

TRUCKEE MEADOWS WATER AUTHORITY
MINUTES OF THE JANUARY 16, 2013
MEETING OF THE BOARD OF DIRECTORS

The Board of Directors met on Wednesday, January 16, 2012, at Sparks Council Chambers, 745 Fourth Street, Sparks, Nevada. Chairman Carrigan called the meeting to order at 10:02 a.m.

1. ROLL CALL

Members Present: Mike Carrigan, Mike Cate, Vaughn Hartung, Neoma Jardon, Geno Martini and Sharon Zadra. Members Absent: Kitty Jung. A quorum was present.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Member Hartung.

3. PUBLIC COMMENT

There was no public comment.

4. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE DECEMBER 12, 2012 MINUTES

**Upon motion by Member Martini, second by Vice Chairman
Cate, which motion duly carried by 5 to 1 with Member
Hartung abstaining, the Board approved the December 12,
2012 minutes.**

6. APPOINTMENT OF TWO TMWA BOARD MEMBERS TO THE WESTERN
REGIONAL WATER COMMISSION TO FILL THE UNEXPIRED TERM
BEGINNING ON JANUARY 16, 2013, AND ENDING ON MARCH 31, 2013 AND
APPOINTMENT OF THREE TMWA BOARD MEMBERS TO THE WESTERN
REGIONAL WATER COMMISSION FOR THE TWO-YEAR TERM FROM APRIL 1,
2013 THROUGH MARCH 31, 2015

Mark Foree stated that by statute the TMWA Board is required to appoint three members, one from each of the three agencies (City of Reno, City of Sparks and Washoe County) that sit on the TMWA Board to the Western Regional Water Commission (WRWC). Each agency is also required to appoint its own representative. Since TMWA appointees Cashell (City of Reno) and

Larkin (Washoe County) are no longer on the TMWA Board, the Board needs to fill those vacancies for the term ending March 31, 2013. The Board may also choose to appoint a member of each of the three agencies (City of Reno, City of Sparks and Washoe County) for the two-year term beginning April 1, 2013 and ending March 31, 2015.

Upon motion by Member Martini, second by Member Hartung, which motion duly carried by unanimous consent of the members present, the Board appointed Member Jardon (City of Reno) and Member Jung (Washoe County) to the Western Regional Water Commission to fill the unexpired terms of former Members Cashell and Larkin, beginning January 16, 2013 and ending March 31, 2013.

Upon motion by Member Martini, second by Member Zadra, which motion duly carried by unanimous consent of the members present, the Board appointed Member Jardon (City of Reno), Chairman Carrigan (City of Sparks) and Member Jung (Washoe County) to the Western Regional Water Commission for the two-year term beginning April 1, 2013 and ending March 31, 2015.

7. DISCUSSION AND POSSIBLE APPROVAL OF THE MEMORANDUM OF LEGISLATIVE COOPERATION AMONG LOCAL GOVERNMENTS, AFFECTED GOVERNMENT ENTITIES, SERVICE PROVIDERS, AND OTHER AGENCIES IN THE TRUCKEE MEADOWS REGION FOR THE 2013 SESSION OF THE NEVADA LEGISLATURE, AND, IF APPROVED, AUTHORIZE THE CHAIRMAN TO EXECUTE THE MEMORANDUM

John Erwin presented the Memorandum of Legislative Cooperation (Memorandum) for the 2013 Legislative Session. As in the past, TMWA had been asked to consider joining other local governmental entities as signatories to this Memorandum as it relates to upcoming legislative matters.

Upon motion by Member Zadra, second by Member Hartung, which motion duly carried by unanimous consent of the members present, the Board approved the Memorandum of Legislative Cooperation among Local Governments, Affected Government Entities, Service Providers, and other agencies in the Truckee Meadows region for the 2013 session of the Nevada Legislature; and authorized the Chairman to execute the memorandum.

8. REQUEST FOR BOARD DIRECTION TO ESTABLISH A LEGISLATIVE SUBCOMMITTEE AND ESTABLISH THE PROCESS TO REVIEW LEGISLATIVE ACTIVITIES

Mr. Erwin reviewed the process for the Legislative Subcommittee that has been followed since 2003. To monitor the legislative session, the Board had previously formed a Legislative Subcommittee consisting of the Chairman and Vice Chairman, meeting each Friday afternoon at 3:00 PM in a noticed public meeting with staff and TMWA lobbyists in attendance to discuss positions on the various bills. Occasionally the Subcommittee meeting was canceled when no action was required for the week. The process has worked well for all participants. Staff recommended the same procedure and process be implemented for the 2013 session. Mr. Erwin said that during the last few legislative sessions, the TMWA Legislative Subcommittee had held joint meetings with the WRWC Legislative Subcommittee.

Upon motion by Member Martini, second by Member Hartung, which motion duly carried by unanimous consent of the members present, the Board directed staff to establish a Legislative Subcommittee for the 2013 legislative session, appointed the Chairman and Vice Chairman to the Legislative Subcommittee and established the process to review Legislative Activities as outlined above.

9. GENERAL MANAGER'S REPORT

Mr. Foree reported currently the snowpack is 130 percent of average, a good start to the season. Like other agencies during the past month, TMWA had been fighting cold weather problems and responding to numerous calls regarding frozen water pipes.

10. DISCUSSION AND POSSIBLE APPROVAL OF A SETTLEMENT BETWEEN TMWA AND CAMPBELL CONSTRUCTION REGARDING RESOLUTION OF A DISPUTE INVOLVING CLAIMS DURING THE CONSTRUCTION OF THE SPARKS FEEDER MAIN PHASE IV-B

Mike Pagni, TMWA Legal Counsel, recommended the Board adjourn for an attorney-client briefing.

Upon motion by Member Hartung, second by Member Zadra, which motion duly carried by unanimous consent of the members present, the Board recessed the meeting at 10:13 a.m.

Chairman Carrigan reconvened the meeting at 10:25 a.m.

Mr. Pagni said a dispute arose with Campbell Construction (Campbell) during the construction of the Sparks Feeder Main IV-B project, which led to Campbell asserting various claims for an additional \$1.4 million in compensation. The parties engaged in negotiations and Campbell agreed to settle all claims for the amount of \$570,000. The settlement is not an admission of liability by TMWA but it is a settlement of a disputed claim.

Upon motion by Vice Chairman Cate, second by Member Hartung, which motion duly carried by unanimous consent of

the members present, the Board approved a full and final settlement of all claims arising out of the Sparks Feeder Main Phase IV-B project with Campbell Construction in the amount of \$570,000.

Member Zadra noted that TMWA had made and will continue to make modifications to its procedures to hopefully prevent similar situations in the future.

11. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

There were no board comments.

12. PUBLIC COMMENT

There was no public comment.

13. ADJOURNMENT

With no further discussion, Chairman Carrigan adjourned the meeting at 10:26 a.m.

Approved by the TMWA Board of Directors in session on March 20, 2013.

Respectfully submitted,

Corinne Cassell, Recording Secretary