



TRUCKEE MEADOWS WATER AUTHORITY
Board of Directors

AGENDA

Wednesday, June 21 2023 at 10:00 a.m.
Sparks Council Chambers, 745 4th Street, Sparks, NV

Board Members

Vice Chair Kristopher Dahir

Paul Anderson

Clara Andriola

Jenny Brekhus

Naomi Duerr

Alexis Hill

Devon Reese

NOTES:

1. The announcement of this meeting has been posted at the following locations: Truckee Meadows Water Authority (1355 Capital Blvd., Reno), Sparks City Hall (431 Prater Way, Sparks), at <http://www.tmwa.com>, and State of Nevada Public Notice Website, <https://notice.nv.gov/>.
2. In accordance with NRS 241.020, this agenda closes three working days prior to the meeting. We are pleased to make reasonable accommodations for persons who are disabled and wish to attend meetings. If you require special arrangements for the meeting, please call (775) 834-8002 at least 24 hours before the meeting date.
3. Staff reports and supporting material for the meeting are available at TMWA and on the TMWA website at <http://www.tmwa.com/meeting/>. Supporting material is made available to the general public in accordance with NRS 241.020(6).
4. The Board may elect to combine agenda items, consider agenda items out of order, remove agenda items, or delay discussion on agenda items. Arrive at the meeting at the posted time to hear item(s) of interest.
5. Asterisks (*) denote non-action items.
6. Public comment is limited to three minutes and is allowed during the public comment periods. The public may sign-up to speak during the public comment period or on a specific agenda item by completing a "Request to Speak" card and submitting it to the clerk. In addition to the public comment periods, the Chairman has the discretion to allow public comment on any agenda item, including any item on which action is to be taken. Public comment may be provided by submitting written comments online on TMWA's Public Comment Form (tmwa.com/PublicComment) or by email sent to boardclerk@tmwa.com prior to the Board opening the public comment period during the meeting. In addition, public comments may be provided by leaving a voicemail at (775)834-0255 prior to 4:00 p.m. the day before the scheduled meeting. Voicemail messages received will be noted during the meeting and summarized for entry into the record. Public comment is limited to three minutes and is allowed during the public comment periods. The Board may elect to receive public comment only during the two public comment periods rather than each action item.
7. In the event the Chairman and Vice-Chairman are absent, the remaining Board members may elect a temporary presiding officer to preside over the meeting until the Chairman or Vice-Chairman are present (**Standing Item of Possible Action**).
8. Notice of possible quorum of Western Regional Water Commission: Because several members of the Truckee Meadows Water Authority Board of Directors are also Trustees of the Western Regional Water Commission, it is possible that a quorum of the Western Regional Water Commission may be present, however, such members will not deliberate or take action at this meeting in their capacity as Trustees of the Western Regional Water Commission.

1. Roll call*
2. Pledge of allegiance*
3. Public comment — limited to no more than three minutes per speaker*
4. Possible Board comments or acknowledgements*

¹The Board may adjourn from the public meeting at any time during the agenda to receive information and conduct labor-oriented discussions in accordance with NRS 288.220 or receive information from legal counsel regarding potential or existing litigation and to deliberate toward a decision on such matters related to litigation or potential litigation.

5. Approval of the agenda **(For Possible Action)**
6. Approval of the minutes of the May 18, 2023 meeting of the TMWA Board of Directors **(For Possible Action)**
7. Recognition and Memoriam of Geno Martini, former Chair of the TMWA Board of Directors — Andy Gebhardt*
8. Presentation by The Nature Conservancy — Kara Steeland and Mauricia Baca, The Nature Conservancy*
9. Discussion and possible approval of changes to TMWA Board Bylaws — John Zimmerman **(For Possible Action)**
10. Discussion and action on nomination and election of Chair and Vice Chair and request for Board adoption of Resolution No. 317 appointing a Chair and Vice Chair for Fiscal Year 2024 — John Zimmerman **(For Possible Action)**
11. Discussion and action confirming General Manager’s Appointment of Peter Pribyl as trustee to fill the remaining term of Richard Merrigan to the §501-c-9 Post-Retirement Medical Plan & Trust ending on December 31, 2024 — Jessica Atkinson **(For Possible Action)**
12. Presentation of results of 2023 legislative activities and bills — Stefanie Morris and Leo Drozdoff*
13. Presentation of Q3 financials for fiscal year 2023 — Matt Bowman*
14. Discussion and possible authorization for General Manager to sign a contract between TMWA and Washoe County regarding public fire hydrant maintenance — Andy Gebhardt **(For Possible Action)**
15. General Manager’s Report*
16. Public comment — limited to no more than three minutes per speaker*
17. Board comments and requests for future agenda items*
18. Adjournment **(For Possible Action)**

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TRUCKEE MEADOWS WATER AUTHORITY
DRAFT 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 _____.

Sonia Folsom, Board Clerk.

DRAFT

Independence Lake Preserve Conservation Update

The mission
of The Nature Conservancy is to
conserve the lands and waters
on which all life depends.

We work to address the most
pressing threats to
conservation
involving climate change,
fresh water, oceans, and
conservation lands
—at the largest scale.



We apply science based approaches.

We pursue non-confrontational, pragmatic solutions





We always work in collaboration.



Conservation update 22/23

February 15, 2023

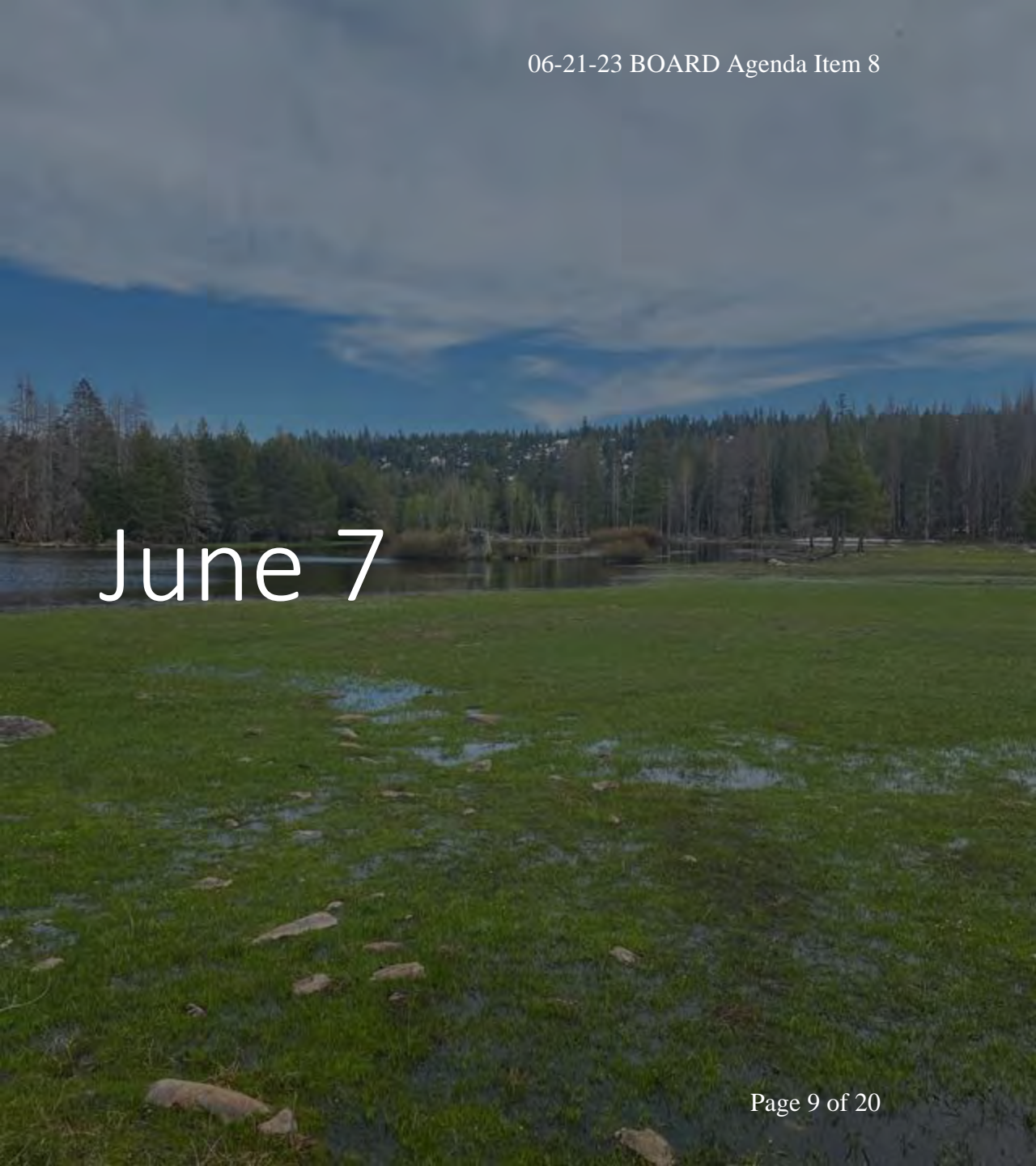


March 13, 2023





May 19



June 7

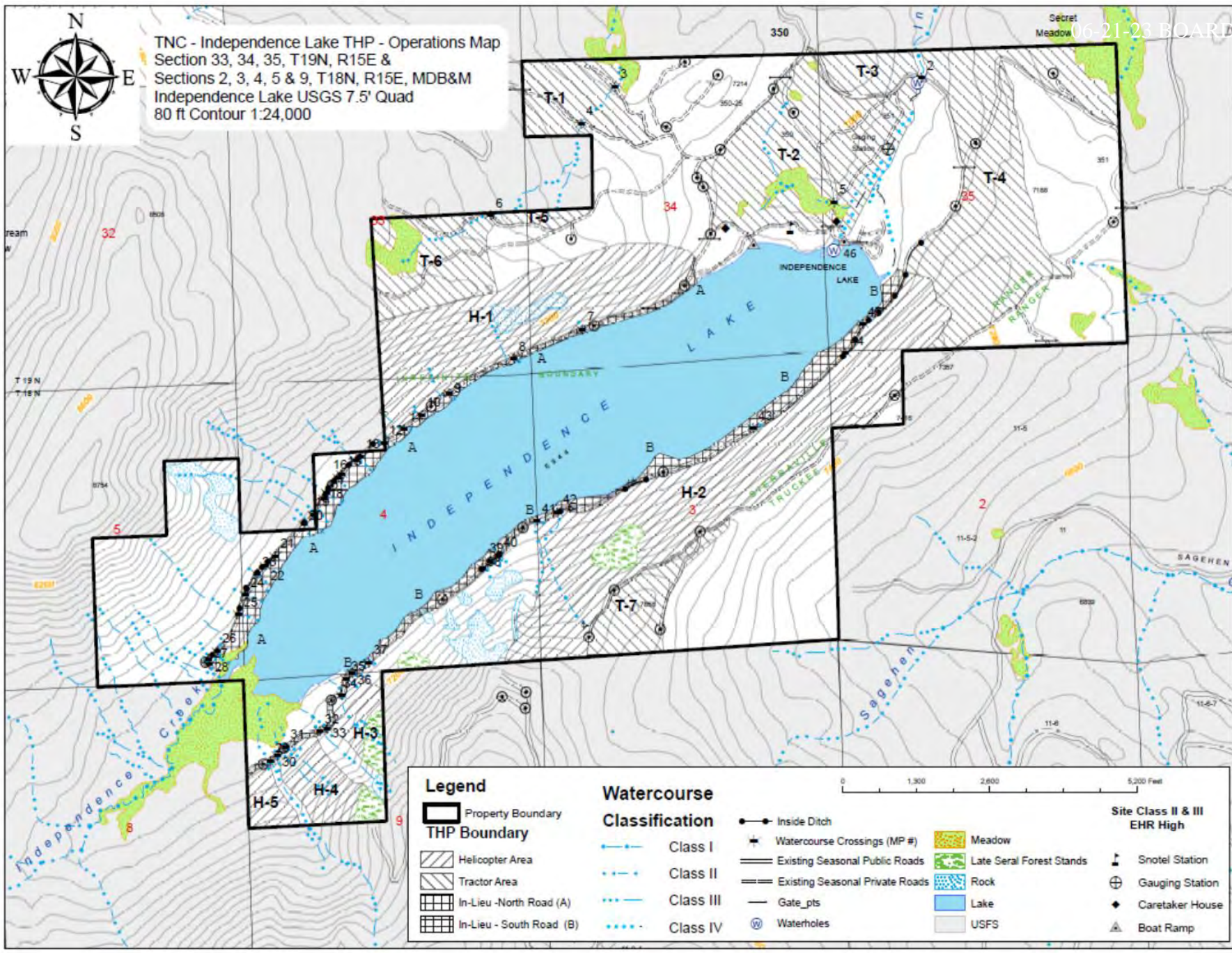
Forest Health and Resilience





Thinning and Prescribed Fire









Lahonatan Cutthroat Trout Restoration

CDFW, TU and TNC staff remove brook trout from upper Independence Creek and Independence Lake (electrofishing) and collect fin clips from any stream resident LCT for genetic testing.

Angling in Lake to catch and remove Kokanee, Brown and Rainbow Trout, LCT are tagged and released.

Weir blocks spawning LCT in upper Independence Creek.

Tagged fish that are re-captured compared to genetic results from previous seasons, hybrids are removed.



2022 Stats

169 fish handled: 55 new tags, 114 recaptures

>15 LCT passed above weir (11 females)

Preliminary results indicate 98% of the LCT in the lake and Creek have pure genetics

E-dna testing ongoing to detect the presence of brook trout in independence creek.

Intensive efforts to control brook trout in both the lake and creek have potentially eliminated this species

Kokanee, Brown Trout, and Rainbow Trout populations controlled.



Core Team:

National Forest Foundation,
TNC, TMWA, Truckee River
Watershed Council, Tahoe
National Forest

Purpose:

- Collaborate to promote healthier, more resilient forests on the Sierraville and Truckee districts of the Tahoe National Forest within the Middle Truckee River watershed
- Identify forest restoration and fuels reduction projects on Forest Service lands within and surrounding the Middle Truckee River watershed
- Coordinate with private landowners and stakeholders to promote collaboration and stewardship



ABOUT US **MTRWFP** CONTACTS
06-21-23 BOARD Agenda Item 8

Middle Truckee River Watershed Forest Partnership

Working together to improve and protect the resilience of the Middle Truckee River Watershed through collaboration and active response. Our initiative is to address forest health, community and ecological needs of the Truckee and Sierraville Districts of the Tahoe National Forest within and surrounding the Middle Truckee River Watershed.

10 Year Goals

- 1 Reduce risk of high-severity wildfire
- 2 Protect communities from wildfire impacts
- 3 Improve and restore forest health and resilience
- 4 Protect and secure water supplies and infrastructure
- 5 Identify and augment resource gaps to achieve implementation

Tahoe National Forest Middle Truckee River Watershed Forest Partnership

06-21-23 BOARD Agenda Item 8

Current Priority Sites
(~15K acres):

Five Creeks, Big Jack East,
Alder 89 WUI, North Alder,
Independence, Ladybug

Upcoming Priority Sites
(~47K acres):

Sardine, Russell Valley, Hobart,
Boca, Alpine Meadows,
Wheeler, Stampede North,
Ladybug 2, Canyons, Hotshot,
Carpenter, Verdi, Painted
Rock, Sagehen 2, Prosser Hill



INITIAL PROJECTS:

- S: Sardine
- WC: Russell Valley
- H: Hobart
- B: Boca
- MA: Alpine Meadows

UPCOMING PROJECTS:

- W: Wheeler
- SN: Stampede North
- LZ: Ladybug 2
- CR: Canyons
- HS: Hotshot
- C: Carpenter
- V: Verdi
- PR: Painted Rock
- SZ: Sagehen 2
- PH: Prosser Hill
- U: Unnamed

PRION PROJECTS:

- LI: Ladybug 1
- I: Independence
- NA: North Alder
- A: Alder 89 WUI
- BJ: Big Jack East
- S: 5 Creeks

Discussion



STAFF REPORT

TO: Board of Directors
FROM: John R. Zimmerman, General Manager
DATE: June 21, 2023
SUBJECT: Discussion and possible approval of changes to TMWA Board Bylaws

SUMMARY

At the May Board meeting, TMWA Board members requested the Bylaws be amended to provide that the chair be elected on a rotating basis among the member entities. Attached is a redlined version of the Bylaws showing the Board's requested changes. Staff also proposes two clean-up changes to make the meeting date, time, and frequency consistent with TMWA's standard practice and to allow a quorum by virtual attendance if the need arises in the future outside of an emergency. Also attached is a non-redlined version of the Bylaws so that the Board can approve them if acceptable and make them effective on adoption. Board counsel has reviewed and approved the changes.

POSSIBLE MOTIONS

Motion to adopt the proposed changes to the Bylaws reflected in the attachments and to make them effective immediately.

Motion to adopt the proposed changes to the Bylaws with the following modifications and to make them effective immediately. The modifications are as follows [**describe modifications**].

**TRUCKEE MEADOWS WATER AUTHORITY
BOARD OF DIRECTORS**

**RULES AND REGULATIONS
Approved on March 16, 2001.**

PREAMBLE:

These rules and regulations are promulgated pursuant to the Cooperative Agreement among the City of Reno, the City of Sparks, and the County of Washoe, Article 18.

SECTION I - MINUTES:

The Board of Directors shall determine its own rules, order of business, and conduct of public meetings, and shall provide for minutes of its proceedings. The General Manager is required to keep accurate minutes, which shall be a public record.

SECTION II - MEETINGS:

Regular Meetings shall be held at least once each month. Regular meetings will normally convene on the ~~second and fourth~~**third** Wednesdays of the month at ~~10~~**9**:00 a.m. in a properly noticed location in accordance with the Open Meeting Law.

Special Meetings may be called by the Chair or the General Manager with at least three days written notice to each member of the Board served personally or left at the member's usual place of residence so long as the legal notice is in accordance with the Open Meeting Law.

Personnel/Labor Relations Sessions may only be held for the purposes allowed by NRS 241.030 (Nevada Open Meeting Law) and NRS 288.220 (Labor Negotiations). Personnel/Labor Relations Sessions are confidential unless the Board of Directors votes in open session to release the information and minutes related to a particular session.

Teleconference Attendance at meetings by Board members will be permitted, without further approval, when a Board member is unable to attend a meeting and desires to participate via the use of teleconferencing. The requesting Board member must give the General Manager or his/her designee adequate notice of his or her desire to participate via teleconferencing to make any technical arrangements necessary. The minutes of the meeting shall clearly set forth which members are present in person and which are present by telephone conference.

SECTION III - AGENDA:

Items scheduled on the regular agenda shall ordinarily be limited to those matters or issues that have been fully evaluated by staff and are in a form suitable for action. Any Board member may request that other matters or issues, including, but not limited to, matters or issues requiring staff research and Water Authority policy evaluation, may be included on the a future regular agenda, but discussion and action concerning any such item shall be limited to whether or not such item

shall be included on an agenda for a future meeting as deemed appropriate by action of the Board of Directors. Except in an emergency as allowed by the Nevada Open Meeting Law, no Board action shall be taken on any item except in a meeting which has been properly noticed in accordance with N.R.S. 241.020 as it may be amended from time to time. If a Board member requests that a matter or issue be placed on a future agenda, and the request is not on the agenda of the meeting in which the request is made and is objected to by another Board member, then the request shall be placed on a future agenda for purposes of action on whether or not the item should thereafter be placed on an agenda for consideration at a subsequent meeting.

Agendas shall use the following order of business:

Roll Call
Pledge of Allegiance
Public Comment
Approval of Agenda
Approval of Minutes
Regular Business Items
Public Comment
Labor Relations Session (when necessary)
Adjournment

The Chair shall determine the order of business at the meeting. The Chair, on his own initiative, or the Board, by majority vote, may consider items out of sequence from the printed agenda. A time certain for particular items may be set by the General Manager at the time the agenda is posted or by request of the General Manager, Chair, or Board members at the beginning of the meeting during the Approval of the Agenda item.

SECTION IV - PRESIDING OFFICER — ELECTION AND DUTIES:

The Board shall elect a Chair and Vice-Chair annually as required by the Cooperative Agreement. The Chair shall be elected annually, but selected on a two-year rotating basis among the three member entities so that a member from each entity has an opportunity to be Chair for two consecutive years. The Chair shall be the presiding officer of the Board of Directors. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Board. The Chair shall state every question coming before the Board, announce the decision of the Board on all subjects, and decide all questions of order. Any decision or ruling of the Chair may be appealed to the full Board of Directors by request of any member. The Chair shall call for roll call to see if the chair is upheld; if the roll call loses, the Chair is reversed.

SECTION V - CALL TO ORDER:

The Chair, or in the Chair's absence the Vice-Chair, shall call the Board to order at the scheduled meeting time. In the absence of the Chair or Vice-Chair, the General Manager shall call the Board to order. A temporary presiding officer shall then be elected by the members of the Board present. When the Chair or Vice-Chair arrives, the temporary presiding officer shall relinquish the chair when the business immediately before the Board is finished.

SECTION VI - ROLL CALL:

Before proceeding with the business of the Board, the General Manager or his/her designee shall call the roll of the members and the names of those present shall be entered in the minutes, with those present via teleconference annotated to that effect and announced to the meeting audience. When, pursuant to the interlocal agreement establishing the Water Authority, an alternate is attending in lieu of a regular member, then the alternate's name shall be entered into the minutes in the same manner as regular members, and the alternate may participate in all actions of the Board in the same manner as regular members. Alternates are encouraged to attend all TMWA Board meetings to keep abreast of the issues.

SECTION VII - QUORUM:

A quorum shall consist of a majority of the members of the Board physically or virtually present at the meeting. ~~To preserve the intent of open public meetings, teleconference attendance shall not be considered in establishing a quorum.~~ No action of the Board shall be valid or binding unless adopted by the affirmative vote of four or more members of the Board or as otherwise provided by law or the Cooperative Agreement. When a Board member will be unable to attend a meeting, it is the Board member's responsibility to notify his/her alternate to attend in his/her place.

SECTION VIII - ORDER OF BUSINESS:

The Chair shall determine the order of business at meetings. The Chair on his/her own initiative, or the Board by majority vote, may consider items out of sequence from the printed agenda. Time certain for particular items may be set at the time the agenda is posted or by request of the General Manager, Chair, or Board members at the beginning of the Board meeting.

Getting the floor - improper references to be avoided: Every Board member desiring to speak shall address the Chair and, upon recognition by the presiding officer, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous languages.

Interruptions: A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, is called to order, the member shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed.

Personal privilege: The right of a Board member to address the Board on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are questions, or where the welfare of the Board is concerned. A Board member may interrupt another speaker if the Chair recognizes the "privilege."

SECTION IX - ADDRESSING THE BOARD:

At the discretion of the Chair, citizens attending the meeting may address the Board at the proper time during the discussion of any agenda item. Petitions, remonstrances, communications, comments or suggestions from citizens which are not related to an item included in the agenda must be heard under Public Comment.

Each person desiring to address the Board shall submit an attendance card. Each person addressing the Board shall read his or her name and the city or county of his or her residence into the public record. Oral presentations given during the Public Comment section of the agenda or for any agenda item shall not be repetitious and shall be confined to three minutes maximum duration, unless the Chair or the Board grants additional time. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked of a Board member except through the presiding officer. No action shall be taken on issues raised under the Public Comment section of the agenda.

After a motion is made, no person shall address the Board without first securing the permission of the full Board to do so.

SECTION X - DECORUM:

By Board Members: While the Board is in session, the members must preserve order and decorum. A member shall neither by conversation or otherwise delay nor interrupt the proceedings or the peace of the Board nor disturb any member while speaking nor refuse to obey the orders of the Board or its presiding officer, except as otherwise herein provided.

By Persons: Pursuant to NRS 241.030 (3)(b), any person making personal, impertinent, or slanderous remarks which disrupt the meeting, or who becomes boisterous while addressing the Board, or who interferes with the order of business before the Board, and who fails, upon request of the presiding officer to cease such activity, shall be barred from further audience before the Board at that meeting, unless permission to continue is granted by a majority vote of the Board.

Enforcement of Decorum: The General Manager or the General Manager's designee(s) shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at Board meetings. Upon instructions of the presiding officer, it shall be the duty of the General Manager or the General Manager's designee(s) to remove any person who violates the order and decorum of the meeting.

SECTION XI - VOTING:

Roll Call: A roll call vote must be taken upon the request of any member.

Roll call votes shall be taken by the General Manager or his/her designee. The General Manager or his/her designee shall endeavor to rotate the order of calling on Board Members on a roll call vote except that the Chair shall always vote last on a roll call vote. It shall not be in order for members to explain their vote during the roll call.

Precedence of Motions: When a motion is before the Board, no motion shall be entertained except (1) to limit comment, (2) to adjourn, (3) to fix hour of adjournment, (4) to lay the motion on the table, (5) to call for the previous question, (6) to continue to a certain day, (7) to refer, (8) to amend, (9) to postpone indefinitely, or (10) to divide the question. These motions shall have precedence in the order indicated.

Amendments: No more than one amendment to an amendment is permitted. When an amendment is before the Board, the Board shall vote first on the amendment. After the amendment has passed or failed, the Board shall vote on the main motion.

Motion to Table: The purpose of this motion is to temporarily by-pass the subject. A motion to lay the matter on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be "taken from the table" at any time prior to the end of the next regular meeting. A matter taken from the table cannot be acted upon if it does not appear on the published agenda.

Motion to Continue: The purpose of this motion is to delay consideration of a subject until a future time. A motion to continue shall include the specific date when the subject shall again be considered.

Motion for Previous Question: The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if the motion passes, then the Board shall vote on the main motion.

Division of Question: If the question contains two or more divisible propositions, the Chair may, or upon successful motion of the Board, shall divide the same.

Withdrawal of Motion: When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.

Conflict of Interest: Board members shall abide by the provisions of NRS 281.411 et, seq. relating to Ethics in Government.

Board Member Required to Vote: Board members are required to vote on all issues placed before them unless prohibited by the Code of Ethical Standards in NRS 281.481 et. seq.; or, if a Board member was absent from a meeting, he or she may abstain from voting on the minutes of that meeting. The presiding officer shall elicit a voice vote from teleconferencing board members.

Recording Votes: The minutes of the proceedings of the Board shall record each individual Board member's vote on all agenda items.

Affirmative Motion: An affirmative motion which fails to carry shall not be considered a denial and shall require a motion for denial.

Negative Motion: A negative motion which fails to carry is not tantamount to approval and shall require the passage of an affirmative motion before approval.

Motion to Reconsider: A motion for reconsideration of any matter or a request to have a matter placed on a subsequent agenda may be made at any time during the meeting when the matter was voted upon or during the next regularly scheduled meeting by a Board member voting on a prevailing side of the matter or motion to be reconsidered. A question failing by virtue of tie vote may be reconsidered by motion of any member of the Board, which motion may be made at any time. A majority vote in favor of reconsidering the vote on a subject or motion shall automatically cancel the previous vote on that subject or motion and reopen the subject or motion for discussion and another vote. The procedures of regular business shall be in order. When a Board member voting on the prevailing side requests the General Manager to place a time for reconsideration on the subsequent agenda, that Board member should specify his/her intent as to when the item itself should be heard if the Board approves the request to reconsider it.

SECTION XII - COMMITTEES

When the Board determines that a citizen's committee is needed, the following procedure shall be used:

- a) The Board member proposing the creation of the citizen's committee will submit information defining the purpose, duties and objectives of the committee and whether it is to be an ad hoc or continuing committee to the General Manager for placement on an agenda for Board discussion. If proposed as an ad hoc committee, the Board action shall specify when the committee's work is to begin and to conclude.
- b) The Board shall approve or reject the request. If the Board approves the request, it shall be referred to staff for the drafting of the appropriate resolution.
- c) Once a citizen's committee is approved, the General Manager shall cause to be published a notice soliciting interested and qualified volunteers to file application for appointment. The following information is to be contained in the notice: the purpose and duties of the committee and the requirement to comply with the open meeting law and the ethics law.
- d) The Board may interview all applicants or may pre-screen applicants for interviews if it so chooses.
- e) Terms of appointment to any citizens' committee shall not exceed three years. No person shall be appointed to serve more than two consecutive terms. An individual who fills an unexpired term with 3/4 of that term remaining shall be considered to be serving a full term. A third term may be considered if there are no other qualified applicants.
- f) Criteria Which May Be Used for Appointment to Committees:

- o Competence
- o Representative of community as a group - points of view, different areas, different aspects of the community, different backgrounds, experts and generalists, etc.
- o Balance among jurisdictions.

The following criteria may be used for re-appointment to or removal from committees:

- o Conflicts of interest
- o Attendance at Meetings
- o Participation during Meetings
- o Preparation for Meetings
- o Support of community vision/values
- o Respect for staff/public

The Board may remove a member of a committee pursuant to the following procedure:

- At the request of any Board member, the Board may direct written notice to be provided to a committee member being considered for removal.
- Such written notice will be delivered personally to that member at least 5 working days before the meeting, or sent by certified mail not less than 21 working days in advance of the meeting at which the removal will be considered.
- Such written notice will set forth the reasons for the proposed removal in sufficient detail to enable the committee member to respond at the meeting.

The Board may close the meeting in accordance with the provisions of the Open Meeting Law, Chapter 241 of the Nevada Revised Statutes, to discuss the character, alleged misconduct, professional competence, or physical or mental health of a person.

The member of the committee who is the subject of the proposed removal shall be given the opportunity to present information to the Board on the issue of removal.

SECTION XIII - AUTHORITY OF THE GENERAL MANAGER

The General Manager is the chief executive and administrative officer of the Truckee Meadows Water Authority. He or she is responsible to the Board for the proper administration of all Authority business. The General Manager shall appoint all employees of the Authority and, subject to the requirements of applicable law, may remove any employee, when justified, without authorization from the Board.

SECTION XIV - USES OF STAFF

Board members should always feel free to go to the General Manager. The Board will provide ongoing feedback, information and perceptions to the General Manager. When a Board member has a concern with a staff member, the concerns should be discussed with the General Manager.

Board members will not request from the General Manager any staff project that entails over two hours of staff work without seeking approval of the full Board. This rule pertains only to individual research requests by an individual Board member.

Board members should direct requests for information to the General Manager and not to individual staff members.

This Section is not intended to authorize, and does not authorize any Board member, to seek or take action on any matter or issue within the jurisdiction of the Board, including, but not limited to the appointment, suspension, or removal of the General Manager or any TMWA employee or contractor. Action on such matters or issues may only be taken by the Board in a properly noticed public meeting in full compliance with the Nevada Open Meeting Law.

SECTION XV - RULES OF ORDER

"Roberts Rules of Order Newly Revised" shall govern the proceedings of the Board in all cases, provided they are not in conflict with these rules.

SECTION XVI – MEDIA COMMUNICATIONS

Board member to media communications: Board members speaking to the media will clearly indicate whether comments that they are expressing are the official position of the TMWA Board of Directors or represent their own personal views.

**TRUCKEE MEADOWS WATER AUTHORITY
BOARD OF DIRECTORS**

**RULES AND REGULATIONS
Approved on March 16, 2001.**

PREAMBLE:

These rules and regulations are promulgated pursuant to the Cooperative Agreement among the City of Reno, the City of Sparks, and the County of Washoe, Article 18.

SECTION I - MINUTES:

The Board of Directors shall determine its own rules, order of business, and conduct of public meetings, and shall provide for minutes of its proceedings. The General Manager is required to keep accurate minutes, which shall be a public record.

SECTION II - MEETINGS:

Regular Meetings shall be held at least once each month. Regular meetings will normally convene on the third Wednesdays of the month at 10:00 a.m. in a properly noticed location in accordance with the Open Meeting Law.

Special Meetings may be called by the Chair or the General Manager with at least three days written notice to each member of the Board served personally or left at the member's usual place of residence so long as the legal notice is in accordance with the Open Meeting Law.

Personnel/Labor Relations Sessions may only be held for the purposes allowed by NRS 241.030 (Nevada Open Meeting Law) and NRS 288.220 (Labor Negotiations). Personnel/Labor Relations Sessions are confidential unless the Board of Directors votes in open session to release the information and minutes related to a particular session.

Teleconference Attendance at meetings by Board members will be permitted, without further approval, when a Board member is unable to attend a meeting and desires to participate via the use of teleconferencing. The requesting Board member must give the General Manager or his/her designee adequate notice of his or her desire to participate via teleconferencing to make any technical arrangements necessary. The minutes of the meeting shall clearly set forth which members are present in person and which are present by telephone conference.

SECTION III - AGENDA:

Items scheduled on the regular agenda shall ordinarily be limited to those matters or issues that have been fully evaluated by staff and are in a form suitable for action. Any Board member may request that other matters or issues, including, but not limited to, matters or issues requiring staff research and Water Authority policy evaluation, may be included on the a future regular agenda, but discussion and action concerning any such item shall be limited to whether or not such item

shall be included on an agenda for a future meeting as deemed appropriate by action of the Board of Directors. Except in an emergency as allowed by the Nevada Open Meeting Law, no Board action shall be taken on any item except in a meeting which has been properly noticed in accordance with N.R.S. 241.020 as it may be amended from time to time. If a Board member requests that a matter or issue be placed on a future agenda, and the request is not on the agenda of the meeting in which the request is made and is objected to by another Board member, then the request shall be placed on a future agenda for purposes of action on whether or not the item should thereafter be placed on an agenda for consideration at a subsequent meeting.

Agendas shall use the following order of business:

Roll Call
Pledge of Allegiance
Public Comment
Approval of Agenda
Approval of Minutes
Regular Business Items
Public Comment
Labor Relations Session (when necessary)
Adjournment

The Chair shall determine the order of business at the meeting. The Chair, on his own initiative, or the Board, by majority vote, may consider items out of sequence from the printed agenda. A time certain for particular items may be set by the General Manager at the time the agenda is posted or by request of the General Manager, Chair, or Board members at the beginning of the meeting during the Approval of the Agenda item.

SECTION IV - PRESIDING OFFICER – ELECTION AND DUTIES:

The Board shall elect a Chair and Vice-Chair annually as required by the Cooperative Agreement. The Chair shall be elected annually, but selected on a two-year rotating basis among the three member entities so that a member from each entity has an opportunity to be Chair for two consecutive years. The Chair shall be the presiding officer of the Board of Directors. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Board. The Chair shall state every question coming before the Board, announce the decision of the Board on all subjects, and decide all questions of order. Any decision or ruling of the Chair may be appealed to the full Board of Directors by request of any member. The Chair shall call for roll call to see if the chair is upheld; if the roll call loses, the Chair is reversed.

SECTION V - CALL TO ORDER:

The Chair, or in the Chair's absence the Vice-Chair, shall call the Board to order at the scheduled meeting time. In the absence of the Chair or Vice-Chair, the General Manager shall call the Board to order. A temporary presiding officer shall then be elected by the members of the Board present. When the Chair or Vice-Chair arrives, the temporary presiding officer shall relinquish the chair when the business immediately before the Board is finished.

SECTION VI - ROLL CALL:

Before proceeding with the business of the Board, the General Manager or his/her designee shall call the roll of the members and the names of those present shall be entered in the minutes, with those present via teleconference annotated to that effect and announced to the meeting audience. When, pursuant to the interlocal agreement establishing the Water Authority, an alternate is attending in lieu of a regular member, then the alternate's name shall be entered into the minutes in the same manner as regular members, and the alternate may participate in all actions of the Board in the same manner as regular members. Alternates are encouraged to attend all TMWA Board meetings to keep abreast of the issues.

SECTION VII - QUORUM:

A quorum shall consist of a majority of the members of the Board physically or virtually present at the meeting. No action of the Board shall be valid or binding unless adopted by the affirmative vote of four or more members of the Board or as otherwise provided by law or the Cooperative Agreement. When a Board member will be unable to attend a meeting, it is the Board member's responsibility to notify his/her alternate to attend in his/her place.

SECTION VIII - ORDER OF BUSINESS:

The Chair shall determine the order of business at meetings. The Chair on his/her own initiative, or the Board by majority vote, may consider items out of sequence from the printed agenda. Time certain for particular items may be set at the time the agenda is posted or by request of the General Manager, Chair, or Board members at the beginning of the Board meeting.

Getting the floor - improper references to be avoided: Every Board member desiring to speak shall address the Chair and, upon recognition by the presiding officer, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous languages.

Interruptions: A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, is called to order, the member shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed.

Personal privilege: The right of a Board member to address the Board on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are questions, or where the welfare of the Board is concerned. A Board member may interrupt another speaker if the Chair recognizes the "privilege."

SECTION IX - ADDRESSING THE BOARD:

At the discretion of the Chair, citizens attending the meeting may address the Board at the proper time during the discussion of any agenda item. Petitions, remonstrances, communications, comments or suggestions from citizens which are not related to an item included in the agenda must be heard under Public Comment.

Each person desiring to address the Board shall submit an attendance card. Each person addressing the Board shall read his or her name and the city or county of his or her residence into the public record. Oral presentations given during the Public Comment section of the agenda or for any agenda item shall not be repetitious and shall be confined to three minutes maximum duration, unless the Chair or the Board grants additional time. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked of a Board member except through the presiding officer. No action shall be taken on issues raised under the Public Comment section of the agenda.

After a motion is made, no person shall address the Board without first securing the permission of the full Board to do so.

SECTION X - DECORUM:

By Board Members: While the Board is in session, the members must preserve order and decorum. A member shall neither by conversation or otherwise delay nor interrupt the proceedings or the peace of the Board nor disturb any member while speaking nor refuse to obey the orders of the Board or its presiding officer, except as otherwise herein provided.

By Persons: Pursuant to NRS 241.030 (3)(b), any person making personal, impertinent, or slanderous remarks which disrupt the meeting, or who becomes boisterous while addressing the Board, or who interferes with the order of business before the Board, and who fails, upon request of the presiding officer to cease such activity, shall be barred from further audience before the Board at that meeting, unless permission to continue is granted by a majority vote of the Board.

Enforcement of Decorum: The General Manager or the General Manager's designee(s) shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at Board meetings. Upon instructions of the presiding officer, it shall be the duty of the General Manager or the General Manager's designee(s) to remove any person who violates the order and decorum of the meeting.

SECTION XI - VOTING:

Roll Call: A roll call vote must be taken upon the request of any member. Roll call votes shall be taken by the General Manager or his/her designee. The General Manager or his/her designee shall endeavor to rotate the order of calling on Board Members on a roll call vote except that the Chair shall always vote last on a roll call vote. It shall not be in order for members to explain their vote during the roll call.

Precedence of Motions: When a motion is before the Board, no motion shall be entertained except (1) to limit comment, (2) to adjourn, (3) to fix hour of adjournment, (4) to lay the motion on the table, (5) to call for the previous question, (6) to continue to a certain day, (7) to refer, (8) to amend, (9) to postpone indefinitely, or (10) to divide the question. These motions shall have precedence in the order indicated.

Amendments: No more than one amendment to an amendment is permitted. When an amendment is before the Board, the Board shall vote first on the amendment. After the amendment has passed or failed, the Board shall vote on the main motion.

Motion to Table: The purpose of this motion is to temporarily by-pass the subject. A motion to lay the matter on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be "taken from the table" at any time prior to the end of the next regular meeting. A matter taken from the table cannot be acted upon if it does not appear on the published agenda.

Motion to Continue: The purpose of this motion is to delay consideration of a subject until a future time. A motion to continue shall include the specific date when the subject shall again be considered.

Motion for Previous Question: The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if the motion passes, then the Board shall vote on the main motion.

Division of Question: If the question contains two or more divisible propositions, the Chair may, or upon successful motion of the Board, shall divide the same.

Withdrawal of Motion: When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.

Conflict of Interest: Board members shall abide by the provisions of NRS 281.411 et, seq. relating to Ethics in Government.

Board Member Required to Vote: Board members are required to vote on all issues placed before them unless prohibited by the Code of Ethical Standards in NRS 281.481 et. seq.; or, if a Board member was absent from a meeting, he or she may abstain from voting on the minutes of that meeting. The presiding officer shall elicit a voice vote from teleconferencing board members.

Recording Votes: The minutes of the proceedings of the Board shall record each individual Board member's vote on all agenda items.

Affirmative Motion: An affirmative motion which fails to carry shall not be considered a denial and shall require a motion for denial.

Negative Motion: A negative motion which fails to carry is not tantamount to approval and shall require the passage of an affirmative motion before approval.

Motion to Reconsider: A motion for reconsideration of any matter or a request to have a matter placed on a subsequent agenda may be made at any time during the meeting when the matter was voted upon or during the next regularly scheduled meeting by a Board member voting on a prevailing side of the matter or motion to be reconsidered. A question failing by virtue of tie vote may be reconsidered by motion of any member of the Board, which motion may be made at any time. A majority vote in favor of reconsidering the vote on a subject or motion shall automatically cancel the previous vote on that subject or motion and reopen the subject or motion for discussion and another vote. The procedures of regular business shall be in order. When a Board member voting on the prevailing side requests the General Manager to place a time for reconsideration on the subsequent agenda, that Board member should specify his/her intent as to when the item itself should be heard if the Board approves the request to reconsider it.

SECTION XII - COMMITTEES

When the Board determines that a citizen's committee is needed, the following procedure shall be used:

- a) The Board member proposing the creation of the citizen's committee will submit information defining the purpose, duties and objectives of the committee and whether it is to be an ad hoc or continuing committee to the General Manager for placement on an agenda for Board discussion. If proposed as an ad hoc committee, the Board action shall specify when the committee's work is to begin and to conclude.
- b) The Board shall approve or reject the request. If the Board approves the request, it shall be referred to staff for the drafting of the appropriate resolution.
- c) Once a citizen's committee is approved, the General Manager shall cause to be published a notice soliciting interested and qualified volunteers to file application for appointment. The following information is to be contained in the notice: the purpose and duties of the committee and the requirement to comply with the open meeting law and the ethics law.
- d) The Board may interview all applicants or may pre-screen applicants for interviews if it so chooses.
- e) Terms of appointment to any citizens' committee shall not exceed three years. No person shall be appointed to serve more than two consecutive terms. An individual who fills an unexpired term with 3/4 of that term remaining shall be considered to be serving a full term. A third term may be considered if there are no other qualified applicants.
- f) Criteria Which May Be Used for Appointment to Committees:

- o Competence
- o Representative of community as a group - points of view, different areas, different aspects of the community, different backgrounds, experts and generalists, etc.
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The following criteria may be used for re-appointment to or removal from committees:

- o Conflicts of interest
- o Attendance at Meetings
- o Participation during Meetings
- o Preparation for Meetings
- o Support of community vision/values
- o Respect for staff/public

The Board may remove a member of a committee pursuant to the following procedure:

- At the request of any Board member, the Board may direct written notice to be provided to a committee member being considered for removal.
- Such written notice will be delivered personally to that member at least 5 working days before the meeting, or sent by certified mail not less than 21 working days in advance of the meeting at which the removal will be considered.
- Such written notice will set forth the reasons for the proposed removal in sufficient detail to enable the committee member to respond at the meeting.

The Board may close the meeting in accordance with the provisions of the Open Meeting Law, Chapter 241 of the Nevada Revised Statutes, to discuss the character, alleged misconduct, professional competence, or physical or mental health of a person.

The member of the committee who is the subject of the proposed removal shall be given the opportunity to present information to the Board on the issue of removal.

SECTION XIII - AUTHORITY OF THE GENERAL MANAGER

The General Manager is the chief executive and administrative officer of the Truckee Meadows Water Authority. He or she is responsible to the Board for the proper administration of all Authority business. The General Manager shall appoint all employees of the Authority and, subject to the requirements of applicable law, may remove any employee, when justified, without authorization from the Board.

SECTION XIV - USES OF STAFF

Board members should always feel free to go to the General Manager. The Board will provide ongoing feedback, information and perceptions to the General Manager. When a Board member has a concern with a staff member, the concerns should be discussed with the General Manager.

Board members will not request from the General Manager any staff project that entails over two hours of staff work without seeking approval of the full Board. This rule pertains only to individual research requests by an individual Board member.

Board members should direct requests for information to the General Manager and not to individual staff members.

This Section is not intended to authorize, and does not authorize any Board member, to seek or take action on any matter or issue within the jurisdiction of the Board, including, but not limited to the appointment, suspension, or removal of the General Manager or any TMWA employee or contractor. Action on such matters or issues may only be taken by the Board in a properly noticed public meeting in full compliance with the Nevada Open Meeting Law.

SECTION XV - RULES OF ORDER

"Roberts Rules of Order Newly Revised" shall govern the proceedings of the Board in all cases, provided they are not in conflict with these rules.

SECTION XVI – MEDIA COMMUNICATIONS

Board member to media communications: Board members speaking to the media will clearly indicate whether comments that they are expressing are the official position of the TMWA Board of Directors or represent their own personal views.



TO: Board of Directors
FROM: John R. Zimmerman, TMWA General Manager
DATE: June 14, 2023
SUBJECT: **Discussion and action on nomination and election of Chair and Vice Chair of TMWA Board of Directors and request for Board adoption of Resolution No. 317 appointing a Chair and Vice Chair for Fiscal Year 2024**

The Cooperative Agreement forming TMWA requires the Board to appoint a Chair and Vice Chair to serve one year terms coinciding with the fiscal year. Said appointments would take effect July 1, 2023 and continue through June 30, 2024.

TRUCKEE MEADOWS WATER AUTHORITY

RESOLUTION NO. 317

A RESOLUTION TO APPOINT OFFICERS

WHEREAS, pursuant to the Truckee Meadows Water Authority Cooperative Agreement among the City of Reno, City of Sparks, and County of Washoe, the Board of Directors is required to appoint a chair and a vice chair from its membership; and

WHEREAS, the officers appointed are to hold office for a period of one year commencing the first day of each fiscal year; and

WHEREAS, the last day of the current fiscal year is June 30, 2023, and the terms of the current officers will expire as of that date,

NOW, THEREFORE, BE IT RESOLVED that the Board hereby appoints:

_____ to serve as its chair for the fiscal year beginning July 1, 2023.

Upon motion of _____, second by _____, the foregoing Resolution was passed and adopted June 21, 2023, by the following vote of the Board:

Ayes: _____
Nays: _____
Abstain: _____
Absent: _____

and

_____ to serve as its vice-chair for the fiscal year beginning July 1, 2023.

Upon motion of _____, second by _____, the foregoing Resolution was passed and adopted June 21, 2023 by the following vote of the Board:

Ayes: _____
Nays: _____
Abstain: _____
Absent: _____

Approved June 21, 2023

Chair
Truckee Meadows Water Authority



STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Jessica Atkinson, HR Director
DATE: June 21, 2023
SUBJECT: **Discussion and action confirming General Manager’s Appointment of Peter Pribyl as a trustee to fill the remaining term of Richard Merrigan to the §501-c-9 Post-Retirement Medical Plan & Trust ending on December 31, 2024**

Recommendation

Staff recommends that the Board of Directors confirm the General Manager’s appointment of Inspector, Peter Pribyl as a trustee to the §501-c-9 TMWA Post-Retirement Medical Plan and Trust through December 31, 2024.

Summary

- One of the two trustees appointed by TMWA at the direction of IBEW Local 1245 has accepted a position in a non-bargaining unit position and is therefore not eligible to continue as a bargaining unit trustee.
- IBEW Local 1245 has directed TMWA to appoint Peter Pribyl to fill this vacancy.
- The General Manager has appointed Peter Pribyl as a trustee to the §501-c-9 TMWA Post-Retirement Medical Plan and Trust through December 31, 2024.
- Trust provisions required a final confirmation of trustee appointments by the Board.

Discussion

The §501-c-9 Trust document approved by the Board of Directors requires the Employer to appoint four individuals to serve as Trustees (two from the MPAT classification one of whom must be the Chief Financial Officer and two from IBEW). The two Trustees who are appointed from TMWA management are to be appointed by the Employer at the direction of the General Manager and the two Trustees who are appointed from IBEW are to be appointed by the Employer at the direction of IBEW Local 1245.

A vacancy exists due to the transfer of trustee Richard Merrigan. Peter Pribyl was appointed as his replacement through the remainder of Mr. Merrigan’s two-year term ending on December 31, 2024. Mr. Pribyl’s appointment has been made by the General Manager at the direction of IBEW consistent with Trust provisions, pending final confirmation by the Board.



STAFF REPORT

TO: Chairman and Board Members
THRU: John R. Zimmerman, General Manager
FROM: Stefanie Morris
DATE: June 15, 2023
SUBJECT: **Presentation of results of 2023 legislative activities and bills**

The 2023 Legislative Session ended on June 5th. Since the end of session, there have been two special sessions. The first special session was related to the capital improvement project program, which was completed. The second special session was related to the Oakland A's, which passed both houses on June 14th and then the session was completed. Attached are the bills TMWA was monitoring that have passed. Bills listed with the status of "Governor" are still subject to a possible veto. Staff and TMWA lobbyist Leo Drozdoff will update the Board regarding the more significant bills at the meeting.

Truckee Meadows Water Authority - Legislation Tracker						
Bill	Description	Sponsor(s)	Status	Past Meetings	Past Action	Leg. Subcommittee Recommendations
AB19	Revises provisions relating to water. (BDR 48-233)	Committee on Natural Resources	Secretary of State	Senate Committee on Natural Resources 5/9/2023 3:30 PM	Do pass	Watch
AB20	Revises provisions relating to water. (BDR 40-227)	Committee on Natural Resources	Secretary of State	Senate Committee on Natural Resources 5/18/2023 3:30 PM	Do pass	Support
AB27	Revises provisions relating to contractors who provide management and counseling services on construction projects. (BDR 54-269)	Committee on Commerce and Labor	Secretary of State	Senate Committee on Commerce and Labor 5/8/2023 8:00 AM	Do pass	Watch
AB34	Revises provisions relating to water. (BDR 48-235)	Committee on Natural Resources	Secretary of State	Senate Committee on Natural Resources 5/18/2023 3:30 PM	Amend, and do pass as amended	Watch
AB52	Makes various changes to the Open Meeting Law. (BDR 19-416)	Committee on Government Affairs	Secretary of State	Senate Committee on Government Affairs 5/19/2023 Upon Call of Chair	Amend, and do pass as amended	Watch
AB91	Revises provisions governing water. (BDR 48-696)	DeLong	Secretary of State	Senate Committee on Natural Resources 5/18/2023 3:30 PM	Do pass	Watch
AB98	Revises provisions governing economic development. (BDR 18-760)	Nguyen	Secretary of State	Senate Committee on Revenue and Economic Development 5/18/2023 1:00 PM	Do pass	Watch
AB139	Revises provisions governing certain demographic information collected by governmental agencies. (BDR 19-122)	Assemblymen Brittney Miller, D'Silva, González, Mosca, Nguyen and Torres; Senator Nguyen	Governor	Senate Committee on Finance (Floor Meeting) 6/4/2023 10:45 PM	Do pass	Watch
AB140	Makes Juneteenth Day a legal holiday in this State. (BDR 19-63)	Assemblymen Thomas, Cameron Miller, Monroe-Moreno, Marzola, Torres, Anderson, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, González, Gorelow, Jauregui, Kasama, Koenig, La Rue Hatch, Brittney Miller, Mosca, Newby, Nguyen, Orentlicher, Peters, Summers-Armstrong, Taylor, Watts and Yeager; Senators Spearman, Neal, Krasner, Cannizzaro, Nguyen and Lange	Secretary of State	Senate Committee on Government Affairs 6/2/2023 Upon Call of Chair	Do pass	Watch
AB163	Revises provisions governing employment. (BDR 53-834)	Assemblymen González, Considine, Thomas, Anderson, Brown-May, Dickman, Duran, Gray, Hardy, La Rue Hatch, Newby, Nguyen, O'Neill, Orentlicher and Watts; Senators Spearman, Neal, Harris, Lange, Ohrenschall and Scheible	Secretary of State	Senate Committee on Commerce and Labor 5/8/2023 8:00 AM	Amend, and do pass as amended	Watch
AB172	Revises provisions governing collective bargaining for certain public employees. (BDR 23-700)	Assemblymen Anderson, Duran, Carter, Considine and Thomas; Senator Daly	Governor	Senate Committee on Government Affairs 5/19/2023 Upon Call of Chair	Amend, and do pass as amended	Watch
AB177	Revises provisions governing parcel datasets. (BDR 20-715)	Gurr, DeLong, Dickman, Gallant, Gray, Hibbetts, Kasama, McArthur and O'Neill	Secretary of State	Senate Committee on Government Affairs 5/19/2023 Upon Call of Chair	Do pass	Watch
AB191	Revises provisions relating to water conservation. (BDR 48-697)	DeLong, Dickman, Gallant and Gurr	Secretary of State	Senate Committee on Natural Resources 5/18/2023 3:30 PM	Amend, and do pass as amended	Watch

Truckee Meadows Water Authority - Legislation Tracker

Bill	Description	Sponsor(s)	Status	Past Meetings	Past Action	Leg. Subcommittee Recommendations
AB210	Revises provisions governing public works. (BDR 28-832)	Duran, Torres, González, Carter, Gorelow, La Rue Hatch, Marzola, Newby, Nguyen and Thomas	Secretary of State	Senate Committee on Government Affairs 5/17/2023 Upon Call of Chair	Amend, and do pass as amended	Watch
AB213	Revises provisions governing residential zoning. (BDR 22-250)	Jauregui	Secretary of State	Senate Committee on Government Affairs 5/19/2023 Upon Call of Chair	Amend, and do pass as amended	Watch
AB219	Makes various changes to the Open Meeting Law. (BDR 19-781)	Considine	Secretary of State	Senate Committee on Government Affairs 5/17/2023 Upon Call of Chair	Do pass	Watch
AB220	Revises provisions relating to water conservation. (BDR 40-337)	Committee on Natural Resources	Secretary of State	Senate Committee on Natural Resources 5/18/2023 3:30 PM	Amend, and do pass as amended	Watch
AB235	Revises provisions governing public works projects. (BDR 28-176)	Monroe-Moreno	Chief Clerk's Desk	Senate Committee on Government Affairs 5/19/2023 Upon Call of Chair	Do pass	Watch
AB261	Revises provisions relating to water. (BDR 18-470)	Committee on Natural Resources	Governor	Senate Committee on Finance 6/4/2023 8:00 AM	Do pass	Support
AB305	Revises provisions governing public works. (BDR 28-112)	Monroe-Moreno, Considine and Thomas	Governor	Senate Committee on Government Affairs 5/19/2023 Upon Call of Chair	Amend, and do pass as amended	Watch
AB391	Revises provisions governing public works. (BDR 28-1031)	Committee on Government Affairs	Governor	Assembly Committee on Government Affairs 5/30/2023 9:00 AM	Mentioned no jurisdiction	Watch
AB424	Revises provisions relating to the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. (BDR S-388)	Committee on Government Affairs	Secretary of State	Assembly Committee on Ways and Means 5/22/2023 8:00 AM	Mentioned no jurisdiction	Watch
AJR8	Urges the Congress of the United States to deschedule marijuana as a schedule I controlled substance. (BDR R-615)	Assemblymen D'Silva, Brittney Miller, Anderson, Brown-May, Carter, Cohen, Considine, DeLong, Dickman, Gallant, González, Gorelow, La Rue Hatch, Cameron Miller, Monroe-Moreno, Mosca, Newby, Nguyen, O'Neill, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts and Yeager; Senators Doñate, Flores, Hammond, Harris, Neal, Nguyen, Ohrenschall, Spearman and Stone	Secretary of State	Senate Committee on Legislative Operations and Elections 5/18/2023 3:30 PM	Do pass	Watch

Truckee Meadows Water Authority - Legislation Tracker						
Bill	Description	Sponsor(s)	Status	Past Meetings	Past Action	Leg. Subcommittee Recommendations
SB10	Revises provisions related to the Nevada State Infrastructure Bank. (BDR 35-358)	Committee on Growth and Infrastructure	Governor	Assembly Committee on Ways and Means 6/5/2023 12:00 PM	Amend, and do pass as amended	Watch
SB11	Requires the Department of Public Safety to adopt certain regulations relating to unmanned aerial vehicles. (BDR 44-370)	Committee on Growth and Infrastructure	Governor	Assembly Committee on Ways and Means 6/5/2023 12:00 PM	Do pass, as amended	Watch
SB22	Revises provisions relating to the publication of legal notices. (BDR 19-390)	Committee on Government Affairs	Governor	Assembly Committee on Government Affairs 5/16/2023 9:00 AM	Do pass	Watch
SB27	Revises provisions relating to excavations in areas containing subsurface installations. (BDR 40-224)	Committee on Health and Human Services	Governor	Assembly Committee on Growth and Infrastructure 5/11/2023 1:30 PM	Do pass	Watch
SB76	Establishes provisions governing certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances. (BDR 52-291)	Neal	Governor	Assembly Committee on Natural Resources 5/19/2023 Upon Call of Chair	Amend, and do pass as amended	Watch
SB81	Revises provisions governing regional planning. (BDR S-536)	Daly	Governor	Assembly Committee on Government Affairs 5/18/2023 10:00 AM	Amend, and do pass as amended	Watch
SB82	Revises provisions related to public works. (BDR 28-535)	Daly	Governor	Assembly Committee on Ways and Means 6/3/2023 11:00 AM	Amend, and do pass as amended	Watch
SB88	Requires the Joint Interim Committee on Natural Resources to conduct an interim study of certain state agencies. (BDR S-345)	Committee on Natural Resources	Governor	Assembly Committee on Natural Resources 6/1/2023 4:00 PM	Do pass	Watch
SB99	Makes an appropriation to the Desert Research Institute of the Nevada System of Higher Education to support the Nevada State Cloud Seeding Program. (BDR S-592)	Goicoechea	Governor	Assembly Committee on Ways and Means 6/4/2023 1:00 PM	Do pass	Watch
SB113	Revises provisions relating to groundwater management plans. (BDR 48-595)	Goicoechea, Titus, Buck, Hansen, Stone and Krasner	Governor	Assembly Committee on Natural Resources 5/15/2023 4:00 PM	Do pass	Watch
SB145	Revises provisions related to employee misclassification. (BDR 53-159)	Lange, Doñate, Daly and Ohrenschall	Governor	Assembly Committee on Commerce and Labor 5/31/2023 1:30 PM	Do pass	Watch
SB147	Makes changes relating to employment. (BDR 53-463)	Lange, Cannizzaro, Daly, Doñate and Flores	Governor	Assembly Committee on Commerce and Labor 5/19/2023 12:30 PM	Do pass	Watch
SB163	Requires certain health insurance to cover treatment of certain conditions relating to gender dysphoria and gender incongruence. (BDR 57-129)	Senators Scheible, Harris and Spearman; Assemblywoman González	Governor	Assembly Committee on Commerce and Labor 6/3/2023 1:30 PM	Do pass	Watch
SB208	Requires counties and cities to enact certain ordinances relating to battery-charged fences. (BDR 20-853)	Flores, Stone, Goicoechea, Daly, Krasner and Ohrenschall	Governor	Assembly Committee on Government Affairs 5/19/2023 9:00 AM	Amend, and do pass as amended	Watch

Truckee Meadows Water Authority - Legislation Tracker						
Bill	Description	Sponsor(s)	Status	Past Meetings	Past Action	Leg. Subcommittee Recommendations
SB226	Revises provisions governing governmental financial administration. (BDR 28-494)	Senator Cannizzaro; Assemblyman Yeager	Governor	Assembly Committee on Government Affairs 6/4/2023 Upon Call of Chair	Amend, and do pass as amended	Watch
SB242	Requires the Department of Health and Human Services to establish the Psychedelic Medicines Working Group. (BDR S-39)	Senators Nguyen, Doñate, Flores, Hansen, Harris, Ohrenschall and Stone; Assemblymen Carter and Marzola	Governor	Assembly Committee on Health and Human Services 6/2/2023 Upon Call of Chair	Do pass	Watch
SB247	Revises provisions relating to regional planning. (BDR 22-684)	Committee on Government Affairs	Governor	Assembly Committee on Government Affairs 5/18/2023 10:00 AM	Do pass	Watch
SB258	Revises provisions relating to water. (BDR 48-889)	Ohrenschall	Governor	Assembly Committee on Natural Resources 5/19/2023 Upon Call of Chair	Do pass	Watch
SB261	Revises provisions relating to local governments. (BDR 19-793)	Neal	Governor	Assembly Committee on Government Affairs 5/16/2023 9:00 AM	Do pass	Watch
SB272	Revises provisions relating to governmental administration. (BDR 27-876)	Spearman, Doñate, Daly, Dondero Loop, Harris, Lange, Nguyen and Pazina	Governor	Assembly Committee on Government Affairs 5/19/2023 9:00 AM	Amend, and do pass as amended	Watch
SB301	Revises provisions governing public works. (BDR 28-967)	Senators Lange, Doñate, Spearman, Daly, Flores, Harris, Neal, Nguyen, Ohrenschall, Pazina and Scheible; Assemblywoman Gorelow	Governor	Assembly Committee on Government Affairs 5/31/2023 8:00 AM	Do pass	Watch
SB434	Revises provisions related to retirement. (BDR 23-16)	Neal	Governor	Assembly Committee on Government Affairs 5/19/2023 9:00 AM	Amend, and do pass as amended	Watch
SJR3	Urges the United States Bureau of Reclamation to consider certain actions, alternatives and measures for the protection and management of the Colorado River. (BDR R-349)	Committee on Natural Resources	Secretary of State	Assembly Committee on Legislative Operations and Elections 5/4/2023 4:00 PM	Amend, and do pass as amended	Watch



TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Matt Bowman, Chief Financial Officer
DATE: June 12, 2023
SUBJECT: Presentation of Fiscal Year 2023 Q3 Year-to-Date Financial Results

Summary

Please refer to Attachments A-1 and A-2 for full Statements of Revenues, Expenses and Changes in Net Position for both actual to budget and year-over-year comparisons as discussed in the report below.

Budget to Actual

	Actual YTD 2023	Budget YTD 2023	Variance \$	Variance %
CHANGE IN NET POSITION	\$ 32,112,350	\$ 58,376,516	\$ (26,264,166)	(45)%

Change in net position was \$26.3m or 45% lower than budget through the first half of fiscal year 2023. This was driven by lower operating revenues, and lower than budgeted contributions related to lower connection fees and less contributions related to the construction of the Advanced Purified Water (APW) facility at American Flat.

Year over Year

	Actual YTD 2023	Actual YTD 2022	Variance \$	Variance %
CHANGE IN NET POSITION	\$ 32,112,350	\$ 33,223,095	\$ (1,110,745)	(3)%

Change in net position was \$1.1m or 3% lower than the prior year. This was due to higher operating and nonoperating revenues offset by higher operating expenses and lower capital contributions.

Revenue

Budget to Actual

	Actual YTD 2023	Budget YTD 2023	Variance \$	Variance %
OPERATING REVENUES				
Charges for Water Sales	83,144,259	85,274,091	(2,129,832)	(2)%
Hydroelectric Sales	1,911,274	1,262,983	648,291	51 %
Other Operating Sales	2,354,372	2,895,798	(541,426)	(19)%
Total Operating Revenues	87,409,905	89,432,872	(2,022,967)	(2)%

Operating revenue was \$2.0m or 2% lower than budget through three quarters of 2023. This was mostly driven by lower water sales. Water consumption was lower than expected primarily due to high precipitation mid-summer. Water consumption during the second quarter was slightly higher than budget while the third quarter was consistent with budget. Following a wet, cool spring, fourth quarter water sales are expected to be significantly lower than budget.

Year over Year

	Actual YTD 2023	Actual YTD 2022	Variance \$	Variance %
OPERATING REVENUES				
Charges for Water Sales	83,144,259	80,898,449	2,245,810	3 %
Hydroelectric Sales	1,911,274	1,459,283	451,991	31 %
Other Operating Sales	2,354,372	3,022,322	(667,950)	(22)%
Total Operating Revenues	87,409,905	85,380,054	2,029,851	2 %

Total operating revenues were higher than prior year by \$2.0m or 2%. Water sales were higher than prior year due to slightly higher consumption and the June 2022 rate increase of 2.5%. Hydroelectric sales were higher due to sustained river flows and plants online for more time than in the prior year.

Operating Expenses

Budget to Actual

	Actual YTD 2023	Budget YTD 2023	Variance \$	Variance %
OPERATING EXPENSES				
Salaries and Wages	20,319,308	21,465,626	(1,146,318)	(5)%
Employee Benefits	8,645,159	9,295,863	(650,704)	(7)%
Services and Supplies	27,370,722	27,471,766	(101,044)	— %
Total Operating Expenses Before Depreciation	56,335,189	58,233,255	(1,898,066)	(3)%
Depreciation	25,811,291	25,971,261	(159,970)	(1)%
Total Operating Expenses	82,146,480	84,204,516	(2,058,036)	(2)%

Total operating expenses were \$2.1m lower (2%) than the augmented budget through three quarters of 2023. Salaries and wages and employee benefits are both lower due primarily to position vacancies. Services and supplies were \$0.1m lower than the augmented budget.

Year over Year

	Actual YTD 2023	Actual YTD 2022	Variance \$	Variance %
OPERATING EXPENSES				
Salaries and Wages	20,319,308	18,745,725	1,573,583	8 %
Employee Benefits	8,645,159	8,102,628	542,531	7 %
Services and Supplies	27,370,722	22,917,541	4,453,181	19 %
Total Operating Expenses Before Depreciation	56,335,189	49,765,894	6,569,295	13 %
Depreciation	25,811,291	24,998,305	812,986	3 %
Total Operating Expenses	82,146,480	74,764,199	7,382,281	10 %

Year over year operating expenses were \$7.4m higher compared to the prior year. Cost of living increases, step increases, and additions to staff during FY 2022 and in the first three quarters of FY 2023 led to the increase in salaries and wages and employee benefits. Services and supplies expenses are higher due to higher costs resulting from inflation, primarily price increases to electric power and chemical costs.

Non-Operating ExpensesBudget to Actual

	Actual YTD 2023	Budget YTD 2023	Variance \$	Variance %
NONOPERATING REVENUES (EXPENSES)				
Investment Earnings	2,562,309	2,298,018	264,291	12 %
Net Increase (Decrease) in FV of Investments	(772,445)	—	(772,445)	— %
Gain (Loss) on Disposal of Assets	(18,616)	(1,275,000)	1,256,384	(99)%
Amortization of Bond/note Issuance Costs	—	—	—	— %
Interest Expense	(8,634,152)	(8,624,774)	(9,378)	— %
Total Nonoperating Revenues (Expenses)	(6,862,904)	(7,601,756)	738,852	(10)%

Nonoperating expenses were \$0.7m (10%) lower than budgeted through the first three quarters of 2023. The variance is timing related as loss on disposal of assets is generally recognized during the fourth quarter when construction projects are componentized. Also, due to rising interest rates, TMWA recognizes a fair value loss on investments.

Year over Year

	Actual YTD 2023	Actual YTD 2022	Variance \$	Variance %
NONOPERATING REVENUES (EXPENSES)				
Investment Earnings	2,562,309	1,498,165	1,064,144	71 %
Net Increase (Decrease) in FV of Investments	(772,445)	(8,489,292)	7,716,847	(91)%
Gain (Loss) on Disposal of Assets	(18,616)	83,284	(101,900)	(122)%
Amortization of Bond/note Issuance Costs	—	801	(801)	(100)%
Interest Expense	(8,634,152)	(8,958,464)	324,312	(4)%
Total Nonoperating Revenues (Expenses)	(6,862,904)	(15,865,506)	9,002,602	(57)%

Nonoperating expenses were lower than prior year by \$9.0m (57%), primarily due to the decrease in fair value of investments recognized in the prior year from the reasons discussed above. Interest expense is lower due to lower principal amount of outstanding debt as TMWA makes scheduled principal debt payments.

Capital Contributions

Budget to Actual

	Actual YTD 2023	Budget YTD 2023	Variance \$	Variance %
CAPITAL CONTRIBUTIONS				
Grants	88,724	2,689,227	(2,600,503)	(97)%
Water Resource Sustainability Program	700,167	2,130,000	(1,429,833)	(67)%
Developer Infrastructure Contributions	16,015,618	16,427,376	(411,758)	(3)%
Developer Will-serve Contributions (Net of Refunds)	3,258,169	5,434,275	(2,176,106)	(40)%
Developer Capital Contributions - Other	7,257,645	8,283,150	(1,025,505)	(12)%
Developer Facility Charges (Net of Refunds)	5,300,576	9,889,695	(4,589,119)	(46)%
Contributions from Others	—	71,193	(71,193)	(100)%
Contributions from Other Governments	1,090,930	15,825,000	(14,734,070)	(93)%
Net Capital Contributions	33,711,829	60,749,916	(27,038,087)	(45)%

Capital contributions were \$27.0m lower than budget. The primary driver is lower contributions from other governments related to the American Flat APW project. This is timing related and is based on the actual spend on the project which is in the design phase. These contributions are expected in FY 2024. Also contributing to the variance are lower connection fees. The total connection fee variance is approximately \$9.2m which reflects a slow down in developer payments on water projects. Staff expects these payments to increase in the fourth quarter, however, not substantially.

Year over Year

	Actual YTD 2023	Actual YTD 2022	Variance \$	Variance %
CAPITAL CONTRIBUTIONS				
Grants	88,724	2,013,271	(1,924,547)	(96)%
Water Resource Sustainability Program	700,167	1,246,506	(546,339)	(44)%
Developer Infrastructure Contributions	16,015,618	11,982,399	4,033,219	34 %
Developer Will-serve Contributions (Net of Refunds)	3,258,169	3,553,678	(295,509)	(8)%
Developer Capital Contributions - Other	7,257,645	8,930,905	(1,673,260)	(19)%
Developer Facility Charges (Net of Refunds)	5,300,576	10,450,248	(5,149,672)	(49)%
Contributions from Others	—	—	—	— %
Contributions from Other Governments	1,090,930	295,739	795,191	269 %
Net Capital Contributions	33,711,829	38,472,746	(4,760,917)	(12)%

Year over year, capital contributions are \$4.8m lower than the prior year due to lower connection fees offset by higher developer infrastructure contributions.

Capital Spending

Cash spent on capital outlays and construction projects during the first half was approximately \$15.3m. Total budgeted capital spend for fiscal year 2023 is \$83.9m, which includes \$20m and \$15m for the American Flat APW facility and Orr Ditch pump station and hydro facility, respectively. Spending on the top three projects is listed below:

Tank rehab/improvements	\$2.5m
AMI - meter installations	\$2.3m
Pressure regulator rehab/replacement	\$2.3m

Cash Position

At March 31, 2023 total cash and investments was \$219.4m or \$9.2m lower than at the beginning of the fiscal year. Of the total cash and investments, \$159.2m was unrestricted to be used to meet upcoming and future operating & maintenance expenses, principal & interest payments and construction project payments. The remaining \$60.2m was restricted to pay for scheduled bond principal and interest payments as well as maintaining required reserves as stipulated in our bond covenants.

Truckee Meadows Water Authority

Comparative Statements of Revenues, Expenses and Changes in Net Position

For the three quarters ended March 31, 2023

	Actual YTD 2023	Budget YTD 2023	Variance \$	Variance %
OPERATING REVENUES				
Charges for Water Sales	\$ 83,144,259	\$ 85,274,091	\$ (2,129,832)	(2)%
Hydroelectric Sales	1,911,274	1,262,983	648,291	51 %
Other Operating Sales	2,354,372	2,895,798	(541,426)	(19)%
Total Operating Revenues	87,409,905	89,432,872	(2,022,967)	(2)%
OPERATING EXPENSES				
Salaries and Wages	20,319,308	21,465,626	(1,146,318)	(5)%
Employee Benefits	8,645,159	9,295,863	(650,704)	(7)%
Services and Supplies	27,370,722	27,471,766	(101,044)	— %
Total Operating Expenses Before Depreciation	56,335,189	58,233,255	(1,898,066)	(3)%
Depreciation	25,811,291	25,971,261	(159,970)	(1)%
Total Operating Expenses	82,146,480	84,204,516	(2,058,036)	(2)%
OPERATING INCOME	5,263,425	5,228,356	35,069	1 %
NONOPERATING REVENUES (EXPENSES)				
Investment Earnings	2,562,309	2,298,018	264,291	12 %
Net Increase (Decrease) in FV of Investments	(772,445)	—	(772,445)	— %
Gain (Loss) on Disposal of Assets	(18,616)	(1,275,000)	1,256,384	(99)%
Amortization of Bond/note Issuance Costs	—	—	—	— %
Interest Expense	(8,634,152)	(8,624,774)	(9,378)	— %
Total Nonoperating Revenues (Expenses)	(6,862,904)	(7,601,756)	738,852	(10)%
Gain (Loss) Before Capital Contributions	(1,599,479)	(2,373,400)	773,921	(33)%
CAPITAL CONTRIBUTIONS				
Grants	88,724	2,689,227	(2,600,503)	(97)%
Water Resource Sustainability Program	700,167	2,130,000	(1,429,833)	(67)%
Developer Infrastructure Contributions	16,015,618	16,427,376	(411,758)	(3)%
Developer Will-serve Contributions (Net of Refunds)	3,258,169	5,434,275	(2,176,106)	(40)%
Developer Capital Contributions - Other	7,257,645	8,283,150	(1,025,505)	(12)%
Developer Facility Charges (Net of Refunds)	5,300,576	9,889,695	(4,589,119)	(46)%
Contributions from Others	—	71,193	(71,193)	(100)%
Contributions from Other Governments	1,090,930	15,825,000	(14,734,070)	(93)%
Net Capital Contributions	33,711,829	60,749,916	(27,038,087)	(45)%
CHANGE IN NET POSITION	\$ 32,112,350	\$ 58,376,516	\$ (26,264,166)	(45)%

Truckee Meadows Water Authority

Comparative Statements of Revenues, Expenses and Changes in Net Position
For the three quarters ended March 31, 2023

	Actual YTD 2023	Actual YTD 2022	Variance \$	Variance %
OPERATING REVENUES				
Charges for Water Sales	\$ 83,144,259	\$ 80,898,449	\$ 2,245,810	3 %
Hydroelectric Sales	1,911,274	1,459,283	451,991	31 %
Other Operating Sales	2,354,372	3,022,322	(667,950)	(22)%
Total Operating Revenues	87,409,905	85,380,054	2,029,851	2 %
OPERATING EXPENSES				
Salaries and Wages	20,319,308	18,745,725	1,573,583	8 %
Employee Benefits	8,645,159	8,102,628	542,531	7 %
Services and Supplies	27,370,722	22,917,541	4,453,181	19 %
Total Operating Expenses Before Depreciation	56,335,189	49,765,894	6,569,295	13 %
Depreciation	25,811,291	24,998,305	812,986	3 %
Total Operating Expenses	82,146,480	74,764,199	7,382,281	10 %
OPERATING INCOME	5,263,425	10,615,855	(5,352,430)	(50)%
NONOPERATING REVENUES (EXPENSES)				
Investment Earnings	2,562,309	1,498,165	1,064,144	71 %
Net Increase (Decrease) in FV of Investments	(772,445)	(8,489,292)	7,716,847	(91)%
Gain (Loss) on Disposal of Assets	(18,616)	83,284	(101,900)	(122)%
Amortization of Bond/note Issuance Costs	—	801	(801)	(100)%
Interest Expense	(8,634,152)	(8,958,464)	324,312	(4)%
Total Nonoperating Revenues (Expenses)	(6,862,904)	(15,865,506)	9,002,602	(57)%
Gain (Loss) Before Capital Contributions	(1,599,479)	(5,249,651)	3,650,172	(70)%
CAPITAL CONTRIBUTIONS				
Grants	88,724	2,013,271	(1,924,547)	(96)%
Water Resource Sustainability Program	700,167	1,246,506	(546,339)	(44)%
Developer Infrastructure Contributions	16,015,618	11,982,399	4,033,219	34 %
Developer Will-serve Contributions (Net of Refunds)	3,258,169	3,553,678	(295,509)	(8)%
Developer Capital Contributions - Other	7,257,645	8,930,905	(1,673,260)	(19)%
Developer Facility Charges (Net of Refunds)	5,300,576	10,450,248	(5,149,672)	(49)%
Contributions from Others	—	—	—	— %
Contributions from Other Governments	1,090,930	295,739	795,191	269 %
Net Capital Contributions	33,711,829	38,472,746	(4,760,917)	(12)%
CHANGE IN NET POSITION	\$ 32,112,350	\$ 33,223,095	\$ (1,110,745)	(3)%



STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: Andy Gebhardt, Director of Distribution
DATE: June 21, 2023
SUBJECT: **Discussion and possible authorization for General Manager to sign a contract between TMWA and Washoe County regarding public fire hydrant maintenance**

SUMMARY

In November 2014 staff presented an update to the Board regarding the status of maintaining public fire hydrants within TMWA's service area. At that time, TMWA had been operating under a contract with the City of Sparks to maintain public hydrants within the City at no cost. The maintenance is conducted according to an American Water Works Association manual and does not include major repairs to the hydrant or any valves or laterals from the TMWA main to the hydrant. The cost of additional repair work is outside of the contract and the responsibility of the City. At the November meeting the Board requested staff negotiate similar contracts for public fire hydrant maintenance within TMWA's service area in the City of Reno and Washoe County.

In January 2016, the Board approved a contract between TMWA and the City of Reno to maintain public fire hydrants within TMWA's service area within the City. Since that time, TMWA has been working with Washoe County and the Truckee Meadows Fire Protection District (TMFPD) to negotiate a contract for public fire hydrants within their jurisdictions. Washoe County has agreed to be the contracting party for all public fire hydrants within TMWA's service area within Washoe County, which would include any hydrants used by TMFPD. The contract is substantially similar to the contracts the Board approved with the cities for similar services. In the fiscal year 2024 TMWA budget, the Board approved the necessary additions of staff and vehicles to perform the maintenance services. The Washoe County Commission is scheduled to review and possibly approve the contract at the June 20, 2023 Commission meeting and staff will update the Board regarding the Commission's decision. If approved by both entities, staff will immediately begin coordinating with Washoe County to begin the process.

POSSIBLE MOTION

Motion to approve the contract between TMWA and Washoe County regarding public fire hydrant maintenance and authorize the General Manager to sign the contract.

INTERLOCAL AGREEMENT BETWEEN WASHOE COUNTY AND THE TRUCKEE MEADOWS WATER AUTHORITY REGARDING PUBLIC FIRE HYDRANTS

This Interlocal Agreement is made and entered by and between Washoe County (hereinafter **“County”**) and the Truckee Meadows Water Authority (hereinafter **“Authority”** or **“TMWA”**), a joint powers authority created under N.R.S. 277, pursuant to a Cooperative Agreement among the County of Washoe and the Cities of Reno and Sparks, Nevada (together the **“Parties”**).

RECITALS

WHEREAS, NRS 277.180 provides that public agencies may contract with other public agencies to perform any governmental service, activity or undertaking which any of these public agencies entering into the contract is authorized by law to perform, including but not limited to the testing, maintenance, repair, and mapping of fire hydrants.

WHEREAS, TMWA was created by an interlocal agreement among Washoe County and the cities of Reno and Sparks for the purpose of acquiring the Water operations of Sierra Pacific Power Company; TMWA completed this acquisition in June 2001 and has been operating since then as the major water purveyor in the Truckee Meadows;

WHEREAS, TMWA has an interest in protecting its infrastructure and has determined that it is in TMWA’s interest to perform the testing and maintenance of certain public fire hydrants to ensure protection of TMWA infrastructure necessary to serve TMWA customers;

WHEREAS, the County wants to ensure public safety through the testing, maintenance, repairs, and mapping of public fire hydrants that are within the County and Truckee Meadows Water Authority boundaries;

WHEREAS, the Parties recognize that TMWA can provide certain maintenance and non-capital repair services for public hydrants within TMWA's retail service territory and within the County’s jurisdiction but not owned by the Cities of Reno and Sparks (hereinafter **“Hydrants”**) in connection with maintenance of its water distribution facilities, that TMWA's performance of such responsibilities will be mutually beneficial to the Parties, and that TMWA will benefit from the direct control of Hydrant flow testing, main flushing and valve maintenance.

WHEREAS, the Parties recognize that Hydrants are used for other purposes including, but not limited to, construction water, flushing water and other necessary activities that support area needs and that any use of the Hydrants for any other than the support of fire response must be tracked, permitted and with the appropriate fees for the support of damages or impacts that would lead to increased maintenance or replacement needs.

NOW, THEREFORE, in consideration of the foregoing recitals, which are fully incorporated into this agreement by this reference, the Parties mutually agree as follows:

ARTICLE 1 Term, Effective Date

The Term of this Agreement shall be five years following the Effective Date, and subject to earlier termination pursuant to Article 9, this Agreement shall automatically renew for successive five year terms unless, prior to ninety days following the expiration of the current term, either Party has notified the other of its intention to terminate pursuant to Article 8 and 9. This Agreement shall be effective on the date last approved by both governing boards of the Parties (“Effective Date”).

ARTICLE 2 Implementation Schedule and Ordinances

2.1 No later than sixty days following the Effective Date, the Parties shall meet and confer to develop a schedule for the completion of certain tasks necessary for the full implementation of the maintenance program contemplated by this Agreement (the “**Implementation Schedule**”), including but not limited to the mapping program described in Article 4 and the County's amendment or enactment of ordinances as necessary for the implementation of the maintenance program. The Parties agree that except pursuant to the Implementation Schedule and this Agreement, TMWA shall have no responsibility for the Hydrants, service laterals or any other appurtenant fire systems or facilities, including without limitation, no duty or obligation to inspect or conduct capital repairs, it being the express intention of the Parties that TMWA's obligations are limited only to non-capital maintenance of the Hydrants.

2.2 In connection with the development of the Implementation Schedule, the County agrees to examine its ordinances and fire code and to revise such ordinances and code to the extent necessary to facilitate the implementation of this Agreement, and to facilitate the orderly maintenance of Hydrants, including color-coding of private hydrants, removal of obstructions from Hydrants, and similar measures. The County acknowledges that to the extent TMWA is reasonably unable to perform any of its obligations under this Agreement TMWA must inform the County of the particular issue and the County must resolve the issue, if it is reasonable and in agreement with Washoe County applicable codes and ordinances, and TMWA shall be excused from performance under this Agreement as to any Hydrants it is unable to maintain because of the County's failure to resolve an issue of which it has been notified by TMWA.

ARTICLE 3 Ownership and Use of Hydrants; Hydrants that are not subject to this Agreement

3.1 TMWA nor Washoe County shall, by virtue of the obligations under this Agreement, be deemed an owner of the Hydrants, including the service tee, valve and lateral piping associated with each Hydrant (collectively “**Hydrant Facilities**”). Privately owned fire hydrants are not subject to this Agreement and nothing in this Agreement shall be construed as imposing any liability or responsibility on TMWA or Washoe County for the inspection, maintenance or replacement of privately owned fire hydrants. Hydrants and Hydrant Facilities located outside of TMWA's retail service territory are not subject to this Agreement and nothing in this Agreement shall be construed as imposing any responsibility on TMWA for inspection or maintenance of hydrants located outside of TMWA's retail service territory unless otherwise expressly agreed in writing by TMWA. For purposes of this Agreement, fire hydrants shall be deemed “privately owned fire hydrants” if any one of the following conditions is present: i) the hydrant has not been

designated as public by the local government with jurisdiction over the project; ii) the hydrant is not owned by the County; ii) the hydrant has a Service Tap that is not directly connected to a TMWA owned main or pipe; or iii) the hydrant is not located within or immediately adjacent to a Washoe County right of way.

3.2 Any existing rights to use the Hydrants shall be unaffected by this Agreement; however, the County or designee agrees to provide notice to TMWA of planned activity involving the use of the Hydrants that will require water flows in excess of 5000 gallons total volume at least 24 hours prior to such exercises and agrees to reschedule such activity upon TMWA's reasonable request. In addition, the County or designee agrees to notify TMWA of any emergency requiring the use of Hydrants as soon as practicable during the emergency or as soon as reasonably possible after the event has occurred. The use of water from hydrants for training and fires suppression shall be at no cost to County.

ARTICLE 4 Identification and Mapping of Public Hydrants

The County shall be responsible for the identification of all Hydrants subject to this Agreement excluding those that have been determined to be privately owned. By a date determined under the Implementation Schedule, the County shall provide TMWA with an electronic database of the location of all hydrants covered under this Agreement, including GIS locations, service addresses, and independent asset management numbers for each hydrant. The County shall be responsible for maintaining and updating this list to include new hydrants constructed and installed within the Service Area. The County will provide TMWA with updated GIS computer files annually which include any changes from the previous year.

ARTICLE 5 Inspection and Maintenance Program:

5.1 Maintenance Program Effective Date. Beginning on a date determined under the Implementation Schedule (the "**Maintenance Program Effective Date**"), the Parties agree that the responsibility for the performance of maintenance of Hydrants shall be allocated between the County and TMWA as set forth in this Article 5. The County acknowledges that due to training requirements and staffing constraints, the Maintenance Program Effective Date shall be a date no earlier than September 1, 2023, or later if TMWA notifies the County that TMWA does not have the necessary resources to proceed. TMWA will use good faith efforts to procure the necessary resources by September 1, 2023.

5.2 In Service Acceptance Testing of Newly Installed Hydrants. TMWA shall conduct initial in-service acceptance testing of newly installed Hydrants, including acceptance testing of sanitizing mains, verification of connection to water service, verification of position of valves serving the Hydrant, flushing the main, and performing flow tests and confirmation of distribution system performance as necessary for TMWA to determine initial in-service acceptance. Upon completion of initial acceptance testing by TMWA, TMWA shall notify the County in writing via letter and email to the assigned County designee within two business days. The County, in coordination with Truckee Meadows Fire Protection District (TMFPD), will then be responsible for conducting final acceptance testing, including checking of discharge threads, verifying proper orientation of the discharges, and removal of cap chains. No later than five business days following final acceptance testing of a Hydrant, the County shall notify TMWA in writing via letter or email

to the assigned TMWA designee that the Hydrant has been accepted by the County, in coordination with TMFPD, and is in service. Such notice shall specify the service address and location coordinates of the Hydrant. TMWA shall have no responsibility for the maintenance of any newly installed Hydrant prior to TMWA's receipt of such notice of acceptance from the County. Nothing in this Agreement is intended to relieve a subdivision developer of any of its responsibilities with respect to Hydrant installation and testing.

5.3. Routine Inspection and Maintenance Program. Beginning on the Maintenance Program Effective Date, TMWA shall conduct routine inspection and maintenance of Hydrants accepted by the County. Except as otherwise agreed by the Parties in writing, Hydrants shall be maintained in accordance with American Water Works Association ("AWWA") Manual M17, Installation, Field Testing, and Maintenance of Hydrants. TMWA agrees to conduct street cuts and/or excavation work under a standard Excavation and Encroachment Permit issued through the Washoe County Community Services, Engineering Division. Permit and asphalt repair fees will be the responsibility of the County. The Parties shall cooperate and coordinate permit work to ensure appropriate quality assurance. The County shall retain responsibility for inspection and maintenance of street repairs.

5.4 Other Repairs and Replacement. Except with respect to routine inspection and maintenance under Section 5.3, all other testing, inspections, repair, and replacement of Hydrants or Hydrant Facilities ("**Other Work**") are the sole responsibility of the County. In the event the County desires TMWA to undertake any work other than routine inspection and maintenance, the County shall do so by procuring a work order from TMWA, and the County shall supply parts and replacement Hydrants at its expense and shall compensate TMWA under such work order on a time and materials basis. The County shall retain sole discretion over procuring contracts for the Other Work and shall be responsible for prioritizing such Other Work.

5.5 Flow Tests

5.5.1 The Parties acknowledge that each of them has separate goals with respect to the conduct of flow tests on portions of the water distribution system. The Parties agree that each shall continue to conduct separate flow tests as required to meet their respective purposes, and that such flow tests shall be performed in accordance with AWWA Manual M17, Installation, Field Testing, and Maintenance of Hydrants.

5.5.2 The County agrees to notify TMWA prior to conducting any flow test involving a portion of the TMWA distribution system and agrees to reschedule such test upon the reasonable request of TMWA. TMWA agrees to notify the County of those parties issued a fire hydrant connected water meter and the proposed location of the connection.

5.5.3 The Parties agree to share the results of flow tests, and upon completion of any flow test, a Party will transmit all data obtained from such test to the other party within fifteen business days, including at a minimum, flowrates, date test performed, static pressure prior to test, and residual pressure during test.

5.5.4 The Parties agree to coordinate their respective flow-testing programs to the

extent necessary to ensure that all portions of the water distribution system within the County are flow-tested at least once every ten years.

ARTICLE 6 Records

6.1 The County shall be responsible for the maintenance of "Master Records" of Hydrants, which shall at a minimum contain the information set forth in Schedule B. The "Master Records" shall provide records of major maintenance and replacement which records will also be provided to TMWA on an annual basis, in a format compatible with TMWA's records.

6.2 TMWA agrees to maintain records of "Routine Inspection and Maintenance" performed by TMWA for the life of each Hydrant, subject to Article 9, which at a minimum contain the information set forth in Schedule B. TMWA agrees to provide the County such records on an annual basis, in a format compatible with the County's data base and records.

ARTICLE 7 Liaison/Coordination

7.1 The Parties shall each designate a responsible party to coordinate activities associated with the Hydrant Maintenance Program. The responsible parties shall meet at least every six months.

ARTICLE 8 Notices

All communications required under this Agreement shall be directed to the following:

Washoe County

Emergency: Washoe County Utility On-Call 775-742-3716
Non-Emergency: 311 (Washoe 311) or 775-328-2003
Written Communications: Community Services Department
Engineering and Capital Projects Division Director
desmith@washoecounty.gov
1001 East 9th Street
Reno, NV 89512

TMWA

Emergency: Glendale Plant 775-834-8140, Chalk Bluff Plant 775-834-8273
Non-Emergency: Andy Gebhardt, Director, Distribution/Gen. 775-834-8007
Written Communications: Andy Gebhardt
agebhardt@tmwa.com
P.O. Box 30013
Reno, NV 89520-3013

ARTICLE 9 Termination

9.1 This Agreement may be terminated only:
a) by providing notice of intention not to renew pursuant to Article 1; or
b) by the mutual consent of the Parties; or

c) for declared default or breach as follows: A default or breach may be declared with or without termination. This Agreement may be terminated immediately by either party upon written notice of default or breach to the other party as follows: (i) If either Party fails to provide or satisfactorily perform any of the conditions, work, deliverables, goods, or services called for by this Agreement within the time requirements specified in this Agreement or within any granted extension of those time requirements; or (ii) If either Party materially breaches any material duty under this Agreement and any such breach impairs the other Party's ability to perform; provided however, that termination upon a declared default or breach may be exercised only after service of formal written notice as specified in Article 8, and the subsequent failure of the defaulting party within 15 calendar days of receipt of that notice to provide evidence, satisfactory to the aggrieved party, showing that the declared default or breach has been corrected.

9.2 In the event that either Party's governing body fails to appropriate or budget funds for the purposes specified in this Agreement, or that the County's governing body has been required, in its sole judgment, to amend previous appropriations or budgeted amounts to eliminate or reduce funding for the purposes of this Agreement, this Agreement shall be terminated without penalty, charge, or sanction.

9.3 Winding Up Affairs Upon Termination. In the event of termination of this Agreement for any reason, the Parties agree that the provisions of this paragraph survive termination:

a) The Parties shall account for and properly present to each other all claims for fees and expenses and pay those which are undisputed and otherwise not subject to set off under this Agreement; and

b) TMWA shall satisfactorily complete work in progress if so requested by the County; and

c) TMWA shall promptly deliver to the County all records in its possession required to be maintained by it under this Agreement.

ARTICLE 10 Mutual Indemnities and Limitations

10.1 To the fullest extent permitted by law, each Party shall indemnify, hold harmless and defend the other Party from and against any and all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising in whole or in part out of any alleged negligent or willful acts or omissions of the indemnifying Party, its officers, employees and agents, excepting any liability arising out of the negligence or willful acts or omissions of the indemnified Party.

10.2 Notwithstanding the foregoing, neither Party waives available NRS chapter 41 liability limitations and other liability limitations available at law in all cases, and TMWA does not and shall not be deemed to waive any immunity available under NRS 41.032, NRS 41.033 or NRS 41.035.

ARTICLE 11 Miscellaneous Provisions

11.1 Further Assurances. The Parties shall execute and deliver such further documents,

agreements, instruments and notices and shall take such other actions as may be necessary or appropriate to effectuate the intent and purpose of this Agreement.

11.2 Assignment; Binding Effect. This Agreement shall not be assigned without the written approval of the governing boards of the Parties.

11.3 Waiver. The failure of any party at any time or times to require performance of any provision hereof shall in no manner affect the right at a later time to enforce the same. No waiver by any party of any condition, or of any breach of any term, covenant, representation, or warranty contained herein, in any one or more instances, shall be deemed to be or construed as a further or continuing waiver of any such condition or breach or waiver of any other condition or of any breach of any other term, covenant, representation or warranty.

11.4 Entire Agreement; Modification. This Agreement contains the entire agreement of the Parties with respect to the matters addressed herein. This Agreement may not be amended except by written consent of both Parties, nor may any of the terms, covenants, representations, warranties or conditions hereof be waived, except by a written instrument executed by the party against which such amendment is to be charged.

11.5 Governing Law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Nevada.

11.6 Headings. The headings which appear at the commencement of each section are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between any heading and the section itself, the section itself and not the heading shall control as to construction.

11.7 Incorporation of Exhibits. Each recital and every exhibit to which reference is made in this Agreement is hereby incorporated in this Agreement by this reference.

11.8 Force Majeure. No party shall be held liable for any loss or damage due to delay or failure in performance of any part of this Agreement from any cause beyond its control and without its fault or negligence, such as acts of God, acts of civil or military authority, third party or governmental challenges or lawsuits, government regulations, refusal or delay by a governmental entity to issue any needed permit despite Provider's best efforts to get it, strikes, work stoppages, labor unrest, embargoes, epidemics, war, terrorist acts, riots, insurrections, fires, explosions, earthquakes, nuclear accidents, floods, strikes, power blackouts, volcanic action, other major environmental disturbances, or unusually severe weather conditions.

11.9 Retention of Records. Except as provided herein, all records pertaining to work carried out under this Agreement shall be retained for a period of not less than ten (10) years after final payment is made for the work, and in accordance with the Nevada Public Records Act, NRS 239.010, et. seq. All such material shall be available to the other party and their respective auditors at any reasonable time and upon reasonable notice for the purposes of auditing, inspecting and copying.

11.10 Survival. The representations, warranties, indemnities and waivers set forth in this

Agreement, and provisions relating to payments and record retention, shall survive the termination, for any reason whatsoever, of the Agreement.

11.11 Time of the Essence. Time is of the essence in this Agreement.

11.12 No Third-Party Rights. Except for the parties indemnified pursuant to Article 10, the Parties expressly disclaim the creation of any right in any third party whatsoever under this Agreement. There are no third-party beneficiaries. The only parties who may enforce this Agreement and any of the rights under this Agreement are the parties hereto.

11.13 Legal Relations. No liability shall attach to the parties by reason of entering into this Agreement except as expressly provided herein.

11.14 Severability. If any provision of this Agreement is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, the Parties shall, if possible, agree on a legal, valid, and enforceable substitute provision that is as similar in effect to the deleted provision as possible. The remaining portion of the Agreement not declared illegal, invalid, or unenforceable shall, in any event, remain valid and effective for the term remaining unless the provision found illegal, invalid, or unenforceable goes to the essence of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have duly executed this Interlocal Agreement as of the last date approved by both governing boards of the Parties.

WASHOE COUNTY
BOARD OF COMMISSIONERS

By: _____
Chair, Washoe County Commission

Date

Attest:

By: _____
Washoe County Clerk

TRUCKEE MEADOWS WATER AUTHORITY

By: _____
John Zimmerman, General Manager

Date

SCHEDULE A

Routine Inspection and Maintenance Requirements

1. Remove obstructions that hinder access or obstruct hydrants from view (code violations to be reported to the County within 3 days. The County will enforce code violations.)
2. Pressure test hydrant with system pressure (static)
3. Flush drain outlet
4. Flush hydrant (not a flow test)
5. Check for proper hydrant drainage
6. Check main line valve for leakage (hydrant valve)
7. Remove and clean all caps
8. Check oil levels & fill asneeded
9. Exercise auxiliary valve (street valve)
10. Clean and/or paint hydrant if needed.
11. Tag hydrant if unusable with "Out of Service" hydrant ring.
12. Complete field inspection report

SCHEDULE B

Records

Master Record (Washoe County)

- Hydrant number
- GPS coordinate
- Location by street/cross street or address
- Date installed/accepted by the County in coordination with the Fire District
- Make Model number
- Number and size of nozzles
- Lateral lead
- Street main size
- Date of flow test
- Flow test results (see below)
- Name of person who accepted hydrant
- Valve location

Routine Inspection and Maintenance (TMWA) Hydrant number

- Date inspected
- Verification of inspection/Maintenance tasks performed
- Comments/Notes
- Identification of deficiencies
- Name of inspector

Major Maintenance/Replacement (Washoe County)

- Hydrant number
- Date service required
- Description of service required
- Date service performed
- Description of service performed Comments/Notes
- Name of person responsible for work

Flow Tests (Washoe County/TMWA)

- Flow hydrant number(s)
- Residual hydrant number
- Date test performed
- Static pressure prior to test
- Residual pressure during test



STAFF REPORT

TO: Board of Directors
FROM: John R. Zimmerman, General Manager
DATE: June 12, 2023
SUBJECT: **General Manager's Report**

Attached please find the written reports from the Management team including the Operations Report (*Attachment A*), the Water Resource and the Annexation Activity Report (*Attachment B*), and the Customer Services Report (*Attachment C*).

Since TMWA's last board meeting, TMWA has issued one emergency procurement under NRS 332.112. This emergency procurement totaled \$2,818.31 and was to repair a communication failure at Independence Lake to allow for gate adjustments to be made remotely. A snow cat had to be brought in to gain access so the gates could be adjusted manually before the weekend due to all the runoff.

Also, listed below are news clippings from May 11 through June 12, 2023:

- 05/06/23 [Smart About Water Day Informs Public on State of the Water](#) – KTVN
- 05/09/23 [EPA Must Regulate Perchlorate in Water](#) - AP
- 05/09/23 [Jacky Rosen's Spending Requests—Includes Sewer, Swan Lake, Etc.](#) - Rosen.com
- 05/11/23 [A Photographic Journey of Snow Melt on the Truckee River](#) - Sierra Nevada Ally
- 05/19/23 [Flood Watch on this Weekend for Truckee, Walker Rivers](#) – RGJ
- 05/18/23 [New Non-Toxic Powder Uses Sunlight to Disinfect Drinking Water](#) - Stanford
- 05/17/23 [High-Res Drought Western Predictions Could Be in the Future](#) - Phys.org
- 05/21/23 [Face the State w Andy Gebhardt](#) - KTVN
- 05/22/23 [Beach Space Shrinks as Tahoe Water Levels Rise](#) – KOLO
- 05/24/23 [Lawmakers Nearing Deal on Major Bill](#) – Nevada Independent
- 05/25/23 [Signs of Climate Change on the Truckee River](#) Sierra Nevada Ally
- 05/30/23 [Nevada Fight Over Leaky Canal Water](#) Big Horn Basin
- 06/07/23 [Is Tahoe Getting Clearer? UNR Hitchcock Students Explore](#) Nevada Today
- 06/07/23 [New Mobile Organic Biofilm Project Awarded for TMWRF](#) City of Reno
- 06/07/23 [New Class A Industrial Space Coming to West Reno/North Sparks](#) NNBW
- 06/07/23 [EPA Proposes Ban on Commercial Most Uses of PCE](#) EPA.gov
- 06/04/23 [How Tribes Are Forced to Fight to Secure Senior Water Rights](#) Sierra Nevada Ally
- 06/11/23 [The Survival of Independence Lake](#) Sierra Sun
- 06/13/23 [City Releases Swan Lake Contamination Data](#) Thisisreno
- 06/15/23 [What Environment Bills Passed, Failed in Nevada Legis, including Water Bills](#) Nevada Independent



STAFF REPORT

TO: Board of Directors
THRU: John R. Zimmerman, General Manager
FROM: John Enloe, Director Natural Resources
BY: Bill Hauck, Water Supply Supervisor
DATE: June 8, 2023
SUBJECT: **June 2023 Water Operations Report**

SUMMARY

- The water supply outlook for our region is excellent
- 2023 was one of the biggest snowpack and runoff years on record
- Lake Tahoe will make a significant recovery this year and is expected to come very close to filling
- All other reservoirs on the Truckee system will completely fill in 2023
- Normal river flows can be expected for the next two to three years as a result of full upstream reservoir storage
- Lake Tahoe storage is currently @ 73% of capacity (4.50 feet above the rim)
- Total combined Truckee River reservoir storage is ~78% of capacity
- TMWA's upstream reserve storage is also in great shape between Donner and Independence reservoirs, and water stored under the terms of TROA (~37,642 acre-feet (AF))
- Customer demand averaged 92 million gallons per day (MGD) for the week ending June 4th
- Hydroelectric generation for the month of May was 4,716 MWh, with a revenue of \$356,159

(A) Water Supply

- **River Flows** - Truckee River discharge at the CA/NV state line was about 2,500 cubic feet per second (CFS) this morning. This is significantly above normal for this time of the year, as the 114-year median flow for this day at Farad is 1,010 CFS.
- **Reservoir Storage** - Overall Truckee River reservoir storage is ~78% of capacity. The elevation of Lake Tahoe is 6227.50 feet (4.50' above the rim). Storage values for each reservoir as of June 8th are as follows:

Reservoir	Current Storage (Acre-Feet)	% Capacity (Percent)
Tahoe	546,800	73%
Boca	33,026	81%
Stampede	212,850	94%
Prosser	15,524	52%
Donner	9,204	97%
Independence	17,151	98%

In addition to the 26,355 acre-feet of storage between Donner and Independence reservoirs, TMWA also has about 11,287 acre-feet of water stored between Stampede and Boca reservoirs under the terms of TROA. TMWA’s total combined upstream reservoir storage as of this writing is 37,642 acre-feet.

- **Snowpack** - While most lower and mid elevation sites have for the most part melted out, much of the upper elevation locations in the Lake Tahoe and Truckee River basin watersheds are still holding significant amounts of snowpack. Many of these sites likely will not melt out completely until the middle of summer.
- **Runoff** - The runoff has already peaked, but remains high as the Truckee River and its tributaries are flowing significantly above average right now due to the massive Sierra Nevada snowpack we experienced in 2023.
- **Outlook** - The water supply outlook for our region is excellent. With full upstream Truckee River reservoirs, and an almost-full Lake Tahoe (projected to be 90% full by July), we can expect normal Truckee River flows for at least the next two to three years regardless of the weather. A significant portion of this upstream storage will also be carried over into next winter, providing a cushion the following year should it be dry. This winter was one of the biggest on record in terms of snowpack and runoff and highlights the tremendous hydrologic variability from one year to the next in the Sierra Nevada.

(B) Water Production

- **Demand** - TMWA’s customer demand averaged 92 MGD for the week ending June 4th. Surface water made up 88% of the supply, and groundwater pumping the other 12%.

(C) Hydro Production

Generation - The average flow in the Truckee River at Farad (CA/NV state line) for the month of May was 3,150 CFS. All three of TMWA’s Hydro-power plants (Fleish, Verdi, and Washoe) were on-line all month and available 100% of the time.

Statistics and estimated generation for the month as follows:

Plant	Generation Days	% Availability	Generation (Megawatt Hours)	Revenue (Dollars)	Revenue (Dollars/Day)
Fleish	31	100%	1,676	\$127,698	\$4,119
Verdi	31	100%	1,546	\$116,713	\$3,765
Washoe	31	100%	1,494	\$111,748	\$3,605
Totals	93	-	4,716	\$356,159	\$11,489



STAFF REPORT

TO: Chairman and Board Members
THRU: John R. Zimmerman, General Manager
FROM: John Enloe, Director, Natural Resources
DATE: June 8, 2023
SUBJECT: **Water Resources and Annexation Activity Report**

RULE 7

Rule 7 water resource purchases and will-serve commitment sales against purchased water resources through this reporting period:

Beginning Balance		2,950.80 AF
Purchases of water rights	20.68 AF	
Refunds	0.00 AF	
Sales	-6.44 AF	
Adjustments	0.00 AF	
Ending Balance		2,965.04 AF

Price per acre foot at report date: \$7,900

FISH SPRINGS RANCH, LLC GROUNDWATER RESOURCES

Through the merger of Washoe County's water utility, TMWA assumed a Water Banking and Trust Agreement with Fish Springs Ranch, LLC, a subsidiary of Vidler. Under the Agreement, TMWA holds record title to the groundwater rights for the benefit of Fish Springs. Fish Springs may sell and assign its interest in these groundwater rights to third parties for dedication to TMWA for a will-serve commitment in Areas where TMWA can deliver groundwater from the Fish Springs groundwater basin. Currently, TMWA can deliver Fish Springs groundwater to Area 10 only (Stead-Silver Lake-Lemmon Valley). The following is a summary of Fish Springs' resources.

Beginning Balance		7,412.82 AF
Committed water rights	- 0.0 AF	
Ending Balance		7,412.82 AF

Price per acre foot at report date: \$45,753.75 (SFR and MFR); \$39,690 (for all other services)¹

¹ Price reflects avoided cost of Truckee River water right related fees and TMWA Supply & Treatment WSF charge.

WATER SERVICE AREA ANNEXATIONS

Since the date of the last report, there have been 785.05 acres (Exhibit “A-1” & Exhibit “A-2”) annexed into TMWA’s service area.

INTERRUPTIBLE LARGE VOLUME NON-POTABLE SERVICE

No new ILVNPS customers have been added during this reporting period.

EXHIBIT "A-1"

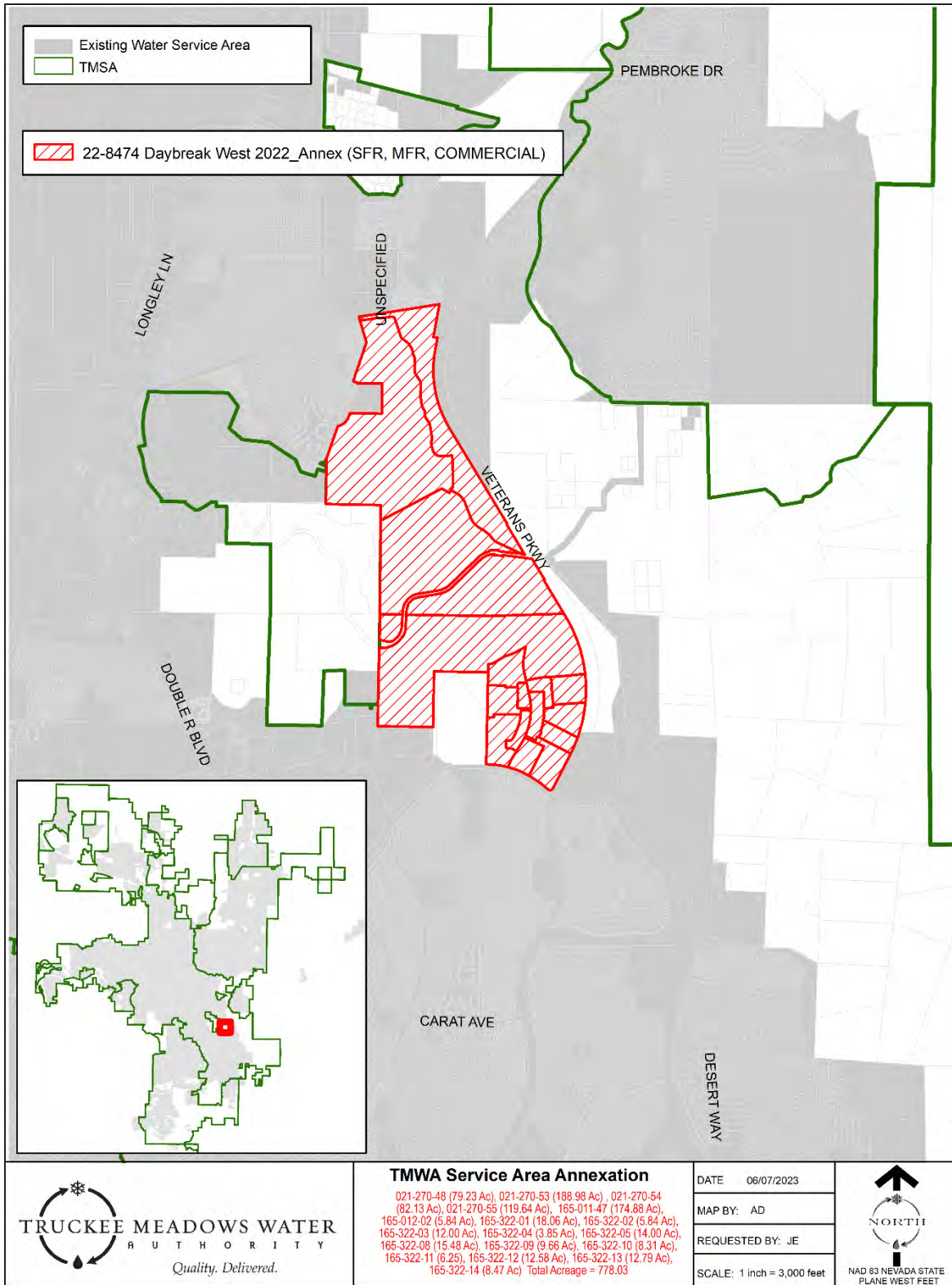
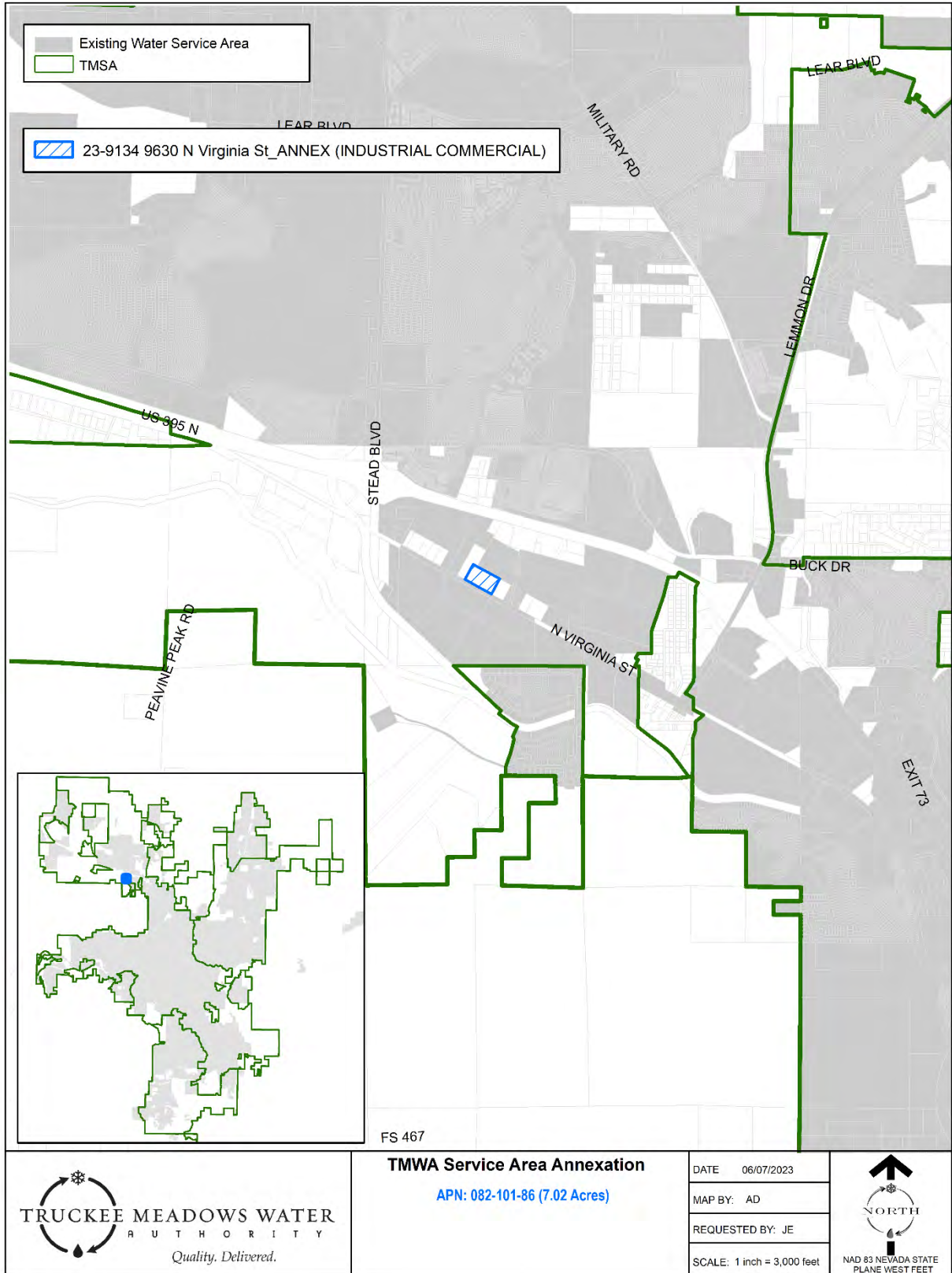


EXHIBIT "A-2"





STAFF REPORT

TO: Board of Directors
THRU: John Zimmerman, General Manager
FROM: Marci Westlake, Manager Customer Service
DATE: June 21, 2023
SUBJECT: **May Customer Service Report**

The following is a summary of Customer Service activity for May 2023

Ombudsman (Kim Mazer)

- Customer has a leak someplace in her irrigation system. Multiple irrigation contractors have been out to look at it. They have taken money from her but haven't found the source of the leak. TMWA conservation has done everything they are able to do. Contractor is coming out to help her.

Communications - Public Outreach - May

- TMWA's Smart About Water Day at the California Building and 215 people attended.
- Darrin Garland, Ryan Malkiewich and Will Raymond did a public Glendale water plant tour for treatment process and testing and 22 people attended.
- Chalk Bluff Operators and Water Quality Staff had a tour for the Envirolution Organization for treatment plant and water quality and 30 Career quest students attended.
- Bill Hauck, Ryan Malkiewich and Jennie Fong Buchanan did a presentation for Osher Lifelong Learning Institute for water storage and water quality and 15 people attended.
- Chuck Swegles had a Truckee River tour for Nevada Water Resources Association and 25 people attended.
- Ignacio Galvez, Robert Charpentier, Chuck Swegles and Lauren Kunin had a Drip System Maintenance Workshop and 11 people attended.
- Ignacio Galvez, Robert Charpentier, Chuck Swegles and Lauren Kunin had a Sprinkler System Maintenance Workshop and 8 people attended.
- Kara Steeland presented on TMWA's Source Water Protection Programs at the Western States Source Water Protection Forum and 40 people attended.
- Kara Steeland presented on TMWA's Watershed Protection and Forest Management Plan at the Western States Water Council and 25 people attended.
- Kara Steeland participated on the Forest Management and Water Quality Panel at the Wildfire Resilience Funders Network and 50 people attended.
- Danny Rotter presented on Municipal Water Systems and TMWA Water Availability at the Nevada Association of Certified Real Estate Inspectors and 20 people attended.

Conservation (2023 Calendar year)

- 767 Water Usage Reviews
- 526 Water Watcher Contacts

Customer Calls – May

- 7,033 phone calls handled.
- Average handling time 5 minutes 06 seconds per call.
- Average speed of answer :17 seconds per call.

Billing – May

- 136,183 bills issued.
- 40,237 customers (29%) have signed up for paperless billing to date.

Remittance – May

- 21,127 Mailed-in payments.
- 24,229 Electronic payments
- 58,251 Payments via AutoPay (EFT)
- 15,448 One-time bank account payments
- 117 Store payments
- 634 Pay by Text
- 4,425 IVR Payments
- 645 Reno office Payments
- 13 Kiosk Payments

Collections – May

- 15,198 accounts received a late charge.
- 2,648 Mailed delinquent notices, 0.01% of accounts.
- 638 accounts eligible for disconnect.
- 499 accounts were disconnected. (Including accounts that had been disconnected-for-non-payment that presented NSF checks for their reconnection)
- .14 % write-off to revenue.

Meter Statistics – Fiscal Year to Date

- 6,669 Meter exchanges completed.
- 1,591 New business meter sets completed.