

**ADMINISTRATIVE COMMITTEE
OF THE CARSON WATER SUBCONSERVANCY DISTRICT**

NOTICE OF PUBLIC MEETING

DATE: November 3, 2017
TIME: 9:00 A.M.
LOCATION: Carson Water Subconservancy District Conference Room
777 E. William St., #110
Carson City, NV

Please Note: A quorum of the CWSD Board of Directors will not be present at this committee meeting. Any action on the part of the committee is for recommendation to the full CWSD Board of Directors for ultimate action. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Toni Leffler at (775) 887-7450 (<mailto:toni@cwsd.org>), at least three (3) days in advance so that arrangements can be made.

AGENDA

- 1) Call to order of the Carson Water Subconservancy District's (CWSD) Administrative Committee
- 2) Roll Call
- 3) Discussion Only: Public comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
- 4) For Possible Action: Approval of the Administrative Committee minutes from September 15, 2017.
- 5) For Possible Action: Consider an alternative structure to involve Alpine County in the Carson River Watershed process with CWSD.
- 6) For Possible Action: Review proposed CWSD's Carson River Watershed Committee Policy.
- 7) For Possible Action: Review proposed Memorandum of Understanding to allow CWSD to receive funds from Alpine County and for CWSD to reimburse Alpine County for the cost of their representatives attending CWSD Board and Committee meetings.
- 8) Discussion Only: Public comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
- 9) For Possible Action: Adjournment

Supporting material for this meeting may be requested from Toni Leffler at 775-887-7450 (<mailto:toni@cwsd.org>) and is available at the CWSD offices at 777 E. William St., #110A, Carson City, NV 89701 and on the CWSD website at www.cwsd.org.

In accordance with NRS 241.020, this notice and agenda has been posted at the following locations:

-Dayton Utilities Complex
34 Lakes Blvd
Dayton, NV

-Minden Inn Office Complex
1594 Esmeralda Avenue
Minden, NV

-Lyon County Administrative Building
27 S. Main St.
Yerington, NV

-Churchill County Administrative Complex
155 N Taylor St.
Fallon, NV

-Carson City Hall
201 N. Carson St.
Carson City, NV

-Carson Water Subconservancy District Office
777 E. William St., #110A
Carson City, NV

-Alpine County Administrative Building
99 Water St.
Markleeville, CA

-CWSD website:
<http://www.cwsd.org>

-State public meetings website:
<http://notice.nv.gov>

AFFIDAVIT OF POSTING

The undersigned affirms that on or before 9:00 A.M. on October 30, 2017, he/she posted a copy of the Notice of Public Meeting and Agenda for the November 3, 2017, meeting of the Administrative Committee of the Carson Water Subconservancy District in accordance with NRS 241.020; said agenda was posted at the following location:

_____.

SIGNATURE

Name: _____

Title: _____

Date & Time of Posting: _____

**CARSON WATER SUBCONSERVANCY DISTRICT
ADMINISTRATIVE COMMITTEE
September 15, 2017, 3:30 P.M.**

DRAFT Meeting Minutes

Committee Members Present:

Karen Abowd, Carson City
David Griffith, Alpine County
Doug Johnson, Douglas County
Chuck Roberts, Lyon County

Staff Present:

George Benesch, CWSD Attorney
Ed James, General Manager
Toni Leffler, Administrative Assistant

Others Present: none

Committee Member Abowd called the meeting of the Administrative Committee to order at 3:30 pm. in the Conference Room of Carson Water Subconservancy, 777 East William Street, Suite 110, Carson City, Nevada. A quorum of the Administrative Committee was present.

Item #3 – Discussion Only: Public Comment - None

Item #4 - For Possible Action: Approval of the Administrative Committee minutes from November 29, 2016, and July 14, 2017. Since Ms. Abowd was the only committee member present today who was also present at the November 29 and July 14 meetings, a motion and second could not be made and this item was tabled.

Item #5 - For Possible Action: Renewal of the General Manager's employment contract. Mr. James explained that his contract renewal was every three years and there were no changes from his previous contract.

No public comment. *Committee Member Johnson made the motion that the Administrative Committee recommend that the Board renew the General Manager's employment contract. Committee Member Griffith seconded the motion which was unanimously approved by the Administrative Committee.*

Item #6 - For Discussion Only: Review of CWSD's Criteria for Selecting Board Officers. Mr. James explained that this item will be taken to the Board at its October 18 meeting. The following are suggested changes to CWSD's Criteria for Selecting Board Officers:

- The Chair, Vice Chair, and Treasurer positions will be rotated through Nevada Counties instead of just the Chair and Vice Chair.
- The Treasurer position will only be open to Nevada county representatives, and Alpine County will not be included in the rotation since it is a member of the Joint Powers Authority Board and not the CWSD Board.

- Added to the paragraph about Administrative Committee review of the slate of current and/or eligible officers for the coming calendar year is the following statement: “At the January Board meeting, the Board will vote for the proposed officers. If a proposed officer does not receive a majority vote, the position will then be offered to the other member(s) of the same county. If the other member(s) do not wish to serve or do not meet the criteria set above, then the position will be offered to the next county in the rotation.”
- On the second page, Election cycle #3, is modified to rotate Churchill County into the Treasurer’s office instead of Alpine County.
- The rotation of counties through CWSD Board offices is clarified at the end of the policy.

No public comment. *Committee Member Griffith made the motion that the Administrative Committee recommend that the CWSD Board approve the revision to CWSD’s Criteria for Selecting Board Officers to limit the Treasurer office to Nevada county representatives only. The motion was seconded by Committee Member Johnson and unanimously approved by the Administrative Committee.*

Item #7 – For Possible Action: Review of CWSD’s Policy for Director Meeting Compensation.

Mr. James explained that at the Administrative Committee meeting on July 14, 2017, the committee voted to recommend that the stipulation for physical attendance at CWSD meetings be removed so that Directors are paid for attendance whether in person or by phone. Since that time, some of the committee members have reconsidered that change and wish to discuss it further.

Mr. Roberts mentioned that he was the one that asked for a reconsideration of the proposed removal of physical attendance as a requirement to be paid for a meeting. Since that request he has changed his position. He explained that he believes committee members are compensated for their votes. It is unequal treatment for a member to not get paid just because they are not in physical attendance. Mr. Griffith disagreed that compensation is only for voting and explained that it is also for the experience and other values each person brings to the table.

Mr. Johnson noted that sometimes a member wishes to be involved in a meeting but is not able to attend in person because of distance or time constraints. The individual’s engagement with a meeting is not the same as the ones that are physically present. In response to the suggestion that phoning into a meeting be eliminated as an option, Ms. Abowd noted that some meetings may not have a quorum if a member is not allowed to phone in.

Mr. James pointed out that committees were created to streamline the process of discussion about specific items at Board meetings. A smaller group of committee members can discuss the topic and make a recommendation to the full Board.

Proposed changes to CWSD’s Policy for Director Meeting Compensation are as follows:

- Change the short reference to the Carson Water Subconservancy District throughout from “District” to “CWSD.”
- The definition of “meeting” includes a reference to physical attendance by Board members.

No public comment. *Committee Member Griffith made the motion that the Administrative Committee recommend that the CWSD Board accept changes to CWSD's Policy for Director Meeting Compensation and the requirement that members must be physically present to receive payment. Committee Member Roberts seconded the motion which was unanimously approved by the Administrative Committee.*

Item #8 – For Possible Action: Developing CWSD's Policy for Selecting Committee Members.

Mr. James explained that up until now committee membership has been determined by Board action. There has not been a formal policy. The Administrative Committee was provided with the policy in their information package.

Mr. Roberts questioned a phrase in the last paragraph under General Procedures and Guidelines that states: "If a committee member is not available to attend a committee meeting, CWSD staff will *attempt* (emphasis added for clarification of the term of concern) to get another board member from that county to attend in their place." He suggested instead that the sentence read: "... the General Manager or his designee may select an alternate Board member to attend the meeting in their place."

No public comment. *Committee Member Johnson made the motion that the Administrative Committee recommend to the CWSD Board approval of CWSD's Policy for Selecting Committee Members as modified above. Committee Member Griffith seconded the motion which was unanimously approved by the Administrative Committee.*

Item #9 – For Possible Action: Review of draft Agreement between Alpine County and CWSD regarding Alpine County's contribution to CWSD and compensation of Alpine County representatives for attending the Joint Powers Authority and CWSD Board meetings.

Mr. James explained that he and Mr. Benesch met with Alpine County representatives and the county's attorney regarding the Joint Powers Agreement (JPA). To address an issue regarding how CWSD receives funds from Alpine County and paying the Alpine County representatives for attending meetings Mr. James suggested some language that would be included in the JPA. The Alpine County attorney suggested it would be cleaner not to include the funding and payment in the JPA but have a separate agreement. CWSD staff drafted and submitted an agreement to Alpine County for their review. Alpine County hasn't responded back yet.

Ms. Abowd asked about the issue of comingling funds. Mr. James responded that there is no comingling; the funding is Alpine County's contribution to CWSD. Mr. Johnson stressed that CWSD wants Alpine County involved with CWSD in addressing watershed-wide issues. Mr. Benesch noted that this document could be a Memorandum of Understanding (MOU) instead of an agreement but both forms accomplish the same thing. Mr. Griffith suggested that Mr. James get together with Alpine County to iron out the details.

Mr. Roberts noted that this agreement makes references to the Joint Powers Agreement. There was a discussion about Alpine County representatives being paid without Workman's Comp coverage. Perhaps payment to the Alpine County representatives is like a payment to an independent

contractor instead of to an employee. Mr. Johnson suggested that Alpine County could pay their representatives to attend meetings and then invoice CWSD for reimbursement. Mr. Roberts stressed that the Joint Powers Agreement creates an entirely separate entity. It is not CWSD looking for Alpine County to provide services like an independent contractor. The Joint Powers Authority is a separate entity without a budget but the JPA should pay the Alpine County representatives.

Ms. Abowd asked if a MOU could designate that a certain amount of Alpine County's contribution be set aside for paying the Alpine County. Mr. Roberts suggested the CWSD Board voting to allow CWSD to pay JPA representatives, hold the JPA meetings with a defined nexus to business associated with the JPA. We could have a subcommittee meeting in tandem with the JPA and CWSD meetings, which would make Alpine County representatives CWSD employees. We can't have people act on something they have no authority over.

No public comment. *The committee recognized that more information is needed before this item can be moved forward to the full Board. Ms. Abowd recommended that this item be tabled to gather more information. She suggested that staff ask Adriana Fralick with the Carson City District Attorney's office whether Dan Yu would be able to take a look at the JPA or other processes that might work for CWSD and Alpine County. Mr. Roberts suggested talking with the Legislative Counsel Bureau (LCB). Mr. Benesch mentioned that LCB typically does not get involved without a legislator requesting the meeting. Mr. Griffith will talk with the Alpine County administrator and attorney about Alpine County paying Alpine County representatives to attend the Joint Powers Authority Board meetings.*

Item #10 – For Possible Action: Review possible changes to the Joint Powers Agreement between Alpine County and CWSD and/or consideration of an alternative structure to involve Alpine County and Storey County in the Carson River Watershed process with CWSD. This item is tabled until staff can consult with experts about the issues of question.

Item #11 –Discussion Only: Public Comment. None.

Item #12 – Adjournment. *There being no further business to come before the Administrative Committee, Committee Member Johnson made the motion to adjourn, and the meeting adjourned at 5:10 p.m.*

Respectfully submitted,

Toni Leffler
Secretary

CARSON WATER SUBCONSERVANCY DISTRICT

TO: ADMINISTRATIVE COMMITTEE

FROM: EDWIN D. JAMES

DATE: NOVEMBER 3, 2017

SUBJECT: Agenda Item Background Information

Item # 5 – For Possible Action: Consider an alternative structure to involve Alpine County in the Carson River Watershed process with CWSD. On October 20, 2017, Director Roberts, George Benesch, and the General Manager met to review an alternative structure to involve Alpine County into CWSD Board meetings. The proposal is to create a Carson River Watershed Committee that will be included as part of the CWSD meeting (see attached mock agenda).

Item #6 – For Possible Action: Review proposed CWSD’s Carson River Watershed Committee Policy. If CWSD and Alpine County representatives agree to create a Carson River Watershed Committee, CWSD needs a policy establishing the committee. Attached is a draft Carson River Watershed Committee policy.

Item #7 – For Possible Action: Review proposed Memorandum of Understanding to allow CWSD to receive funds from Alpine County and for CWSD to reimburse Alpine County for the cost of their representatives attending CWSD Board and Committee meetings. Attached is a draft Memorandum of Understanding to clarify how Alpine County representatives will be members of CWSD’s Carson River Watershed Committee, how CWSD will receive funding from Alpine County, and how CWSD will pay Alpine County for their participation in CWSD committee meetings.

**CARSON WATER SUBCONSERVANCY DISTRICT
BOARD OF DIRECTORS
AND CARSON RIVER **WATERSHED COMMITTEE****

NOTICE OF PUBLIC MEETING

DATE:

TIME:

LOCATION:

Carson City, NV

This meeting will be preceded by a field trip to the Carson City Wastewater Treatment Plant, 3320 E. Fifth Street, Carson City, NV at 3:30 p.m. and dinner at San Marcos Grill, 260 E. Winnie Ln., Carson City, NV at 5:00 p.m. No action will be taken at either of these events.

AGENDA

Please Note: The CWSD Board may: 1) take agenda items out of order; 2) combine two or more items for consideration; or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Toni Leffler at (775)887-7450 (<mailto:toni@cwsd.org>), at least three days in advance so that arrangements can be made.

1. Call to Order the Carson Water Subconservancy District (CWSD) Board of Directors
2. Roll Call
3. Pledge of Allegiance
4. For Discussion Only: Public Comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
5. For Possible Action: Approval of Agenda
6. For Possible Action: Approval of the Board Meeting Minutes of September 20, 2017.

CONSENT AGENDA

Please Note: All matters listed under the consent agenda are considered routine and may be acted upon by the Board of Directors with one action and without an extensive hearing. Any member of the board or any citizen may request that an item be taken from the consent agenda, discussed and acted upon separately during this meeting.

7. For Possible Action: Approval of Treasurer's Report for September 2017.
8. For Possible Action: Payment of Bills for September 2017.
9. For Possible Action: Approval of CWSD's Revised Criteria for Selecting Board Officers.
10. For Possible Action: Approval of CWSD's Policy for Selecting Committee Members.
11. For Possible Action: Renewal of the General Manager's Employment Contract.
12. For Possible Action: Approval of Revised CWSD Regional Water System Policy.

****END OF CONSENT AGENDA****

**RECESS TO CONVENE AS THE
CARSON RIVER **WATERSHED COMMITTEE****

13. Roll Call
14. For Discussion Only: Public Comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
15. For Discussion Only: A Workshop to discuss possible organizational structures for Alpine County and CWSD to work together on watershed issues.

Carson Water Subconservancy District Board of Directors and
Carson River Watershed Committee
10/18/17 Meeting Agenda

16. For Possible Action: Possible recommendation after review of the proposed five-year budget for future planning purposes.
17. For Discussion Only: Public Comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.

ADJOURN TO RECONVENE AS
THE CARSON WATER SUBCONSERVANCY DISTRICT BOARD OF DIRECTORS

18. For Possible Action: Approval of CWSD's Revised Policy for Director Meeting Compensation.
19. For Possible Action: Authorize CWSD to pursue Nevada Department of Agriculture grant for Invasive Species control.
20. For Possible Action: Review of the proposed five-year budget for future planning purposes.
21. For Discussion Only: Staff Reports - General Manager
- Legal
- Correspondence
22. For Discussion Only: Directors Reports
23. For Discussion Only: Update on activities in Alpine County.
24. For Discussion Only: Update on activities in Storey County.
25. For Discussion Only: Public Comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
26. For Possible Action: Adjournment

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| | -State public meetings website:
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CARSON WATER SUBCONSERVANCY DISTRICT CARSON RIVER WATERSHED COMMITTEE POLICY

(as of 11/15/17)

Policy Purpose and Objective:

The purpose of this policy is to establish a process of selecting individuals to serve on Carson River Watershed Committee. The objective of the committee is to review information and make recommendations to the full Carson Water Subconservancy District (CWSD) Board.

Make-up and voting of the Committee:

The Carson River Watershed Committee will consist of the CWSD Directors and two Alpine County representatives. Other members may be added to the committee if approved by the full CWSD Board. The committee will only meet as part of the regular CWSD Board meetings. The committee will review items related to the watershed and make recommendations to CWSD Board. Any recommendation brought forth to the full board will require a majority vote of the committee.

Compensation for Attending the Carson River Watershed Committee:

Since the Carson River Watershed Committee will only meet as part of the regular CWSD Board meeting, CWSD Directors will not receive additional compensation for attending the committee meeting.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (MOU) by and between ALPINE COUNTY, CALIFORNIA, a political subdivision of the State of California (hereinafter "ALPINE"), and the CARSON WATER SUBCONSERVANCY DISTRICT, a political subdivision of the State of Nevada (hereinafter "CWSD").

WHEREAS, ALPINE is a political subdivision of the State of California and therefore a public agency under California Government Code (CGC) 6500; and

WHEREAS, CWSD is a water subconservancy district created and organized under the provisions of Nevada Revised Statutes (NRS) Chapter 541; and

WHEREAS, on or about June 19, 2001, ALPINE and CWSD entered into a Joint Powers Agreement regarding issues of mutual concern within the Carson River Watershed; and

WHEREAS, the goal and purpose of ALPINE and CWSD under the aforementioned Joint Powers Agreement is to work in cooperative actions on issues of mutual concerns affecting the Carson River Watershed; and

WHEREAS, it has been determined that the aforementioned Joint Powers Agreement, as implemented in July 2001, may not be the best and most effective means of accomplishing this joint goal and purpose, and

WHEREAS, this MOU is intended to supersede any conflicting provisions of the aforementioned Joint Powers Agreement, and

WHEREAS, this MOU establishes that two representatives from ALPINE will be appointed to CWSD Carson River Watershed Committee, and

WHEREAS, the goal and purpose of the Carson River Watershed Committee is to work in cooperative actions on issues of mutual concerns affecting the Carson River Watershed; and

WHEREAS, this MOU is intended to clarify ALPINE'S funding to CWSD and how CWSD compensates representatives from ALPINE for this mutual endeavor.

NOW, THEREFORE, the parties hereto, understand and commit as follows

1. ALPINE will appoint two representatives to the CWSD Carson River Watershed Committee.
2. ALPINE hereby commits to pay CWSD the sum of \$9,300.00 for fiscal year 2017-18.
3. After fiscal year 2017-18 the fiscal year annual fee committed to by ALPINE for the previous fiscal year will be subject to annual adjustments as agreed upon by both parties.
4. To initiate this process CWSD will request funding from ALPINE at least sixty (60) days before the commencement of each new fiscal year.
5. CWSD will compensate ALPINE for its participation in attending CWSD meetings, specifically reimbursement for mileage, meals and other agreed on expenses, in accordance with the CWSD Travel Reimbursement Policy.
6. This MOU shall continue to run for year to year thereafter unless terminated by either party with ninety (90) days written notice.
7. The parties hereto agree to cooperate fully and exercise their best mutual efforts to carry out the intent and purpose of this MOU.
8. This MOU becomes effective upon approval by both parties.

DATED: _____

ALPINE COUNTY

DATED: _____

CARSON WATER
SUBCONSERVANCY DISTRICT

TERRY WOODROW, Chair

KAREN ABOWD, Chair