

## **MEETING NOTICE AND AGENDA**

Name of Organization: Legislative Committee to Oversee the Western Regional Water Commission (Senate Bill 487, Chapter 531, *Statutes of Nevada 2007*)

Date and Time of Meeting: Monday, August 11, 2008  
9:30 a.m.

Place of Meeting: Legislative Building  
Room 2135, 401 South Carson Street  
Carson City, Nevada

<p><b>Note:</b> Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.</p>
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*If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Live Meetings—Listen or View."*

## **A G E N D A**

**Note: Items on this agenda may be taken in a different order than listed.**

\*Denotes items on which the Committee may take action.

- I. Welcome and Opening Remarks
- \*II. Approval of Minutes of the June 9, 2008, Meeting in Reno, Nevada
- \*III. Discussion of the Status of and Recent Amendments to the Joint Powers Agreement Entered Into Pursuant to Senate Bill 487 (Chapter 531, *Statutes of Nevada 2007*)

Michael Carrigan, Chairman, Western Regional Water Commission (WRWC)  
Dave Aiazzi, Vice Chairman, WRWC

IV. Public Comment

\*V. Work Session—Discussion and Possible Action on Recommendations Relating to:

- A. A Study of the Feasibility and Analysis of Consolidating the Retail Distribution Systems and Facilities of Public Purveyors in the Planning Area;
- B. The Joint Powers Agreement;
- C. Water Quality and Monitoring Systems on the Truckee River;
- D. Flood Control; and
- E. Suggested Amendments to S.B. 487.

The “Work Session Document” is attached below and contains proposed recommendations. The document is also available on the Committee’s Web page [Legislative Committee to Oversee the Western Regional Water Commission](#) or a written copy may be obtained by contacting Linda Eissmann, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

VI. Public Comment

VII. Adjournment

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Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Janice McClure at (775) 684-6825 as soon as possible.

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Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed or e-mailed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature’s website at [www.leg.state.nv.us](http://www.leg.state.nv.us).



## WORK SESSION DOCUMENT

### **LEGISLATIVE COMMITTEE TO OVERSEE THE WESTERN REGIONAL WATER COMMISSION** Senate Bill 487 (Chapter 531, *Statutes of Nevada 2007*)

August 11, 2008

The following “Work Session Document” was prepared by the staff of the Legislative Committee to Oversee the Western Regional Water Commission. It is designed as an outline to assist the Committee members in making decisions concerning recommendations to be forwarded to the Legislative Commission and ultimately to the 2009 Session of the Nevada Legislature. The recommendations contained herein were either submitted in writing to the Committee and/or staff, or presented during one of the Committee’s meetings.

The possible actions identified in this document are in no particular order and should not be construed as having the support of the Committee or its individual members. Rather, they are compiled so the members may review and discuss them during the work session to decide if they should be adopted, changed, rejected, or further considered.

To be adopted, recommendations from the Committee must be approved by a majority of the Senate members and a majority of the Assembly members.

In accordance with *Nevada Revised Statutes* (NRS) 218.2429, the Committee may recommend no more than ten bill draft requests, submitted no later than September 1, 2008. Other items not requiring legislation, such as requests for letters, may be sent by the Chairperson of the Committee.

## RECOMMENDATIONS

### Options to Study the Feasibility and Analysis of Consolidation

*The following two optional recommendations were discussed by the Committee at its meeting on June 9, 2008, with additional detail provided to Committee staff by the Western Regional Water Commission (WRWC) Staff Working Group prior to the work session meeting.*

- 1. Draft legislation to remove the mandate in Section 56 of S.B. 487 that requires consideration of consolidation by the Committee, but retain Section 42, which requires an evaluation of consolidation by the Northern Nevada Water Planning Commission as part of the Comprehensive Plan. The Committee may wish to revise Section 42 to require scheduled reports to the Committee as the evaluation of the consolidation issue develops.**

OR

- 2. Draft legislation to request an appropriation to share in the expense of the consolidation study. The extent of the study and the amount of the appropriation is subject to Committee discussion, based on information to be provided during the work session.** *(Note: Following the Committee's previous meeting on June 9, 2008, the WRWC has solicited "Requests for Qualifications" (RFQ) from consultants with applicable experience in similar studies. The 30-day RFQ period will close prior to the work session meeting and the results will be made available to the Committee at that time.)*

Background: Subsection 56(10) of S.B. 487 requires the Legislative Oversight Committee to review the programs and activities of the Western Regional Water Commission. "The review must include an analysis of potential consolidation of the retail distribution systems and facilities of all public purveyors in the planning area." The planning area is described in Section 22 of the bill; public purveyors include the Truckee Meadows Water Authority (TMWA), Washoe County Department of Water Resources, South Truckee Meadows General Improvement District (GID), Sun Valley GID, or any other governmental entity engaged in the retail delivery of potable water in the planning area.

Subsection 42(9) provides that the Comprehensive Plan will include an evaluation and associated recommendations regarding the consolidation of public purveyors in the planning area, which must address costs and benefits of consolidation; the feasibility of various consolidation options; analysis of water supplies, operations; facilities, human resources, assets, liabilities, bond covenants; and legal and financial impediments to consolidation and methods, if any, for addressing such impediments.

Initial verbal estimates by a potential consultant indicated a price of approximately \$1.8 million for a comprehensive consolidation study. Additional and more detailed cost estimates have been requested from qualified consultants.

### Options Concerning the Joint Powers Agreement

*The following recommendation was discussed by the Committee at its meeting on June 9, 2008.*

- 3. Draft legislation or take other appropriate action to address the Joint Powers Agreement (JPA).** *(Note: The Committee will hear an analysis of the status of the JPA earlier on the meeting's agenda; that analysis and discussion will determine the direction of this recommendation.)*

Background: An original JPA was approved and signed by all parties by the end of January 2008. A subsequent review by the Legal Division of the Legislative Counsel Bureau identified areas in need of revision. Amendments have now been adopted by each entity. The agenda includes a presentation and discussion of the amended JPA.

### Water Quality and Monitoring Systems on the Truckee River

*The following recommendation was suggested by Vice Chairman Bernie Anderson at the Committee's meeting on June 9, 2008.*

- 4. Draft legislation to address and improve water quality monitoring in the Truckee River, better coordinate existing monitoring efforts, and make reports available to the public and the Legislature.**

**OR**

- 5. Draft a resolution or write a letter encouraging entities engaged in water quality monitoring to work toward a coordinated watershed monitoring program that will refine and enhance existing monitoring efforts and technical studies.**

Background: Current water quality monitoring on the Truckee River is primarily the result of federal mandates including the Clean Water Act or Safe Drinking Water Act, or for specific studies. Monitoring is done for chemical, physical, and biological influences.

There are approximately 50 locations on the river where some type of monitoring is conducted to protect drinking water supplies, river health, and water quality for downstream uses. Of those, about 40 sites are monitored regularly (schedules vary by purpose of the testing). Among the entities monitoring the river and its tributaries within Nevada are the Cities of Reno and Sparks; Desert Research Institute; Division of Environmental Protection, State Department of Conservation and Natural Resources; TMWA; Truckee Meadows Stormwater Coordinating Committee; Truckee Meadows Water Reclamation Facility (TMWRF); University of Nevada, Reno; Bureau of Reclamation, U.S. Department of the Interior; U.S. Fish and Wildlife Service; and U.S. Geological Survey.

Local entities are working toward a coordinated watershed monitoring program that will enhance existing efforts to make them more efficient and effective, while minimizing duplication. They are undertaking extensive river modeling to better understand what is being monitored and why, and to assist in decision-making.

Toward that end, a central clearinghouse of technical studies and water-related information has been developed to build local collaboration and data sharing. It is available online at [www.truckeeriverinfo.org](http://www.truckeeriverinfo.org).

Additionally, proposals have recently been sought to undertake watershed-based water quality planning in order to develop a Truckee River total maximum daily load (TMDL) plan for nutrients. Portions of the Truckee River in Nevada have been historically listed on the Clean Water Act § 303(d) “List of Impaired Waters” for problems with nitrogen, phosphorus, dissolved solids, dissolved oxygen, and water temperature. These contaminants and conditions, and their potential watershed-based causes, are believed by the Cities of Reno and Sparks to warrant closer attention. The cities have proposed to Nevada’s Division of Environmental Protection and the U.S. Environmental Protection Agency that a review and potential revision of the current nutrient TMDL should be considered. They hope to advance the understanding of the Truckee River watershed by incorporating a more advanced scientific study than was previously available and involving more stakeholders in an improved evaluative, informative, and decision-making process in the watershed.

## **Flood Control**

*The following recommendations were generally discussed by the Committee at its meeting on June 9, 2008, with additional information provided by Naomi Duerr, Director, Truckee River Flood Project.*

### **6. Draft legislation to provide an appropriation (amount to be determined by the Committee) to the Truckee River Flood Project to support ecosystem restoration activities.**

Background: The Truckee River Flood Project includes activities to reduce flood damage in the Truckee Meadows, restore 50 miles of the Truckee River, and provide recreation opportunities and open space within the project area. The project is estimated to cost more than \$800 million and expected to be shared between the U.S. Army Corps of Engineers and one or more nonfederal sponsors. The nonfederal sponsor share includes funding from State and local governments, businesses, homeowners, not-for-profit organizations, and others. In the 2007 Special Session, the State of Nevada contributed \$5 million to help support the project’s ecosystem restoration activities. These funds are already targeted and to a large extent, committed, for restoration at the 102 Ranch and Lockwood, as well as additional land purchases to support other restoration projects along the river. Additional funding is needed toward the nonfederal share of the overall project.

7. **Draft legislation to amend Chapters 318, “General Improvement Districts,” and 543, “Flood Control Districts,” of NRS and to assist the Truckee River Flood Project to set up Flood Funding Areas or Districts to develop local funds necessary to match federal funds for the project. Proposed statutory changes would include specifying the type of activities to be performed as part of implementing the project (i.e., land acquisition, re-curving river channels, replanting vegetation, rebuilding bridges, and constructing recreation areas), as well as adding specific language to address the identification and utilization of “indirect” benefits and costs as part of the basis for setting up the funding district.**

Background: As previously described, the cost of the Truckee River Flood Project is expected to be shared equally by the federal government (through the U.S. Army Corps of Engineers) and the nonfederal sponsor. Washoe County enacted a one-eighth cent sales tax to support the project in 1998. This sales tax is estimated to raise approximately \$100 million of the \$400 million needed for the local match. The Truckee River Flood Project conducted a survey of Washoe County citizens as to their preferences to fund the project. More than 50 percent of respondents supported implementation of a Flood Control District, Special Assessment District, or GID which would assess a rate, toll, or charge for the benefits provided by the project rather than to add an additional increment of sales tax or raise other types of taxes. Truckee River Flood Project staff has identified a number of changes to NRS that would facilitate the successful implementation of such funding district or districts. If this recommendation is approved, those specific changes will be provided to the Committee’s legal counsel.

#### **Suggested Amendments to S.B. 487**

*The following amendments were brought by the WRWC staff to the attention of Committee staff in November 2007, and reflect specific revisions that should be made to S.B. 487.*

8. **Draft legislation to make the following amendments to S.B. 487:**
  - a. Revise language that currently restricts the Reno and Sparks representatives on the WRWC to members of the City Councils, which effectively means that the Mayors of either city cannot be on the WRWC unless he/she sits in the TMWRF seat;
  - b. Address the apparent internal conflict between the planning area boundary, which excludes tribal lands, and the opportunity for including a tribal representative on the Northern Nevada Water Planning Commission if they have land in the planning boundary; and
  - c. Correct existing language that allocates a seat on the Northern Nevada Water Planning Commission to the Washoe Storey Conservation District instead of the Washoe County Water Conservation District, which was the intended seat on the Water Planning Commission.