

REGIONAL WATER AND SEWER IN
WASHOE COUNTY



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LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

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LEGISLATIVE COMMISSION

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Senate Concurrent Resolution No. 38—Committee on Environment
and Public Resources

FILE NUMBER 166..

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the feasibility of establishing a regional water and sewer district to encompass certain areas of Washoe County.

WHEREAS, In certain areas of Washoe County, growth of population and increased tourism may place demands on water and sewer systems which cannot be met without adequate planning by the several areas affected; and

WHEREAS, The interests and requirements for water and sewer treatment facilities of the area of Washoe County encompassing the Truckee Meadows, Lemmon Valley, Verdi, Washoe Valley, Sun Valley and Panther Valley are so interrelated as to merit consideration as to the feasibility of creating a regional water and sewer district; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to conduct a study to determine the feasibility of establishing a regional water and sewer district for the area of Washoe County south to the Carson City line and west to California, including the Truckee Meadows, Lemmon Valley, Verdi, Washoe Valley, Sun Valley and Panther Valley; and be it further

Resolved, That such study shall explore the powers and responsibilities which a regional district of this nature would require in order to properly serve the water and sewer needs of the people of the proposed district; and be it further

Resolved, That the legislative commission is directed to report the results of such study, including any recommended legislation, to the 59th session of the Nevada legislature.

REPORT OF THE LEGISLATIVE COMMISSION

To the Members of the 59th Session of the Nevada Legislature:

This report is submitted in compliance with Senate Concurrent Resolution No. 38 of the 58th session of the Nevada legislature, which directed the legislative commission to study the feasibility of establishing a regional water and sewer district to encompass certain areas of Washoe County.

The legislative commission appointed a subcommittee to make the study and to recommend appropriate legislation to the next session of the legislature. Senator Thomas R. C. Wilson was designated chairman of the subcommittee and Assemblyman Patrick M. Murphy, vice chairman. The following legislators were named as members: Senator C. Clifton Young and Assemblymen Chester S. Christensen and Sue Wagner.

In this report, the subcommittee presents its findings and recommendations briefly and concisely. Except for some information which is included in this report, all other supporting documents, research and minutes are on file with the Legislative Counsel Bureau.

The report is transmitted to the members of the 1977 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada

SUMMARY OF RECOMMENDATIONS

1. The governing bodies of local governments in the area of Washoe County which encompass the Truckee Meadows, Lemmon Valley, Verdi, Washoe Valley, Sun Valley and Panther Valley and the Washoe Council of Governments should hold meetings to determine if the residents of those areas would be better served by a regional water and sewer district. Such determination should also include the powers and responsibilities a regional district would require in order to serve properly the water and sewer needs of the people of the proposed district.
2. If the governing bodies determine that a regional water and sewer district is required, they should utilize existing statutory provisions to accomplish these purposes.
3. If the governing bodies determine that legislation is needed, the proposed legislation should be recommended jointly by all of the local governments so that the recommendations are compatible to all of the local governments.

REPORT TO THE LEGISLATIVE COMMISSION OF ITS
SUBCOMMITTEE ON REGIONAL WATER AND
SEWER IN WASHOE COUNTY

I. INTRODUCTION

The 58th session of the Nevada legislature, through Senate Concurrent Resolution No. 38, directed the legislative commission to study the feasibility of establishing a regional water and sewer district in certain areas of Washoe County. The study was to include the exploration of the powers and responsibilities which a regional district of this nature would require in order to serve properly the water and sewer needs of the people of the proposed district.

With a budget of \$1,400, the subcommittee held three public meetings and one public work session and paid for the printing of this report. Public meetings were held in Reno, Nevada, on February 11, 1976, March 29, 1976, and April 19, 1976. The public work session was held in Carson City, Nevada, on July 14, 1976. The unexpended budget is approximately \$450.00. All persons who would be involved with a regional water and sewer district were invited to appear before the subcommittee and give their views and recommendations concerning such a district. The elected officials, the managers and the heads of public works departments of Reno, Sparks and Washoe County were all invited. Representatives of companies who are furnishing water and sewer services in Washoe County and other persons with expertise in this area were also invited.

Many of the persons who were invited did not respond and did not give any information to the subcommittee. Those who did, however, furnished the subcommittee with valuable information and documentation.

Early in its proceedings the subcommittee noted two major developments which would be critical to any final recommendations made by the subcommittee.

First, the amount of water available for appropriation from the Truckee River, for all uses, is currently being litigated in the United States District Court, District of Nevada, Reno, Nevada. (United States of America v. The Truckee-Carson Irrigation District, Civil Case R-2987.) The outcome of this

litigation may have a substantial effect on all water users holding appropriations for water from the Truckee River System. Second, the Washoe Council of Governments has accepted a grant from the United States Environmental Protection Agency in the amount of \$372,350 for the development of an Areawide Waste Treatment Management Plan. The grant and authorization for such a plan is authorized by Section 208 of Public Law 92-500 (33 U.S.C. §§ 1281 et seq.). The purpose of areawide waste treatment planning is for the development of a coordinated, viable management system capable of organizing, directing, implementing and maintaining an effective program of pollution abatement and preservation of existing high water quality in areas having substantial water quality control problems.

A work plan for areawide waste treatment management was prepared and submitted to the Environmental Protection Agency in September 1975. The subcommittee anticipated that a final decision concerning the plan would be made prior to the conclusion of its meetings. Any recommendations made by the subcommittee would be influenced by the scope and direction of the approved plan. A decision, however, has not been made, and the Washoe Council of Governments has not contracted with any consultant for the performance of the work described in the work plan.

II. WASTE WATER TREATMENT

The Reno-Sparks Joint Water Pollution Control Plant (JWPCP) was constructed in 1967 and has a capacity of 20 million gallons per day. Reno and Sparks agreed to build the plant and to provide for joint construction and use of certain major interceptor sewers. Cost of constructing the facility was divided between the two cities in proportion to the capacity of the treatment plant which was allocated to each city. Administration, maintenance and operation of the plant was assigned to Sparks and operating costs were divided between the cities in proportion to the gaged inflow of sewage from each city. The plant is currently handling quantities approaching capacity. A bond issue for the expansion of the plant was recently defeated in an election held in Reno and Sparks. The elected officials are currently debating the need and method of providing extra capacity.

A waste water treatment plant is located at the Reno-Stead facility and is operated by the City of Reno. Reno-Stead is not contiguous to Reno but is part of the city and receives

all other normal municipal services. The treatment plant services only those areas located within the boundaries of the Reno-Stead Facility. The current plant was constructed in 1941 and construction of a new treatment plant is underway.

Property owners who are located outside the boundaries of Reno, Sparks or the Reno-Stead Facility are forced to find another means of collecting and disposing of waste water. A number of small privately owned treatment plants have been constructed. Other property owners in the unincorporated areas utilize individual treatment systems, usually septic tanks. Washoe County as a political subdivision does not operate any waste water collection or treatment facilities.

III. WATER

The Washoe County board of commissioners and the governing bodies of Reno and Sparks initiated the Blue Ribbon Task Force Program on Growth and Development in Reno, Sparks and Washoe County. The program was composed of ten separate but coordinated task forces.

Of concern to the subcommittee was a report which is a study of water within certain areas of Washoe County. The report contains the findings and recommendations of the task force and traces the usage and development of water in Reno, Sparks and Washoe County.

Sierra Pacific Power Company is the largest single supplier of water in Washoe County. Approximately 10 other companies supply water to persons located outside the service territory of Sierra Pacific Power Company.

The Truckee River System contributes approximately 85 percent of Sierra Pacific's total water requirements with the remaining 15 percent being contributed by wells. The total annual water requirement was 43,303 acre-feet, or 14.1 billion gallons of water in 1975. Total water usage for the year 2000 is estimated to be 89,246 acre-feet, or 45 billion gallons of water per year. This is for an estimated customer population of 100,000 and for an additional 10,000 customers who are served by water companies which purchase water from Sierra Pacific Power Company.

Sierra Pacific Power Company holds rights to approximately 60,000 acre-feet of a total of 149,000 acre-feet of water from

the Truckee River System which is annually appropriated for all uses in the Truckee Meadows. Most of the water companies supplying water to persons outside of the service territory of Sierra Pacific Power Company, with the exception of water companies who purchase water from Sierra Pacific, get water from wells. The subcommittee was informed that the Reno-Sparks area has a high rate of water consumption. This was mainly attributed to the fact that NRS 704.230 prohibits certain water companies from installing any metering devices. A flat rate is charged regardless of the amount of water actually used or misused. It was suggested that a metering system would encourage conservation, because the individual user would pay for the water actually used. Rather than waste water for which he is paying, the user might take steps to insure that the water was used only for beneficial purposes.

IV. CURRENT STATUTORY PROVISIONS

The subcommittee considered the advisability of recommending legislation which would provide for the creation of a regional water and sewer district. As an alternative, the subcommittee also considered the possibility of recommending legislation which would merely enable the local governments to form such a regional water and sewer district upon the happening of certain events.

The subcommittee, as part of its study, conferred with the representatives of Reno, Sparks and Washoe County. The two alternatives were presented to the representatives and also to various city and county employees who are involved with water or waste water services.

It was important that an agreement be arrived at among the political subdivisions because either alternative would, of necessity, affect all of the political subdivisions. The representatives of Washoe County generally favored a regional concept but the representatives of Reno and Sparks did not favor establishing a regional water and sewer district.

The subcommittee also reviewed current statutory provisions to determine whether or not authority for a regional concept was already provided for in Nevada Revised Statutes. The Water and Sewer Revenue Bond Law (NRS 350.350 to 350.490, inclusive) permits a municipality to engage in certain undertakings and to exercise certain powers pertaining to water and sewer. For the

purposes of Water and Sewer Revenue Bond Law, a municipality includes a county, an incorporated city or an unincorporated town.

Subsection 3 of NRS 350.360 provides that an:

3. "Undertaking" includes the following revenue-producing undertakings or any combination of two or more of such undertakings, whether now existing or hereafter acquired or constructed: Systems, plants, works, instrumentalities and properties used or useful in connection with:

(a) The obtaining of a water supply and the conservation, treatment and disposal of water for public and private uses.

(b) The collection, treatment and disposal of sewage, waste and storm water, together with all parts of any such undertaking and all appurtenances thereto, including lands, easements, rights in land, water rights, contract rights, franchises, approaches, dams, reservoirs, sewage disposal plants, intercepting sewers, trunk, connection and other sewer and water mains, filtration works, pumping stations and equipment.

The remaining sections provide for:

Additional powers of a municipality (NRS 350.370).

Powers of municipality to prescribe, revise, collect charges; collection expenses (NRS 350.373).

Use of revenues derived from municipality undertaking (NRS 350.375).

Issuance of bonds: Procedure; ordinance or resolution; election (NRS 350.380).

Sale of bonds (NRS 350.400).

Powers provided in NRS 350.350 to 350.490 additional and supplemental; controlling provisions (NRS 350.490).

The Interlocal Cooperation Act is provided for in NRS 277.080 to 277.170, inclusive. The purpose of this act is to permit local governments to make the most efficient use of their powers by enabling them to cooperate with other local governments.

NRS 277.110 provides:

277.110 1. Any power, privilege or authority exercised or capable of exercise by a public agency

of this state, including but not limited to law enforcement, may be exercised jointly with any other public agency of this state, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise. Any agency of this state when acting jointly with any other public agency may exercise all the powers, privileges and authority conferred by NRS 277.080 to 277.180, inclusive, upon a public agency.

2. Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of NRS 277.080 to 277.170, inclusive. Such agreements shall be effective only upon ratification by appropriate ordinance, resolution or otherwise pursuant to law on the part of the governing bodies of the participating public agencies.

As used in the Interlocal Cooperation Act, a public agency includes, among others, any political subdivision of this state, including counties, incorporated cities or unincorporated towns.

If the common goal of the political subdivisions is to provide water and sewer facilities and services pursuant to the Water and Sewer Revenue Bond Law, which can be undertaken by a single political subdivision, then the political subdivisions could agree pursuant to the Interlocal Cooperation Act to enter into agreements for joint or cooperative action. Of course, the political subdivisions must otherwise comply with the requirements of the Interlocal Cooperation Act.

The need for the local governments of Reno, Sparks and Washoe County to hold meetings for the resolution of a potential water and sewer problem is apparent.

The legislature recognized the problem and directed this study. The local governments have initiated steps to have a project management system for areawide waste treatment management plan pursuant to section 208 of Public Law 92-500.

The Water Committee of the Blue Ribbon Task Force on Growth, as part of its findings and recommendations, make the following recommendation:

It is recommended that a study be conducted to investigate the desirability of the formation of

a single public agency (a metropolitan water district) to regulate and coordinate wholly or in part hydroelectric generation on the Truckee River; consolidation where necessary of operation and maintenance of irrigation ditches; M & I water rights and distribution systems; and sewage and flood control for the Truckee River Basin.

V. RECOMMENDATIONS

Therefore the subcommittee recommends that:

1. The governing bodies of local governments in the area of Washoe County which encompass the Truckee Meadows, Lemmon Valley, Verdi, Washoe Valley, Sun Valley, Panther Valley and the Washoe Council of Governments hold meetings to determine if the residents of those areas would be better served by a regional water and sewer district. Such determination should also include the powers and responsibilities a regional district requires to serve properly the water and sewer needs of the people of the proposed district.
2. The governing bodies, if they determine that a regional water and sewer district is required, should utilize existing statutory provisions to accomplish their purposes.
3. Any legislation recommended by the governing bodies should be submitted jointly so that the recommendations are compatible to all of the local governments.

VI. CREDITS

<u>Name</u>	<u>Representing</u>
James E. Arden	Waterresource Consulting Engineers
Dan Brown	Hidden Valley Water Company
Gerald W. Brownfield	Washoe County Health Department
George Charchalis	City of Reno
Noel Clark	Public Service Commission of Nevada
Calvin J. Dodson	City of Sparks
John W. Fordham	Desert Research Institute
Ray Golda	Sun Valley Water Company

<u>Name</u>	<u>Representing</u>
Joe L. Gremban	Sierra Pacific Power Company
Ron Guidotti	Citizen
Bernie Gulla	City of Sparks
Glade Hall	Hidden Valley Water Company
James R. Harrill	United States Geological Survey
L. Harrison	Sun Valley
John Iratocobal	City of Reno
Kelly Jackson	Public Service Commission of Nevada
Pat Hardy Lewis	City of Reno
Dale Lowery	Valley Water Company
Russell W. McDonald	Washoe County Manager
John A. MacIntyre	Washoe County
Jay Milligan	City of Sparks Manager
David J. Minislew	Washoe County Health
Bruno Menicucci	City of Reno
John P. Monis	United States Geological Survey
Ben Morgan	Citizen
George Oshima	Washoe County
George F. Peek	Valley Water Company
Roger Roussille	Trans-Sierra Water Service, Inc.
Frank Sala	Sun Valley Water District
Robert C. Sanford	City of Reno
George Shaw	Wateresource Consulting Engineers
Dorthy Towne	
Bob Warren	Nevada League of Cities
Roland D. Westergard	State Engineer
W. W. White	Incline Village General Improve- ment District
Tom Young	Sierra Pacific Power Company