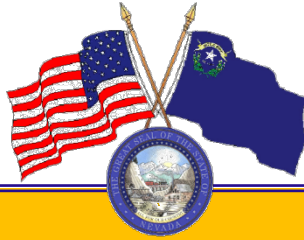


Bulletin No. 11-10



Legislative Committee to Oversee the Western Regional Water Commission

Legislative Counsel Bureau



January 2011

**LEGISLATIVE COMMITTEE TO OVERSEE THE
WESTERN REGIONAL WATER COMMISSION**

BULLETIN NO. 11-10

JANUARY 2011

TABLE OF CONTENTS

	<u>Page</u>
Summary of Recommendations	iii
Report to the 76th Session of the Nevada Legislature by the Legislative Committee to Oversee the Western Regional Water Commission	1
I. Introduction	1
II. Background	2
A. Creation of a Regional Water Resources Entity	2
B. Summary of Senate Bill 487 (Chapter 531, <i>Statutes of Nevada 2007</i>)	3
III. Topics Discussed by the Committee During the 2009–2010 Interim	3
A. Activities of the Western Regional Water Commission	3
B. Other Activities Related to Legislation Approved in 2009	9
C. Various Related Topics	11
IV. Committee Recommendations	12
V. Appendices	13

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE TO OVERSEE THE WESTERN REGIONAL WATER COMMISSION

Senate Bill 487
(Chapter 531, *Statutes of Nevada 2007*)

The following is a summary of the recommendations unanimously approved during the 2009-2010 Interim by the Legislative Committee to Oversee the Western Regional Water Commission. The following bill draft requests (BDRs) will be submitted to the 76th Session of the Nevada Legislature:

1. Submit a BDR to authorize the issuance of bonds to finance loans made to provide financial assistance to persons to connect to the public water or sewer system in certain counties (Assembly Bill 54, Chapter 325, *Statutes of Nevada 2009*). **(BDR 20-243)**
2. Submit a BDR to allow issuance of County Bond Bank bonds to be issued for refunding of securities previously issued to an entity other than the County Bond Bank (similar to the State Bond Bank, refundings would be permitted only for securities issued on and after the effective date of the law that permits creation of the Bond Bank). **(BDR 20-244)**

Note: At the Committee's final meeting, Steve Walker, representing several Nevada counties, testified that his clients would like to amend the bill resulting from Recommendation No. 1 in order to allow counties in the State with populations under 40,000 to issue bonds and finance loans to assist persons wanting to connect to municipal water and sewer systems. Although the Committee could not act on the request at the work session, the members did voice their support for the proposal.

**REPORT TO THE 76TH SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMITTEE TO OVERSEE THE
WESTERN REGIONAL WATER COMMISSION**

I. INTRODUCTION

The 74th Session of the Nevada Legislature approved Senate Bill 487 (Chapter 531, *Statutes of Nevada 2007*), creating: (a) the Western Regional Water Commission (WRWC) in Washoe County, Nevada, as well as the Northern Nevada Water Planning Commission (NNWPC) (formerly the Washoe County Regional Water Planning Commission); and (b) the Legislative Committee to Oversee the Western Regional Water Commission for three interims, to expire by limitation on July 1, 2013. As set forth in the bill (Appendix A), the Committee is directed to review the programs and activities of the WRWC, including an analysis of potential consolidation of the retail distribution systems and facilities of all public purveyors in the planning area.

The Committee is comprised of six members: four appointed by legislative leadership, one by the Chair of the Senate Committee on Natural Resources, and one by the Chair of the Assembly Committee on Natural Resources, Agriculture, and Mining. The Committee's Chair and Vice Chair are elected by the Committee members.

The six Committee members were:

- Assemblyman David P. Bobzien, Chair
- Senator John J. Lee, Vice Chair
- Senator Mark E. Amodei
- Senator Bernice Mathews
- Assemblyman Bernie Anderson
- Assemblyman Don Gustavson

The Legislative Commission appointed the following legislator as an alternate:

- Senator Maurice E. Washington

Staff services were provided by the Legislative Counsel Bureau (LCB):

- Patrick Guinan, Senior Research Analyst, Research Division
- Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division
- Susan M. Young, Senior Administrative Assistant, Research Division

During the 2009–2010 Legislative Interim, the Committee held three meetings including a work session. Two meetings were held in the Washoe County Commission Chambers

in Reno, Nevada, and the final meeting and work session was held at the Legislative Building in Carson City, Nevada.

Topics addressed this interim included:

- Progress on the proposed consolidation of the Washoe County Department of Water Resources (DWR) water utility into the Truckee Meadows Water Authority (TMWA);
- Preparation of the 2011 Comprehensive Plan for the Washoe County planning area, including implementation of Washoe County Ballot Question No. 3 of 2008 (WC3) requiring that the Truckee Meadows Regional Plan be amended to reflect that land use plans must be based upon and in balance with identified sustainable water resources within the county;
- Implementation of Senate Concurrent Resolution No. 2 (File No. 61, *Statutes of Nevada 2009*) directing that a memorandum of understanding (MOU) be entered into between entities engaged in developing a coordinated Truckee River watershed monitoring program;
- Implementation of Assembly Bill 54 (Chapter 325, *Statutes of Nevada 2009*) regarding financing of certain costs associated with conversion from domestic well and septic systems to municipal water and sewer in Washoe County; and
- Implementation of S.B. 175 (Chapter 477, *Statutes of Nevada 2009*) regarding flood management projects.

The Committee also received informational briefings on various topics including: (a) a recent Nevada Supreme Court decision on water rights; (b) a report asserting poor drinking water quality in the Truckee Meadows; and (c) domestic well issues, including the impacts of municipal pumping on domestic wells.

As a result of these hearings, the Committee adopted two recommendations for bill drafts to be considered by the 2011 Legislature. The first recommendation authorizes the issuance of bonds to finance loans made to provide financial assistance to persons to connect to the public water or sewer system in certain counties (BDR 20-243). The second recommendation allows the issuance of County Bond Bank bonds for refunding of securities previously issued to an entity other than the County Bond Bank. Similar to the State Bond Bank, refundings would be permitted only for securities issued on and after the effective date of the law that permits creation of the Bond Bank (BDR 20-244).

II. BACKGROUND

A. CREATION OF A REGIONAL WATER RESOURCES ENTITY

In 2005, the Legislature approved S.C.R. 26 (File No. 100, *Statutes of Nevada*), creating an interim study on the use, allocation, and management of water resources in Nevada.

The resolution also created the Subcommittee to Study the Feasibility and Advisability of Consolidating the Water-Related Services in Washoe County. The Subcommittee was directed to analyze relevant financial considerations, ownership and operation of facilities, and potential management and staffing structures; and to review potential alternatives, including consolidation of water, wastewater, flood control, storm drainage, and water reclamation programs, or any combination thereof. The Subcommittee's deliberations resulted in S.B. 487 (Chapter 531, *Statutes of Nevada*) of the 2007 Session, which proposed the creation of a regional water resources entity in Washoe County (the WRWC) and continuation of the Subcommittee's study (the Legislative Committee to Oversee the Western Regional Water Commission) for at least two additional interims.

B. SUMMARY OF SENATE BILL 487 (CHAPTER 531, STATUTES OF NEVADA 2007)

Senate Bill 487 (Chapter 531, *Statutes of Nevada 2007*) created the WRWC by special act of the Legislature to plan for the management of water supplies and to develop a comprehensive regional water plan for a portion of Washoe County. The bill also created the NNWPC to advise the Commission, with essentially the same duties and representation as the former Washoe County Regional Water Planning Commission (including the actual development of the regional water plan). If the cities of Reno and Sparks, Washoe County, Sun Valley General Improvement District (GID), South Truckee Meadows GID, and TMWA enter into a cooperative agreement, the entities may authorize the WRWC to exercise any powers that the entities may individually exercise, provided the powers are not inconsistent with the provisions of S.B. 487.

The bill set forth the membership, terms, and qualifications of the Board of Trustees of the WRWC and the Planning Commission, as well as their duties and powers. To fund the activities of both Commissions, the measure authorized the continuation of a fee not to exceed 1.5 percent of the amount billed by a public water purveyor to its customers provided that the fee is separately stated on its customer billings. The bill repealed portions of Chapter 540A in the *Nevada Revised Statutes* (NRS) relating to the regional water planning commission, comprehensive regional plan, remediation, and water supply, and enacted similar requirements applicable to both Commissions.

III. TOPICS DISCUSSED BY THE COMMITTEE DURING THE 2009–2010 INTERIM

The following is a summary of topics discussed by the Committee during the 2009–2010 Interim (additional detail is contained in the meeting minutes, which include exhibits, available online at: <http://leg.state.nv.us/Interim/75th2009/Committee/StatCom/OverseeWRWC/?ID=20>.)

A. ACTIVITIES OF THE WESTERN REGIONAL WATER COMMISSION

The Commission's activities in 2009 and 2010 addressed the following topics:

1. Evaluation of Water Purveyor Consolidation

The Committee received progress updates on the proposed consolidation of the DWR and TMWA at each of its three meetings. Below is a summary of those updates.

At the first meeting, the WRWC Legal Counsel John B. Rhoades reported on the findings of a nearly year-long study of the proposed consolidation conducted for the WRWC by a DWR and TMWA staff working group. On August 14, 2009, the WRWC made a formal recommendation to the TMWA Board of Directors and the Washoe County Board of Commissioners to proceed with the development of an Interlocal Agreement (ILA) to facilitate the consolidation of the two entities' water operations. On December 9, 2009, the two boards met jointly and approved the "Interlocal Agreement Governing the Merger of the Washoe County Department of Water Resources Water Utility into the Truckee Meadows Water Authority," which provides an overall framework for phased integration and consolidation.

Mark W. Foree, General Manager, TMWA, and Rosemary Menard, Director, DWR, provided further detail on the preliminary consolidation analysis done by the interagency working group, including whether consolidation would provide opportunities to:

- Reduce costs;
- Improve customer service and reliability; and
- Make better use of existing facilities prior to building new ones.

The findings supported moving forward with consolidation activities due to the possibility for community benefit and improved performance in the following areas:

- Improved management and use of water resources;
- More efficient infrastructure utilization and development;
- Reduced system maintenance costs;
- Long term efficiencies and economies of scale; and
- Better customer service due to coordinated rules of service and fees.

Preliminary financial analysis resulted in a recommendation that, because of the debt structure of the two agencies, the most economically viable path would be for the DWR to be merged into TMWA, with TMWA as the surviving entity. This finding is reflected in the approved ILA mentioned above. Other key stipulations of the ILA are that:

- The DWR will be merged into TMWA in a "phased approach";

- “Merger” means the full legal integration of the DWR into TMWA through the transfer of assets and assumption of liabilities, such that TMWA is the surviving water purveyor; and
- The merger is subject to achieving the following “necessary conditions”:
 - Modification of the TMWA Cooperative Agreement to provide appropriate additional representation of Washoe County on the TMWA Board of Directors;
 - Defeasance of, or removal of legal restrictions contained in, outstanding TMWA and DWR obligations;
 - Noncontravention of bond covenants; and
 - Protection of TMWA’s access to capital.

The broad steps required to implement the merger, the first of which was accomplished in 2009, include the following:

- Amendment of the TMWA Cooperative Agreement (approved by affected entities December 2009);
- Perform due diligence and negotiate an addendum to the ILA (conducted during first half of 2010);
- Negotiation and implementation of an operating agreement if required (if necessary conditions cannot be met in the near term, DWR will contract for TMWA to operate its water utility); and
- Upon satisfaction of the necessary conditions named above, preparation of a closing memorandum.

Finally, upon completion of the merger, Washoe County will no longer provide potable water services; and the DWR will continue to exist and will be responsible for managing and operating wastewater and reclaimed water utilities serving county customers as well as being the administrative home for the Central Truckee Meadows Remediation District program, the WRWC, and the NNWPC.

At the second Committee meeting, held on July 15, 2010, testimony indicated that, following the approval of the ILA, consolidation progress during the first half of 2010 included the following:

- The TMWA and DWR staff finalized site and facility assessments;
- Water resource/groundwater analysis ongoing;
- Customer service assessment ongoing;
- Detailed integrated water planning process ongoing;
- Completed legal review of major DWR agreements;

- Completed assessment of information technology and communication and connectivity requirements;
- Completed facility engineering assessments;
- Completed engineering hydraulic modeling;
- Completed identification of and cost estimates for DWR Capital Improvement Plan (CIP);
- Completed engineering hydraulic modeling;
- Completed land and easement reviews identifying mitigating requirements;
- Completed Supervisory Control and Data Acquisition system assessments; and
- Selected investment banks for underwriting services through Request for Proposal process.

Some key findings resulting from the work thus far include:

- Possibility that increased use of surface water in some service areas may reduce groundwater use and allow for better basin recharge during the winter months;
- Potential for reduction in power and labor costs through integrated operation (moving to seasonal use of DWR's Longley Lane Water Treatment Facility will reduce power costs, and the combination of DWR's generalist staff with TMWA's more specialized workforce may increase labor efficiencies); and
- Integrated capital planning for a regional water system has identified opportunities for better investment of capital resources.

Consolidation related tasks remaining to be completed through the end of 2010 and the first half of 2011 include:

- Complete financial analysis and modeling;
- Complete human resources modeling;
- Continue customer service assessment;
- Continue the detailed integrated water planning process;
- Continue water resource/groundwater analysis;
- Develop and complete a combined DWR and TMWA operating plan;
- Obtain independent review of financial modeling;
- Present findings, conclusions, and recommendations to the Washoe County and TMWA Boards; and
- Update and complete the DWR CIP plan.

Testimony at the third and final meeting and work session of the Committee on August 19, 2010, indicated that the tasks listed above for completion in the latter half of 2010 and early 2011 continue, and that the next major decision regarding consolidation will occur in early 2011. According to testimony, this will be a “go, no go” decision based upon the findings of the detailed financial analysis currently underway.

2. Implementation of Washoe County Ballot Question No. 3 Direction on Balancing Land Use and Sustainable Water Resources

An important element in preparing the 2011 Comprehensive Regional Plan for the Washoe County Planning Area (Regional Plan) was the passage of WC3 (Appendix B). The measure, approved by 73 percent of voters, requires that the Plan be amended to reflect a policy that “local government land use plans be based upon and in balance with identified and sustainable water resources within Washoe County.” A measure based on WC3, A.B. 119, was passed by the Legislature in 2009, but was vetoed by Governor Jim Gibbons, who noted in his veto message that he believed “regional planning should be handled by local governments, who are the most knowledgeable with respect to local planning.”

Rosanna Coombes, Director, Truckee Meadows Regional Planning Agency, testified at the Committee’s first meeting that following the veto of A.B. 119, Washoe County agreed with other local governing bodies that it should take the lead in requesting the Regional Planning Governing Board amend the Regional Plan to incorporate and provide for the implementation of the provisions of WC3. The Regional Planning Commission approved proposed amendments in December 2009 and the Regional Planning Governing Board incorporated the amendments into the Regional Plan in January 2010.

As part of the Regional Plan preparation, the Washoe County Department of Community Development provided its “consensus population forecast,” which is updated every two years and guides planning decisions for the various local governments in the area. In compliance with the provisions of WC3, this population forecast was compared with an estimate of sustainable water resources generated by the WRWC. The WRWC estimate is based on projections of water availability and sustainability generated through a comprehensive review of surface and groundwater resources, anticipated future demand and supply, wastewater treatment and effluent management, water quality, and conservation practices. Finally, the WRWC staff prepared the forecasts for review by the NNWPC to determine the adequacy of identified water resources to meet the anticipated 2030 population. Had discrepancies between water availability and forecasted population been found, they would have been adjusted in accordance with the Regional Plan to ensure a balance between population estimates and water resources allocated for local land use planning.

a. Review of Surface and Groundwater Resources and Anticipated Future Supply and Demand

Testimony at the July 15, 2010, meeting indicated that annual sustainable water resources in the Truckee River and pertinent groundwater basins are currently estimated at

183,250 acre-feet (a.f.), while the consensus population forecast for the region in 2030 is 590,500 a.f. A population of this size is estimated to use 142,000 a.f. of water annually. Upon receiving these estimates, the WRWC made a formal finding that the consensus population forecast for 2030 is *less* than the estimated population that can be supported by the sustainable water resources identified in the Regional Plan.

b. Wastewater Treatment and Effluent Management

Integrated regional planning for wastewater facilities and effluent management has begun with the appropriate staff engineers at the various facilities in the planning area coordinating their efforts and sharing information in order to improve efficiency and ensure best practices are being followed. The WRWC also hired an outside expert in the use of reclaimed water to help the Commission understand how better to use this important resource, including using reclaimed water for groundwater recharge.

c. Water Quality

As directed by the Legislature under S.C.R. 2 (File No. 61, *Statutes of Nevada 2009*) (Appendix C), 14 entities engaged in monitoring water quality on the Truckee River and its tributaries entered into an MOU in June 2009. Testimony indicated that the MOU is functioning well, providing the initial framework for a comprehensive Coordinated Monitoring Program (CMP) that will maximize agency resources, minimize duplication of effort, create an information clearinghouse to make data available to other agencies and the general public, and ensure continued cooperation by requiring regular meetings between the engaged entities.

Work on the CMP continues, with a projected formal approval date of February 2011. The MOU has also been helpful in gathering data and assessing what the Total Maximum Daily Load (TMDL) of nutrients should be in the Truckee River in order that the TMDL will properly reflect the Water Quality Standard set for the river.

Water quality in the Truckee Meadows was also addressed in response to a report published by the [Environmental Working Group](#) (EWG) in December of 2009, which ranked TMWA very low on its system for measuring drinking water quality. According to Paul J. Miller, P.E., Water Quality and Operations Manager, TMWA, the study contained a great deal of out of date and flawed data. The TMWA provided the EWG with corrected and updated data for 2008 and 2009, and received assurances that the EWG would publish this corrected material, but it never did, nor will the EWG respond to TMWA's repeated attempts at contact. Additionally, Mr. Miller noted that TMWA has never received any notice of health-based violations at any time from the United States Environmental Protection Agency (EPA) or from the Division of Environmental Protection, State Department of Conservation and Natural Resources, the two agencies that oversee drinking water nationally and at the State level.

d. Water Conservation

Testimony from Jim Smitherman, Water Resources Manager, WRWC/NNWPC, indicated that all public water purveyors in the region have achieved full water metering in their service areas which may be the single most important way to monitor water usage and encourage conservation. Additionally, the Nevada Landscape Association has instituted a Landscape Technician certification program to teach efficiency and best practices in irrigation system installation and operation, which is supported by the WRWC.

The Desert Research Institute and the University of Nevada Cooperative Extension have created a website providing information to the public on how often and how long turf grass should be watered. Lawns are very water intensive so it is vital to inform the public about how to keep them healthy without overwatering. The WRWC also helps support the TMWA water usage review program, through which an expert will visit a customer's home or business, perform a water use "audit," and then identify water saving options for the customer.

Finally, the WRWC and TMWA also work together in support of the Community Forestry Coalition, a group whose goal is to ensure that trees in the area are well-suited to the climate and are healthy, which plays a role in water conservation. Finally, agency staff is conducting a review of both drought planning and emergency planning, the results of which will be reflected in the 2011 Regional Plan.

B. OTHER ACTIVITIES RELATED TO LEGISLATION APPROVED IN 2009

1. Water and Sanitary Sewer Financial Assistance Program

Assembly Bill 54 (Chapter 325, *Statutes of Nevada 2009*) (Appendix D) authorizes the Washoe County Board of County Commissioners to establish programs to provide financial assistance to: (a) certain persons to connect to a public water or sewer system; and (b) certain public and private property owners in flood-prone areas to make the property resistant to flood damage.

Before providing any financial assistance for connection to a public water or sewer system, the County must establish a groundwater management plan in the affected water basin. The measure limits financial assistance to owners of property in flood-prone areas to buildings or structures that were in existence or on which construction had begun on or before July 1, 2009, and to property owners who have not received financial assistance from certain other public programs, such as redevelopment. Closely related to A.B. 54 is S.B. 175 (Chapter 477, *Statutes of Nevada 2009*) (Appendix E), which provides a definition of "flood management project" applicable in Washoe County and permits the County to delegate its authority to administer the financial assistance program in flood-prone areas to a flood management authority.

Testimony at the July 15, 2010, meeting indicated that Washoe County sought passage of A.B. 54 in direct response to property owner needs arising from changing economic conditions in the region. With rising unemployment, dropping median home values, and an unusually high number of home foreclosures taking place over the last several years, the ability of property owners to finance the cost of switching from a domestic well or onsite septic system to a municipal system through traditional means, such as a second mortgage, is becoming less viable. However, State and Washoe County Health District regulations require such a conversion when a well or septic system fails, leaving property owners with no options.

For this reason, Washoe County sought to create a financing program whereby property owners in targeted areas of the county could finance onsite and public right-of-way costs, including connection, line extension, and meter setting fees, trenching and plumbing costs, and proper abandonment of septic systems and wells. Eligibility will not be income dependent but property owners must be current on their mortgages and property taxes. The proposed term of financing is 20 years. Funding sources for the program are cash on hand in the DWR Water Enterprises Fund and, for longer term funding, bond proceeds secured both by the Fund and by properties with loans. The County does not expect annual loan commitments to exceed \$1 million.

The revisions to the provisions of A.B. 54 proposed by Washoe County, and approved by the Committee for consideration by the 2011 Legislature, would allow the County to create a revolving loan fund financed by the sale of bonds and to finance “up front” connection fees through this loan fund.

2. Financial Assistance Program for Flood Damage Prevention

Senate Bill 175 (Chapter 477, *Statutes of Nevada 2009*) (Appendix E) authorizes the creation of a flood management authority in Washoe County for the construction, improvement, and maintenance of a flood management project and permits the use of general obligation or revenue bonds or municipal securities for such purposes. The measure defines “flood management project” to include a project established for the control or management of any flood or storm waters in Washoe County or a city therein. Projects may also include ecosystem restoration, drainage and flood control activities, floodplain management, and certain flood and storm water conservation projects.

Also at the July 2010 meeting, Naomi Duerr, Director, Truckee River Flood Management Program (TRFMP), testified that per the authorization contained in A.B. 54, the TRFMP has begun implementation of its Home Elevation Program, which is designed to provide funding to raise eligible homes in the Hidden Valley, Eastside, and Rosewood Lakes subdivisions above historic flood levels. The Program has received \$2 million in initial funding from the TRFMP Board, has helped enact a new Washoe County ordinance to define and map eligible areas, and is in the process of evaluating homes, registering interested contractors, and building a website where forms and applications will be made available. Staff estimates that approximately 120 homes will be eligible for the program at a cost of \$10 million. This is in contrast to the

cost of building a floodwall, which is estimated at \$60 million, and would require constant maintenance, impair wetlands, and impinge on private property.

At the August 19, 2010, meeting Ms. Duerr noted that the TRFMP has either begun or completed several other projects since the enabling legislation was passed in 2009, including starting work on restoration of 50 miles of the Truckee River bank (102 Ranch, Mustang Ranch, and Lockwood restorations complete), building a floodwall-levee at the Reno-Sparks Indian Colony, designing and building a new Virginia Street Bridge, completing the Fish Passage Plan for improved spawning access, and beginning the Living River Parkway Project near the University of Nevada, Reno, farms along the river.

C. VARIOUS RELATED TOPICS

Throughout the interim, the Committee received presentations and status reports on various related water topics as part of western Nevada's overall water picture. For further detail concerning any of these specific presentations, please refer to the meeting minutes.

- At the July 15, 2010, meeting, Kevin C. Powers, Senior Principal Deputy Legislative Counsel, LCB, provided a review of the June 17, 2010, Nevada Supreme Court opinion in *Great Basin Water Network v. State Engineer* (126 Nev. Adv. Op. No. 20) involving water rights applications filed in 1989 by the Southern Nevada Water Authority (SNWA) for transfer of water from several rural counties to Las Vegas, Nevada. The opinion preserved the priority of applications filed prior to 2003, and required the State Engineer and the SNWA to reopen the notice period concerning them and allow new protestors to file protests to the applications.
- Also on July 15, Paul J. Miller, P.E., Water Quality and Operations Manager, TMWA, provided an overview on "Constituents Not Regulated Under the Federal Safe Drinking Water Act" that may appear in drinking water. Some of these constituents may be pesticides, disinfection byproducts, chemicals used in commerce, water-borne pathogens, pharmaceuticals, and biological toxins. The EPA regulates drinking water and Mr. Miller testified that the EPA has found none of these constituents in drinking water in concentrations even remotely approaching levels that would raise concern.
- At the same meeting, Rosemary Menard, Director, Washoe County DWR, provided an update on Domestic Well Mitigation Issues in the Truckee Meadows Service Area. Ms. Menard explained that several factors can influence the performance of domestic wells, such as: (1) drought conditions; (2) a high concentration of wells in a relatively small area, hydro-geologic conditions; (3) well depth; and (4) municipal well pumping. Ms. Menard pointed out that State law recognizes the importance of domestic wells and requires that they be protected from "unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated" (NRS 533.024.1[b]). The creation of a Well Mitigation Hearing Board (WMHB) in 2004 allowed Washoe County to address problems on a case-by-case basis and a variety of issues have been resolved in this manner. However, the county is currently reviewing its approach to domestic well mitigation with a focus toward

creating a programmatic approach that would treat all affected properties in the same manner and would alleviate the burden on individual property owners of developing and presenting claims to the WMHB.

IV. COMMITTEE RECOMMENDATIONS

The following is a summary of the recommendations unanimously approved during the 2009–2010 Interim by the Legislative Committee to Oversee the Western Regional Water Commission. The following BDRs will be submitted to the 76th Session of the Nevada Legislature in 2011.

Recommendation No. 1:

Submit a BDR to authorize the issuance of bonds to finance loans made to provide financial assistance to persons to connect to the public water or sewer system in certain counties. (BDR 20–243)

Recommendation No. 2:

Submit a BDR to allow issuance of County Bond Bank bonds to be issued for refunding of securities previously issued to an entity other than the County Bond Bank (similar to the State Bond Bank, refundings would be permitted only for securities issued on and after the effective date of the law that permits creation of the Bond Bank). (BDR 20–244)

Note: At the Committee’s final meeting, Steve Walker, representing several Nevada counties, testified that his clients would like to amend the bill resulting from Recommendation No. 1 in order to allow counties in the State with populations under 40,000 to issue bonds and finance loans to assist persons wanting to connect to municipal water and sewer systems. Although the Committee could not act on the request at the work session, the members did voice their support for the proposal.

V. APPENDICES

	<u>Page</u>
Appendix A	
Senate Bill 487 (Chapter 531, <i>Statutes of Nevada 2007</i>)	15
Appendix B	
Washoe County Ballot Question No. 3 From 2008	43
Appendix C	
Senate Concurrent Resolution No. 2 (File No. 61, <i>Statutes of Nevada 2009</i>)	47
Appendix D	
Assembly Bill 54 (Chapter 325, <i>Statutes of Nevada 2009</i>)	51
Appendix E	
Senate Bill 175 (Chapter 477, <i>Statutes of Nevada 2009</i>)	61
Appendix F	
Suggested Legislation	75

APPENDIX A

Senate Bill 487 (Chapter 531, *Statutes of Nevada 2007*)

Senate Bill 487
(Chapter 531, *Statutes of Nevada 2007*)

Senate Bill No. 487—Committee on Natural Resources

CHAPTER.....

AN ACT relating to water; providing for the regional management and conservation of water resources in certain portions of Washoe County; creating the Western Regional Water Commission; setting forth the powers and duties of the Western Regional Water Commission; creating the Northern Nevada Water Planning Commission to advise and assist the Western Regional Water Commission; repealing certain provisions relating to regional planning and management of water in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing general law provides for regional planning and management of water by a water planning commission in counties whose population is 100,000 or more but less than 400,000 (currently Washoe County). Under that general law, a board of county commissioners is required to adopt a comprehensive plan for the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods and is required to take action by a two-thirds majority. This general law also provides for a water planning commission, which reports to and advises the board of county commissioners concerning issues relating to water resources. (NRS 540A.010-540A.310)

This bill repeals various provisions of that general law and creates by special legislation a new structure for regional planning of water resources in certain portions of Washoe County based on the unique conditions and circumstances existing in those areas. Under the Nevada Constitution, the Legislature may pass a special or local law if the subject matter of the law does not fall within one of certain enumerated categories and a general law cannot be made applicable because of special circumstances and conditions. (Nev. Const. Art. 4, §§ 20, 21) **Section 4** of this bill specifies the unique conditions and circumstances in these portions of Washoe County that justify special legislation for the purpose of regional planning and management of water resources.

Sections 23 and 25-28 of this bill create the Western Regional Water Commission (Regional Water Commission), which is governed by a Board of Trustees consisting of representatives of various public entities and interests. **Sections 36-41** of this bill create the Northern Nevada Water Planning Commission (Water Planning Commission), which reports to and advises the Board of Trustees of the Regional Water Commission.

Section 24 of this bill authorizes the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District, South Truckee Meadows General Improvement District and Truckee Meadows Water Authority to provide certain additional power and duties to the Regional Water Commission by cooperative agreement. The cooperative agreement must be entered into before April 1, 2008.

Sections 34-52 of this bill require the development and adoption of a comprehensive plan for the area over which the Regional Water Commission has jurisdiction, which must address the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods. **Sections 30-35** of this bill authorize the Board of Trustees to:



(1) plan for the implementation of a mechanism for scheduling the delivery of water supplies held by certain water purveyors before April 1, 2008; (2) develop a plan for the establishment of service territories by which those purveyors may provide new water service provided on and after April 1, 2008, if each of the public purveyors agree to the plan; (3) impose a fee for the planning and administration of certain activities; and (4) plan for water conservation by various means.

Section 56 of this bill creates a temporary statutory legislative committee to oversee the programs and activities of the Regional Water Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 533.550 is hereby amended to read as follows:

533.550 1. Notwithstanding any other provision of law, a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that:

(a) The sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body;

(b) The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development;

(c) The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and

(d) The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.

2. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term does not include a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement ~~or~~ *or created by a special act of the Legislature.*

Sec. 2. NRS 540A.010 is hereby amended to read as follows:

540A.010 As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of county commissioners.

2. "Commission" means the ~~water planning commission~~
Northern Nevada Water Planning Commission created by ~~NRS~~
~~540A.080~~ *section 36 of this Act.*



3. "Comprehensive plan" or "plan" means the plan developed ~~(pursuant to NRS 540A.130.)~~ *by a regional water commission created by special act.*

4. "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 3. Sections 3 to 53, inclusive, of this Act may be cited as the Western Regional Water Commission Act.

Sec. 4. 1. The Legislature hereby finds that:

(a) The provisions of section 22 of this Act describe a hydrologically unique area which is distinguished by the presence of Lake Tahoe and the Truckee River, a water system which is governed by a unique combination of state and federal law, by federal decree and by the Truckee River Operating Agreement; and

(b) The unique hydrological conditions of the area described in section 22 of this Act and the complex legal framework governing the use of water within that area are special circumstances and conditions to which a general law cannot be made applicable and necessitate this special Act which provides for a special structure for the coordinated planning and management of water resources in that area.

2. It is hereby declared as a matter of legislative determination that:

(a) The organization of the Western Regional Water Commission having the purposes, powers, rights, privileges and immunities provided in this Act will serve a public use and will promote the general welfare by facilitating unified and cooperative efforts to secure and develop additional water supplies, maintain and cooperatively establish policies for managing existing water resources and water supplies, provide for integrated regional water resources and management of water supplies, provide for integration of efforts to manage storm water, provide for protection of watersheds and provide for regional conservation efforts, subject to and in accordance with the Truckee River Operating Agreement.

(b) The planning for the acquisition, development, management and conservation of regional water supplies and any associated facilities by the Regional Water Commission is for a public and governmental purpose and a matter of public necessity.

(c) The geographical boundaries of the Regional Water Commission are within the area described in section 22 of this Act.

(d) The Regional Water Commission shall, in carrying out the provisions of this Act:

(1) Make full use of any available resources for sustainability, economic viability and maintenance of environmental values;



(2) Communicate the decisions and policies of the Regional Water Commission in an effective manner;

(3) Provide for a centralized system of decision making;

(4) Facilitate the effective coordination of land use and resource planning;

(5) Facilitate the effective and efficient planning, management and operation of facilities; and

(6) Plan for the effective stewardship of water resources, including, without limitation, ensuring the quantity and quality of surface water and groundwater and the control point and nonpoint sources of pollution.

(e) For the accomplishment of the purposes stated in this subsection, the provisions of this Act shall be broadly construed.

Sec. 5. As used in this Act, unless the context otherwise requires, the words and terms defined in sections 6 to 21, inclusive, of this Act have the meanings ascribed to them in those sections.

Sec. 6. "Board of Trustees" or "Board" means the Board of Trustees of the Regional Water Commission.

Sec. 7. "City of Reno" means the municipal corporation in Washoe County, created and existing pursuant to the provisions of chapter 662, Statutes of Nevada 1971, as amended.

Sec. 8. "City of Sparks" means the municipal corporation in Washoe County, created and existing pursuant to the provisions of chapter 470, Statutes of Nevada 1975, as amended.

Sec. 9. "Comprehensive Plan" means the plan developed pursuant to sections 34 to 52, inclusive, of this Act.

Sec. 10. "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 11. "Facilities" means any facility necessary for the beneficial use of water supplies, including, without limitation, any diversion, dam, reservoir, other water storage facility for the water supplies, water conveyance, well, pump, treatment facility, storage tank, pipe, turnout and any other facility required to provide water services or to provide for the conservation of water or enhanced control of floods.

Sec. 12. "Planning area" means the area described in section 22 of this Act.

Sec. 13. "Public purveyor" means:

1. The Truckee Meadows Water Authority, or its successor;
2. The Washoe County Department of Water Resources, or its successor;
3. The South Truckee Meadows General Improvement District, or its successor;



4. The Sun Valley General Improvement District, or its successor; or

5. Any other governmental entity engaged in the retail delivery of potable water in the planning area.

Sec. 14. "Regional Water Commission" means the Western Regional Water Commission created pursuant to section 23 of this Act.

Sec. 15. "Truckee Meadows Water Authority" means the political subdivision of the State of Nevada created by a cooperative agreement effective December 4, 2000, pursuant to the provisions of NRS 277.080 to 277.180, inclusive.

Sec. 16. "Truckee River Operating Agreement" means all agreements relating to the implementation of Public Law 101-618, 104 Stat. 3324, as amended, including, without limitation, the Operating Agreement referenced in section 205(a) of Public Law 101-618, 104 Stat. 3324, as amended, whether entered into before, on or after April 1, 2008, to which the Truckee Meadows Water Authority, its predecessor or its successor, if any, is a party.

Sec. 17. "Washoe County" means the county created by and described in NRS 243.340.

Sec. 18. "Water Planning Commission" means the Northern Nevada Water Planning Commission created pursuant to section 36 of this Act.

Sec. 19. "Water Quality Settlement Agreement" means the Agreement entered into on October 10, 1996, by the City of Reno, the City of Sparks, Washoe County, the United States Department of the Interior, the United States Department of Justice, the United States Environmental Protection Agency, the Division and the Pyramid Lake Paiute Tribe, and any agreements entered into to implement that Agreement including, without limitation, any applicable provisions of the Truckee River Operating Agreement.

Sec. 20. "Water right" means any entitlement to the beneficial use of surface water or groundwater supplies, including, without limitation, an entitlement that exists by contract, by interest in real property, by decree or by rights granted or recognized by the State of Nevada, the State of California or any other governmental agency.

Sec. 21. "Water supplies" means surface water, groundwater, wastewater or effluent capable of being put to beneficial use.

Sec. 22. 1. The planning area in which plans for the use, management and conservation of water are to be made, pursuant to this Act, is the entire area within the boundaries of Washoe County except:



(a) Any land within the region defined by NRS 277.200, the Tahoe Regional Planning Compact;

(b) Land located within any Indian reservation or Indian colony which is held in trust by the United States;

(c) Land located within the Gerlach General Improvement District or its successor created pursuant to chapter 318 of NRS;

(d) Land located within the following administrative groundwater basins established by the United States Geological Survey and the Division of Water Resources of the State Department of Conservation and Natural Resources:

(1) Basin 22 (San Emidio Desert);

(2) Basin 23 (Granite Basin); and

(3) Basin 24 (Hualapai Flat); and

(e) Any land excluded by the Board pursuant to subsection 2 and not otherwise included pursuant to subsection 3.

2. The Board may exclude from the planning area any land which it determines is unsuitable for inclusion because of its remoteness from the water supplies which are the subject of the Comprehensive Plan or because it lies within a separate hydrologic basin neither affecting nor affected by conditions within the remainder of the planning area.

3. The Board may include within the planning area any land otherwise excluded pursuant to subsection 2 if it finds that the land requires alleviation of the effect of flooding or drainage of storm waters or requires another benefit from planning or management performed in the planning area.

Sec. 23. 1. The Western Regional Water Commission is hereby created. The Regional Water Commission is a body corporate and politic and a municipal corporation.

2. The property and revenues of the Regional Water Commission, any interest of any creditor therein and any possessory interest in or right to use that property which the Regional Water Commission may grant are exempt from all state, county and municipal taxation.

Sec. 24. By entering into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District, South Truckee Meadows General Improvement District and Truckee Meadows Water Authority may jointly authorize the Regional Water Commission to exercise such powers, privileges or authority that each of those entities may individually exercise pursuant to the laws of this State which are not inconsistent with the provisions of this Act.



Sec. 25. 1. The Regional Water Commission must be directed and governed by a Board of Trustees composed of the following nine members appointed pursuant to this section:

- (a) Two members of the City Council of the City of Reno;
- (b) Two members of the City Council of the City of Sparks;
- (c) Two members of the Board of County Commissioners of Washoe County;
- (d) One member representing the Truckee Meadows Water Reclamation Facility or its successor;
- (e) One member designated by the Board of Trustees of the South Truckee Meadows General Improvement District or its successor; and
- (f) One member of the Board of Trustees of the Sun Valley General Improvement District or its successor.

2. The City Council of the City of Reno, the City Council of the City of Sparks and the Board of County Commissioners of Washoe County shall each appoint one trustee from their membership for an initial term of 2 years.

3. The Board of Directors of the Truckee Meadows Water Authority or its successor shall appoint from its membership, for initial terms of 3 years:

- (a) One trustee who is a member of the City Council of the City of Reno;
- (b) One trustee who is a member of the City Council of the City of Sparks; and
- (c) One trustee who is a member of the Board of County Commissioners of Washoe County.

➤ The trustees appointed pursuant to this subsection must be different persons than those appointed pursuant to subsection 2.

4. The Board of Trustees of the Sun Valley General Improvement District or its successor and the Board of Trustees of the South Truckee Meadows General Improvement District or its successor shall each appoint one trustee from its membership for an initial term of 3 years.

5. The owners of the Truckee Meadows Water Reclamation Facility or its successor shall jointly appoint one trustee for an initial term of 2 years.

6. After the initial terms, each trustee who is appointed to the Board serves for a term of 2 years. A trustee may be reappointed.

7. All trustees must be elected officials. No trustee may serve beyond his term of office.

8. The position of a trustee must be considered vacated upon his loss of any of the qualifications required for his appointment,



and in such event, the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

Sec. 26. Each member of the Board shall file with the County Clerk of Washoe County:

1. His oath of office.
2. A corporate surety bond furnished at the Regional Water Commission's expense, in an amount not to exceed \$5,000, and conditioned for the faithful performance of his duties as a member of the Board.

Sec. 27. 1. The Board shall elect one of its members as Chairman and one of its members as Vice Chairman, and shall elect a Secretary and a Treasurer, who may be members of the Board. The Secretary and the Treasurer may be the same person. The terms of the officers expire on December 31 of each year.

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places.

3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Regional Water Commission.

Sec. 28. 1. The Board shall meet regularly at a time and in a place to be designated by the Board. The Board shall provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. Except as otherwise provided in this subsection, a majority of the members of the Board constitutes a quorum at any meeting. Each motion and resolution of the Board must be adopted by at least a majority of the members present at the meeting.

Sec. 29. The Regional Water Commission is a public employer within the meaning of NRS 286.070, and the provisions of chapter 286 of NRS apply to the Regional Water Commission and its employees.

Sec. 30. The Regional Water Commission may do all things necessary to accomplish the purposes of this Act. The Regional Water Commission has perpetual succession and, except as otherwise provided in sections 33 of this Act, has the following powers to:

1. Sue and be sued.



2. Enter into agreements with Washoe County, the Cities of Reno and Sparks, and any public purveyor.

3. Prepare, adopt, update and oversee the implementation of the Comprehensive Plan pursuant to sections 34 to 52, inclusive, of this Act.

4. Plan for the implementation of a mechanism for:

(a) Scheduling the delivery of water supplies held by public purveyors to maximize the yield of regional water supplies and facilitate the cooperative administration of regional water conveyance and treatment facilities for the benefit of the public purveyors.

(b) Maximizing conjunctive use by the public purveyors. As used in this paragraph, "conjunctive use" means the combined use of surface water and groundwater systems to optimize resource use.

5. Prepare, adopt and update a water conservation plan for the use of municipal, industrial and domestic water supplies within the planning area, and make recommendations for water conservation agreements among water purveyors and local governmental entities.

6. Study and recommend to the Board of County Commissioners of Washoe County, the City Council of the City of Reno and the City Council of the City of Sparks ordinances for the implementation of a water conservation plan adopted pursuant to subsection 5 and the Comprehensive Plan.

7. Contract with public purveyors or any other public entity for the provision of services to or by the Regional Water Commission and, in the performance of its functions, use the officers, agents, employees, services, facilities, records and equipment of any public purveyor, Washoe County, the City of Reno or the City of Sparks, with the consent of the respective public purveyor or governmental entity, and subject to such terms and conditions as may be agreed upon.

8. Employ or contract with such persons as it deems necessary and hire and retain officers, agents and employees, including fiscal advisers, engineers, attorneys or other professional or specialized personnel.

9. Seek, apply for and otherwise solicit and receive from any source, public or private, such contributions, gifts, grants, devises and bequests of money and personal property, or any combination thereof, as the Regional Water Commission determines is necessary or convenient for the exercise of any of its powers.

10. Participate with relevant agencies of the United States, the State of Nevada and other entities on issues concerning the supply of water.



11. Adopt such rules and regulations for the conduct of the affairs of the Regional Water Commission or of the Board as the Board may deem necessary or desirable.

12. Perform such other functions conferred on the Regional Water Commission by the provisions of this Act.

Sec. 31. The Board may develop a plan for the establishment of service territories within the planning area in which the public purveyors and all systems for the supply of water which are controlled or operated by the public purveyors may, on and after April 1, 2008, provide new retail or wholesale water services to new customers. A plan developed pursuant to this section does not apply to any public purveyor unless each public purveyor agrees to the provisions of the plan. The provisions of this section do not affect the ability of public purveyors to continue to provide retail and wholesale water services to customers who received that type of service before April 1, 2008, or pursuant to agreements for water service existing before April 1, 2008. In developing the plan, the Board shall:

1. Seek to ensure the coordination of the delivery of water at the lowest reasonable cost, considering all the facilities, improvement and operations required to provide that water as measured by the net present value of those facilities, improvements and operations existing at the time of the determination, generally using current dollars;

2. Seek to ensure that existing or future customers are not affected inequitably;

3. Seek to provide for the most effective management, development and integration of systems for the efficient use of water supplies and associated facilities; and

4. Consider:

(a) Any specific planning conducted by public purveyors before April 1, 2008, for existing or new customers;

(b) The topography of the service territories and the readiness and ability of public purveyors to serve customers with existing facilities;

(c) Any policies for land use that affect the service territories; and

(d) The rate of growth within the service territories projected over a reasonable period.

Sec. 32. The Board has and may exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this Act. Such specific powers are not a limitation upon any power necessary or appropriate to carry out the purposes and intent of this Act.



Sec. 33. Notwithstanding the provisions of this Act, the Truckee Meadows Water Authority or its successor is and shall remain the entity with the sole and exclusive power and authority to negotiate and execute and to implement its obligations under that Agreement, as the successor in interest to Sierra Pacific Power Company. All water supplies provided or available to the Truckee Meadows Water Authority or its successor pursuant to the Truckee River Operating Agreement must be considered as acquired before April 1, 2008, and must be managed, scheduled and operated in accordance with that Agreement. Nothing in this Act alters the rights and obligations of the Water Quality Settlement Agreement, and all water supplies must be managed, scheduled and operated in accordance with the Water Quality Settlement Agreement.

Sec. 34. The Board may, upon the recommendation of the Water Planning Commission:

1. Adopt and revise the Comprehensive Plan;
2. Make recommendations concerning methods for conserving existing water supplies which are consistent with any other plans required by law;
3. Make recommendations concerning methods of collecting and treating sewage to protect and conserve water supplies;
4. Provide information to members of the public regarding present and potential uses of water; and
5. Make recommendations concerning the management and use of water within the planning area to:
 - (a) The governing body and the Planning Commission of Washoe County and the Cities of Reno and Sparks;
 - (b) The Governing Board for Regional Planning and the Regional Planning Commission established in Washoe County pursuant to NRS 278.0264 and 278.0262, respectively;
 - (c) The State Engineer;
 - (d) The Federal Government; and
 - (e) Such other entities as the Board deems appropriate.

Sec. 35. 1. To fund the planning and administration required by this Act and the implementation of the Comprehensive Plan, the Board may impose a fee at a rate not to exceed 1.5 percent of the amount otherwise billed, to be collected by each public purveyor and supplier of water from customers within the planning area. If the Board determines to impose such a fee, the Board must impose the fee by resolution after holding a hearing.

2. A public purveyor or supplier of water must state separately on its billings to customers the amount charged as a result of any fee imposed pursuant to subsection 1.



Sec. 36. 1. The Northern Nevada Water Planning Commission is hereby created in the planning area. The Water Planning Commission must consist of the following voting members who are residents of Nevada:

(a) The Director of Public Works for the City of Reno, or his designee;

(b) The Director of Public Works for the City of Sparks, or his designee;

(c) The Director of Water Resources for Washoe County, or his designee;

(d) A member of the South Truckee Meadows General Improvement District or its successor;

(e) The General Manager of the Sun Valley General Improvement District or its successor, or his designee;

(f) The General Manager of the Truckee Meadows Water Authority or its successor, or his designee;

(g) The General Manager of the Truckee Meadows Wastewater Reclamation Facility or its successor, or his designee;

(h) One member appointed by the governing body of the Indian reservation which is the largest in area in the planning area, if the planning area contains an Indian reservation, or, if there is not an Indian reservation located within the planning area or the governing body of the reservation does not appoint a member, one member appointed by the Board to represent the public at large;

(i) One member of the public at large appointed by the Board to represent environmental, biological, conservation or public concerns;

(j) One member appointed by the Board to represent owners of domestic wells;

(k) One member appointed by the Board of Supervisors of the Washoe Storey Conservation District or its successor; and

(l) Such additional members with expertise in any area that the Board determines is necessary, appointed by the Board.

☛ The terms of the ex officio members described in paragraphs (a) to (g), inclusive, are concurrent with the employment of those members in the respective positions specified in those paragraphs. The members appointed pursuant to paragraphs (h) to (l), inclusive, serve initial terms of 2 years.

2. After the initial terms, the term of office of each member appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1 is 3 years. A member may be reappointed. A vacancy must be filled for the unexpired term by the appointing entity.

Sec. 37. In addition to the voting members, the Water Planning Commission includes the following nonvoting members:



1. One member appointed by the Public Utilities Commission of Nevada;
2. One member appointed by the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General;
3. One member appointed by the Administrator of the Division;
4. One member appointed by the State Engineer;
5. One member appointed by the Chief of the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources;
6. One member appointed by the board of directors of the water conservancy district which is largest in area in the planning area;
7. One member appointed by the county or district board of health;
8. One member of the public at large appointed by the affirmative vote of a majority of the voting members; and
9. Additional members with expertise in an area that the majority of the voting members determines is necessary, appointed by the affirmative vote of a majority of the voting members.

Sec. 38. The members of the Water Planning Commission appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1 of section 36 of this Act or any alternative designees appointed pursuant to paragraphs (a) to (g), inclusive, of subsection 1 of section 36 of this Act may not hold any elective governmental office but may be engaged or employed in private enterprise or be employees of state or local government, and each member must be qualified pursuant to at least one of the following subsections:

1. A professional engineer licensed pursuant to the provisions of chapter 625 of NRS;
2. Experienced in comprehensive planning, natural resources or environmental protection;
3. A specialist in hydrologic science;
4. Experienced in law, management or planning related to water;
5. Experienced in municipal finance or resource economics;
6. Experienced in construction, planning or operation of facilities or systems for supplying or treating water, for collecting or treating sewage, for drainage of storm water or for control of floods; or
7. Knowledgeable in the areas of water conservation, biology, natural systems, water quality and water management.



Sec. 39. The Water Planning Commission shall establish a schedule for the selection of its Chairman for a term of 1 year, in rotation, from among the members.

Sec. 40. 1. The Water Planning Commission shall meet at the call of the Chairman or any three members. The Water Planning Commission shall establish a schedule of regular meetings and provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. A quorum consists of a majority of the members. The affirmative vote of a majority of the members present is required to take action, unless a larger proportion is required by this Act for a particular action.

3. A member of the Water Planning Commission is not entitled to compensation for his services as a member.

Sec. 41. 1. The Water Planning Commission shall develop, and as necessary recommend revisions to, a Comprehensive Plan for the planning area covering the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control of floods. The initial Comprehensive Plan must be developed on or before January 1, 2011. The provisions of the comprehensive plan developed and revised pursuant to the former provisions of NRS 540A.130 before April 1, 2008, remain in effect until the Board adopts the initial Comprehensive Plan.

2. The Comprehensive Plan must consist of written text, appropriate maps and goals and policies to deal with current and future problems affecting the planning area as a whole with respect to the subjects of the Comprehensive Plan set forth in subsection 1. In developing the Comprehensive Plan, the Water Planning Commission shall consider any water resource plan developed by a public purveyor and, to the extent feasible and consistent with the objectives of the Regional Water Commission, seek to incorporate such a plan.

3. The Comprehensive Plan must:

(a) Describe the problems and needs of the planning area relating to the subjects of the Comprehensive Plan set forth in subsection 1;

(b) Identify the providers of services relating to the subjects of the Comprehensive Plan within the planning area and the area within which each provides service, including service territories of public utilities and public purveyors;

(c) Identify alternatives to reduce demand or increase water supply;



(d) Identify and provide for existing and future sources of water needed to meet the present or future needs of the planning area, including, without limitation, existing and future demand for water within each public purveyor's service territory;

(e) Define priorities and general location for additional major facilities needed to provide services relating to the subjects of the Comprehensive Plan set forth in subsection 1;

(f) Describe programs to mitigate drought, achieve conservation of water, protect wellheads and otherwise manage water;

(g) Provide for the development, acquisition and stabilization of surface water and groundwater supply in the planning area, including policies regarding dedication of privately held water resources by applicants for water service;

(h) Provide for the oversight of, protection of, regional management of and maximization of efficient conjunctive use of, the supply of surface water and groundwater and major water resource facilities in the planning area, including use of reclaimed water and recharge and recovery or underground storage and recovery of water, and the scheduling of the delivery of water supplies held by public purveyors;

(i) Identify and provide for the extent to which reuse or effluent water is to be put to beneficial use or discharged, directly or indirectly, into the Truckee River;

(j) Provide for the regional conservation and prevention of long-term depletion of surface water and groundwater resources in the planning area in support of the Comprehensive Plan;

(k) Provide for adequate supplies of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control of floods within the planning area;

(l) Identify and provide for the peaking capacity required for delivery of water supplies to each public purveyor, if applicable, and the means by which such requirements will be met;

(m) Include a water budget identifying water supplies available to each public purveyor from all sources; and

(n) Seek to make full use of any unused capacity of facilities that are owned by public purveyors, if such use is otherwise economical and efficient.

4. The Water Planning Commission shall make recommendations to the Board for the adoption of, and any revisions to, the Comprehensive Plan.



Sec. 42. The Comprehensive Plan must include the following elements:

1. Quality of surface water, which must include, without limitation:

- (a) Compliance with standards of quality for bodies of water;
- (b) Locations and capacities of plants to treat wastewater;
- (c) Intended quantity and quality of discharge from those plants and its reuse, service areas and interceptors; and
- (d) Programs to attain protection from pollution by both concentrated and diffuse sources.

2. Quality of groundwater, which must include, without limitation:

- (a) Compliance with standards of quality for hydrographic basins and septic tanks;
- (b) Capacities for withdrawal of water from hydrographic basins;
- (c) Programs to protect wellheads;
- (d) Programs to clean up contaminated groundwater from hydrographic basins; and
- (e) Programs to attain protection from pollution by both concentrated and diffuse sources.

3. Supply of surface water, which must include, without limitation:

- (a) Existing and planned sources of surface water;
- (b) Existing and planned uses for all surface water, including municipal and industrial uses, requirements for return flow, reserves for drought and future growth, uses to improve the quality of water, uses to provide habitat and uses in conjunction with underground water;
- (c) Major facilities to convey and store surface water;
- (d) Standards, service areas, rates of flow and reserves for storage; and
- (e) Facilities to treat surface water.

4. Supply of underground water, which must include, without limitation:

- (a) Existing and planned sources of underground water;
- (b) Existing and planned uses for all underground water, including municipal and industrial uses, maintenance of minimum groundwater level and the need for recharge, reserves for drought and future growth, uses to improve the quality of water, uses to provide habitat and uses in conjunction with surface water;
- (c) Major facilities to extract and convey underground water;
- (d) Compliance with standards for treated and nontreated water, service areas, rates of flow and reserves for storage; and



(e) Facilities to treat and store underground water.

5. Control of floods and drainage of storm water, as it relates to surface water, which must include, without limitation:

(a) Minimum standards of design for controlling floods in the planning area;

(b) Nonstructural alternatives and standards for facilities to control floods in the planning area and single drainage basins;

(c) Regional facilities to control floods; and

(d) Generalized facilities and standards of design for single drainage basins.

6. Control of floods and drainage of storm water, as it relates to underground water, which must include, without limitation:

(a) Groundwater level and capacity for additional storage of water underground as a means of mitigating floods;

(b) Location and capacities of major facilities for controlling floods which utilize storage of water underground to mitigate floods; and

(c) Standards of design for devices to infiltrate storm water and other minor facilities for controlling floods which utilize storage of water underground to mitigate floods.

7. Cost and financing, which must include an estimate of the cost of each major facility, source of water or other requirement of the Comprehensive Plan and an analysis of alternatives for financing and funding the facility, source or other requirement, or alternatives thereto, as well as the effect of the funding alternatives on other facilities included in the Comprehensive Plan. The estimate of cost must state the financial impact on persons within the planning area, including, without limitation, all direct and indirect costs of connecting to a system for supplying water, if applicable.

8. Recommendations for developing and implementing consistent policies of, and among, public purveyors concerning regional drought reserve standards, developer costs, impact fees, dedication of water rights and standards for the drainage of water.

9. Evaluation and recommendations regarding the consolidation of public purveyors in the planning area, which must include 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 any such impediments.

Sec. 43. 1. The Comprehensive Plan must be consistent with and carry out the provisions of the Comprehensive Regional Plan adopted by the Governing Board for Regional Planning in Washoe County pursuant to NRS 278.0276 and the master plans and any



other plans for the use of land which are adopted by governmental entities within the planning area.

2. The Comprehensive Plan must be consistent with and carry out or support the carrying out of all aspects of the Truckee River Operating Agreement and Water Quality Settlement Agreement.

3. The Comprehensive Plan must be consistent with the state water plan that is in effect at the time that the Comprehensive Plan is adopted.

Sec. 44. In developing the Comprehensive Plan, the Water Planning Commission shall:

1. Receive and consider information from public purveyors, public utilities and other entities supplying municipal and industrial water within the planning area;

2. Receive and consider information from entities providing sanitary sewerage, treatment of sewage, drainage of storm water and control of floods within the planning area;

3. Receive and consider information from entities concerned with water quality within the planning area;

4. Review and consider any plan or recommendation of the State Engineer concerning the development, conservation and use of water resources, existing water conservation plans, the regional plan and any master plan that has been adopted pursuant to the provisions of chapter 278 of NRS and any similar plan of a local government which applies to any area in the planning area, and may seek and consider the advice of each local planning commission and any other affected entity;

5. Coordinate and make consistent the elements of the Comprehensive Plan set forth in section 42 of this Act;

6. Consider existing applicable laws;

7. Recognize and coordinate the needs of the incorporated areas of the planning area with the needs of the unincorporated areas of the planning area; and

8. Receive and consider information from other interested persons.

Sec. 45. 1. Before submitting the Comprehensive Plan to the Board, the Water Planning Commission shall hold at least one public hearing on the Comprehensive Plan within the planning area.

2. Before acting on a proposed amendment to the adopted Comprehensive Plan, the Water Planning Commission shall hold at least one public hearing on the proposed amendment at a location in the planning area relevant to the proposed amendment.

3. Notice of the time and place of each hearing must be given by publication in a newspaper of general circulation in the planning area at least 10 days before the day of the hearing. If there is more



than one newspaper of general circulation in the planning area, notice must be given by publication in at least two such newspapers.

4. The decision to submit the proposed Comprehensive Plan or any amendment to the adopted Comprehensive Plan to the Board must be made by resolution of the Commission carried by the affirmative votes of a majority of the total voting members of the Water Planning Commission. The resolution must refer expressly to the text, maps and descriptive or other matter intended by the Water Planning Commission to constitute the Comprehensive Plan or an amendment thereto.

Sec. 46. 1. An attested copy of the proposed Comprehensive Plan or an amendment thereto must be submitted by the Water Planning Commission to the Board.

2. Before taking any action on the proposed Comprehensive Plan or an amendment thereto, the Board shall convene a public hearing.

3. Notice of the hearing must be given at least 10 days before the date of the hearing. The notice must include, without limitation:

- (a) A statement of the time, place and nature of the hearing;
- (b) A statement of the legal authority under which the hearing is to be held; and
- (c) A reference to the particular sections of any applicable laws.

4. Not less than 30 days before the hearing, the Board shall cause to be placed a copy of the proposed Comprehensive Plan or amendment thereto in the office of the County Clerk of Washoe County and publish notice that the Comprehensive Plan or amendment thereto is available for public inspection.

5. Each notice required by this section must be published in a newspaper of general circulation in the planning area. If there is more than one newspaper of general circulation in the planning area, notice must be given by publication in at least two such newspapers. The notice must be a display advertisement not less than 3 by 5 inches in size.

Sec. 47. 1. The Board shall not change or add to the proposed Comprehensive Plan or an amendment thereto as submitted by the Water Planning Commission until it has submitted the substance of the proposed change or addition to the Water Planning Commission in writing with its reasons for the change or addition.

2. The Water Planning Commission shall, if it agrees to the change or addition, revise the submitted Comprehensive Plan or amendment thereto accordingly. If the Water Planning Commission does not agree, it shall report to the Board in writing its reason for disagreeing and any alternative proposal.



3. In either case, the Water Planning Commission shall present its revision or report to the Board within 40 days after the Board's change or amendment is submitted to the Water Planning Commission.

4. If the Water Planning Commission does not agree with the proposed change or addition and the Board refuses to rescind its proposal or to accept an alternative proposal of the Water Planning Commission, the Water Planning Commission shall revise the originally submitted Comprehensive Plan or amendment thereto to incorporate the change or addition proposed by the Board.

Sec. 48. 1. After adoption by the Board, the Comprehensive Plan or an amendment thereto must be submitted for review to the Regional Planning Commission in Washoe County established pursuant to NRS 278.0262. The Regional Planning Commission shall review the Comprehensive Plan or amendment thereto only for consistency with the Comprehensive Regional Plan adopted pursuant to NRS 278.0276 and the master plans and any other plans for the use of land which are adopted by local governmental entities within the planning area. The Regional Planning Commission shall review the Comprehensive Plan or amendment thereto at one or more public hearings. Notice of the time and place of a hearing must be given in accordance with NRS 278.0276.

2. If the Regional Planning Commission fails to make a determination within 40 days after the submission of the Comprehensive Plan or amendment thereto, the Comprehensive Plan or amendment thereto shall be deemed to be consistent with the Comprehensive Regional Plan.

3. If the Regional Planning Commission determines that the Comprehensive Plan or amendment thereto is not consistent with the Comprehensive Regional Plan, it shall state its reasons why the Comprehensive Plan or amendment thereto is not consistent. Unless an appeal is filed pursuant to section 49 of this Act, the Water Planning Commission and the Board shall respectively develop and adopt, in accordance with sections 44 to 47, inclusive, of this Act, proposed revisions to the Comprehensive Plan or amendment thereto, and the Board shall resubmit the revised Comprehensive Plan or amendment thereto to the Regional Planning Commission.

Sec. 49. 1. An affected entity that disagrees with the reasons given by the Regional Planning Commission for its determination of consistency or inconsistency pursuant to section 48 of this Act may file an appeal with the Governing Board for Regional Planning in Washoe County not later than 10 days after the determination of consistency or inconsistency. As used in this subsection, "affected



entity” means Washoe County, the City of Reno, the City of Sparks or any other governmental entity or public purveyor or a public utility providing services relating to the subject matter of the Comprehensive Plan within the planning area.

2. Within 45 days after its receipt of an appeal, the Governing Board for Regional Planning shall consider the appeal and issue its decision. If the decision of the Governing Board for Regional Planning is that the Comprehensive Plan or amendment thereto is not consistent with the Comprehensive Regional Plan, it shall state its reasons why the Comprehensive Plan or amendment thereto is not consistent. The Water Planning Commission and the Board shall then respectively develop and adopt, in accordance with sections 44 to 47, inclusive, of this Act, proposed revisions to the Comprehensive Plan or amendment thereto, and the Board shall resubmit the revised Comprehensive Plan or amendment thereto to the Regional Planning Commission for review.

Sec. 50. The adopted Comprehensive Plan must be reviewed by the Water Planning Commission on a schedule to be established by the Board, which must at least provide for review of the Comprehensive Plan within 5 years after its adoption and at least every 5 years thereafter. After each review, the Water Planning Commission shall submit to the Board any proposed amendment to the Comprehensive Plan or report that there are no amendments.

Sec. 51. 1. Except as otherwise provided in subsection 2, on and after the date the initial Comprehensive Plan is finally approved, no facility intended to provide a service relating to a subject of the Comprehensive Plan within the planning area may be constructed, if the facility is of such a kind or size as to affect the working of the Comprehensive Plan as distinct from providing normal service to customers, unless it is included in the Comprehensive Plan or has been reviewed and approved as provided in subsection 3.

2. The Comprehensive Plan may allow for the construction of facilities not included within the Comprehensive Plan in order to meet an emergency as defined in the Comprehensive Plan.

3. A proposal to construct a facility described in subsection 1 within the planning area must be submitted to the Water Planning Commission for review and recommendation to the Board concerning the conformance of the proposal with the Comprehensive Plan. The review must include an evaluation of stranded costs, the need for the facility within the planning area and the impact that construction of the facility will have on any potential consolidation of public purveyors. If the Water Planning Commission fails to make such a recommendation within 30 days after the proposal is submitted to it, the Water Planning Commission



shall be deemed to have made a recommendation that the proposal conforms to the Comprehensive Plan. The Board shall consider the recommendation of the Water Planning Commission and approve or disapprove the proposal as conforming to the Comprehensive Plan. Any disapproval must be accompanied by recommended actions to be taken to make the proposal conform to the Comprehensive Plan. The Water Planning Commission and the Board shall limit their review to the substance and content of the Comprehensive Plan and shall not consider the merits or deficiencies of a proposal in a manner other than is necessary to enable them to make a determination concerning conformance with the Comprehensive Plan.

4. The Board shall provide, by resolution after holding a hearing, for the Water Planning Commission or its staff to make final decisions concerning the conformance of classes of proposed facilities to the Comprehensive Plan. A resolution adopted pursuant to this section must provide an opportunity for the applicant or a protestant to appeal from a decision of the Water Planning Commission or its staff to the Board.

Sec. 52. Any water right or source of water belonging to a governmental entity within the planning area must be used in accordance with the Comprehensive Plan.

Sec. 53. The provisions of this Act do not supersede the authority granted by law to the State Engineer, the State Environmental Commission and the State Department of Conservation and Natural Resources.

Sec. 54. NRS 540A.060, 540A.070, 540A.080, 540A.090, 540A.100, 540A.110, 540A.120, 540A.130, 540A.140, 540A.150, 540A.160, 540A.170, 540A.180, 540A.190, 540A.200, 540A.210, 540A.220, 540A.230, 540A.290, 540A.300 and 540A.310 are hereby repealed.

Sec. 55. The fee authorized pursuant to NRS 540A.070 must remain in effect and be collected by Washoe County and transferred to the Western Regional Water Commission, created pursuant to section 23 of this act, until such time as the Board of Trustees of the Regional Water Commission adopts a resolution pursuant to section 35 of this act imposing a new fee.

Sec. 56. 1. There is hereby created the Legislative Committee to Oversee the Western Regional Water Commission created pursuant to section 23 of this act. The Committee must:

(a) Consist of six Legislators as follows:

(1) One member of the Senate appointed by the Chairman of the Senate Committee on Natural Resources;



(2) One member of the Assembly appointed by the Chairman of the Assembly Committee on Natural Resources, Agriculture, and Mining;

(3) One member of the Senate appointed by the Majority Leader of the Senate;

(4) One member of the Senate appointed by the Minority Leader of the Senate;

(5) One member of the Assembly appointed by the Speaker of the Assembly; and

(6) One member of the Assembly appointed by the Minority Leader of the Assembly.

(b) Insofar as practicable, represent the various areas within the planning area.

(c) Elect a Chairman and a Vice Chairman from among its members. The Chairman must be elected from one House of the Legislature and the Vice Chairman from the other House. After the initial selection of a Chairman and a Vice Chairman, each of those officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Committee shall select a replacement for the remainder of the unexpired term.

2. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the next session of the Legislature convenes.

3. Vacancies on the Committee must be filled in the same manner as original appointments.

4. The members of the Committee shall meet throughout each year at the times and places specified by a call of the Chairman or a majority of the Committee.

5. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary.

6. The Committee shall prescribe regulations for its own management and government.

7. Except as otherwise provided in subsection 8, four members of the Committee constitute a quorum, and a quorum may exercise all the powers conferred on the Committee.

8. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

9. Except during a regular or special session of the Legislature, the members of the Committee are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session,



the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the Committee and while engaged in the business of the Committee. The salaries and expenses paid pursuant to this subsection and the expenses of the Committee must be paid from the Legislative Fund.

10. The Committee shall 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, which is described in section 22 of this act.

11. The Committee may:

(a) Conduct investigations and hold hearings in connection with its powers pursuant to this section.

(b) Direct the Legislative Counsel Bureau to assist in the study of issues related to oversight of the Western Regional Water Commission.

12. In conducting the investigations and hearings of the Committee:

(a) The Secretary of the Committee or, in his absence, any member of the Committee may administer oaths.

(b) The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing either within or outside of the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chairman of the Committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

13. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena issued pursuant to this section, the Chairman of the Committee may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Committee which is named in the subpoena, or has refused to answer questions propounded to him,

and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Committee.



14. Upon a petition pursuant to subsection 13, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the Committee. A certified copy of the order must be served upon the witness.

15. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before the Committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

16. Each witness who appears before the Committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this State. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the Secretary and Chairman of the Committee.

17. On or before January 15 of each odd-numbered year, the Committee shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the review conducted pursuant to subsection 10 and any recommendations for legislation.

Sec. 57. 1. This section and section 56 of this act become effective on July 1, 2007.

2. Sections 1 to 23, inclusive, and 25 to 55, inclusive, of this act become effective on April 1, 2008.

3. Section 24 of this act:

(a) Becomes effective on:

(1) July 1, 2007, for the purposes of authorizing the entities set forth in that section to enter into the cooperative agreement specified in that section; and

(2) April 1, 2008, for all other purposes, if the cooperative agreement specified in that section is entered into before that date.

(b) Expires by limitation on April 1, 2008, if the cooperative agreement specified in that section has not been entered into before that date.

4. Section 56 of this act expires by limitation on July 1, 2013.



APPENDIX B

Washoe County Ballot Question No. 3 From 2008

Washoe County Ballot Question No. 3 From 2008

Shall The Truckee Meadows Regional Plan be amended to reflect and to include a policy or policies requiring that local government land use plans be based upon and in balance with identified and sustainable water resources available within Washoe County?

APPENDIX C

Senate Concurrent Resolution No. 2 (File No. 61, *Statutes of Nevada 2009*)

Senate Concurrent Resolution No. 2
(File No. 61, *Statutes of Nevada 2009*)

Senate Concurrent Resolution No. 2—
Committee on Natural Resources

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Encouraging entities
that are engaged in monitoring the water quality of the
Truckee River to coordinate certain activities.

WHEREAS, The federal Clean Water Act, 33 U.S.C. §§ 1251 et seq., and Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., require states to establish standards of water quality for all surface water and to monitor compliance with those standards; and

WHEREAS, Monitoring of the water quality of the Truckee River is conducted for biological, chemical and physical constituents to determine if standards of water quality established by the State of Nevada and required by the Clean Water Act and Safe Drinking Water Act are being met; and

WHEREAS, There are approximately 50 locations on the Truckee River where monitoring is conducted to protect drinking water and water quality for downstream use; and

WHEREAS, Monitoring of the watershed along the Truckee River is conducted by several separate entities, which may result in a loss of efficiency and duplication of effort; and

WHEREAS, In an effort to increase efficiency and prevent duplication of effort, the entities involved in monitoring the watershed along the Truckee River have been working toward a coordinated watershed monitoring program; and

WHEREAS, As part of the coordinated watershed monitoring program, a central clearinghouse of technical and water-related information has been developed to enhance collaboration and share data among the various entities; and

WHEREAS, The Nevada Legislature believes that coordinated monitoring and reporting of information is in the best interest of this State to ensure timely identification of potential problems with water quality or environmental degradation of the Truckee River and to promote the future protection of the Truckee River watershed; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the entities which are engaged in the management and monitoring of the water quality of the Truckee River are encouraged to continue to work together toward developing a comprehensive and coordinated watershed monitoring program for the Truckee River and its tributaries and to refine and enhance existing monitoring efforts; and be it further



RESOLVED, That the entities are encouraged to collect and publish the resulting data from the coordinated monitoring efforts into a single source and make that data available to the public; and be it further

RESOLVED, That the Division of Environmental Protection of the State Department of Conservation and Natural Resources is hereby directed to develop a memorandum of understanding with the entities to ensure a clear understanding of the coordinated watershed monitoring program and the coordinated watershed monitoring efforts in which they are engaged; and be it further

RESOLVED, That the Division is hereby directed to submit a report concerning the memorandum of understanding and the coordinated watershed monitoring efforts of the entities at the first meeting of the Legislative Committee to Oversee the Western Regional Water Commission that is held after the conclusion of the 75th Regular Session of the Nevada Legislature; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Governor, the Chairman of the Western Regional Water Commission, the Chairman of the City Council of the City of Reno, the Chairman of the City Council of the City of Sparks, the President of the Desert Research Institute, the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, the Chairman of the Board of Directors of the Truckee Meadows Water Authority, the Chairman of the Truckee Meadows Stormwater Committee, the Manager of the Truckee Meadows Water Reclamation Facility, the President of the University of Nevada, Reno, the Commissioner of the Bureau of Reclamation of the United States Department of the Interior, the Director of the United States Fish and Wildlife Service, and the Director of the United States Geological Survey.



APPENDIX D

Assembly Bill 54 (Chapter 325, *Statutes of Nevada 2009*)

Assembly Bill 54
(Chapter 325, *Statutes of Nevada* 2009)

Assembly Bill No. 54—Committee on Government Affairs

CHAPTER.....

AN ACT relating to counties; authorizing a board of county commissioners in certain counties to establish programs to provide financial assistance to persons to connect to a public water or sewer system or to make property resistant to flood damage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) to establish: (1) a program to provide financial assistance to persons to connect to a public water or sewer system under certain circumstances; and (2) a program to provide financial assistance to owners of public or private property to make such property resistant to flood damage.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Except as otherwise provided in this section, if a board of county commissioners of a county whose population is 100,000 or more but less than 400,000 operates a public water or sewer system, the board may:*

(a) Establish by ordinance a program to provide financial assistance to persons to connect to the public water or sewer system.

(b) Accept gifts, grants and other sources of money to pay the costs to assist persons to connect to the public water or sewer system.

2. An ordinance adopted by a board of county commissioners pursuant to paragraph (a) of subsection 1 must include, without limitation, a finding of the board that the creation of a program to provide financial assistance to persons to connect to a public water or sewer system furthers a legitimate public purpose.

3. If a board of county commissioners establishes a program to provide financial assistance pursuant to subsection 1, the board:

(a) Must establish a plan for the management and protection of the groundwater in the water basin to which the program to provide financial assistance applies. Such a plan must include,



without limitation, provisions for the sustainable management of municipal wells that are owned by the county in the water basin.

(b) Except as otherwise provided in subsection 4, may set forth conditions or limitations on any financial assistance provided pursuant to the program.

4. Financial assistance provided pursuant to a program established pursuant to subsection 1:

(a) May be in the form of grants, gifts or loans, or any combination thereof.

(b) May only be used to pay the necessary and actual expenses to:

- (1) Disconnect from a private water or sewer system;*
- (2) Eliminate a private water or sewer system; and*
- (3) Connect to the public water or sewer system.*

5. A board may not establish a program to provide financial assistance pursuant to subsection 1 unless the board finds that establishing such a program is necessary to provide the public with a safe and reliable water and sewer system.

6. The requirements of NRS 244.3655 do not apply to actions taken by a board of county commissioners pursuant to this section.

7. Nothing in this section shall be so construed as to require:

(a) A board of county commissioners to provide financial assistance to any property owner pursuant to this section; or

(b) A property owner to apply for or accept financial assistance pursuant to a program of financial assistance established pursuant to this program.

8. As used in this section:

(a) "Private water or sewer system" means an on-site:

(1) Domestic well, and any facility or facilities related thereto, that provides potable water; or

(2) Sewage or septic system, and any facility or facilities related thereto, that serves a residential dwelling unit for the disposal, collection, storage or treatment of sewage.

(b) "Public water or sewer system" means a facility or facilities for the collection, pumping, treatment, storage or conveyance of potable water or sewage and includes, without limitation, mains, conduits, aqueducts, pipes, pipelines, ditches, canals, pumping stations, and all appurtenances, equipment and machinery necessary or useful and convenient for obtaining, storing, transporting or transferring water or sewage.

Sec. 3. 1. Except as otherwise provided in this section, a board of county commissioners of a county whose population is 100,000 or more but less than 400,000 may:



(a) Establish by ordinance a program to provide financial assistance to owners of public and private property in areas that are likely to be flooded in order to make such property resistant to flood damage.

(b) Accept gifts, grants and other sources of money to pay the costs associated with a program established pursuant to paragraph (a).

(c) Pay costs associated with a program established pursuant to paragraph (a) through the use of:

(1) Revenue and bond proceeds derived from a flood management project, except that no bond proceeds may be used to provide any loans pursuant to the program.

(2) Funds from the infrastructure fund of the county.

(3) Gifts, grants and other sources of money available to the board of county commissioners.

2. An ordinance adopted by a board of county commissioners pursuant to paragraph (a) of subsection 1:

(a) Must include, without limitation, a finding of the board that the creation of a program to provide financial assistance to owners of public and private property in areas that are likely to be flooded is necessary to promote and protect the public health, safety and welfare.

(b) May include a provision that the award of financial assistance is subject to any limitation or condition that the board determines is necessary.

3. Financial assistance provided pursuant to a program established pursuant to subsection 1:

(a) May be in the form of grants or loans, or any combination thereof.

(b) May only be used to pay the actual and necessary costs to make private or public property resistant to flood damage, including, without limitation, flood-proofing the property, erecting barriers, elevating foundations of buildings, structures or improvements, and relocating buildings, structures or improvements to areas that are not likely to be flooded.

(c) May not be awarded:

(1) To protect any building, structure or improvement unless the building, structure or improvement exists or construction has begun on the building, structure or improvement on or before July 1, 2009.

(2) To relocate any building, structure or improvement to property that is also in an area likely to be flooded.

(3) Unless the property owner:



(I) Submits an application for financial assistance on or before June 30, 2019.

(II) Has not received and agrees not to apply for any further financial assistance to make his property resistant to flood damage from a tourism improvement district established pursuant to NRS 271A.070, a tax increment area created pursuant to NRS 278C.155, a redevelopment area established pursuant to NRS 279.426, a program for the rehabilitation of residential neighborhoods established pursuant to NRS 279A.030 or a program for the rehabilitation of abandoned residential properties established pursuant to NRS 279B.030.

(III) Satisfies any conditions adopted by the board of county commissioners.

4. The board of county commissioners may delegate its authority to administer a program of financial assistance established pursuant to this section to a flood management authority.

5. The board of county commissioners or, if the board has delegated its authority to administer a program of financial assistance pursuant to subsection 4, a flood management authority may bring an action against the property owner for the collection of any delinquent payments, charges, fees, interest or penalties related to any loan provided pursuant to a program established pursuant to this section.

6. Nothing in this section shall be so construed as to require:

(a) A board of county commissioners to provide financial assistance to any property owner pursuant to this section; or

(b) A property owner to apply for or accept financial assistance pursuant to a program of financial assistance established pursuant to this program.

7. As used in this section:

(a) "Drainage and flood control project" has the meaning ascribed to it in NRS 244A.027.

(b) "Flood management authority" means any entity that is created by cooperative agreement pursuant to chapter 277 of NRS, the functions of which include the acquisition, construction, improvement, operation and maintenance of a flood management project.

(c) "Flood management project," or any phrase of similar import, means a project or improvement that is located within or without a county whose population is 100,000 or more but less than 400,000 and is established for the control or management of any flood or storm waters of the county or any flood or storm



waters of a stream of which the source is located outside of the county. The term includes, without limitation:

- (1) A drainage and flood control project;
- (2) A project to construct, repair or restore an ecosystem;
- (3) A project to mitigate any adverse effect of flooding or flood management activity or improvement;
- (4) A project to conserve any flood or storm waters for any beneficial and useful purpose by spreading, storing, reusing or retaining those waters or causing those waters to percolate into the ground to improve water quality;
- (5) A project that alters or diverts or proposes to alter or divert a natural watercourse, including any improvement for the passage of fish;
- (6) A park project that is related to a flood management project;
- (7) Any landscaping or similar amenity that is constructed:
 - (I) To increase the usefulness of a flood management project to any community or to provide aesthetic compatibility with any surrounding community; or
 - (II) To mitigate any adverse effect on the environment relating to a flood management project;
- (8) A project to relocate or replace a utility, transmission line, conduit, bridge or similar feature or structure that exacerbates any flooding or is located in an area that is susceptible to flooding;
- (9) A project to protect and manage a floodplain;
- (10) A project that is designed to improve the quality of any flood or storm waters or the operation of any flood management system, including, without limitation, any monitoring, measurement or assessment of that system; and
- (11) Any real property or interest in real property that is acquired to support the carrying out of a flood management project, including, without limitation, any property that may become flooded because of any improvement for flood management, or any combination thereof and any other structure, fixture, equipment or property required for a flood management project.

Sec. 4. NRS 244.36605 is hereby amended to read as follows:

244.36605 1. In a county whose population is 100,000 or more but less than 400,000, if the county provides financial assistance through a program established pursuant to section 2 or 3 of this act, the board of county commissioners may elect by ordinance to have delinquent repayments of loans, including,



without limitation, charges, fees, interest and penalties, collected on the tax roll, or collected with the property taxes due on mobile or manufactured homes that do not meet the requirements of NRS 361.244, in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes. If the board makes such an election, the board shall cause:

(a) A description of each lot or parcel of real property or each mobile or manufactured home with respect to which the charges are delinquent on May 1; and

*(b) The amount of the delinquent charges,
to be prepared and submitted to the tax receiver of the county, in a form approved by the tax receiver, not later than June 1.*

2. In a county whose population is less than 400,000:

~~1-1~~ (a) The board of county commissioners of a county which provides sewerage, storm drainage or water service, or any combination of those services, may elect by ordinance to have delinquent charges for any or all of those services collected on the tax roll, or collected with the property taxes due on mobile or manufactured homes that do not meet the requirements of NRS 361.244, in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes. If the board makes such an election, the board shall cause:

~~1-1~~ (1) A description of each lot or parcel of real property or each mobile or manufactured home with respect to which the charges are delinquent on May 1; and

~~1-1~~ (2) The amount of the delinquent charges,
to be prepared and submitted to the tax receiver of the county, in a form approved by the tax receiver, no later than June 1.

~~1-2~~ (b) The powers authorized by this section are alternative to all other powers of the county for the collection of such delinquent charges ~~1-~~

~~2-1~~ or repayments.

(c) The real property may be described by reference to maps prepared by and on file in the office of the county assessor or by descriptions used by him.

~~1-4~~ (d) The amount of any such delinquent charge *or repayment* constitutes a lien against the lot or parcel of land or mobile or manufactured home against which the charge has been imposed as of the time when the lien of taxes on the roll or on mobile or manufactured homes attach.

~~1-5~~ (e) Except as otherwise provided in ~~subsection 7-1~~ paragraph (g), the tax receiver of the county shall include the



amount of the delinquent charges *or repayments* on bills for taxes levied against the respective lots and parcels of land or mobile or manufactured homes, as applicable. Thereafter the amount of the delinquent charges *or repayments* must be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the county.

~~16~~ (f) All laws applicable to the levy, collection and enforcement of general taxes of the county, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, redemption and sale, are applicable to delinquent charges ~~for services~~ *or repayments* that are collected in the manner authorized by this section.

~~17~~ (g) The tax receiver of the county may issue separate bills for delinquent charges *or repayments* that are collected in the manner authorized by this section and separate receipts for collection on account of those charges.

Sec. 5. NRS 377B.160 is hereby amended to read as follows:

377B.160 The money in the infrastructure fund, including interest and any other income from the fund:

1. In a county whose population is 400,000 or more, must only be expended by the water authority, distributed by the water authority to its members, distributed by the water authority pursuant to NRS 377B.170 to a city or town located in the county whose territory is not within the boundaries of the area served by the water authority or to a public entity in the county which provides water or wastewater services and which is not a member of the water authority or, if no water authority exists in the county, expended by the board of county commissioners for:

(a) The acquisition, establishment, construction, improvement or equipping of water and wastewater facilities;

(b) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects described in paragraph (a); or

(c) Any combination of those purposes.

➤ The board of county commissioners may only expend money from the infrastructure fund pursuant to this subsection in the manner set forth in the plan adopted pursuant to subsection 6 of NRS 377B.100.

2. In a county whose population is 100,000 or more but less than 400,000, must only be expended by the board of county commissioners in the manner set forth in the plan adopted pursuant to subsection 6 of NRS 377B.100 for:

(a) The acquisition, establishment, construction or expansion of:



(1) Projects for the management of floodplains or the prevention of floods; or

(2) Facilities relating to public safety;

(b) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects described in paragraph (a);

(c) The ongoing expenses of operation and maintenance of projects described in subparagraph (1) of paragraph (a), if such projects were included in a plan adopted by the board of county commissioners pursuant to subsection 6 of NRS 377B.100 before January 1, 2003; ~~for~~

(d) *Any program to provide financial assistance to owners of public and private property in areas likely to be flooded in order to make such property resistant to flood damage that is established pursuant to section 3 of this act; or*

(e) Any combination of those purposes.

3. In a county whose population is less than 100,000, must only be expended by the board of county commissioners in the manner set forth in the plan adopted pursuant to subsection 6 of NRS 377B.100 for:

(a) The acquisition, establishment, construction, improvement or equipping of:

(1) Water facilities; or

(2) Wastewater facilities;

(b) The acquisition, establishment, construction, operation, maintenance or expansion of:

(1) Projects for the management of floodplains or the prevention of floods; or

(2) Facilities for the disposal of solid waste;

(c) The construction or renovation of facilities for schools;

(d) The construction or renovation of facilities having cultural or historical value;

(e) Projects described in subsection 2 of NRS 373.028;

(f) The acquisition, establishment, construction, expansion, improvement or equipping of facilities relating to public safety or to cultural and recreational or judicial functions;

(g) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects, facilities and activities described in paragraphs (a) to (f), inclusive; or

(h) Any combination of those purposes.

Sec. 6. This act becomes effective upon passage and approval.



APPENDIX E

Senate Bill 175 (Chapter 477, *Statutes of Nevada 2009*)

Senate Bill 175
(Chapter 477, *Statutes of Nevada 2009*)

Senate Bill No. 175—Committee on Government Affairs

CHAPTER.....

AN ACT relating to floods; authorizing a board of county commissioners to acquire, improve, equip, operate and maintain a flood management project in certain counties; authorizing any revenues derived from such a flood management project to be pledged for the payment of certain bonds; authorizing the governing body of a municipality in certain counties to acquire, improve, equip, operate and maintain a flood management project under certain circumstances; revising provisions governing the acquisition of bonds issued by a flood management authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners to acquire and maintain within the county various projects, including building projects, drainage and flood control projects, lending projects, off-street parking projects, overpass projects, park projects, sewerage projects, street projects and water projects. In connection with those projects, a board of county commissioners may issue general obligation bonds to support and defray the cost of the project and take certain other related actions concerning the project. (NRS 244A.011-244A.065) Existing law confers similar authority upon the governing body of a municipality. (NRS 268.672-268.740) **Sections 3-15** of this bill expand the authority of a board of county commissioners in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) by authorizing the board to acquire and maintain a flood management project in the same manner as any other project authorized under existing law. **Sections 16-22** of this bill provide similar provisions for a governing body of a municipality within such a county. **Sections 24-27** of this bill revise the provisions of existing law governing the making of loans and the issuance of state securities by this State to assist municipalities in the construction of public improvements by including within those provisions a flood management authority.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby declares that flood management projects provide a benefit to residents and owners of property by:

1. Preventing the loss of life and property;
2. Preventing the disruption of essential services for the safety of the public and the disruption of commerce, transportation, communication and essential services which have adverse economic impacts;
3. Preventing the waste of water resulting from floods;



4. Providing for the conservation, development, use and disposal of water and improved quality of water;

5. Providing for ecosystem restoration and enhanced recreational facilities; and

6. Providing for the safeguarding of the public health.

Sec. 2. Chapter 244A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *"Flood management authority" means any entity that is created by cooperative agreement pursuant to chapter 277 of NRS, the functions of which include the acquisition, construction, improvement, operation and maintenance of a flood management project.*

Sec. 4. *"Flood management project" or any phrase of similar import, means a project or improvement that is located within or without a county whose population is 100,000 or more but less than 400,000 and is established for the control or management of any flood or storm waters of the county or any flood or storm waters of a stream of which the source is located outside of the county. The term includes, without limitation:*

1. A drainage and flood control project;

2. A project to construct, repair or restore an ecosystem;

3. A project to mitigate any adverse effect of flooding or flood management activity or improvement;

4. A project to conserve any flood or storm waters for any beneficial and useful purpose by spreading, storing, reusing or retaining those waters or causing those waters to percolate into the ground to improve water quality;

5. A project that alters or diverts or proposes to alter or divert a natural watercourse, including any improvement for the passage of fish;

6. A park project that is related to a flood management project;

7. Any landscaping or similar amenity that is constructed:

(a) To increase the usefulness of a flood management project to any community or to provide aesthetic compatibility with any surrounding community; or

(b) To mitigate any adverse effect on the environment relating to a flood management project;

8. A project to relocate or replace a utility, transmission line, conduit, bridge or similar feature or structure that exacerbates any flooding or is located in an area that is susceptible to flooding;

9. A project to protect and manage a floodplain;



10. *A project that is designed to improve the quality of any flood or storm waters or the operation of any flood management system, including, without limitation, any monitoring, measurement or assessment of that system; and*

11. *Any real property or interest in real property that is acquired to support the carrying out of a flood management project, including, without limitation, any property that may become flooded because of any improvement for flood management,*

or any combination thereof and any other structure, fixture, equipment or property required for a flood management project.

Sec. 5. NRS 244A.011 is hereby amended to read as follows:

244A.011 NRS 244A.011 to 244A.065, inclusive, ~~shall~~ *and sections 3 and 4 of this act may be ~~known~~ cited as the County Bond Law.*

Sec. 6. NRS 244A.013 is hereby amended to read as follows:

244A.013 Except where the context otherwise requires, the definitions in NRS 244A.015 to 244A.056, inclusive, *and sections 3 and 4 of this act* govern the construction hereof.

Sec. 7. NRS 244A.025 is hereby amended to read as follows:

244A.025 "County" means any county in ~~the~~ *this* State. For the purposes of NRS 244A.011 to 244A.065, inclusive, *and sections 3 and 4 of this act*, Carson City is considered as a county.

Sec. 8. NRS 244A.027 is hereby amended to read as follows:

244A.027 "Drainage and flood control project" means any natural and artificial water facilities for the collection, transportation, impoundment and disposal of rainfall, storm, flood or surface drainage waters, including, without limitation, ditches, lakes, reservoirs, revetments, levees, dikes, walls, embankments, bridges, sewers, culverts, inlets, connections, laterals, collection lines, outfalls, outfall sewers, trunk sewers, intercepting sewers, transmission lines, conduits, syphons, sluices, flumes, canals, ditches, natural and artificial watercourses, ponds, dams, retarding basins, and other water diversion and storage facilities, pumping stations, stream gauges, rain gauges, meters, flood warning service and appurtenant telephone, telegraph, radio and television service, engines, valves, pumps, apparatus, fixtures, structures and buildings, or any combination thereof, and all appurtenances and incidentals necessary, useful or desirable for any such facilities, including, without limitation, all types of property therefor. *The term includes a flood management project.*

Sec. 9. NRS 244A.034 is hereby amended to read as follows:

244A.034 "Infrastructure project" means:



1. A capital improvement for fire protection, a library, a building, a park or police protection that a municipality is authorized to improve, acquire or equip pursuant to a law other than the County Bond Law; or

2. For a water authority, wastewater authority, *flood management authority* or any municipality whose governing body is composed of only the members of the board, a capital improvement for ~~the~~:

- (a) A water system ~~the~~;
- (b) A water reclamation system;
- (c) *A flood management project*; or
- (d) A sanitary sewer,

☛ that the municipality is authorized to improve, acquire or equip pursuant to a law other than the County Bond Law.

Sec. 10. NRS 244A.0345 is hereby amended to read as follows:

244A.0345 "Municipal securities" means notes, warrants, interim debentures, bonds and temporary bonds issued by a municipality pursuant to a law other than the County Bond Law which are:

1. General obligations payable from ad valorem taxes that are approved by the voters of the municipality issued for a capital improvement of a library or park;

2. General obligations payable from ad valorem taxes that are approved by the voters of the municipality or are approved pursuant to subsection 3 of NRS 350.020 issued for a capital improvement of an infrastructure project other than a library or park;

3. Revenue obligations of a water authority that are payable from revenues of:

- (a) The water system of the water authority;
- (b) One or more of the municipalities that are members of the water authority; or
- (c) Any combination of the entities described in paragraphs (a) and (b); ~~the~~

4. Revenue obligations of a wastewater authority that are payable from revenues of:

- (a) The water reclamation system of the wastewater authority;
- (b) One or more of the municipalities that are members of the wastewater authority; or
- (c) Any combination of the entities described in paragraphs (a) and (b); ~~the~~; or

5. *Revenue obligations of a flood management authority that are payable from the revenues of:*



(a) A flood management project of the flood management authority;

(b) One or more of the municipalities that are members of the flood management authority; or

(c) Any combination of the entities described in paragraphs (a) and (b).

Sec. 11. NRS 244A.0347 is hereby amended to read as follows:

244A.0347 "Municipality" means any city, town, school district, library district, consolidated library district, fire protection district, district for a fire department, park district, general improvement district organized pursuant to chapter 318 of NRS, wastewater authority, *flood management authority*, water district organized pursuant to a special act or water authority organized as a political subdivision created by cooperative agreement.

Sec. 12. NRS 244A.057 is hereby amended to read as follows:

244A.057 Any board, upon behalf of the county and in its name, may acquire, improve, equip, operate and maintain, within the county:

1. A building project;
2. A drainage and flood control project;
3. *A flood management project;*
4. *A* lending project if the county has adopted an ordinance pursuant to subsection 3 of NRS 244A.064;
- ~~4.~~ 5. An off-street parking project;
- ~~5.~~ 6. An overpass project;
- ~~6.~~ 7. A park project;
- ~~7.~~ 8. A sewerage project;
- ~~8.~~ 9. A street project;
- ~~9.~~ 10. An underpass project; and
- ~~10.~~ 11. A water project.

Sec. 13. NRS 244A.061 is hereby amended to read as follows:

244A.061 The payment of any bonds issued hereunder may be additionally secured by a pledge of all or part of any revenues derived from ~~the~~:

1. *The* operation of any project herein authorized and from any other income-producing project of the county ~~and derived from any~~;

2. *A flood management project; or*

3. *Any* license or other excise taxes levied for revenue and available for such a pledge, ~~or~~

~~or any combination thereof.~~



Sec. 14. NRS 244A.063 is hereby amended to read as follows:

244A.063 In order to ~~insure~~ *acquire, improve, equip, operate and maintain a project specified in NRS 244A.057 and to ensure* the payment, wholly or in part, of the general obligation bonds or revenue bonds of the county the payment of which bonds is additionally secured by a pledge of the revenues derived from any such income-producing project ~~and from any such~~ *, flood management project or* excise taxes, *or any combination thereof*, the board may establish and maintain, and the board may from time to time revise, a schedule or schedules of fees, rates and charges for services or facilities, or both services and facilities, rendered by or through the *income-producing project or flood management* project, within the corporate limits of the county, and a schedule or schedules of license or other excise taxes, in an amount sufficient for that purpose and also sufficient to discharge any covenant in the proceedings of the board authorizing the issuance of any of such bonds, including any covenant for the establishment of reasonable reserve funds.

Sec. 15. NRS 244A.065 is hereby amended to read as follows:

244A.065 1. No other act or law with regard to the authorization or issuance of bonds that requires an approval, or in any way impedes or restricts the carrying out of the acts herein authorized to be done, shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto, except as herein otherwise provided.

2. The powers conferred by NRS 244A.011 to 244A.065, inclusive, ~~shall be~~ *and sections 3 and 4 of this act are* in addition and supplemental to, and not in substitution for, and the limitations imposed by NRS 244A.011 to 244A.065, inclusive, ~~shall~~ *and sections 3 and 4 of this act do* not affect the powers conferred by, any other law.

3. No part of NRS 244A.011 to 244A.065, inclusive, ~~shall repeal or affect~~ *and sections 3 and 4 of this act repeals or affects* any other law or part thereof, it being intended that NRS 244A.011 to 244A.065, inclusive, ~~shall~~ *and sections 3 and 4 of this act must* provide a separate method of accomplishing its objectives, and not an exclusive one, ~~it~~ and NRS 244A.011 to 244A.065, inclusive, ~~shall~~ *and sections 3 and 4 of this act must* not be construed as repealing, amending or changing any such other law.

Sec. 16. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

"Flood management project" or any phrase of similar import, means a project or improvement that is located within or without a



city in a county whose population is 100,000 or more but less than 400,000 and is established for the control or management of any flood or storm waters of the city or any flood or storm waters of a stream of which the source is located outside of the city. The term includes, without limitation:

- 1. A drainage project or flood control project;*
- 2. A project to construct, repair or restore an ecosystem;*
- 3. A project to mitigate any adverse effect of flooding or flood management activity or improvement;*
- 4. A project to conserve any flood or storm waters for any beneficial and useful purpose by spreading, storing, reusing or retaining those waters or causing those waters to percolate into the ground to improve water quality;*
- 5. A project that alters or diverts or proposes to alter or divert a natural watercourse, including any improvement for the passage of fish;*
- 6. A recreational project that is related to a flood management project;*
- 7. Any landscaping or similar amenity that is constructed:*
 - (a) To increase the usefulness of a flood management project to any community or to provide aesthetic compatibility with any surrounding community; or*
 - (b) To mitigate any adverse effect on the environment relating to a flood management project;*
- 8. A project to relocate or replace a utility, transmission line, conduit, bridge or similar feature or structure that exacerbates any flooding or is located in an area that is susceptible to flooding;*
- 9. A project to protect and manage a floodplain;*
- 10. A project that is designed to improve the quality of any flood or storm waters or the operation of any flood management system, including, without limitation, any monitoring, measurement or assessment of that system; and*
- 11. The acquisition of any real property or interest in real property to support the carrying out of a flood management project, including, without limitation, any property that may become flooded because of any improvement for flood management,*
or any combination thereof and any other structure, fixture, equipment or property required for a flood management project.

Sec. 17. NRS 268.672 is hereby amended to read as follows:

268.672 NRS 268.672 to 268.740, inclusive, *and section 16 of this act* may be cited as the City Bond Law.



Sec. 18. NRS 268.674 is hereby amended to read as follows:

268.674 Except as otherwise provided in NRS 268.672 to 268.740, inclusive, *and section 16 of this act, the* terms used or referred to herein are as defined in the Local Government Securities Law, ~~††~~ but the definitions in NRS 268.676 to 268.728, inclusive, *and section 16 of this act*, except where the context otherwise requires, govern the construction hereof.

Sec. 19. NRS 268.682 is hereby amended to read as follows:

268.682 "Drainage project" or "flood control project," or any phrase of similar import, means any natural and artificial water facilities for the collection, channeling, impoundment and disposal of rainfall, other surface and subsurface drainage waters, and storm and floodwaters, including , without limitation ditches, ponds, dams, spillways, retarding basins, detention basins, lakes, reservoirs, canals, channels, levees, revetments, dikes, walls, embankments, bridges, inlets, outlets, connections, laterals, other collection lines, intercepting sewers, outfalls, outfall sewers, trunk sewers, force mains, submains, water lines, sluices, flumes, syphons, sewer lines, pipes, conduits, culverts, other transmission lines, pumping stations, gauging stations, ventilating facilities, stream gauges, rain gauges, engines, valves, pumps, meters, junction boxes, manholes, other inlet and outlet structures, bucket machines, inlet and outlet cleaners, backhoes, draglines, graders, other equipment, apparatus, fixtures, structures and buildings, flood warning service and appurtenant telephone, telegraph, radio and television apparatus and other water diversion, drainage and flood control facilities , ~~††~~ or any combination thereof . ~~††~~ *The term includes a flood management project.*

Sec. 20. NRS 268.730 is hereby amended to read as follows:

268.730 Except as otherwise provided in NRS 268.086 and 268.088, any governing body of a municipality, upon its behalf and in its name, may at any time or from time to time acquire, improve, equip, operate and maintain, within or without or both within and without the municipality:

1. A building project;
2. A cemetery project;
3. A communications project;
4. A drainage project or flood control project;
5. An electric project;
6. A fire protection project;
7. *A flood management project;*
8. An off-street parking project;
- ~~†8-†~~ 9. An overpass project;



- ~~10.1~~ 10. A park project;
- ~~11.1~~ 11. A recreational project;
- ~~12.1~~ 12. A refuse project;
- ~~13.1~~ 13. A sewerage project;
- ~~14.1~~ 14. A sidewalk project;
- ~~15.1~~ 15. A street project;
- ~~16.1~~ 16. A transportation project;
- ~~17.1~~ 17. An underpass project; and
- ~~18.1~~ 18. A water project.

Sec. 21. NRS 268.738 is hereby amended to read as follows:

268.738 In order to ~~insure~~ *acquire, improve, equip, operate and maintain a project specified in NRS 268.730 and to ensure* the payment, wholly or in part, of the general obligation securities *or revenue securities* of the municipality the payment of which bonds is additionally secured by a pledge of the revenues derived from any such income-producing project ~~(and from any such)~~ , *flood management project or* excise taxes, *or any combination thereof*, the governing body of the municipality may establish and maintain, and the governing body may from time to time revise, a schedule or schedules of fees, rates and charges for services or facilities, or both services and facilities, rendered by or through the *income-producing project or flood management* project and a schedule or schedules of license or other excise taxes, in an amount sufficient for that purpose and also sufficient to discharge any covenant in the proceedings of the governing body authorizing the issuance of any of such bonds, including any covenant for the establishment of reasonable reserve funds.

Sec. 22. NRS 268.740 is hereby amended to read as follows:

268.740 1. No other act or law with regard to the authorization or issuance of bonds that requires an approval, or in any way impedes or restricts the carrying out of the acts herein authorized to be done, shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto, except as herein otherwise provided.

2. The powers conferred by NRS 268.672 to 268.740, inclusive, ~~shall be~~ *and section 16 of this act are* in addition and supplemental to, and not in substitution for, and the limitations imposed by NRS 268.672 to 268.740, inclusive, ~~shall~~ *and section 16 of this act do* not affect the powers conferred by, any other law.

3. No part of NRS 268.672 to 268.740, inclusive, ~~shall repeal or affect~~ *and section 16 of this act repeals or affects* any other law or part thereof, it being intended that NRS 268.672 to 268.740, inclusive, ~~shall~~ *and section 16 of this act must* provide a separate



method of accomplishing its objectives, and not an exclusive one , ~~+~~ and NRS 268.672 to 268.740, inclusive, ~~shall~~ *and section 16 of this act must* not be construed as repealing, amending or changing any such other law.

Sec. 23. NRS 271A.050 is hereby amended to read as follows:
271A.050 "Project" means:

1. With respect to a county whose population is 400,000 or more:

(a) An art project, as defined in NRS 271.037;

(b) A tourism and entertainment project, as defined in NRS 271.234; or

(c) A sports stadium which can be used for the home games of a Major League Baseball or National Football League team and for other purposes, including structures, buildings and other improvements and equipment therefor, parking facilities, and all other appurtenances necessary, useful or desirable for a Major League Baseball or National Football League stadium, including, without limitation, all types of property therefor and immediately adjacent facilities for retail sales, dining and entertainment.

2. With respect to a city in a county whose population is 400,000 or more:

(a) A project described in paragraph (a), (b) or (c) of subsection 1; or

(b) A recreational project, as defined in NRS 268.710.

3. With respect to a municipality other than a municipality described in subsection 1 or 2, any project that the municipality is authorized to acquire, improve, equip, operate and maintain pursuant to subsections 1, 2, 3 and ~~4~~ 5 to 10, inclusive, of NRS 244A.057 or NRS 268.730 or 271.265, as applicable.

4. Any real or personal property suitable for retail, tourism or entertainment purposes.

5. Any real or personal property necessary, useful or desirable in connection with any of the projects set forth in this section.

6. Any combination of the projects set forth in this section.

Sec. 24. Chapter 350A of NRS is hereby amended by adding thereto a new section to read as follows:

"Flood management authority" means any entity that is created by cooperative agreement pursuant to chapter 277 of NRS, the functions of which include the acquisition, construction, improvement, operation and maintenance of a flood management project.



Sec. 25. NRS 350A.020 is hereby amended to read as follows:

350A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 350A.025 to 350A.125, inclusive, *and section 24 of this act* have the meanings ascribed to them in those sections.

Sec. 26. NRS 350A.070 is hereby amended to read as follows:

350A.070 "Municipal securities" means notes, warrants, interim debentures, bonds and temporary bonds validly issued as obligations for a purpose related to natural resources which are payable:

1. From taxes whether or not additionally secured by any municipal revenues available therefor;

2. For bonds issued by an irrigation district, from assessments against real property;

3. For bonds issued by a water authority organized as a political subdivision created by cooperative agreement, from revenues of the water system of the water authority or one or more of the water purveyors who are members of the water authority or any combination thereof; ~~for~~

4. For bonds issued by a wastewater authority, from revenues of the water reclamation system of the wastewater authority or one or more of the municipalities that are members of the wastewater authority, or any combination thereof ~~for~~; or

5. *For bonds issued by a flood management authority, from revenues of the flood management authority or one or more of the municipalities that are members of the flood management authority, or any combination thereof.*

Sec. 27. NRS 350A.080 is hereby amended to read as follows:

350A.080 "Municipality" means any county, city, town, wastewater authority, *flood management authority*, water authority organized as a political subdivision created by cooperative agreement, school district, general improvement district or other district, including an irrigation district.

Sec. 28. This act becomes effective upon passage and approval.



APPENDIX F

Suggested Legislation

The following BDRs will be available during the 2011 Legislative Session, or can be accessed after “Introduction” at the following website: <http://leg.state.nv.us/Session/76th2011/BDRList/page.cfm?showAll=1>.

- | | |
|------------|---|
| BDR 20-243 | Authorizes the issuance of bonds to finance loans made to provide financial assistance to persons to connect to the public water or sewer system in certain counties. |
| BDR 20-244 | Allows issuance of County Bond Bank bonds for refunding of securities previously issued to an entity other than the County Bond Bank. |

