General Improvement District

Minutes Prepared By:
Lisa McNeill
Deputy County Clerk