

TRUCKEE MEADOWS WATER AUTHORITY
MINUTES OF THE MAY 18, 2023
MEETING OF THE BOARD OF DIRECTORS

The Board of Directors met on Thursday, May 18, 2023 at Washoe County Commission Chambers. Vice Chair Dahir called the meeting to order at 10:12 a.m.

1. ROLL CALL

Directors Present: Paul Anderson, Jenny Brekhus, Kristopher Dahir, Naomi Duerr, Alexis Hill, and Alternates Mariluz Garcia and Kathleen Taylor.

Director Absent: Clara Andriola and Devon Reese

A quorum was present.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Director Hill.

3. PUBLIC COMMENT

There was no public comment.

4. POSSIBLE BOARD COMMENTS OR ACKNOWLEDGEMENTS

There were no Board comments.

5. APPROVAL OF THE AGENDA

Upon motion by Director Hill, second by Director Anderson, which motion duly carried by unanimous consent of the Directors present, the Board approved the agenda.

6. APPROVAL OF THE MINUTES OF THE APRIL 19, 2023 MEETING

Upon motion by Director Brekhus, second by Director Hill, which motion duly carried by unanimous consent of the Directors present, the Board approved the April 19, 2023 minutes.

7. DISCUSSION AND ACTION, AND POSSIBLE DIRECTION TO STAFF FOR THE RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT (CBA) BETWEEN TMWA AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) LOCAL #1245 FOR THE PERIOD OF JULY 1, 2023 THROUGH JUNE 30, 2027

Andy Gebhardt, TMWA Director of Distribution, presented the staff report and proposed CBA for the period of July 1, 2023 through June 30, 2027. Mr. Gebhardt acknowledged everyone's contribution who worked on drafting the agreement, especially Jordan Grow's, TMWA's HR Analyst, efforts in capturing the discussions throughout the negotiations.

Upon motion by Director Anderson, second by Director Hill, which motion duly carried by unanimous consent of the Directors present, the Board approved the Collective Bargaining Agreement (CBA) between TMWA and the International Brotherhood of Electrical Workers (IBEW) Local #1245 for the period of July 1, 2023 through June 30, 2027.

8. PUBLIC HEARING ON ADOPTION OF BUDGET

A. DISCUSSION, AND ACTION ON REQUEST FOR ADOPTION OF RESOLUTION NO. 316: A RESOLUTION TO ADOPT THE FINAL BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2024 AND THE 2024 – 2028 FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP)

Matt Bowman, TMWA Chief Financial Officer, and Danny Rotter, TMWA Director of Engineering, presented the final FY 2024 Budget and FY 2024 – 2028 five-year CIP.

Director Brekhus congratulated staff on the budget and asked about the narrative for Double Diamond Well #5 due to growth and the upsizing and improvements for fire flows. Mr. Rotter replied the Double Diamond Well #5 is in the CIP because it is part of TMWA's Facility Plan and is a placeholder in case it needs to be built due to development and to meet peak day demand. As for the fire flows projects, there are areas in the service area that have legacy fire flow constraints due to smaller pipes than current standards.

Regarding fire flow constraints, Vice Chair Dahir requested additional information be brought to the Board at a later date.

Director Anderson thanked staff and inquired about the significant reduction of \$87k to Services and Supplies. Mr. Bowman replied that staff scrutinized the budget after the March Board meeting and was able to trim more costs from the budget.

Vice Chair Dahir noted that NV Energy has promised to reduce power costs this summer and inquired how the wet weather has impacted water sales. Mr. Bowman replied they are seeing a later start to the irrigation season and a 1 – 2% decrease in water sales revenues compared to April FY 2022.

Upon motion by Director Brekhus, second by Director Anderson, which motion duly carried by unanimous consent of the Directors present, the Board adopted Resolution No. 316: A resolution to adopt the final budget for the Fiscal Year ending June 30, 2024 and the 2024 – 2028 Five-Year Capital Improvement Plan (CIP).

B. PUBLIC COMMENT — LIMITED TO NO MORE THAN THREE MINUTES PER SPEAKER*

There was no public comment

CLOSE PUBLIC HEARING

9. PRESENTATIONS, INTERVIEWS AND SELECTION OF BOARD GENERAL COUNSEL PER REQUEST FOR PROPOSALS AND QUALIFICATIONS, BOARD COUNSEL

Vice Chair Dahir stated the interviews and selection would be for Board Counsel only, there are four candidates, and each will have 5 minutes for opening statements and 10 minutes for questions (which have been provided as a guideline) and answers.

Director Duerr disclosed that her company has used Parsons, Behle & Latimer (PBL) in the past and may use them again the future for legal services, but there are no lawsuits, contracts or litigation at this time, and she has consulted with Dale Ferguson, TMWA Board Counsel, and there is no reason to recuse herself from the selection process.

John Zimmerman, TMWA General Manager, stated that they randomly selected the order in which the candidates would be interviewed: 1st McDonald Carano, 2nd PBL, 3rd Lipparelli Legal Services, and 4th Fennemore.

Lucas Foletta, representing McDonald Carano, presented his experience and background, having served as Board Counsel, and answered questions posed by Board Members.

Michael Kealy and Justina Caviglia, representing Parsons, Behle & Latimer, presented their experiences and background, and answered questions posed by Board Members.

Vice Chair Dahir called for a recess at 11:25 a.m.

Vice Chair Dahir reconvened at 11:30 a.m., all were present.

Paul Lipparelli, representing Lipparelli Legal Services, presented his experience and background, and answered questions posed by Board Members.

Micheline Fairbank, representing Fennemore, presented her experience and background, and answered questions posed by Board Members.

Mr. Zimmerman requested the Board Members rank their top three candidates on a form provided by the Board Clerk. After reading out and tallying the votes, Mr. Zimmerman said that Parsons, Behle & Latimer ranked first, with Lipparelli Legal Services as second and Fennemore third.

Upon motion by Director Brekhus, second by Director Anderson, which motion duly carried six to one with Director Anderson dissenting, the Board approved staff to negotiate an engagement letter for Board legal representation with Parsons, Behle & Latimer to be signed by the Board Chair. If an engagement letter is not able to be negotiated with the top candidate, then staff should negotiate with Lipparelli Legal Services and then Fennemore until one is negotiated and signed.

Vice Chair Dahir noted the time and suggested not hearing agenda item #11.

Upon motion by Director Hill, second by Director Anderson, which motion duly carried by unanimous consent of the Directors present, the Board approved to remove agenda item #11 from being heard today.

10. REVIEW AND DISCUSSION, AND POSSIBLE DIRECTION TO STAFF OF AMENDMENTS TO BOARD BYLAWS

Director Hill noted she had requested this item and would like to see staff make amendments to the Bylaws to provide guidance as to when the Board elects the Chair and Vice Chair and rotations between jurisdictions and bring it back at the June Board meeting.

Upon motion by Director Duerr, second by Director Hill, which motion duly carried by unanimous consent of the Directors present, the Board approved staff to return an amended Board Bylaws for discussion at the June meeting.

11. DISCUSSION AND POSSIBLE ACTION, AND DIRECTION TO STAFF REGARDING 2023 LEGISLATIVE ACTIVITIES, CURRENT BILLS, AND TMWA RECOMMENDED POSITIONS ON LEGISLATIVE PROPOSALS

This item was not heard.

12. GENERAL MANAGER'S REPORT

Mr. Zimmerman thanked Alternates Garcia and Taylor for attending the Board meeting and TMWA staff for another successful Smart About Water Day.

13. PUBLIC COMMENT

There was no public comment.

14. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

There were no Board comments.

15. ADJOURNMENT

With no further discussion, Vice Chair Dahir adjourned the meeting at 12:47 p.m.

Approved by the TMWA Board of Directors in session on Wednesday, June 21, 2023.

Sonia Folsom, Board Clerk.