

TRUCKEE MEADOWS WATER AUTHORITY  
MINUTES OF THE JANUARY 20, 2021  
MEETING OF THE BOARD OF DIRECTORS

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The Board of Directors met on Wednesday, January 20, 2021, via Zoom Virtual Meeting, Reno, Nevada. Chair Hartung called the meeting to order at 10:00 a.m.

1. ROLL CALL

**Members Present:** Paul Anderson, Jenny Brekhus, Kristopher Dahir, Naomi Duerr, Neoma Jardon, Vaughn Hartung, and Alexis Hill.

A quorum was present by telephonic appearance.

3. WELCOME NEW BOARD MEMBER

Chair Hartung welcomed Commissioner Alexis Hill to the TMWA Board of Directors.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Member Hill.

4. PUBLIC COMMENT

Mr. Kyle Hess, Reno resident, expressed his concerns regarding the Steamboat Ditch project being pushed through quickly without giving the community opportunity to provide input. Mr. Hess stated members of the public who enjoy the trail along the ditch appreciate the foliage, wildlife, and water the ditch provides and that they oppose the proposed pipeline and anything that would limit the wildlife and aesthetics. He suggested that if there was a need for a pipeline for them to consider an alternate location.

5. POSSIBLE BOARD COMMENTS OR ACKNOWLEDGEMENTS\*

There were no Board comments.

6. APPROVAL OF THE AGENDA

**Upon motion by Member Dahir second by Member Duerr, which motion duly carried by unanimous consent of the members present, the Board approved the agenda.**

7. APPROVAL OF THE MINUTES OF THE DECEMBER 16, 2020 MEETING

**Upon motion by Member Brekhus, second by Member Duerr, which motion duly carried by unanimous consent of the members present, the Board approved the December 16, 2020 minutes.**

8. WATER SUPPLY UPDATE

Bill Hauck, TMWA Water Supply Administrator, informed the Board the snowpack outlook decreased slightly since December due to the lack of precipitation, snowpack levels for both the Truckee and Lake Tahoe Basins, are at 58% and 59% of normal, respectively; fortunately in the Truckee Meadows, even with a below average snowpack, any runoff will be captured in upstream reservoirs and released at a later date according to the Truckee River Operating Agreement (TROA); TMWA's upstream storage is in a good state at about 36,000 acre-feet (AF); there is enough carry over storage in Lake Tahoe from 2019 and 2017 to provide for normal river flows for the rest of the year; projections show about 55% in normal runoff, but there will be normal river flows for the rest of the year; and, according to the terms of TROA, no drought will be declared on the Truckee River system this year.

The Board discussed potentially begin messaging to the public to consider increased conservation measures due to the probability of a dry year (perhaps consider a policy to capture the motivation in the community) and how TMWA has enough resources to supply its customer due to upstream storage; inquired about the amount of reservoir storage under TROA; and if there will be an increase in groundwater pumping as the region continues to grow. Mr. Hauck replied that it is too early to decide on messaging, staff is monitoring the situation and will design messaging for the summer by spring; currently there is about 22,000 AF stored under the terms of TROA; added that TMWA did call for extra conservation in 2015 and drought hardening continues (cautioned about requesting conservation measures too early); and so long as normal river flows are expected, groundwater pumping remains normal. Andy Gebhardt, TMWA Director of Operations, added staff is working on messaging which utilizes content from the 2020-2040 Water Resource Plan, which better explains our water supply than in years past.

9. APPOINTMENT OF TRUSTEE TO THE WESTERN REGIONAL WATER COMMISSION (WRWC) PURSUANT TO SEC.25(3)(C) OF THE WRWC ACT FROM THE FOLLOWING LIST OF QUALIFIED PERSONS TO FILL THE REMAINING TERM ENDING MARCH 31, 2021 VACATED BY MEMBER JEANNE HERMAN: ALEXIS HILL

**Upon motion by Member Dahir, second by Member Anderson, which motion duly carried by unanimous consent of the members present, the Board approved to appoint Alexis Hill to the WRWC, pursuant to Sec.25(3)(c) of the WRWC Act, to fill the remaining term ending March 31, 2021 vacated by Member Jeanne Herman.**

10. DISCUSSION AND ACTION ON NOMINATION AND APPOINTMENTS OF TRUSTEE(S) TO THE WESTERN REGIONAL WATER COMMISSION (WRWC) FROM THE TMWA BOARD OF DIRECTORS FOR THE FOLLOWING POSITIONS TO FILL VACANCIES ENDING MARCH 31, 2021 AND FOR NEW TWO YEAR TERMS FROM APRIL 1, 2021 TO MARCH 31, 2023:

A) PURSUANT TO SEC.25(3)(A) OF THE WRWC ACT FROM THE FOLLOWING LIST OF QUALIFIED PERSONS: JENNY BREKHUS AND NEOMA JARDON.

B) PURSUANT TO SEC.25(3)(B) OF THE WRWC ACT FROM THE FOLLOWING LIST OF QUALIFIED PERSONS: PAUL ANDERSON.

C) PURSUANT TO SEC.25(3)(C) OF THE WRWC ACT FROM THE FOLLOWING LIST OF QUALIFIED PERSONS: ALEXIS HILL.

D) PURSUANT TO SEC. 25(4) OF THE WRWC ACT REPRESENTING TMWA AS SUCCESSOR TO SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT (STMGID) FROM THE FOLLOWING LIST OF QUALIFIED PERSONS: JENNY BREKHUS, OSCAR DELGADO, NEOMA JARDON, DEVON REESE, HILLARY SCHIEVE, JEANNE HERMAN, BOB LUCEY, KITTY JUNG, CHARLENE BYBEE, AND ED LAWSON

Member Duerr asked for clarification about members being appointed by their respective agencies. Mr. Zimmerman replied pursuant to the WRWC Act, the TMWA Board gets to appoint a TMWA Board member to represent TMWA on the WRWC from each of the three jurisdictions and the TMWA Board gets to appoint any elected official to the WRWC as a successor to the former STMGID; eligible members must not also be appointed to the WRWC by their representative agencies.

**Upon motion by Member Hartung, second by Member Brekhus, which motion duly carried by unanimous consent of the members present, the Board approved to appoint Jenny Brekhus to the WRWC, pursuant to Sec.25(3)(a) of the WRWC Act, to fill the vacancy ending March 31, 2021 and for a new two-year term from April 1, 2021 to March 31, 2023.**

**Upon motion by Member Dahir, second by Member Hartung, which motion duly carried by unanimous consent of the members present, the Board approved to appoint Paul Anderson to the WRWC, pursuant to Sec.25(3)(b) of the WRWC Act, to fill the vacancy ending March 31, 2021 and for a new two-year term from April 1, 2021 to March 31, 2023.**

**Upon motion by Member Brekhus, second by Member Duerr, which motion duly carried by unanimous consent of the members present, the Board approved to appoint Alexis Hill to the WRWC, pursuant to Sec.25(3)(c) of the WRWC Act, to fill the vacancy ending March 31, 2021 and for a new two-year term from April 1, 2021 to March 31, 2023.**

**Upon motion by Member Hartung, second by Member Hill, which motion duly carried by unanimous consent of the members present, the Board approved to appoint Bob Lucey to the WRWC, pursuant to Sec.25(4) of the WRWC Act, to fill the vacancy ending March 31, 2021 and for a new two-year term from April 1, 2021 to March 31, 2023.**

11. UPDATE ON 2020 INTERIM SESSION AND DISCUSSION AND ACTION ON ESTABLISHING A LEGISLATIVE SUBCOMMITTEE FOR THE 2021 LEGISLATIVE SESSION AND APPOINTMENT OF BOARD MEMBERS TO SUBCOMMITTEE

Mr. Zimmerman updated the Board on the activities that he, Michael Pagni, TMWA General Counsel, and Leo Drozdoff, TMWA Lobbyist, conducted during the 2020 interim session; per Board direction, they took on a more active role and met with legislators (along with the Chair and Vice Chair of the subcommittee) and presented to state regulators. Discussions involved briefing legislators on TMWA's priorities and interest in working with the Nevada Department of Administration to maximize the beneficial use of water from the Marlette Lake water system (TMWA staff received positive feedback and support from legislators); regulations required by AB62 from the 2019 session regarding extensions of time and evidence required to prove beneficial use of water (the State Engineer has introduced updated revisions that are less onerous to TMWA), and staff are preparing written comments due February 12th addressing concerns that the revisions will increase staff time and administrative cost in preparing applications for extensions of time; and AB30, "3M" (monitoring, management and mitigation) plans, failed to pass in 2019 and will not be pursued until AB62 regulations have been finalized.

In preparation for the 2021 Legislative Session that will begin February 1<sup>st</sup>, staff is recommending the Board create a legislative subcommittee to meet on a regular basis to allow staff to provide updates and receive direction that is timely and that the Board appoint members to the TMWA Legislative Subcommittee.

**Upon motion by Member Jardon, second by Member Hill, which motion duly carried by unanimous consent of the members present, the Board approved the appointment of Members Dahir, Hill and Duerr as primary members, and Member Anderson, as the alternate, to the TMWA Legislative Subcommittee.**

12 INFORMATIONAL PRESENTATION ON MANAGEMENT OF TMWA'S WATER RESOURCES, COOPERATION AND INTEGRATION OF REGIONAL WATER RESOURCE MANAGEMENT AND POTENTIAL FUTURE DEVELOPMENT OF ADDITIONAL WATER SUPPLIES

John Enloe, TMWA Director of Natural Resources, and Mr. Zimmerman informed the Board of the ongoing water resource planning efforts and projects, many are highlighted in the 2020-2040 Water Resource Plan (2040WRP). The essence of which was to explain how TMWA considers all factors relating to water rights, surface and groundwater rights, to ensure the most efficient use of Truckee River and groundwater resources. As was stated in the 2040WRP, there are a limited number of Truckee River water rights remaining, 35,000-40,000 AF, and per Board direction, staff is being more aggressive in purchasing large blocks of water rights on the open market. A few other projects to note are: Return Flow Management Agreement, Marlette Lake Memorandum of Understanding, water banking (Advanced Purified Water Aquifer Storage & Recovery), Fish Springs groundwater resources, Spanish Springs Valley temporary moratorium on groundwater rights, and reduced water rights dedication (Rule 7). The briefing provided a foundation of knowledge and understanding to the Board for when staff returns with proposals and recommendations for their consideration at future meetings.

The Board inquired about the prospect of using groundwater rights from golf courses in Spanish Springs, the potential of creating a connection between South Truckee Meadows Water Reclamation Facility (STMWRF) and Truckee Meadows Water Reclamation Facility (TMWRF), the possibility of using Steamboat Ditch water rights to satisfy other obligations (not at this time), TMWA's role in the Steamboat Ditch watershed project (TMWA would be involved because of its water resource management knowledge and expertise), the concept of utilizing Whites creek water and ensuring there's no negative impact downstream (TMWA has a monitoring plan approved by the State Engineer's Office to ensure there is adequate water in Whites creek for environmental purposes that was reviewed and approved by the Nature Conservancy), the opportunity for water banking, Advanced Purified Water projects, and aquifer storage recovery programs to help mitigate the impacts of droughts, whether TROA allowed for the use of Fish Springs resources in the Truckee River Basin (TROA does not apply to the Fish Springs resources), the water quality of Fish Springs resources (very good and consistent with groundwater quality throughout the Truckee Meadows, and as long as TMWRF meets its discharge permit, Fish Springs water can be used anywhere in TMWA's service territory), for staff to consider the enforcement authority regarding landscape provisions under Rule 7, and additional information regarding the Spanish Springs temporary moratorium on groundwater rights be provided to the Board as necessary.

### 13. DISCUSSION AND INFORMATIONAL PRESENTATION IN RESPONSE TO BOARD MEMBER INQUIRIES REGARDING SUSPENSION OF WATER SERVICE FOR WATER WASTE ON PRIVATE LATERALS AND LANDLORD AUTHORITY TO IMPOSE WATER SERVICE SURCHARGE ON TENANT RENT BILLS AND POSSIBLE DIRECTION TO STAFF

Mr. Zimmerman stated that TMWA's Rule 3.D authorizes TMWA to terminate delivery of water already, providing two notices were delivered to the customer prior to termination. Also, Mr. Pagni researched restrictions on landlords and determined there are no Nevada laws prohibiting a landlord from adding a water service surcharge to tenant rent bills.

Chair Hartung cautioned the Board to consider TMWA's liability.

Member Duerr, who asked for staff to review suspension of water service due to water waste, asked staff to be mindful of this and take the opportunity to think about the issue.

Member Brekhus, who asked for staff to review the landlord authority to impose water service surcharge, understood it was a state issue and mentioned it may be an issue for the subcommittee to consider addressing during the legislative session.

**No action taken.**

#### 14. GENERAL MANAGER'S REPORT

Mr. Zimmerman reported that TMWA was nominated by the Nevada Division of Environmental Protection (NDEP) for the American Water Works Association (AWWA) Exemplary Source Water Protection award for our collaboration with state and local agencies on the Integrated Source Water Protection Plan. He acknowledged TMWA's Kara Steeland, Hydrologist, and Christian Kropf, Hydrogeologist, who devoted their time and expertise to the project. Also, OneWater Nevada was chosen as the winner in the category of Community Water Champion award as part of the water reuse associations awards for excellence.

Mr. Enloe added Lydia Peri, TMWA Emerging Resources Program Administrator, received the Water Environment Federation (WEF) 2021 Water Reuse Award for Up and Comer of the Year.

#### 15. PUBLIC COMMENT

There was no public comment.

#### 16. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

Member Brekhus requested an agenda item regarding TMWA's involvement and interest (as a water purveyor, potential water resource and personnel involvement) in the proposed Steamboat Ditch project to be added to the February agenda.

The Chairman stated discussion on the issue should be whether such agenda item should be put on a future agenda item in March for substantive discussion.

Member Hill suggested a written letter by the Board be put on TMWA's website that addresses the Steamboat Ditch project issue.

#### 17. ADJOURNMENT

With no further discussion, Chair Hartung adjourned the meeting at 12:46 p.m.

Approved by the TMWA Board of Directors in session on February 17, 2021.

Sonia Folsom, Board Clerk.