

# CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Board Meeting

June 11, 2013

## **DIRECTORS:**

Barbara Byington  
Ed James  
Greg Dennis  
Gwen Washburn  
Mike Nevin  
Ron Penrose  
Todd Westergard  
Chuck Roberts

## **OTHERS PRESENT:**

Leo Bergin, Attorney  
Lori Williams, Engineer/Consultant  
Brian Casci, Water Master's Office

## **ABSENT:**

John Capurro  
Ernest Schank

## **STAFF:**

Trudy Salley  
Gwyn Bergin

Acting Chair Westergard called the meeting to order at 10 a.m.

## **PUBLIC COMMENT - NONE**

## **APPROVAL OF MINUTES AND CHECKS WRITTEN –**

Director Byington made a motion to approve the minutes for May and checks written on Bank of America #9129 - #9137 and Nevada State Bank #2406 - #2415. Motion seconded by Director Penrose, motion carried.

## **FEDERAL WATERMASTER'S REPORT -**

Brian Casci presented the water report: copies of both are included in Minutes book. Farad this morning is at 665 cfs, Reno is at 509 cfs, Vista 769 cfs, and Derby 293 (after Truckee canal diversion) had gotten up close to 600 cfs yesterday because of the rain. Nixon has 374 cfs. Truckee peaked a few days ago. On the Carson River; Gardnerville is at 441 cfs, Carson City is at 174 cfs and Ft. Churchill is at 109 cfs (measuring is now being done every 2 weeks). As soon as Gardnerville hits 300 cfs we will start measuring every 2 weeks. Tahoe is at 6226.35; flat for the past month at peaked at 6226.36, Chad feels peak rise will probably be today. June's average for Tahoe is 0.67 and today we are at 0.22. Jan – April we really had no significant precipitation However in May we received about 164% of average. We should be fine through the Irrigation season.

## **SECRETARY-TREASURER - USGS Stream gauging request for Funding –**

Mrs. Bergin presented the new proposal from USGS for funding for our 2013-2014 fiscal year. This year because of budget constraints we approved \$8,100.00 for the stream gauges, in the past contract amounts were anywhere from \$22,000 - \$25,000. We share this cost with USGS. USGS has agreed to the \$7,000 and has sent the new contract for signature. Agreement term is for 1 year.

Motion moved by Director Byington to pay the \$7,000. Motion seconded by Director Nevin. Motion carried.

## **2013-2014 NEVADA POOL PUBLIC AGENCY INSURANCE POOL AGREEMENT**

Director Westergard confirmed everyone is familiar with Pool insurance. The new premium amount for 2013-2014 is \$1,638.52. Ms. Bergin stated she had included this item in the 2013-2014

budgets in the amount of \$10,880.00. We are under budget and the budget has been approved.

Motion moved by Director Byington to pay the \$1,638.52. Motion seconded by Director Washburn. Motion carried.

**REVIEW, DISCUSS & GIVE FINAL APPROVAL FOR FLOOD CONVEYANCE CHANNEL ENCROACHMENT PER and ANNUAL SCHEDULE & CRITERIA FOR FUNDING of WEED ABATEMENT PROJECTS & MATCHING FUNDS REQUEST.**

Ms. Williams began introducing the changes approved at the last meeting for the Encroachment Criteria and Application. Which included the following verbiage “We have added to the checklist of items the additional fees of \$150.00 over four hours and how many complete sets of documents they need to supply”? As well as adding NDOT’s information under Pertinent Permits and clearances. Director Dennis asked if we should add City of Reno and Washoe County to the list of pertinent permits. Director Westergard proposed the question in regards to do we require/request proof of liability insurance when we receive a completed application and should it be added to the Criteria. After further discussion Director Westergard stated the consensus is we do not need to add any verbiage regarding liability insurance, but we do need to add verbiage for channel access, as well as add City of Reno and Washoe County and other agencies under pertinent permits or clearances on the Encroachment criteria and application. Verbiage has been agreed up.

**The final approved new verbiage for the encroachment criteria and application is as follows: Criteria:**

**Under a narrative of proposed work including, at a minimum-**

- Project design shall provide location of access to the Truckee River channel for construction equipment use. Carson Truckee Water Conservancy District shall have access necessary for repairs after encroachment.

**Under Pertinent Permits and clearances-**

- Other Permits as may be required including but not limited to: City, County, Building Permits, Special Use Permits, Rights of Access/Entry, etc.; applicant’s responsibility to determine requirements.

Motion moved by Director Dennis to approve the modifications to the encroachment criteria/application and seconded by Director Washburn. Motion carried.

Ms. Williams then moved onto the changes added and approved at last month’s meeting to the Annual Schedule, Criteria and Application for Matching Funds. Which included the following verbiage “We would accept applications to be submitted prior to January 31<sup>st</sup> of the Calendar year”? AND “The approved projects would have to be completed no later than October 31<sup>st</sup> of the same year”. Lori also added monitoring and metrics (pg. 1) of each request for funds application per the Boards request. Director Westergard again asked about adding liability insurance information. Consensus again was that we do not need to include any verbiage pertaining to liability insurance.

**The final approved new verbiage for the Application of funds criteria and application is as follows: Criteria:**

- Matching Funds application shall be **submitted to the District by January 31st of each calendar year** for consideration of funding during the fiscal year beginning July 1.

**Application:**

- **PROJECT PURPOSE, DESCRIPTION & BENEFITS:** Briefly describe the overall Project scope and benefits that will be realized through this Project (immediate and long term).

Motion moved by Director Dennis to approve modifications to the Annual Schedule, Criteria and Application of Matching Funds Projects and seconded by Director Nevin. Motion carried.

The third and final approved changes from last month’ meeting for the Criteria and Application for Funding of Weed Abatement Projects. Which included the following verbiage “We would accept applications to be submitted prior to January 31<sup>st</sup> of the Calendar year”? AND “The approved projects

would have to be completed no later than October 31<sup>st</sup> of the same year”. Lori also added monitoring and metrics (pg. 1) of each request for funds application per the Boards request.

**The final approved new verbiage for Weed Abatement Projects of funds criteria and application is as follows: Criteria**

- Weed Abatement Project Funding shall be **submitted to the District by January 31st of each calendar year** for consideration of funding during the fiscal year beginning July 1.

**Application:**

- **PROJECT PURPOSE, DESCRIPTION& BENEFITS:** Briefly describe the overall Project scope and benefits that will be realized through this Project (immediate and long term).

Motion moved by Director Dennis to approve with modifications to Annual Schedule and Criteria for Funding of Weed Abatement Projects. Motion seconded by Director Penrose. Motion carried.

**INTRODUCTION OF NEW DIRECTORS –**

Director Roberts (newest appointed) has spent some time on the Sub-conservancy Board, a County Commissioner for Lyon County, as well as being appointed to sit on the Board for Dayton Valley Conservation, representing Lyon County. Director Byington, representing Douglas County, Director James, representing Carson Sub-Conservancy, Director Nevin, representing Storey County, Attorney Bergin, legal counsel, Lori Williams, our Engineer, Director Dennis, representing Washoe County, Director Washburn, representing Churchill County, Director Westergard, represents Carson City.

**REVIEW, DISCUSS & FINAL APPROVAL FOR BY-LAWS AMENDED-**

Attorney Bergin shared his process in amending the By-laws as requested by the Board back at the March meeting. He started at day one of the original by laws (pretty vanilla). He then went through what the legislature wanted in changes. He started at the beginning and added some consistency for the first six (6) Districts, added the next four (4) Sub contracting agencies of the District, changed the dates to comply with what we do, changed the Annual meeting to November so that we will have our Budget information at the Annual meeting. Also made changes to the calendar meetings, to ensure our May (Special) meeting includes budget for final approval.

For the new members of the Board he went back to the Statutes. How it currently works is terms are for four (4) years and the original six (6) are nominated by the Counties. The second four (4) members are nominated by for whom they work.

In the case of a resigning member a new appointment by the Governor’s office will complete the remainder of the resigning member’s term. He really just cleaned up the by-laws.

Director Westergard had a questions regarding the term Sub-Districts for the Directors, is this accurate? Attorney Bergin explained this is how the Statutes read. Mr. Bergin elongated a little as the Statute stated that the Sub District Directors shall be nominated by the Sub Districts Board and Attorney Bergin replaced Sub Districts Board with Directors. Director Westergard main question is the word sub-district, Attorney Bergin explained the Statute states the Primary Sub District. These are the same terms that were used when amended down in Carson City.

Director Byington made a motion to approve the Amended By-Laws. Motion seconded by Director Washburn. Motion carried.

**ENGINEER-CONSULTANT REPORT –**

Ms. Williams shared a copy of her monthly report. A copy is included in Minutes book. Ms. Williams and Director Penrose continue to attempt to pull all of the pieces together in regards to the report from the USACE. At the very end of the month Ms. Williams had the trees removed from Dickerson Rd. she had also received a phone call from the Federal Water Masters office regarding some

other trees to be removed out in Verdi. Ms. Williams was able to coordinate it so the contractor was able to remove the trees from both sites on the same day. Ms. Williams and Director Penrose feel they need to start pushing the City of Reno a little harder as they are not receiving any responses to emails or to the letter Director Penrose had sent per the request Board at our last meeting. If they receive no responses soon they will go higher up. The City of Reno really needs to engage with us on some of the items such as installation of flap gates, removal of trees which are the City's trees and some of the other activities.

Ms. Williams is also in the process of preparing the semi-annual report per the Martis Creek agreement to the USACE regarding the project. The USACE sent her a new template of how the report is to be completed. If the Board agrees, she will have Director Penrose review the report and send it out as the Superintendent.

Director Penrose sent Ms. Williams some information from TMWA so they will begin the working on some bidding documents in preparation of the vegetation removal and the installation of the flap gates. Ms. Williams and Director Penrose are also going to get on the river and do some inspections in areas of the river which have not been inspected.

Tri Sage is willing to do the survey of the shoaling areas and TRFMA has agreed if Tri Sage completes the surveying and allows TRFMA to use the information, TRFMA will model the 14,000 cfs steady state flow as required by the Martis Creek Agreement (this should be available by Mid-July).

Ms. Williams and Director Penrose also plan on attending a meeting in Sacramento with the USACE in July and City of Reno representatives will be accompanying them to clear up the questions of which entity is responsible for which items.

Ms. Williams asked a question of counsel regarding Right of entry to remove items from the river, and do we need to have permission from a corporation and/or a personal property owner. Attorney Bergin said yes and you will usually have no issues receiving right of entry from a Company/Corp it will be the personal property owners which may or may not grant you the right of entry. If they do not you have to go to court in order to obtain a right of entry.

Director Penrose feels that it would be helpful to have the executive director of TRFMA attend a future meeting and provide an update on the project, where they seem themselves down the road as far as maintenance and who is going to do what.

#### **LEGAL REPORT –**

Not at this time.

#### **PUBLIC COMMENT - NONE**

#### **BOARD COMMENTS and/or REQUEST FOR AGENDA ITEMS –**

Review/Revise Martis Creek Agreement especially with the creation of TFRMA. Director Penrose agrees in essence these agreements are going to have to be amended. Most likely this will happen when they apply for funding with the Federal government.

Director Penrose requested we add a channel clearing contractor for possible action.

Director Penrose will speak with Jay at TRFMA in regards to attending a future meeting as discussed.

There being no further business, Acting Chair Westergard adjourned the meeting and announced the next meeting will be held Tuesday, July 9, 2013 at 10:00 am.

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Todd Westergard  
Acting Chair

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Gwyn S. Bergin,  
Secretary/Treasurer