

TRUCKEE MEADOWS WATER AUTHORITY
MINUTES OF THE APRIL 20, 2016
MEETING OF THE BOARD OF DIRECTORS

The Board of Directors met on Wednesday, April 20, 2016, at Sparks Council Chambers, 745 4th Street, Sparks, Nevada. Chair Martini called the meeting to order at 10:00 a.m.

1. ROLL CALL

Members Present: Jenny Brekhus, Naomi Duerr, Vaughn Hartung*, Jeanne Herman, Geno Martini, and Ron Smith.

Members Absent: Neoma Jardon

A quorum was present.

**Member Hartung left at 12:17 p.m.*

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Andy Gebhardt, TMWA Director of Customer Relations.

3. PUBLIC COMMENT

Charles Albright, Reno resident and kayaker, addressed the Board regarding the Glendale Water Treatment Plant's diversion. Mr. Albright submitted a written statement and a petition signed by over 250 local residents (*see Attachments A and B*) requesting TMWA address the safety issues around the intake structure. John Enloe, TMWA Director of Natural Resources, reminded the Board, and public, of the lengthy and detailed public-input process that took place to modify the design of the intake structure to accommodate these concerns. He offered to schedule a meeting with Mr. Albright.

Maureen Collins, President Old Washoe Estates Homeowners Association (HOA), spoke on agenda item #11. Ms. Collins appealed to the Board to honor an agreement entered into with Washoe County in 1986 (*see Attachment C*).

4. APPROVAL OF THE AGENDA

Chair Martini informed the Board a closed door legal session will be held after agenda item #15.

**Upon motion by Member Duerr, second by Member Smith, which motion
duly carried by unanimous consent of the members present, the Board
approved the agenda including a closed door legal session to be held after
agenda item #15.**

5. APPROVAL OF THE MINUTES OF THE MARCH 16, 2016 MINUTES

Upon motion by Member Brekhus, second by Member Hartung, which motion duly carried by unanimous consent of the members present, the Board approved the March 16, 2016 minutes.

6. PRESENTATION ON RESULTS OF TMWA'S 2016 REFUNDING BOND ISSUE

Jeff Tissier, TMWA Chief Financial Officer (outgoing), announced the 2016 Refunding Bond issue was extremely successful. Mr. Tissier introduced John Sheldon and Tom Wynn, from Morgan Stanley who was the senior lead book runner on the refunding, and Brian Thomas with Public Financial Management, TMWA's Financial Advisor. The success of the refunding was in large part due to a number of very positive recent events, including the success of the merger, implementation of TROA, the acquisition of Truckee-Carson Irrigation District's (TCID) interest in Donner Lake, and the integration of the North Valleys project. Moody's kept our rating at AA and S&P upgraded us from AA- to AA stable. With a negotiated sale, TMWA refunded \$147.6 million in bonds and replaced them with \$124.8 million, an immediate reduction in outstanding principal of \$22.8 million, and achieved \$15 million in savings in today's dollars (net present value savings). Also, we successfully deferred \$39.1 million in principal payments in fiscal years 2017, 2018, and 2019 to fiscal years 2035, 2036, and 2037. These significant savings and low interest rates have given us the flexibility we need in order to not require a rate increase at this time. Rather, we will evaluate our position at the end of the 2016 irrigation season and see if some of our water sales revenues rebound to some degree after our call for conservation in 2015. He thanked TMWA and its customers for a great result.

Chair Martini asked Mr. Tissier to clarify the ratio of orders received. Mr. Tissier replied we had \$5.6 dollars of interested orders for every \$1 dollar of bonds available for sale. Chair Martini noted it speaks volumes to how we are viewed in the market place. Mr. Tissier agreed, and stated the competitive bidding also provides a positive independent view of this organization. Mr. Sheldon and Mr. Wynn confirmed that assessment.

Member Smith agreed the savings is amazing. Mr. Tissier added this opened up cash flow, relieving the financial pressure; otherwise it would have accelerated the need for a discussion on a rate increase.

Members of the Board congratulated Mr. Tissier on a successful bond refunding, his financial expertise and foresight to achieve such savings.

Discussion ensued regarding interest rates, debt coverage, and S&P's report regarding rate flexibility and higher debt levels. Mr. Tissier confirmed the interest rates are positive domestically, but negative overseas. For a utility to enjoy an AA status, the senior lien debt coverage ratio would have to be about 2.0x, but since we have been very successful in holding onto unrestricted cash during the recession, which then was enhanced because of the merger, we have the benefit of AA credit without having such a large senior lien debt coverage ratio. He also confirmed we are probably one of the more leveraged utilities in the nation due to the original purchase.

Member Duerr brought up the issue of increasing our debt coverage ratio and was pleased this was being considered during the transition. Mr. Tissier agreed it has to be reevaluated because the original policy

was created in 2003 when TMWA was a standalone agency, and stated there is a need to revisit reserve levels and debt service coverage on a consolidated basis. TMWA's drought management practices were well received by the credit rating agencies and they were amazed by the resiliency of this organization.

Member Hartung expressed to Mr. Tissier - he will be missed and it is very impressive on how well he kept TMWA's finances in order. Mr. Tissier appreciated the praise, but stated a lot of the appreciation should go to the staff and the Board; without their support, this refunding could not have been realized.

Mark Foree, TMWA General Manager, thanked Mr. Tissier for his years of dedicated work and professional expertise which guided TMWA through the recession. His conservative financial management to not rely on developer fees for debt service has ensured our financial stability. Mr. Tissier is truly one of our community's unsung heroes.

7. WATER SUPPLY UPDATE

Bill Hauck, TMWA Senior Hydrologist, reported positive snowpack levels. Mr. Hauck noted the snowpack levels in the Truckee River and Tahoe Basins ended the season at 102 percent and 100 percent respectively. Lake Tahoe has reached its natural rim and is expected to continue to rise with the snowmelt. He anticipates river flows will continue through September. Currently, there is about 30,500 acre feet (AF) of water storage in upstream reservoirs, which is expected to increase to 44,000 AF this year. TMWA's upstream storage, before the Truckee River Operating Agreement (TROA) was implemented, was 27,000 AF. As such, TMWA does not anticipate having to release any upstream storage reserves this summer.

Chair Martini remarked the news is very reassuring and it is good to see river flows through September.

Member Hartung inquired if Lake Tahoe will have one foot of storage after the releases. Mr. Hauck replied, no because Floriston Rates, the required rate of flow, still have to be met, which is 500 cubic feet per second (cfs) and this rule still applies under TROA, so the lake is expected to again drop below its rim in the fall.

Member Brekhus inquired what TMWA's underground storage is, how much is being pumped and if it could be included on future water supply updates, because this past year is the most we have ever pumped, and if we will pump less this year. Mr. Foree replied that we are not pumping more than ever; our predecessor, Sierra Pacific, had years where they pumped more than what TMWA pumped last year. Mr. Hauck replied that he can include underground storage information in future water supply updates, and that this year we anticipate pumping less than half of what was pumped last year.

8. DISCUSSION AND ACTION ON ADOPTION OF RESOLUTION NO. 239: A RESOLUTION TO APPROVE A GRANT PROPOSAL WITH THE BUREAU OF RECLAMATION WITH RESPECT TO THE MUNICIPAL WELL AQUIFER STORAGE AND RECOVERY RETROFIT PROJECT FOR DROUGHT RESILIENCY

Laine Christman, TMWA Resource Economist, presented the Bureau of Reclamation (BOR) grant proposal for federal funding for its WaterSMART Drought Resiliency funding opportunity for FY 2016, to equip three wells in Spanish Springs Valley with aquifer storage and recovery (ASR) capabilities. The

grant request is for approximately \$790,000 of which TMWA will be responsible for 62 percent and the grant will cover the remaining 38 percent. Benefits include being more drought resilient in the Spanish Springs area, providing flexibility through our infrastructure overall, and addressing water quality issues in the west side area of the valley in Spanish Springs.

Member Brekhus inquired what types of wells are in this area, are there water lines in the area for distribution, how this will be paid for, clarified if water lines are in place from the Truckee River and if this is to address growth. Christian Kropf, TMWA Senior Hydrogeologist, replied they are production wells which TMWA obtained from Washoe County (the County) as part of the merger. They will be retrofitted for ASR capabilities, and will continue as production wells in the summer and recharge wells in the winter. Mr. Foree replied the ASR program is detailed in the 2016-2035 Water Resource Plan (2035WRP) and will be paid for with unrestricted cash to expand recharge capability; he also confirmed treated Truckee River water is being injected into the ground. The infrastructure for recharge is in place as TMWA has been connected to the County for a long time in numerous areas and we wholesaled water to the County prior to the merger. He added this is not connected to growth, rather a prudent water resource management program, as it was extensively addressed in the 2035WRP, and TMWA was able to recharge more last year than ever before.

Member Duerr noted it has been budgeted to rehabilitate the wells and this grant allows for staff to do ASR. She asked about the details of the BOR WaterSMART program and the allocation of the budget. Mr. Christman replied due to the drought, Congress has been giving money to the BOR aimed to help water utilities improve their supply, promote conjunctive use, and be more drought resilient. He added typically the budget is a fifty-fifty share of costs, but in this case, it makes us more competitive.

Member Hartung said it is a great program and, being a resident of Spanish Springs for many years, they rely heavily on groundwater. Since the merger, TMWA provides water to this community, who are now TMWA ratepayers and not an outside group. He noted growth is occurring in Spanish Springs which is paying for water rights; as such it is essential for us to ensure these wells remain stable, and added TMWA is not in a position to dictate growth. He thanked Mr. Christman and staff for the foresight to apply for these grants and address issues in Spanish Springs.

Upon motion by Member Hartung, second by Member Duerr, which motion duly carried by unanimous consent of the members present, the Board adopted Resolution No. 239: A resolution to approve a grant proposal with the Bureau of Reclamation with respect to the Municipal Well Aquifer Storage and Recovery Retrofit Project for Drought Resiliency.

9. PRESENTATION ON THE 2015 SUMMER DROUGHT CAMPAIGN SURVEY RESULTS

Mr. Christman presented the survey results. The survey was designed to determine how customers responded to TMWA's request to reduce water use by at least 10 percent. TMWA collaborated with the

University of Nevada, Reno to design and implement the online survey which measured the effectiveness of TMWA's water conservation messaging and studied how customers responded. The findings of the survey were customers reduced their water use through reducing irrigation times, changing landscape and other means; they do not plan on returning to their prior water use.

Member Hartung recognized TMWA's methodology which showed great leadership, and staff did great work, by positively reinforcing the community's efforts. He stressed the messaging should persist to save water regardless of drought or growth, because it is a precious resource. Mr. Christman agreed – customers want to protect the resource and environment.

Chair Martini added it is always good to save water and the reasons do not matter.

Member Duerr asked if there was feedback to change the messaging. Mr. Christman replied no – Customer Service did a great job fielding calls and answering questions.

Member Brekhus remarked on the conflict between water saved and the negative impact to revenue. She stressed staff needs to be innovative and forward thinking in addressing this conflict through our messaging.

Member Duerr added we need to be cautious. The challenge is continued drought will make it harder to ask customers to follow stricter measures. Mr. Christman agreed.

10. PRESENTATION ON PROPOSED CONSERVATION, COMMUNICATIONS AND OUTREACH PLAN FOR 2016, DISCUSSION AND POSSIBLE DIRECTION TO STAFF

Andy Gebhardt, TMWA Director of Customer Relations, introduced members of the Vertex Customer Service Team, without whom TMWA would not have the great customer service it has experienced.

Mr. Gebhardt presented the proposed Conservation, Communications and Outreach Plan for 2016. He noted we had a moderate recovery water-year, and per Mr. Hauck's presentation, we will have river flows through September, which means we will not need to use upstream reserves to meet customer demands. Based on the recently approved 2016-2035 Water Resource Plan, we are in a Level 1 drought with normal conservation messaging planned for the year, which means the customer request will be to use water responsibly and we will not call for additional conservation. We are also introducing a Water Leadership Platform, based on the customer feedback and Board direction; we will be taking a leadership role, including acknowledging those entities who came before us and helped set us up with a resilient water system. He presented a dashboard graph which depicts the upstream storage levels and usage of the last 30-years. This dashboard will be put up on the TMWA website soon and will be updated frequently.

Upon motion by Member Duerr, second by Member Hartung, which motion duly carried by unanimous consent of the members present, the Board approved the Conservation, Communications and Outreach Plan for 2016.

11. DISCUSSION AND ACTION ON REQUEST BY OLD WASHOE ESTATES HOMEOWNERS ASSOCIATION FOR EXEMPTION FROM WATER SERVICE CHARGES FOR IRRIGATION OF COMMON AREAS IN CONNECTION WITH 1986 SALE OF SYSTEM TO WASHOE COUNTY

Mr. Gebhardt reported TMWA was unaware of these three common-area irrigation services to Old Washoe Estates HOA (the “Association”), which was not revealed in discovery during the merger with the County. When TMWA started billing the Old Washoe Estates common area irrigation services, the Association expressed concern that it goes against an agreement they had with the County.

Michael Pagni, TMWA General Counsel, reported the Association provided documents explaining the arrangement, which consisted of a 1986 purchase agreement between the Association and County when the County acquired the system. Ordinance 670 was originally adopted by the County at the time of acquisition. TMWA’s obligations are driven by the merger documents, specifically those obligations highlighted in the schedule attached to the merger. Mr. Pagni stated he reviewed those schedules and there was no reference to a special billing arrangement or contractual obligation with the Association. He also reviewed the purchase agreement and saw no special arrangement, but Schedule B of that ordinance which provided that “A portion of the monthly base rate paid by residents of the Association shall be used to defray the costs associated with irrigating the common area.” This appears to be a cross-subsidization, which the TMWA Board is not in favor of, at the time of the County acquisition, and was in the original ordinance that was repealed in 1997. At the time of merger, TMWA adopted the rates in the County ordinance in effect in 2014, but there was nothing in the County ordinance that set up a special rate for the Old Washoe Estates HOA. However, the Association’s position is based on both the 1986 arrangement and comments made by TMWA during merger public workshops. In the past, the Board has taken consideration of certain circumstances and he thought it prudent to bring this to their attention and receive Board direction. He noted he does not see a legal obligation, but perhaps a policy decision for the Board.

Member Duerr asked why the County repealed the ordinance. Mr. Pagni replied he could not be certain, but when Ordinance 670 was adopted it was specific to the Association; over the years, as the county acquired other systems, they blended all the separate ordinances into one overarching ordinance and Ordinance 670 was not included.

Member Brekhus asked where Old Washoe Estates is located in the TMWA service area. Mr. Foree replied it is in the north-east end of Washoe Valley.

Public Comment

Ms. Collins reiterated when the County acquired their private water system, they retained the water rights and water wells, with the understanding that they would not be billed for the common-area irrigation (see *Attachment C*).

Allen Forbes, resident of Old Washoe Estates, has lived there for 20 years and has never had to pay for the water in the common-areas.

Chair Martini asked if there was a representative from the County present or available. Mr. Gebhardt replied no.

Member Smith asked whether when Old Washoe Estates was acquired by the County, they did not pay for the water rights but offered free water for irrigation. Ms. Collins replied yes, there was an agreement they would take over the wells, water rights and install meters to residents and not be billed for irrigation.

Member Hartung confirmed that the County had slightly increased each resident's bill to offset the common area irrigation, so the residents were not getting the water for free. Mr. Pagni replied yes, it was put onto the residents' bills. He reviewed the original Purchase Agreement, and the consideration was the County acquired the system, taking out a loan for \$100,000 to do upgrades to the system -- per Ordinance 670, Schedule B, as referenced earlier.

Member Brekhus expressed her concern for their situation, but 30-years ago it was a private water system and the County "saved" them, now TMWA is saving the County customers. She does not think it would be equitable to allow for the prior agreement to stand, rather everyone should be held to the same standards now that we are taking a regional approach.

Discussion followed with regards to the cost of the base rate and cost of irrigation per year. Mr. Pagni replied according to the County Schedule of Rates, it was monthly base rate depending on the service size and a commodity charge. Mr. Foree added the rate was for the residential services in the Association. Mr. Gebhardt confirmed the HOA has 51 houses and three common areas; the cost for irrigating the common areas is about \$4,000 per year which equals to about \$6.50 per month per household – far less than the charges under the original County agreement.

Chair Martini expressed his concerns with not following through on the agreement entered into with the County, being that we did not catch the schedule. Mr. Pagni understood the comment, but noted that the ordinance was repealed, so there was no agreement with the Association at time of the merger.

Mr. Foree pointed out there are three options to consider when deciding on how to proceed: (1) continue to provide free water; (2) change rates and assess a surcharge on the residential bills to cover costs of common area irrigation water use (the original agreement); or (3) bill the Association as TMWA does all other HOA customers for the water use.

Member Brekhus remarked we need to attempt uniformity and honor the most recent agreements, as part of the merger, otherwise we are setting a precedent for future exceptions to be made.

Member Duerr recognized Chair Martini's acknowledgment of the prior agreement, but suggested we assess the surcharge to the customers, if this option is not complicated, or to the HOA. Mr. Gebhardt replied it is complicated, but it can be done. He recommended billing the HOA which is consistent with TMWA's policy.

Member Duerr asked about the monthly customer charge paying \$38/month as a County customer or \$17/month as a TMWA customer. Ms. Collins replied it was \$17 per month and clarified for Member Brekhus, that the Old Washoe Estates started in 1979 and the County took over in 1986; it was a new community and system, not in dire straits.

Upon motion by Member Duerr, second by Member Smith, which motion duly carried by unanimous consent of the members present, the Board approved TMWA to bill the Old Washoe Estates HOA the cost for common-area irrigation based on TMWA's current rate schedule.

12. DISCUSSION AND ACTION ON THE THIRD AMENDMENT TO THE JUNE 19, 2013 CONTRACT FOR THE DELIVERY OF WATER BETWEEN TMWA AND THE RENO-SPARKS INDIAN COLONY

John Erwin, TMWA Director of Natural Resources, reported that TMWA provides water to the Reno-Sparks Indian Colony (RSIC). What is presented to the Board today is an updated schedule of properties, with associated commitments and delivery rates, which are being served within the RSIC boundary.

Upon motion by Member Hartung, second by Member Duerr, which motion duly carried by unanimous consent of the members present, the Board approved the third amendment to the June 19, 2013 contract for the delivery of water between TMWA and the Reno-Sparks Indian Colony.

13. REVIEW OF TMWA'S CURRENT AGREEMENT FOR LEGAL SERVICES WITH THE FIRM OF MCDONALD CARANO WILSON (MCW), DISCUSSION AND POSSIBLE DIRECTION TO STAFF

Mr. Foree noted at the February 5, 2016 Strategic Planning Workshop the Board had discussed the current agreement for legal services and whether a Request for Qualifications ("RFQ") process be conducted to consider alternate legal services providers in the future. Also, questions regarding how conflicts are handled and comments about the outdated agreement were mentioned. Mr. Foree presented the proposed addendum to the agreement, which included an updated agreement in terms of how conflicts are handled, current hourly charge rates, etc. He noted General Counsel provides services to the Board and operational services to staff regarding easements, real property, employment issues, construction and contract issues, etc.; they are cost effective and very efficient. TMWA staff is very happy with MCW services.

Member Duerr recognized the good work provided by Mr. Pagni and MCW, and thanked him for addressing the conflict issue in his addendum. She was pleased with the improvements he had made, particularly since his hourly rates have not increased in 15 years, another reason to review the contract every few years.

Member Hartung also remarked Mr. Pagni and his team does a very good job and sees no reason to send out an RFQ to obtain another firm who would need to be brought up to speed. Mr. Pagni works efficiently and well with the Board and staff. He motioned to continue with the MCW agreement.

Member Brekhus appreciated the addendum and agreed Mr. Pagni provides good services, but requested the Board consider looking around the region and send out an RFQ for services next year. Maybe TMWA is out of sync with not having RFQs for almost two decades.

Chair Martini suggested that may be better recommended under agenda item 19, future requests for Board agenda items.

Member Hartung expressed he has no desire to amend his motion. He stressed to do so would be spending undue staff hours and rate payer money to send out for an RFQ since we have just stated we are happy with the legal services provided; we should only do so if we are unhappy with legal services provided.

Chair Martini agreed with Member Hartung, stating the institutional knowledge Mr. Pagni and MCW has is paramount; to bring another law firm up to speed would be time consuming and expensive. He is very happy and sees no reason to send out an RFQ just to look around.

Member Smith pointed out there is no need to fix what is not broken. Mr. Pagni and MCW are the foremost experts in water in the region and there is no need to change just to change.

Upon motion by Member Hartung, second by Member Smith, which motion duly carried by unanimous consent of the members present, the Board approved continuing TMWA's agreement (with addendum) for legal services with the firm of McDonald Carano Wilson (MCW).

14. DISCUSSION AND ACTION ON ADOPTION OF RESOLUTION NO. 240: A RESOLUTION TO APPROVE FUNDING FOR THE PROJECTS RECOMMENDED BY THE TRUCKEE RIVER FUND ADVISORY COMMITTEE AND AN AUTHORIZATION FOR THE COMMUNITY FOUNDATION TO FUND SUCH PROJECTS FROM FUND PROCEEDS

John Enloe, TWMA Director of Natural Resources, reported the Truckee River Fund (TRF) advisors met on February 26 where they reviewed eight proposals, and they are recommending funding approval for six projects for a total of \$203,184. The projects for funding are:

1. **Watershed Education Initiative**
Organization: Sierra Nevada Journeys (SNJ)
Amount Recommended: \$ 33,041, **Organizational Match:** \$ 7,250 (Cash); \$ 10,440 (In-Kind)
2. **Mount Rose Noxious Weed Monitoring and Treatment #4**
Organization: Friends of Nevada Wilderness
Amount Recommended: \$ 21,002, **Organizational Match:** \$ 6,000 (Cash); \$ 8,640 (In-Kind)
3. **Truckee River Cleanup Crew – Year 2**
Organization: City of Reno
Amount Recommended: \$ 47,787, **Organizational Match:** \$ 46,187 (Cash); \$ 22,782 (In-Kind)
4. **Trout Creek Pocket Park & Restoration Initiative**
Organization: Mountain Area Preservation Foundation (MAP)
Amount Recommended: \$ 25,000, **Organizational Match:** \$168,750 (Cash); \$ 5,500 (In-Kind)
5. **Johnson Canyon Westside Restoration – Construction Implementation**
Organization: Truckee River Watershed Council (TRWC)
Amount Recommended: \$ 67,000, **Organizational Match:** \$ 79,000 (Cash); \$ 6,000 (In-Kind)
6. **Take Care – Truckee River**
Organization: Tahoe Fund on behalf of the Lake Tahoe Outreach Committee
Amount Recommended: \$ 9,354, **Organizational Match:** \$ 6,465 (In-Kind)

Mr. Enloe informed the Board, based on prior comments, the TRF Advisory Committee met in January to clarify grant priorities in order to better decide which grants to recommend for approval. He referred to the updated TRF Grant Priorities attached to the staff report.

Member Brekhus asked if businesses looking to improve their commercial conservation methods should look to the TRF for assistance or TMWA staff. Mr. Enloe replied TMWA staff is more than capable of working with businesses to address these issues.

Member Duerr confirmed grants are reviewed for approval twice a year, inquired about the remaining funds, and asked when the next round of grant proposals will take place. Mr. Enloe replied yes, grants are reviewed twice a year, there is about \$400,000 remaining, and the next round will open in the summer for August recommendation. TMWA provides funding to the TRF every fiscal year. Mr. Foree confirmed it is in the budget for FY2017 in the amount of \$850,000.

Upon motion by Member Duerr, second by Member Brekhus, which motion duly carried by unanimous consent of the members present, the Board adopted Resolution No. 240: A resolution to approve funding for the projects recommended by the Truckee River Fund Advisory Committee and an authorization for the Community Foundation to fund such projects from Fund proceeds.

Member Duerr inquired if the Board could receive a brief summary report on project results by the TRF to be included in future staff reports. Mr. Enloe replied each TRF advisor is responsible for overseeing and managing projects, so they report on how well the project has satisfied the criteria. A summary of this information can be included in future staff reports.

15. ONE TRUCKEE RIVER PRESENTATION

Angela Fuss, representing the One Truckee River, which is being spearheaded by Nevada Land Trust and Keep Truckee Meadows Beautiful, presented on the concerns being addressed by the One Truckee River, as it relates to TMWA and the issues along the Truckee River. Ms. Fuss detailed the collaboration and progress being made with multiple community stakeholders to address the homeless issue along the river in and around the Glendale Water Treatment Plant. Specifically, she addressed a pilot project to fund public restrooms along the river for one year to improve the area and water quality.

Members of the Board discussed how best to support the One Truckee River and participate in the pilot program in order to address the water quality issue along this section of the river and whether to reach out to the ratepayers to ask for donations to the TRF. Mr. Foree replied the funding can be provided through the TRF or through Board direction to TMWA to provide funding directly.

Chair Martini adjourned for a closed door session at 12:05 p.m.

Chair Martini reconvened the TMWA Board meeting at 12:16 p.m.

16. DISCUSSION, ACTION AND DIRECTION TO STAFF ON TMWA PARTICIPATION IN CASE NO. CV13-01468, CERBERUS HOLDINGS, ET AL V. G&L CONSTRUCTION, ET AL., OR OTHER LITIGATION IN CONNECTION WITH DAMAGES TO TMWA'S PROPERTY INTERESTS RELATED TO COMSTOCK DR. TANK AND WATER FACILITIES

Member Hartung motioned to participate in the case as proposed by General Counsel.

Upon motion by Member Hartung, second by Member Smith, which motion duly carried by unanimous consent of the members present, the Board approved TMWA's participation in Case No. CV13-01468, *Cerberus Holdings, et al v. G&L Construction, et al.*, or other litigation in connection with damages to TMWA's property interests related to Comstock Dr. tank and water facilities.

17. GENERAL MANAGER'S REPORT

Mr. Foree noted the acquisition of the other half of water rights to Donner Lake from Truckee Carson Irrigation District closed escrow on March 31 and all litigation related to the Truckee River Operating Agreement have been dismissed.

Member Brekhus inquired about the annexation area, by Pebble Creek Road, specifically if it was in the area of recharge that was part of the grant proposal and if there will be more subdivision development. Mr. Erwin replied yes it is in the area of recharge.

18. PUBLIC COMMENT

There was no public comment.

19. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

Member Duerr requested consideration of providing funding to the One Truckee River to establish the one-year pilot program for public restrooms along the Truckee River.

Member Brekhus requested a memo regarding the rehabilitation of the Hunter Lake Well. She also requested more information on the work being done along California Ave. Staff replied that work along the California and Keystone intersection is in design. Mr. Foree replied the tie-in work has already been completed on California between Keystone and Newlands Circle. Mr. Erwin added the next phase, on Foster from Booth to the tie-in point described above and along Marsh Ave., is outlined in the 2017-2021 Capital Improvement Plan.

20. ADJOURNMENT

With no further discussion, Chair Martini adjourned the meeting at 12:21 p.m.

Approved by the TMWA Board of Directors in session on May 18, 2016.

Sonia Folsom, Recording Secretary

**Member Hartung was present for agenda items 1 through 16 only.*

Truckee Meadows Water Authority
P.O. Box 30013
Reno, Nevada 89520-3013

Subject: Safety at Glendale Diversion Dam

My name is Charles Albright. I'm a resident of Reno, Nevada and first paddled the Truckee River in 1973. I've lived in Reno since 1976 and started teaching people how to paddle in 1979. I've taught kayaking for 21 years at local pools; I've lead trips, promote races, and worked with the Reno River Festival. As a racer, I have won National Championships, been on US Whitewater Teams, and raced in 4 World Championships. I've always been concerned about river safety and belong to national river and conservation groups. I've been a leader of efforts to create whitewater parks in Reno and Sparks which have become vital centers of community activity. The Reno Police Department used to say it was illegal to paddle the Truckee River. Thanks in part to my efforts this activity has become one of the area's foremost attractions.

I have serious safety concerns at the recently remodeled Glendale Dam. The old Glendale Dam was certainly flawed. It was constructed of concrete slabs and granite rocks that caught and retained trees and other woody material that could trap paddlers. There were no signs upstream of the dam that warned of a danger downstream. However, paddlers could avoid the dam by going into the right (west) Pioneer diversion channel, returning to the main river below the Glendale Bridge. They could also "take out" above the dam, walking up a moderate dirt slope to restrooms and a parking on river left (east).

The "new" Glendale Dam is a big step backwards. First, there are still no upstream warning signs to alert paddlers to the dam, an omission which exposes the Water Authority to liability.. Second, the diversion channel is no longer navigable, and there is no portage route around the dam, making it more likely that river users will try to run it. A popular park was closed and public parking and restrooms were removed, eliminating a vital access point. The entire area is covered with large sharp rocks which endanger to river users (especially tubers) that frequent the area as well as anyone walking on shore. The fish migration features are poorly designed and of very questionable value.

The river paddling community is concerned about safety at Glendale and other TWMA controlled dams on the Truckee River. We have communicated regularly with you about this and we were lead to believe that our concerns would be dealt with. I called the Engineering Firm (Ecologic) in charge of the project and spoke to the chief engineer. When I expressed concern about safety for river users I was told not to worry. A year ago, after the dam was built, I attended a TMWA Board meeting in Sparks and spoke at some length. I have attempted to meet with Mr. Enloe, who I'm told is in charge of safety at the dam. The problems remain. I see real potential for harm to river users and do not want to wait until something bad happens before dealing with the problem.

Let's work together to deal with these issues while we still can.

Sincerely,

Charles Albright
1408 Washington Street
Reno, Nevada 89503
775-324-5102 H

Hi Charlie,

I read your letter, and although I am not familiar with the history, or the politics of getting the Diversion built, I see it as a serious public nuisance that should be addressed. While the fact that river runners have no "portage" route, or safe way through the rapid (at least at the water level I saw it at) is of concern; I also worry about kids trying to inner tube it. Most river runners have at least some training to recognize the hazards that the rapid presents. A kid, with an inner tube, may only see a "cool rapid" to try to go play in.

I don't know who is responsible for what; or what politics lie where. My priorities in my profession are "access" and "safety". I can only look at a rapid, or site, with this kind of assessment in mind.

I see that rapid as an "attractive nuisance" to the public. It "looks" like it might be fun; but is actually full of sharp rocks with shallow pour overs, and strainers lodged at the top.

With a deep pool and mellow current downstream of the bridge; this would be a perfect place for a recreational play wave, and/or slalom course to be set up. If there was a way to access it for the public, it would become a huge asset to Reno/Sparks that could draw more people in to Reno. I was recently in New Zealand where a diversion was turned into a safe play wave.

MANY local folks have since learned to enjoy the river, and have found a passion for the many wonders that rivers offer.

Thanks for your concern over this matter. I am hoping that there is a solution that works for all involved.

Julie

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Subject: Safety at Glendale Diversion Dam

I wish to address what I consider to be some very hazardous safety concerns at the recently remodeled Glendale Dam. There are many issues with the dam but first I wish to say that as a river user the paddling community was very pleased to be invited to the first several Public Meetings to be held with regard to replacement of the old Glendale Dam. The paddling/river user community was asked to be involved with the new proposed Glendale Dam replacement. We hoped that would be true but we were no longer contacted for our input as the dams controllers moved on with the project and authorization of it.

The old Glendale Dam was a very dangerous diversion dam that was mainly constructed of concrete slabs and granite rocks and usually was covered in his water flotsam of trees and wood material. It had earned a very poor safety and river running ability. But there was opportunities to avoid the dam by paddling into the right (west) Pioneer diversion channel for irrigation and then after passing under Glendale Bridge one could easily paddle out of the diversion back into the river channel and continue downstream. There was also a easy place to exit on a "natural dirt/ levee hill side" and a short walk brought you to restrooms and a parking lot at a public park on river left (east). There was never any signage upstream of the dam that suggested a need for public safety or a concern for bodily harm at the old dam site.



So being hopeful that eventually Glendale Dam would be replaced with a safe new diversion dam we were greatly upset that it was not all that safe after all. Again we were very hopeful that public input might have led to maybe some new river features such as at Wingfield Park or the downstream site at Rock Park.

The new dam is primarily constructed of Rip Rap, fracked rock scattered over the entire river bed and up the slopes of each side. Pioneer Diversion Ditch was removed and replaced with a bridge and small dam structure. The entire west side was created as a flood control diversion of again of fracked rocks and boulders to well downstream of Glendale Street. The east shore was covered in fracked rock along the river bed to where a new diversion structure was created for the Glendale Water Treatment Facility.

The former parking lot, restrooms and much of the park were closed to the public. The restrooms were removed as part of the project. River features were created mostly of fracked rock rip rap and a few granite boulders. The design was an attempt to create "eddies" for fish migration through the new project. Unlike the Rock Park river project which Nevada Division of Wildlife required to prove that all fish in the river channel be able to attain only Lahonton Cutthroat Trout were required to have the ability to attain at Glendale Dam.

So just what is it about the "new" Glendale Dam that river users dislike? First and foremost is the fact that there is NO signage with regard to the fact that the dam exists as a possible safety issue along the river upstream. There is NO portage route, no location for ingress or egress, no easy access for rescuers to enter the channel. A former well used park was closed, public parking at the site was removed and public restrooms were also removed.

Myself and a friend took the time to attend a TMWA Board meeting in Sparks over a year ago. We spoke to the board about our concerns for safety, lack of signage, removal of a park, restrooms, parking and the hazards of a river bed of nothing but rip rap. I mentioned that rip rap was not native to the Truckee River and how it was a hazard to walk across or being on a raft or inner tube or upside down in a kayak. Yet the entire project was rip rapped. Rip rap is something that might have been questioned if river users had been consulted during the development portion of the job. Obviously our concerns voiced at that meeting were met with apathy and dismissed. So I hope that this letter and associated information and petitions are taken more seriously. WE, the river using community wish to have discussions with TMWA about safety at Glendale as well as other TWMA controlled dams on the Truckee River.



As an effort was being made by me to address TMWA's lack of concern for safety for the public at this site on a Interstate Waterway with Federal Rules for water ways I spoke to members of the two main rescue groups that would respond to and safety issues at this site. Yes, I spoke to the Sparks Fire Department's Swiftwater Rescue Team at the site. I also had several phone calls to and from various Reno Fire Department's Swiftwater Rescue Team called the "Wet Team". The Sparks Team members agreed that the site had very poor access and was a very big concerns for them should a situation arise at the site. Reno's team members also agreed with that issue. The only good access that they saw from downstream of west Glendale Bridge and then having to traverse long sections of fracked rock and boulders to get to the site. The Sparks person I discussed this with said and I quote "That any rescue here would likely be a RECOVERY." Now does that not sound great for your dam site?

Why is this so dangerous? It is called a foot or body entrapment situation. That is when a person navigating this **FEDERALLY REGULATED NAVIGABLE WATERWAY** called the Truckee River some how gets in trouble and tries to save themselves from the waterway that is all rip rapped rock it is very likely they will try to stand or reach out and get a hand or leg caught in the rock lined river bed. Water goes downstream with gradient and this dam site has plenty of gradient. Fast moving water still wants to take a persons body downstream even though their leg or arm is trapped. The very likely result is limb damage and possible drowning. The dam area is a **VERY HARD** place to quickly move to rescue some one. Often leading to more possible injuries for anyone attempting to rescue someone in trouble. Both the City of Reno and Sparks rescue personal agreed with this hazard as being very real possibilities.

In an event where time is of the essence, poor access, parking and lack of easy access to an area where rescue can mean serious bodily damage or death.

I also took time to talk to several national organizations and local swift water rescue instructors. They all agreed that foot entrapment or other injuries are very possible at Glendale Dam but because they in some cases are the actual instructors for Reno and

Sparks they have chosen to not get involved in my efforts to get TMWA to address safety at the Glendale Dam site. So we have both the rescue folks and their instructors not wanting to cross their own municipalities and students.

So let's briefly discuss dams and safety on the Truckee River. TMWA NOW controls or is partners on all the dams from the California State line to Glendale Dam. This all came about with the take over of water production by Washoe County, and the cities of Reno and Sparks from the former Sierra Pacific Power Company who previously controlled water supply in the Truckee Meadows. Further divestment by SPPCO gave TMWA control of all of the upstream dams that SPPCO used for power generation as well as the power generation itself.

Years ago local paddlers concerned for safety tried repeatedly to get SPPCO to discuss safety at upstream dam sites. They ignored us for several years until a well written legal letter got their notice and they finally met us at all upstream dam sites and agreed to promote safety at each dam. It was so simple and cost very little to place signage about the dangers and possible hazards at each dam site. They worked with the river using public and we as a group removed cables, bolts, and other hazards from their dam sites. That was close to 20 years ago and their signs still exist at each concerned dam site. Imagine that, working for safety on our local river?

Other occurrences happened such as discussions with the city of Reno to make the Truckee River safer in city limits. This brought about the removal of Ivan Sack Dam, a low head dam above Idlewild Park off Idlewild Drive that had previously killed and trapped several other river users. It was a no longer viable diversion dam that did what many low head dams across this country has done, killed river users and swimmers including many rescue personnel. A fortunate part of the building of the Reno Whitewater Park was the removal of another dangerous low head dam that was on the north channel at Wingfield Park. It was also the source of many rescues up until its removal.

So what did SPPCO do before TMWA came into existence? They built the Chalk Bluff Dam just upstream of West McCarran Bridge. What is really amazing is that they did so without EVER getting permission from Nevada Department of State Lands or the United States Army Corps of Engineers which both should have signed off on and overseen the permitting of this structure. Again the river using community saw this dam being built and never envisioned that SPPCO would be so blatant to build a low head dam on the FEDERALLY REGULATED NAVIGABLE RIVER called the Truckee River without ever getting any permits. When it was finished we the river using community contacted State Lands, Army Corps and other agencies and said SPPCO just created a drowning machine on the Truckee River. They had NO IDEA what had taken place. We insisted that the dam be made safe for river users and should have called for its removal but felt that if they fixed it from low head to sloped it might be ok. They came back in and built a uniform slope of about 45 degrees off the downstream side that is still a drowning hazard at flows over 2,000 Cubic Feet per Second. NDOW was also very upset and demanded better fish passage and are still upset about how poor the fish migration is at the site. So what did we learn from this? SPPCO being a monopoly gets what it wants legal or otherwise. So the public still has a dam that is very unsafe at Chalk Bluff at flows higher than recreation flows. And it can still cause head injuries to tubers.

Another short note here is that after they built this dam and either concerned for "Public Safety" or their own liability they actually hired security personnel at the site. SPPCO hired security personal to guard the dam site and refused to allow river users to get out on Chalk Bluff property and walk around their hazard. River users were forced to

run the dam because SPPCO was not wanting the public to avoid their dam by getting out and walking around this public nuisance. Again several calls to the powers that be at SPPCO drove home that it was MUCH BETTER for them to work with river users to build and allow a way to portage this dam. Hard to imagine a utility or agency creating a hazard and then forcing people to deal with it, but just make sure you keep off our land.

So why fracked rock and rip rap for our river corridor? It seems to have become all the rage for river bank stabilization since the floods of the 1980's and 1990's. It is semi cheap, easy to back up to a shoreline and just dump away with non native fill. A bit more scenic than old asphalt and concrete or cars and metal structures that have been used in the past for bank stabilization. There are now many areas along the Truckee that are rip rapped. Not exactly scenic but none the less it works. So why so much at Glendale Dam? Obviously it costs much less than granite which is the native material at the site. Unfortunately they decided that fracked rock which when placed over large areas saves a lot of money compared to smooth granite rocks and concrete bedded structure such as at Wingfield or Rock Parks that create less entrapment potential. We can only hope that Glendale Dam is the last site that requires huge quantities of hazardous rip rap rock in the native river channel.

Another note here would be to note that the Truckee River is hardly the channel it was before the Army Corp came in to the river and rebuilt it for flood control in the early 1960's from downtown Reno well out past Vista to Lockwood. It cannot be called a natural river bed since it was all remodeled through lower Reno and all of Sparks to drain the then Truckee Meadows so that all that land could be developed even though it is still floodplain and sadly will still do close to a billion dollars worth of damage very time we have a 1997 style flood. Glendale Dam was designed to prevent flood damage with fracked rock less likely to migrate at high river flows. Concrete and granite could have also achieved that but at a greater cost. But it would have potentially been less likely to create a foot entrapment.

So that all leads us to TMWA actually acknowledging this safety issue and maybe even working with rescue personnel and river users to make Glendale Dam a safer place to recreate at. Rescue staff suggested using smaller cobbles, preferably round to fill in the many areas where entrapments could occur. I suggest lots of signage, the creation of two sites (egress) that allow river users to get out and portage on each side at the site with two new ingress sites below Glendale Bridge on each side. Perhaps the creating of concrete side walks large enough to walk rafts and such across the fracked rock on each side. I am sure that if TMWA chose to talk to the rescue staffs of Reno FD and Sparks FD there could be great possibilities for rescue staff to more easily access the area. Certainly allowing parking at the site would be easy. Maybe restrooms that could withstand the homeless blight in the area might be possible.

So back to the start of this letter. What can be done to fix this Dam? Again we as the river using public were lead to believe that we would be included as a voice when the dam was proposed. When we no longer heard from TMWA I tried twice to call their Engineering Firm in charge of the project named Ecologic and talked to the head engineer and asked where the project was in progress and expressed concern about final details and safety for river users. Both times I was told "O' do not worry, we will make a safe river user friendly dam." "We are paddlers too." That did not happen.

I have several friends who work for TMWA and I asked to contact the TMWA Safety official and was directed to Mr. Enloe. We traded several emails but never could get together to actually go to the dam site and discuss my concerns. Maybe that can happen now that I have made this effort to get communication about site safety going.

I do this ONLY because I see great potential for harm to river users with drowning as a main issue. I am not one to cry wolf and shout major liability for TMWA should a horrible event happen. Hence this approach.

However, I will let you know that my past attempts to promote concerns about issues on the Truckee River have lead me to voice my opinions to more than just SPPCO or NDOW. I will be sending copies of my concerns to all that should have a say on this issue. Hence copies to Washoe County Commissioners, Mayors of both Reno and Sparks, their Fire Department heads, State Lands, NDOW and the Nevada State Attorney General. Lots of paper wasted perhaps but what is a 5 year old kids life worth?

Lastly, who am I? Why am I complaining about Glendale Dam when we spent \$8.5 million to fix it? I took up river running in 1971. I first paddled the Truckee in 1973. I moved to Reno in 1976. I started teaching fellow river lovers how to paddle in 1979. I taught kayaking for 21 years at local pools all for FREE. I still teach for FREE, lead trips, promote races, work with the Reno River Festival, lend equipment to many folks each year. I have been on the US Whitewater Teams numerous times. I raced in Europe at 4 World Championships and many World Cups. I have several National Championships. I have always been concerned about safety on this and many other rivers. I belong to many national river and conservation groups. I am considered the main reason there is a whitewater park in Reno. Placing Reno Mayor Bob Cashell and Sparks Mayor Tony Armstrong in rafts for a raft race was the main reason Sparks pushed for its own whitewater park. I have fought many battles for river access. The Reno Police Department used to say it was illegal to paddle on the Truckee River. After contacts with the Governor, State Attorney General and NDOW that opinion changed very fast.

There have been many other issues and most were resolved with talking between parties. Going to legal battles is not the point here, discussing is.

Very Sincerely Yours,

Charles Albright
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WE THE UNDERSIGNED are residents of Washoe County and/or users, and would-be users of the Truckee River. We are rafters, kayakers, canoeists, stand-up paddlers and/or tubers. We are concerned about the safety hazards which currently exist in and around the Glendale Diversion Dam. That is, the lack of ingress and egress, and lack of a portage route, not only hamper use, but also impede rescue. The lack of signs increases the danger. The extensive rip-rap poses a significant danger of foot entrapment, as well as injury. Boaters' feet may become entrapped, especially subsequent to an injury. People may drown as a result. Would-be rescuers may drown or be injured. We are hereby requesting the Truckee Meadows Water Authority work with the boating community to remedy these problems.

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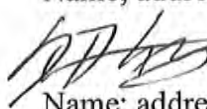
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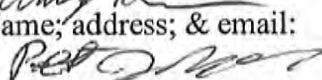
Name; address; & email:

 2070 Bonneville Ave, Reno, NV 89503

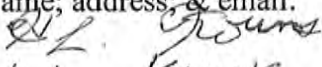
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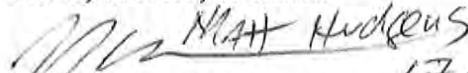
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WE THE UNDERSIGNED are residents of Washoe County and/or users, and would-be users of the Truckee River. We are rafters, kayakers, canoeists, stand-up paddlers and/or tubers. We are concerned about the safety hazards which currently exist in and around the Glendale Diversion Dam. That is, the lack of ingress and egress, and lack of a portage route, not only hamper use, but also impede rescue. The lack of signs increases the danger. The extensive rip-rap poses a significant danger of foot entrapment, as well as injury. Boaters' feet may become entrapped, especially subsequent to an injury. People may drown as a result. Would-be rescuers may drown or be injured. We are hereby requesting the Truckee Meadows Water Authority work with the boating community to remedy these problems.

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Good morning Chair Martini and the Truckee Meadows Water Authority Board. My name is Maureen Collins and I serve as President of the Board for Old Washoe Estates. I am here to speak on agenda item #11.

In 1986, Old Washoe Estates gave our water rights and water system which we owned to Washoe County.

These 3 wells serviced only Old Washoe Estates homeowners and common area. Part of that agreement was that the Association would not pay common area irrigation and in fact we have not received a common area water bill in the 30 years since this agreement.

On September 22, 2014 we hosted a recorded meeting to the Old Washoe Estates Board and Members, TMWA and Washoe County Water, both having representatives present to discuss the upcoming changes. The representatives were Dwayne Smith from Washoe County Water and CFO Jeff Tissier of TMWA

The following statements were made by Mr. Smith and Mr. Tissier:

- 1.) TMWA stated they will continue to operate Old Washoe as it has been operated. No changes
- 2.) TMWA stated water rates will stay the same and the automatic annual increase per the ordinance will be suspended
- 3.) They state that Old Washoe System is stand alone and has 55 (54) connections coming from it (showing it only services our community.
- 4.) They discussed the upgrades being done to the system including that a well #4 had already been dug and a back-up generator was being added to well #3. Additionally, there was discussion that a possible plan to add another back-up well exists if water service was ever threatened. They explained that it was Old Washoe Estates' turn for the upgrades and the cost of these improvements were already a part of the collected costs and would not cost any additional monies.
- 5.) They explained that the Old Washoe System is stand alone and would never be interconnected unless there was a failure of the system and they had to provide water from elsewhere.

Due to this feedback and the fact that we have never received a bill for the common area irrigation prior to February of this year, lead us to believe the same arrangement was in place and nothing would change.

In February 2016 we received four invoices for common area irrigation. We subsequently met with TMWA at the property and walked all meters in the community and it was realized the fourth meter was an error as Old Washoe only has three common area meters. It is these three invoices that we are hoping you will consider null and void and we will not be billed for irrigation water as promised.

We have provided copies of the purchase agreement for 1986 and hope you will agree that TMWA will uphold that agreement that was made and lived by for the last 30 years, which is exemption from water service charges for common area irrigation.

Since the year 2000, we have eliminated approximately 65-70% of our common area irrigation and the remaining common area that we do water is approximately 1 acre of which 2/3 is on drip irrigation.

Thank you.

Respectfully submitted,
Maureen O. Collins, President
Old Washoe Estates HOA