



Western Regional Water Commission

Legislative Counsel Bureau

Bulletin No.
09-06

January 2009

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

BULLETIN NO. 09-06

JANUARY 2009

TABLE OF CONTENTS

	<u>Page</u>
Summary of Recommendations	iii
Report to the 75th 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 S.B. 487	3
III. Topics Discussed by the Committee During the 2007–2008 Interim	3
A. Progress of the WRWC	3
B. Regional Water Resources	6
C. Various Related Topics	9
IV. Committee Recommendations	10
V. Additional Committee Action	13
VI. Appendices	15

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 2007–2008 Interim by the Legislative Committee to Oversee the Western Regional Water Commission (WRWC). The following bill draft requests (BDRs) will be submitted to the 75th Session of the Nevada Legislature in 2009.

Recommendation No. 1

- **Draft legislation to make the following technical revisions to the Western Regional Water Commission Act (S.B. 487): (BDR S–240)**
 - a. **Revise language in Section 25 of the Act to allow the mayors of Reno and Sparks to serve as representatives of those local governments on the WRWC Board of Trustees.**
 - b. **Address the apparent conflict that excludes tribal lands from the planning area, while allowing for a tribal representative on the Northern Nevada Water Planning Commission to represent the largest tribal reservation in the planning area.**
 - c. **Correct existing language that allocates a seat on the Northern Nevada Water Planning Commission to the Washoe-Storey Conservation District rather than the Washoe County Water Conservation District.**

Recommendation No. 2

Draft legislation to provide an appropriation of \$5 million to the Truckee River Flood Project to support ecosystem restoration activities. (BDR –238)

Recommendation No. 3

Draft legislation to clarify the authority of the Truckee River Flood Project to establish certain special districts or funding areas for the purpose of generating local revenue necessary to develop the nonfederal share of the Project’s overall cost. (BDR 48–239)

Recommendation No. 4

Draft a resolution encouraging entities engaged in water quality monitoring to work toward a coordinated watershed monitoring program that will refine and enhance existing

monitoring efforts and technical studies, and make the results readily available to the public. The resolution will request the Division of Environmental Protection, State Department of Conservation and Natural Resources, to take the lead in developing a Memorandum of Understanding (MOU) among the entities engaged in water quality monitoring on the Truckee River, to better define and memorialize the monitoring programs and the coordination of those efforts and results. The resolution will further request an update of the MOU and monitoring efforts at the first meeting of the S.B. 487 Committee during the 2009–2010 Interim. (BDR R–237)

**REPORT TO THE 75TH SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMITTEE TO OVERSEE THE
WESTERN REGIONAL WATER COMMISSION**

I. INTRODUCTION

The 74th Session of the Nevada State 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 (formerly the Washoe County Regional Water Planning Commission); and (b) the Legislative Committee to Oversee the WRWC for three interims, to expire by limitation on July 1, 2013.

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 (as described in the bill). A copy of S.B. 487 is found in Appendix A of this bulletin.

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

The six members of the Committee were:

Senator Mark E. Amodei, Chairman
Assemblyman Bernie Anderson, Vice Chairman
Senator Bernice Mathews
Senator Maurice E. Washington
Assemblyman David P. Bobzien
Assemblywoman Heidi S. Gansert

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

Linda J. Eissmann, Principal Research Analyst
J. Randall Stephenson, Principal Deputy Legislative Counsel
Charity Fowler, Deputy Legislative Counsel
Janice McClure, Senior Administrative Assistant

The Committee held five meetings, including a work session, during the 2007–2008 Legislative Interim. All meetings were open to the public. Two meetings were held in the Washoe County Commission Chambers in Reno, Nevada, one at the Sparks City Council Chambers in Sparks, Nevada, one at the Reno City Council Chambers in Reno, and a final work session meeting was held at the Legislative Building in Carson City, Nevada.

Topics addressed this interim included:

- Progress of the WRWC, including the near- and long-term work plans as well as the Joint Powers Agreement (JPA) authorized in Section 24 of S.B. 487;
- Regional water resources and the influences of water supply versus demand, conjunctive use, drought storage and conservation, water quality, and the Truckee River Operating Agreement (TROA); and
- Various related topics, such as water planning in neighboring counties, the Truckee River Flood Project, importation projects, a proposed initiative petition to tie local land use plans to available water resources, and conservation efforts in southern Nevada.

As a result of these hearings, the Committee adopted four recommendations for bill drafts (three bills and one resolution) to be considered by the 2009 Legislature. The recommendations address various technical revisions to S.B. 487, support for the Truckee River Flood Project, and encouragement of state and local efforts to improve and better coordinate water quality monitoring on the Truckee River.

II. BACKGROUND

A. CREATION OF A REGIONAL WATER RESOURCES ENTITY

In 2005, the Legislature approved Senate Concurrent Resolution No. 26 (File No. 100, *Statutes of Nevada 2005*), 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.

As a result of the S.C.R. 26 Subcommittee's deliberations, a bill draft was requested for consideration by the Legislature in 2007 to create a regional water resources entity in Washoe County (excluding the Gerlach General Improvement District [GID] and the Lake Tahoe Basin), and continuation of the S.C.R. 26 Subcommittee's study for at least two additional interims. That bill became S.B. 487.

B. SUMMARY OF S.B. 487

Senate Bill 487 creates 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 creates the Northern Nevada Water Planning Commission 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 GID, South Truckee Meadows GID, and Truckee Meadows Water Authority (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 sets 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 authorizes 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 repeals 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 enacts similar requirements applicable to both Commissions.

As previously described, S.B. 487 also creates the Legislative Committee to Oversee the WRWC. The Committee is responsible for reviewing 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 expires by limitation on July 1, 2013.

III. TOPICS DISCUSSED BY THE COMMITTEE DURING THE 2007-2008 INTERIM

The following is a summary of the topics discussed by the Committee during the 2007-2008 interim. (Additional detail is contained in the meeting minutes, available online at: <http://www.leg.state.nv.us/74th/Interim/StatCom/OverseeWRWC/index.cfm?CommitteeName=Legislative%20Committee%20to%20Oversee%20the%20Western%20Regional%20Water%20Commission>.)

A. PROGRESS OF THE WRWC

Meeting initially as the Interim WRWC (IWRWC), member entities formed a Staff Working Group during the summer of 2007 and prior to the formation of the WRWC on April 1, 2008. Some objectives of the staff working group were to communicate in a regional context the state of the Truckee Meadows water management conditions and to identify mutually beneficial approaches for future Truckee Meadows water management and associated regional implications and benefits.

Under advisement of the IWRWC and meeting twice monthly, the Staff Working Group developed the JPA that was eventually approved by the governing boards of the IWRWC member entities by the end of January 2008, and later amended in July 2008. The near- and long-term WRWC Work Plan was also developed by the Staff Working Group.

The WRWC became effective on April 1, 2008, as provided in S.B. 487, and met for the first time on April 11, 2008.

Joint Powers Agreement

The progress of the JPA was presented by the IWRWC and its Staff Working Group to the first two Committee meetings.

Upon final approval of the JPA by the WRWC member entities and the Office of the Attorney General in January 2008, the Committee's legal counsel was asked to evaluate the document for consistency and compliance with the provisions of S.B. 487. An analysis was provided to the Committee by J. Randall Stephenson, Principal Deputy Legislative Counsel, and Charity Fowler, Deputy Legislative Counsel, both with the Legal Division of the LCB. The analysis identified several areas of concern. A subsequent and more detailed review indicated a number of necessary revisions to the JPA that would make it consistent with S.B. 487.

(Copies of the legal opinions are available as exhibits to the meeting minutes. The February 21, 2008, letter is Exhibit B to the minutes of February 25, 2008. The subsequent review dated March 25, 2008, is Exhibit F to the minutes of June 9, 2008.)

Amendments were adopted by the governing boards of the WRWC member entities, the last of which was adopted in July 2008. Although not all amendments suggested by the LCB Legal Division were adopted, most were incorporated into the revised JPA. The majority of those not incorporated involved the retention of language taken directly from S.B. 487. Local governments felt this duplicative language made the JPA easier to read without necessarily referring back to S.B. 487 as a separate document.

A final amendment suggested by the Legal Division that was not adopted by the WRWC members was to remove language in the JPA addressing domestic well owners' concerns. This language recognizes that the WRWC is subject to existing statutes that protect domestic well owners. While this provision was not addressed in S.B. 487, the WRWC chose to include it due to concerns expressed by the well owners.

A comparative analysis prepared by the WRWC of the amended JPA and recommendations by the Legal Division is found in Appendix B.

Near- and Long-Term Work Plan

A two-phase WRWC Work Plan was created to address near- and long-term efforts.

Near-Term Efforts

- Develop a plan for maximizing conjunctive use of surface and groundwater resources in the Truckee Meadows and for coordinating the scheduling and delivery of water resources held by public purveyors;
- Create a Water Conservation Plan for the efficient use of water resources;
- Initiate a Watershed-Based Water Quality Planning Process for the Truckee River, including developing revised Total Maximum Daily Loads (TMDL) for the river;
- Develop an Integrated Water Resources Plan for the North Valleys addressing water supply, wastewater, reclaimed water, storm water, and flood control issues;
- In conjunction with the Truckee River Flood Project, develop a Regional Hydrologic Model for use in evaluating and supporting decision-making on flooding, storm water, water quality, and water quantity issues; and
- Continue to implement current water conservation projects including the Water Audit Program, the Washoe Evapotranspiration Project, and add additional projects as they are developed.

Intermediate to Long-Term Efforts

- Develop an updated Comprehensive Regional Water Plan by 2011;
- Develop recommendations to member agencies on water conservation ordinances or tariffs needed to support the Water Conservation Plan;
- Prepare a Water Resources Shortage Sharing Plan for use in time of extended drought;
- Establish future service territories for new wholesale and retail service for public purveyors;
- Evaluate the option of consolidating water resources agencies in the Truckee Meadows area; and
- Plan for the expansion and regional integration of reclaimed water systems, including addressing regulatory and public perception issues that are barriers to expanded use of reclaimed water.

B. REGIONAL WATER RESOURCES

Information concerning various water resource subjects was provided to the Committee primarily from members of the Staff Working Group. The following is an overview of these presentations. Additional detail is contained in the minutes of each meeting.

Water Supply Versus Demand

The Committee considered the status of regional water resources and projects for future water use. In summary, the Truckee Meadows Regional Plan “build out” indicates that water demand will exceed identified water resources. The following statistics were offered:

- Current water commitments are approximately 137,000 acre-feet annually (a.f.a.).
- Identified water resources with good near-term potential availability are estimated at 175,300 a.f.a.
- Within the current Truckee Meadows Service Area, the projected population 20 years from present is 750,000 residents with an estimated water demand of 236,000 a.f.a.
- One hundred years from now, the Future Service Area is estimated to include 1.2 million residents with an estimated water demand of 383,000 a.f.a.

(Note: Reno, Sparks, and Washoe County are developing master plan amendments that will refine these water demand estimates.)

The imbalance between water demand and potentially available water means that for development to continue, the WRWC must acquire new water resources, especially groundwater.

It will also be necessary to employ a “total water management scheme” utilizing integrated water resources that focuses on water supply issues as well as: (1) how those water supply issues are integrated with environmental water issues and wastewater effluent issues; and (2) how to maximize the use of all of those resources.

Conjunctive Use

An important consideration in a total water management scheme is to designate what type of resource will be used and its source. Conjunctive use is the coordinated management of surface water and groundwater supplies to maximize the yield of the overall water resource; wastewater and reclaimed water are often included. The concept of “conjunctive use management” is important insofar as it ensures water supplies are available during times when the creeks, streams, and the Truckee River are not flowing at appropriate levels.

Testimony indicated that the WRWC intends to maximize the use of surface water and reclaimed water. Groundwater will be utilized after surface water in order to: (1) avoid overpumping the basin yield; (2) reserve these water sources for peaking and drought purposes; and (3) examine contributing factors that affect the ability to use groundwater such as the use of septic systems, which are impacting water quality in some areas.

Recharging aquifers may be considered as part of a conjunctive use approach by using some of the surface water where it is available during the off-season to replenish the groundwater aquifers, thereby improving water quality and augmenting groundwater supplies for use during a drought.

With regard to reclaimed water, the WRWC will likely seek opportunities to improve water quality standards so reclaimed water can be used in a more flexible manner in watering yards, in addition to its current use to water greenbelts and golf courses.

Drought Planning, Drought Storage, and Conservation

Much of the water available for use in the Truckee Meadows originates with the snowpack in the Sierra Nevada. Fluctuations in this snowpack as well as variable annual river flows and unpredictable and sometimes extreme dry years lead to drought. The Committee heard presentations concerning the availability of Truckee River water, supplementation by groundwater supplies, the impact of Lake Tahoe elevations on Truckee River flows, and the role of drought storage reserves in Donner Lake, Independence Lake, and various federal reservoirs such as Boca and Stampede Reservoirs. During periods of drought, conjunctive use management is critical to augment the flow of the Truckee River.

Unlike conservation efforts in southern Nevada, conservation in northern Nevada is not used in support of growth. Rather, conserved water is used for drought storage and for improved flows and water quality in the Truckee River.

Water Quality

Surface water and groundwater quality issues were addressed by the Committee throughout the interim.

Biological, chemical, and physical influences, from point and nonpoint sources, contribute to overall surface water quality in the Truckee Meadows. The TMDL, established by the United States Environmental Protection Agency and Nevada's Division of Environmental Protection (DEP), State Department of Conservation and Natural Resources, is a calculated value for the maximum amount of a pollutant that a water body can receive and still meet water quality standards for the drinking water supply, physical contact recreation (swimming), and aquatic life support (fishery).

States are required under the federal Clean Water Act to establish standards for all surface waters and to monitor them for compliance. Monitoring of surface and ground waters is also done for specific studies or to answer questions that may or may not be requirements of the Clean Water Act and/or the Safe Drinking Water Act. Most of Nevada's water monitoring programs are implemented by the State or local governments.

Groundwater quality is another important factor, particularly as it pertains to the potential use of groundwater for drinking water and its impact on domestic wells. In Washoe County, one of the primary influences on groundwater quality is the potential for nitrate contamination from septic systems.

In Washoe County, the Washoe District Health Department monitors groundwater quality within the county and reports those findings to the DEP. If groundwater quality is being contaminated, such as with increasing nitrate levels as the result of local septic systems, the DEP will mandate that no further subdivision maps may be approved unless they are connected to a community sewer system (thereby reducing the proliferation of additional septic systems). This occurred locally in Spanish Springs.

If nitrate levels continue to rise, the DEP may direct local entities to extend community sewers to the area and develop a plan that will connect homes on individual septic systems to the community sewer.

Truckee River Operating Agreement

The TROA is the result of the "Negotiated Settlement" (Public Law 101-618) passed by Congress in 1990. In order for the Settlement to take effect, the parties involved (the States of California and Nevada, the U.S. Bureau of Reclamation, TMWA, and the Pyramid Lake Paiute Tribe) were required to develop the TROA to better manage the water of the Truckee River.

When signed, the TROA will:

- Provide drought year water storage and enhanced storage capacity in federal storage reservoirs to ensure drought supplies for the Truckee Meadows;
- Protect the existing water supply to Nevada by resolving the interstate allocation of water;
- End years of litigation and dispose of most lawsuits pending on Truckee River issues;
- Provide enhanced Truckee River flows for endangered and threatened fish species through an aggressive recovery program for the Cui-ui fish and Lahontan Cutthroat Trout; and
- Provide protection for the Truckee River water rights holders.

It is currently anticipated that the TROA will be signed by the end of 2008.

C. VARIOUS RELATED TOPICS

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

- Tracy Taylor, P.E., State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, discussed the perennial yields of the State’s groundwater basins. Mr. Taylor provided specific information concerning the hydrographic basins in western Nevada.
- Edwin James, General Manager, Carson Water Subconservancy District, discussed: (1) the history and structure of the District; (2) the Carson River watershed and its current water situation; (3) balancing water demands throughout western Nevada; (4) current programs; (5) regional programs, projects, and planning activities; (6) municipal water use; and (7) U.S. Geological Survey projects.
- Mr. James further addressed: (1) the policy of community systems interties; (2) the percentage of water in the Lahontan Reservoir from the Carson River and Alpine County; (3) the water rights requirement when land transfers from agricultural to developmental uses; (4) the feasibility of developing upstream storage to handle the projected population growth; (5) the use of effluent for agricultural purposes; (6) interlocal agreements for water treatment; and (7) the development of policies and procedures for water purveyors.
- Representatives from several western Nevada counties discussed their master development plans and the extent to which water resources within their jurisdictions will support those plans.
- Bob Fulkerson, State Director, Progressive Leadership Alliance of Nevada (PLAN), described efforts to ensure that future growth is supported by available water supply. He explained that the goal of PLAN’s proposed ballot question is to preserve the quality of life by revising growth plans so as not to exceed available water resources.
- Vahid Behmaram, Water Rights Manager, Washoe County Department of Water Resources, provided a Microsoft PowerPoint presentation regarding the status of protests on various importation projects in Washoe County.
- Naomi Duerr, Director, Truckee River Flood Project, described the Project as a joint effort between the cities of Reno and Sparks, Washoe County, the U.S. Army Corps of Engineers and numerous stakeholders. The Project’s goals are flood damage reduction,

ecosystem restoration, and recreation. Ms. Duerr discussed the work done to date, as well as specific upcoming projects. She further explained the funding mechanisms for the project, including the overall project cost of \$800 million to be shared between the U.S. Army Corps of Engineers (federal share) and state and local sources (nonfederal share).

- Kenneth Parr, Deputy Area Manager, Bureau of Reclamation, updated the Committee on the status of the Truckee Canal breach and recovery in Fernley, Nevada. The canal, built in the early twentieth century, is 32 miles long and designed to carry 1,200 cubic feet per second (c.f.s.) of water. However, a breach occurred on January 5, 2008, that flooded many homes in Fernley. It is believed the breach was caused by embankment erosion resulting from rodent holes, exacerbated by a rapid increase in flow following an intense rain and snow storm the previous day. Repairs have been completed and a new maximum flow of 350 c.f.s. is being maintained. Any increases beyond that flow will require full structural rehabilitation at a significant cost. The impact of this reduced flow on downstream agricultural users was also discussed.
- Rick Holmes, Director of Environmental Resources, and Doug Bennet, Conservation Manager, both of the Southern Nevada Water Authority, presented an overview of conservation programs in southern Nevada including an overview of the use and status of Colorado River water, the use of available “water banks,” and approaches to conservation and conservation incentives.

IV. COMMITTEE RECOMMENDATIONS

The following is a summary of the recommendations unanimously approved during the 2007–2008 Interim by the Legislative Committee to Oversee the WRWC. The following bill draft requests (BDRs) will be submitted to the 75th Session of the Nevada Legislature in 2009.

Recommendation No. 1

Draft legislation to make the following technical revisions to the Western Regional Water Commission Act (S.B. 487): (BDR S–240)

- a. **Revise language in Section 25 of the Act to allow the mayors of Reno and Sparks to serve as representatives of those local governments on the WRWC Board of Trustees.** Existing language restricts the Reno and Sparks representatives on the WRWC to members of the City Councils.
- b. **Address the apparent conflict that excludes tribal lands from the planning area, while allowing for a tribal representative on the Northern Nevada Water Planning Commission to represent the largest tribal reservation in the planning area.**

A tribal representative previously served on the Washoe County Regional Water Planning Commission, which was replaced by the Northern Nevada Water Planning Commission with the passage of S.B. 487. Tribal representation remains desirable on the Northern Nevada Water Planning Commission, but exclusion of tribal lands from the planning area appears to prohibit this.

- c. **Correct existing language that allocates a seat on the Northern Nevada Water Planning Commission to the Washoe-Storey Conservation District rather than the Washoe County Water Conservation District.** The Washoe County Water Conservation District previously held a seat on the Washoe County Regional Water Planning Commission, but that seat was inadvertently changed to the Washoe-Storey Conservation District in creation of the new Northern Nevada Water Planning Commission.

Recommendation No. 2

Draft legislation to provide an appropriation of \$5 million to the Truckee River Flood Project to support ecosystem restoration activities. (BDR -238)

The Truckee River Flood Project includes activities to reduce flood damage in the Truckee Meadows, restore 50 miles of the Truckee River, and provide recreation opportunities and open space within the project area. The estimated project cost is \$800 million to be shared between the U.S. Army Corps of Engineers (federal share) and one or more nonfederal sponsors (including state and local governments, businesses, homeowners, nonprofit organizations, and others).

In the 2007 Special Session, the Nevada Legislature enacted Assembly Bill 5 (Chapter 11, *Statutes of Nevada*), formerly Assembly Bill 274 of the 2007 Regular Session, which appropriated \$5 million to support ecosystem restoration activities on the Truckee River. That money has already been targeted or committed. Additional funding is needed toward the nonfederal share.

Recommendation No. 3

Draft legislation to clarify the authority of the Truckee River Flood Project to establish certain special districts or funding areas for the purpose of generating local revenue necessary to develop the nonfederal share of the Project's overall cost. (BDR 48-239)

State law currently authorizes local governments to establish general improvement districts, special assessment districts, and other special district governments for various purposes, and allows for rates, tolls, charges, and other forms of revenue to fund their established purposes. These provisions are primarily found in Chapter 318, "General Improvement Districts," and Chapter 543, "Control of Floods," of NRS. This recommendation would revise necessary NRS provisions to clarify the ability of the Truckee River Flood Project to create a

Flood Control District, Special Assessment District, or General Improvement District and to assess a rate, toll, or charge to assist in funding the benefits provided by the Project.

(Note: This recommendation does not create a special district; it proposes to facilitate the creation of a district if such action is deemed appropriate by the Project's Coordinating Committee.)

Proposed statutory changes would likely specify the type of activities to be performed in implementing the project (i.e., land acquisition, river channel improvements, revegetation, bridge work, and recreation area development), and would address "indirect" benefits and costs as part of the basis for creating the funding district.

In 1998, Washoe County enacted a one-eighth cent sales tax to support the Truckee River Flood Project. To date, this tax has raised an estimated \$100 million of the \$400 million of the nonfederal share. A recent survey of Washoe County residents indicated that respondents support creation of a special district with rates, tolls, and charges to those within the district, rather than to add an additional increment of sales tax or raise other types of taxes.

Recommendation No. 4

Draft a resolution encouraging entities engaged in water quality monitoring to work toward a coordinated watershed monitoring program that will refine and enhance existing monitoring efforts and technical studies, and make the results readily available to the public. The resolution will request the Division of Environmental Protection, State Department of Conservation and Natural Resources, to take the lead in developing a Memorandum of Understanding (MOU) among the entities engaged in water quality monitoring on the Truckee River, to better define and memorialize the monitoring programs and the coordination of those efforts and results. The resolution will further request an update of the MOU and monitoring efforts at the first meeting of the S.B. 487 Committee during the 2009–2010 Interim. (BDR R–237)

Water quality monitoring on the Truckee River is conducted for biological, chemical, and physical constituents to determine if water quality standards established by the State are being met. States are required under the Clean Water Act to establish standards for all surface waters and to monitor them for compliance. Monitoring of surface and ground waters is also done for unique studies or to answer specific questions that may or may not be requirements of the Clean Water Act and/or the Safe Drinking Water Act. Most of Nevada's water monitoring programs are implemented by the State or local governments.

There are approximately 50 locations on the Truckee River where some type of monitoring is conducted to protect drinking water supplies, river health, and water quality for downstream users. Of those, about 40 sites are monitored regularly (schedules vary by purpose of testing).

Among the entities monitoring the river and its tributaries within Nevada are the cities of Reno and Sparks; Desert Research Institute; Division of Environmental Protection, State Department of Conservation and Natural Resources; TMWA; Truckee Meadows Stormwater Coordinating Committee; Truckee Meadows Water Reclamation Facility; University of Nevada, Reno; U.S. Bureau of Reclamation; U.S. Department of the Interior; U.S. Fish and Wildlife Service; and U.S. Geological Survey.

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

Toward that end, a central clearinghouse of technical studies and water-related information has been developed to improve local collaboration and data sharing. It is available online at www.truckeeriverinfo.org.

However, this effort is underway without any formal written agreement or MOU.

V. ADDITIONAL COMMITTEE ACTION

In the weeks prior to the Committee's final meeting, Lori Williams announced her resignation as TMWA's General Manager. In addition to the formal Committee recommendations previously outlined, the Committee directed staff to write a letter to Ms. Williams, expressing its appreciation for her hard work, diligence, dedication to staff, and vision in bringing TMWA into the public domain.

VI. APPENDICES

	<u>Page</u>
Appendix A	
Senate Bill 487 (Chapter 531, <i>Statutes of Nevada 2007</i>)	17
Appendix B	
A Comparative Analysis of Amendments Proposed by the Legislative Counsel Bureau and Amendments Approved by the Western Regional Water Commission.....	45
Appendix C	
Suggested Legislation	51

APPENDIX A

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

CHAPTER 531

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 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

A Comparative Analysis of Amendments Proposed by the Legislative Counsel Bureau and Amendments Approved by the Western Regional Water Commission

**WESTERN REGIONAL WATER COMMISSION (“WRWC”)
JOINT POWERS AGREEMENT (“JPA”)**

**A COMPARATIVE ANALYSIS OF
AMENDMENTS PROPOSED BY THE NEVADA LEGISLATIVE COUNSEL
BUREAU (“LCB”)**

AND

AMENDMENTS APPROVED BY THE WRWC

The LCB requested amendments to the JPA in five substantive areas. With the exception of the retention of certain sections that quote the Western Regional Water Commission Act (the “Act”) verbatim, all of LCB’s proposed changes in these five areas were accepted by the WRWC Board of Trustees. An Amended and Restated JPA reflecting these changes has been forwarded to the governing boards of the WRWC members for action. The five categories of amendments requested by the LCB and the corresponding WRWC action are as follows:

- Clarification of certain provisions to reflect that the WRWC was created by the Act, rather than independently through operation of the JPA. All of LCB’s proposed changes in this category were accepted by the WRWC Board of Trustees.
- Deletion of the section allowing appointment of alternate Trustees to the WRWC Board. This change was accepted by the WRWC.
- Deletion of provisions related to the boundaries of the WRWC planning area and addition of a specific reference to Section 22 of the Act to define the planning area. This change was accepted by the WRWC.
- Deletion of the requirement in the JPA that action be taken by at least five members of the Board of Trustees. This change was accepted by the WRWC.
- Addition of a sentence that quoted Section 35(2) of the Act [billings for 1.5% fee] verbatim. This change was accepted by the WRWC.
- Removal of certain sections that quoted the Act verbatim. LCB deemed this language unnecessary, but the WRWC felt that retaining these sections (primarily pertaining to membership and governance) provided meaningful context for the Agreement. Including these sections allows a person reading the JPA to ascertain the status, function, and duties of the WRWC without having to refer to the Act. As the terms are in the Act, by definition they are consistent with the Act.

In addition to the foregoing, the WRWC made several minor changes in the administrative language to reflect the amended status of the JPA. The WRWC also retained Section 6.6 to address domestic well owners’ concerns and explicitly recognize that the WRWC is subject to existing statutes that protect such well owners.

A detailed comparative analysis of LCB’s recommendations and the WRWC’s response follows:

LCB PROPOSED AMENDMENT	WRWC APPROVED AMENDMENT
1. Replace “establish a separate legal entity” with “work cooperatively” in Recital A,	1. LCB change accepted, but replaced with “work”.
2. Delete “organization of the” in Recital B.	2. LCB change accepted.
3. Clarify “Planning Area” to specifically refer to “Section 22 of the Act” in Definition 1.1(h).	3. LCB change accepted.
4. Clarify “Regional Water Commission” to refer to the entity “created pursuant to the Act” in Definition 1.1(l).	4. LCB change accepted.
5. Delete Section 2.1. (WRWC established by JPA, Chapter 277, NRS, and the Act).	5. Accepted LCB deletion of reference to JPA and Chapter 277, and revised Section 2.1 to read: “A legal entity known as the Western Regional Water Commission is established <i>as provided by the Act</i> . [Italics added.] The Commission is a body corporate and politic and a municipal corporation and shall be a political subdivision of the State of Nevada and shall be separate from the Members, pursuant to NRS 277.074 and 277.120.” Reason: Quotes Section 23(1) in the Act, and clarifies legal status of WRWC as an entity separate from its Members.
6. Delete Section 2.2 (WRWC tax exempt) and 2.3 (responsibilities of WRWC).	6. No change recommended, as provisions identical to Section 23(2) and Section 4(d) in the Act. Reason: Quotes Act to provide context.
7. Delete the last sentence of Section 2.4. (Interim WRWC to become WRWC).	7. LCB change accepted.
8. Delete Section 2.5. (WRWC Boundaries).	8. LCB change accepted.
9. Delete Section 3.1. (WRWC Membership).	9. Accepted LCB deletion of “Additional entities may become Members through amendment to this Agreement.” Clarified Section 3.1 to read: “The Members of the Commission shall be the Truckee Meadows Water Authority, Reno, Sparks, Washoe County, Sun Valley General Improvement District and South Truckee Meadows General Improvement District.” Reason: Remaining language quotes JPA membership identified in Section 24 in the Act to provide context.
10. Delete Section 3.3 through 3.7 (Appointment of WRWC Trustees), 3.9 through 3.15(Miscellaneous provisions re: WRWC Trustees) and 3.17 (WRWC is public employer).	10. No change recommended, as provisions same as Section 25, 27 and 29 in Act. Reason: Quotes above Sections in the Act to provide context.

11. Delete Section 3.8. (Alternate trustees).	11. LCB change accepted.
12. Delete Section 3.16. (WRWC quorum and voting).	12. Accepted LCB deletion of sentence requiring vote of five Trustees to take action. Retained language that “A majority of the Board of Trustees constitutes a quorum at any meeting” as provided in Act. Reason: Quotes Section 28(2) in the Act to provide context.
13. Add a new sentence to the end of Section 5.1(n) [1.5% fee], as follows: “A public purveyor or supplier of water must state separately on its billings to customers the amount charged as a result of any fee charged pursuant to this paragraph.”	13. LCB change accepted.
14. Delete Section 6.6, which reads “The Commission shall not take any action inconsistent with the provisions of NRS Chapter 534 with respect to domestic wells.”	14. No change recommended, as Section refers to existing law to recognize the rights of domestic well owners. Reason: To address domestic well owners’ concerns.
15. Clarify Section 8.3 (JPA term) to read “The Agreement shall continue in existence until it is rescinded as provided in section 8.6.”	15. LCB change accepted.
16. Clarify Section 8.5 (Withdrawal of member) by replacing “Commission” with “Agreement.”	16. LCB change accepted.
17. Clarify Section 8.6 (JPA termination) by deleting “and the Commission terminated” in 8.6(a) and adding “by Act of the Legislature” in 8.6(b).	17. LCB change accepted.
Additional Clarifications Made:	Added “The parties desire to amend and restate this Agreement as set forth herein” in Recital E. Reason: Provides context and avoids interpretation issues.
	Clarified Section 2.4 to recognize amendment effective upon execution and approval of Attorney General by deleting “no later than March 31, 2008”. Reason: Recognizes timing required for amendment’s approval.
	Deleted “and to ensure the consistency between the Comprehensive Plan and Comprehensive Regional Plan” in Section 7.2. Reason: Avoid potential for erroneous interpretation that only WRWC required to ensure consistency.

APPENDIX C

Suggested Legislation

The following Bill Draft Requests will be available during the 2009 Legislative Session, or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/75th2009/BDRList/page.cfm?showAll=1>.

BDR R-237	Encourages entities that are engaged in water quality monitoring to coordinate certain activities.
BDR -238	Makes an appropriation to the Truckee River Flood Project to support ecosystem restoration activities.
BDR 48-239	Makes various changes to provisions governing flood control districts.
BDR S-240	Makes various changes to provisions governing the Western Regional Water Commission.

