

# CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Board Meeting  
October 8, 2013

## **DIRECTORS:**

Barbara Byington  
Ed James  
Greg Dennis  
Ron Penrose  
Todd Westergard  
Chuck Roberts  
Gwen Washburn  
Ernie Schank  
John Capurro

## **OTHERS PRESENT:**

Leo Bergin, Attorney  
Lori Williams, Engineer/Consultant  
Bill Washburn  
Chad Blanchard, FWM

## **ABSENT:**

Mike Nevin

Acting Chair Westergard called the meeting to order at 10:03 a.m.

## **PUBLIC COMMENT - NONE**

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

Director Capurro made a motion to approve the minutes for September and checks written on Bank of America #9159- #9164 and Nevada State Bank #2445 - #2450. Prior to the second, Director Schank stated there was a correction to the minutes, under water report even though he was not present; “the Tahoe level was just above the natural rim not below”. Motion was corrected to change said water report. Motion seconded by Director James, three abstentions, motion carries.

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

Chad presented the water report, a copy of which is included in Minutes book. October 1<sup>st</sup> the Floriston rate changed to 400 cfs. This morning there was 415 cfs at Farad the overage is a small amount coming out of Donner over top of rates for TCID. Donner is close to winter level and under rim control. Of course, Floriston rates go to 300 cfs the 1<sup>st</sup> of November. Tahoe is 6224.42 dropping quickly now. Evaporation rate is really higher during the cold weather – first cold spell. Wednesday there is a 50% chance of rain, calling for ¼” at Tahoe City. Ditches are pretty much shut off on the Truckee and the balance will be off in the next few days. We are well below flood control on all the reservoirs now. The Carson irrigation season is over and it will take a lot of time on those dry stretches of river to charge the system. Carson is bone dry in a lot of places. Director James mentioned the Deer Run gauge is not correct. Nevada USGS internet site was down this morning. The automated items will keep running to produce the records that need no human manipulation (due to government shutdown).

## **5. AUTHORIZATION TO MOVE FORWARD WITH QUOTATIONS/CONTRACTS for 2013 Truckee River Debris Removal –**

Ms. Williams stated she had sent out request for quotations on removal work to six contractors, copies were forwarded to the Board, a hard copy is available. Ron & Lori gave the contractors two weeks to return quotations. The quotes are to be received by Monday, October 14<sup>th</sup>. A couple of things needed from the Board to authorize prior to next week, if quotes are acceptable. First, is Todd Westergard being allowed/authorized to enter into the agreements/contracts after Ron Penrose, Lori and Todd go over Bids/Quotes? Second, we would like to have the Board set a limit on the amount to be spent on the removal. Lori has split the contract into two segments in order to get two contractors working at the same time, so we can beat the flows. Also, has requested several Rights of Entry

Agreements from the property owners wherein we have to access the river to clear the debris. ROE's are needed from Waste Management, other industrial areas, Reno Gazette Journal and the Reno Sparks Indian Colony. Reno Gazette Journal has already signed their agreement. Lori would like the approval of the Board to allow either Ron or Todd to execute the ROE.

An update on State Lands, notification for right of entry ends this Friday. However, the person who has been working on it, his last day is Friday. He wouldn't be able to draft our Permit prior to leaving and she is working on obtaining the name of the person taking over our project. She was hoping to get the permit prior to October 21<sup>st</sup> which will probably not happen. Ron stated the permit is a five year permit.

Director Penrose stated he had found a large backup of log and debris jam when out looking at homeless camps. This location was hidden and located on a side channel where it splits. Lori wanted to add this to the quotation request which could add a large amount of cost/work to the project. It is located behind the City of Reno Corporate yard across from the Tribal Counsel area off Kuenzli. It is down river of the Champion Park and the foot bridge. We need to make a decision on how much money we want to spend on the project. Lori wants to keep each segment around \$50,000 it could be close to \$100,000 for both segments.

Director Schank asked if it was tree removal and/or rock removal. Lori stated it will only be for tree/debris removal. 90% is going to be a lot of winching, cutting and carrying, a lot of manual work is going to be involved. The one section where a dump truck and excavator will be necessary is the area found by Ron which is in segment B. Director Schank broached the question to Ms. Bergin whether we had \$100,000. Director Schank suggested we discuss the cost/funding first.

Acting Chair Westergard moved to item 6 –

After much discussion under agenda item #6, it was moved by Director Schank to approve \$100,000 for the cost of River Debris Removal construction purposes and authorize Todd Westergard on behalf of the Board to sign any documents necessary. Motion seconded by Director Dennis, motion carried.

Director Roberts asked to go back to item #6 for a moment.

## **6. Review Budget, Agenda items and Distributions of Back up information in advance of meeting.**

Ms. Bergin supplied the Actual Budget information for 2013-2014 along with Balance Sheet for September and the Profit & Loss Budget versus Actual July through September. The actual budget grant funds have all been spoken for this year. We do have \$350,000 Emergency Reserve funds allocated in our NSB 1005 Money Market Account. These funds were reserved last year for such purposes.

Director Dennis asked if we had the ability to amend the Budget for these expenses. Attorney Bergin stated we do not have the power to amend the budget, the budget is set. However, you may use the funds you have set aside as this is an unbudgeted item. Director Westergard added it is budgeted through the emergency reserve funds. The Board must approve the use of funds from the Emergency Reserve Funds.

Director Dennis made a motion to approve an amount not to exceed \$100,000 for Emergency Debris removal for the previous bid item. Agenda items are actually out of order; we should have discussed 6, 7 and then 5. Acting Chair Westergard stated if the Board is agreeable to talk about the Budget in its entirety, could we move on. Motion was removed, to finalize the Budget issue.

Director Schank was not in attendance at the last two meetings and his question is what the most pressing issues with the USACE are, is it debris removal. Lori said it is hard to answer, as it is one of the things we have an obligation under the Martis Creek Agreement to do that has not been done and some/all of the other items will require modeling of the 14,000 cfs flow to see if the shoaling is

impacting flow. It is one of the first items we have the ability to complete. Does everyone need to be done probably no, should we do some to show we are operating under the agreement, yes. We have a lot of work ahead of us, we are still waiting on the flow model from TRFMA (they have instabilities in exactly the downtown area we need to work) we do not want to use a model that has problems. When a good model is available, then we need to do some modeling to determine the other projects we need to work on. The modeling will tell us what the other projects will need to be. The System Wide Improvement Framework gives us a couple of years to determine the projects, when will we do them, when will we have money to do them which will be a consideration. Who will our partners be, such as the flap gates, Lori & Ron feel the City of Reno and storm water people will be reasonable for the flap gate issue. Removing some of the shoaling will be our responsibility.

Director Penrose stated all the items Lori is discussing is hard to prioritize, as to what should be done first. The debris removal is part of our charge, it can be done, and there is no permitting impediment to stop us from doing it, so other than the amount of money we want to spend on it. The other items: shoal removal, issue with Idlewild box culvert, flap gate issue involving City of Reno these are all uncertain items at this time. We do not know if we have to do anything, we have to get the model, have to run it and define the 14,000 cfs level point along the river.

Director Dennis asked if Ron could get the estimate of time this take, could it take several months. Director Penrose stated if the model was in place right now, and we were to determine we need to remove some shoaling, we would not be in a position permit wise to get the work done until next year. Lori mentioned we would be applying for the necessary Nationwide #3 Permits, State NDEP permits and 401 water quality permits. As soon as we find out the shoaling is impeding the flow channel, this is the time we have to start applying for the necessary permits. Doing biological assessments, etc., the State and the City of Reno has done one for the Virginia Street Bridge project; therefore, we may be able to use these and save funds.

Director Schank asked if we know who actually owns the box culvert at Idlewild Drive. Lori answered the City of Reno actually uses it as part of their storm water system. Director Schank stated if we are in charge of making sure we maintain the 14,000 cfs and they have done something which impedes the 14,000 cfs it seems they have to remove. Lori stated the box culvert was not always in the middle of the river channel, it wasn't until the river channel moved. She feels there may be some shared responsibilities. Director Schank stated because of the uncertainty of the cost to put a cap on the work at this time, he suggests we authorize the use of \$100,000 which would also include Lori's fees and give Ron the authorization to sign on behalf of the Board. If that does not work then we may have to have a special meeting to evaluate where we are, it is hard to make a decision if we do not have an estimate as to what the contracts are going to run.

Acting Chair Westergard asked what the pleasure of the Board is, do we want to go to the appropriate agenda item to this off the table or do we want to talk about the budget.

Director James wondered what the time frame to work on the project is, if the contract came in at \$110,000 and we do not meet next time and are we not able to do the work are we going to be in trouble. Ms. Williams stated there is no time frame for this type of work, the limitation is going to be the flows; in a way we are trying to beat the high flows or a storm event that may move the debris causing channel problems. Right of Entry permits have been requested for one year because we may have to come back later. There was more discussion with regard to flows, storms and possibly going back another time.

Director James stated Ernie had included Lori's fees, do we know what the engineering fees might be.

Lori stated she was not sure whether we wanted her fees to come out of the actual \$100,000 estimate. Are we including her fees for managing this project or including the fees (the last bill submitted to the office which included putting together the SWIF information and the inspection

information? Director Schank pointed out it is the fees over and above the regular monthly costs. Ms. Williams still has to finalize the ROE's, receive and finalize bids before starting the project. When the model comes in, she will have time for the engineer to get it set up on the computer which could take a week. There is much more work to be done, not just the \$20,000 billing received last month.

Director Dennis stated he feels there are three items: Construction management portion, construction costs, and cost to complete all the necessary items to satisfy the USACE. Director Dennis felt the \$100,000 was just to get the contractors in the river; engineer's fees were not included in this figure.

Director Westergard feels we do not have to consider Lori's fees today; we just need to approve the Debris Removal.

Attorney Bergin stated we are already under contract with Lori, we need to pay her pursuant to her contract as it is now. Whatever time is spent has to be paid. Next meeting, Lori may be able to give us an estimate of the further costs for the USACE, debris removal, etc.

Director James feels we will have to augment our Budget to cover this later in the fiscal year, he does not know how it was submitted to the State. This is not critical today; however augmenting the budget will have to be done.

Lori had a question about the Budget Augmentation, when does this have to be done. Director James stated it has to be done prior to the end of the fiscal year, normally done by CSWD at the June meeting. A Public Hearing is normally held for this purpose. Director Dennis said you take retained earnings and put in the budget.

Director Roberts stated there is no right answer here, I am new and do not want to take any action that would jeopardize the responsibilities of this Board. I am having a little bit of trouble with 401.8% of the budget for engineering right now. We are talking about giving an amount which represents about 50% of our annual budget sort of in a credit card to do whatever seems appropriate. We are talking about using 28% of the reserved funds all in a blanket to accomplish something that has been neglected over a fairly lengthy period of time. In turn after we do this, the trend in over the budget on line 5016 Engineering fees continues, we are going to be at the end of this process of sorting out the paper work having spent all the money with no money for boots on the ground. We still do not have our arms around all the things that we need to do. I am not sure that we can break this out in a singular item because it is a system and everything we do today will affect everything else. The bottom line is we are not going to have enough money to meet our obligations and I am not sure we are in a position to prioritize those monies today with the information we have. This is my view as a newcomer. The board has a history in how this stuff averages out, these are my concerns.

Ms. Williams noted that no one has any experience on the situation we are in right now today with the projects that need to be done. Ms. Williams does not think that we have ever had our engineer be operating at this level. The budget was \$5,000 because as we have operated in the past, this would have been a normal year.

Director Roberts would like a better bigger view of the picture before he starts allocating resources and there is no damage in time to get it.

Director Dennis asked is your estimate of our priorities to remove the debris, first element in order to satisfy the USACE requirements and what do you think the consequences would be if we do not do this?

There was further discussion as to having time and materials work versus obtaining quotes from

different contractors.

Director Penrose stated the scope of work that has been put together is quite good, very specific and by doing what we have done, we have created a competitive environment with the contractors who we do have a good track record with. We have broken it up into two different areas: Segment A & Segment B. He would like the bidding process go forward, if there is a problem with it, we can go back and try to piece meal it on a time and material basis. We are going by NRS as it relates to construction contracts and the way things have been laid out it creates competition. The contractor can bid both segments. Director Schank asked if the projects/segments were equally split. Yes, per Director Penrose. Director James stated to keep the cost down you can minimize the uncertainties and we are doing the permitting for them.

Lori notified contractors the Right of Entry and Permits would be obtained by the District. A confirming email can be sent out reiterating this information.

Director Capurro stated the Board had made a positive decision when we made Ron Penrose Superintendent and Ron has spent a lot of time with Lori. Ron has presented this and they are saying that a \$100,000 for the construction cost is doable. He thinks we need to give them the benefit of the doubt that they have done their homework and move forward, get past discussing what the cost might be as he is afraid all the debris above Glendale Bridge will come down and hang up on the Glendale diversion. \$100,000 for the debris removal is a good way to go.

Director Schank stated that he would second the motion, if John would make it. Director Roberts said we need to get on the right agenda item (it was determined to be #5 – go back to #5 for Motion).

**Returning to item #6:**

Director Roberts was not sure that we got the concerns resolved with regard to the Budget. Director James said the concerns for the budget will have to be augmented because of the cost. We have earmarked \$138,000 for individual doing work on the river. Director James has told the entities we may not be giving funding next year. These are new items/costs wherein we need to really look closely at our budget items next year and look at how much Lori is going to have to spend. Prior to becoming a board member this year, Ed had attended our meetings with regard to funding sources. This is new and the costs are brand new and may eat up a lot of our funding. When the Budget comes forward next year, we will have some numbers to start looking at, but for today we are dealing with funds that have been promised. It is appropriate to spend Emergency Funds.

Engineer Williams stated she would hope to have the modeling completed by March/April, be able to identify. The USACE knows there is a money shortage and we can build up money in our account. Projects can be scheduled out three years from now, so we can build funds.

Acting Chair Westergard stated we are in a position to make some decisions, we did not anticipate. I see this as a good thing in some respects; one of the reasons is because I feel very comfortable, confident in spending our money this way. Some of these groups we have been giving money, I have talked to Leo as to whether or not this in our purview. I'm comfortable that is was; however, I do not know that it is the primary purpose of this Board and while the groups receiving monies primary purpose is to do the tasks that they do. I appreciate your comment about anticipating the next budget may not include those grant funds. Acting Chair Westergard wanted to make the comment for the record.

Director Roberts has heard the comment about notifying the grant recipients and letting them know they may not be getting funds next year. There was chatter about this year, my concern is a lot of this money is dedicated to matching funds and we should be mindful we do not change midstream and damage

them.

Director Roberts asked to get back to the agenda item regarding the distribution of back up information, is there any reason the information is not sent in a pdf format rather than three or four different formats. If was; therefore, determined that all further electronic items will be sent as a PDF.

Attorney Bergin excused himself from meeting as he has a conference call in his office.

Ms. Bergin stated in talking with Director Roberts it was discussed the office should have a time for all agenda items to be noted on the last Tuesday of the month so Agenda with back up information could be emailed on the first Tuesday of the month.

Director James stated under item 11 there is a request for future agenda items.

Acting Chair Westergard stated basically it people have gone to staff directly and/or staff consults with the chairman.

#### **7. DISCUSS the use of EMERGENCY RESERVE FUNDS to cover Engineer's fees over and above regular monthly fees plus Truckee River Debris Removal –**

Acting Chair Westergard mentioned we have already thoroughly discussed this item as far as engineering fees and understand we will follow up next month.

Ms. Williams will give an estimate of charges at the November meeting.

Director James asked if Ms. Williams had a worst case scenario and will be approving the changes to the Engineering expenses but for the State requirement, we will augment the budget in May/June.

Director Schank stated somebody was asleep at the wheel and I do not think it was anyone here, we have hired engineers in the past and it is the charge to try and keep ahead of the game. It was not until Lori came on board we had an inspection that has long overdue, had not taken place for several years. I feel this is why we find ourselves in a place that we were not planning on. Director Schank thanked Todd for making the earlier comment and stated it sets us straight as our primary responsibility is to take care of the Martis Creek Agreement. Not necessarily, expending money to other organizations, if we have the funds it is ok.

#### **8. DISCUSS scheduling a presentation for the TRFMA Board in the future -**

#### **9. DISCUSS, REVIEW AND REVISE THE MARTIS CREEK AGREEMENT in view of TRFMA creation -**

Mr. Westergard asked if there had been any contract with TRFMA. Director Penrose asked if we could combine item 8 and 9 together as he feels they go hand in hand. Acting Chair Westergard said “May as well”.

Director Penrose stated on the whole TRFMA issue – reiterating what we talked about before, it is possible at some point the Truckee River Flood Management Authority will have a Federal project where they get Federal money. They are trying to do this through the Water Resource Development Act Legalization, if and when they get WRDA authorization it is likely that all the agreements affecting the Truckee River Channel Maintenance will have to be changed. It is likely, TRFMA will have a section of the river they will deal with and possible we will still have some channel maintenance responsibility up river. There also may be a State of Nevada Department of Water Resources having a responsibility down river. It is worth at some point in the future, we need to go before the TRFMA board or their technical advisory committee and talk about the issue. We need to be thinking about this in the near future. Ron and Lori had a meeting with Robert Martinez, NDWR and Eric from TRFMA was also there discussing the maintenance. Does not feel the USACE would do anything with the existing

agreements unless there is a flood project.

Director Schank asked if it will cause competition for the funds we now have. Director Penrose stated yes and we will need to anticipate something happening in the future.

Ron plans on attending the next technical advisory meeting and wants to bring up the fact there are some antiquated agreements that may be changed. Have been trying to get Federal approval on the project for years and still have not been able to get project tentatively approved by the USACE.

Approval has to be received from the USACE and Congressional approval; they have to get as a line item in the authorization of Water Resource Development funds.

## **10. DISCUSS STATUS OF USACE Inspection, Martis Creek Agreement revision, related matters and action plan –**

### **11. ENGINEER/CONSULTANT REPORT -**

Lori asked to combine item 10 & 11. She stated you know where we are on the model, the need for it to get finished. TRFMA is still working on the instability. Our next step is the model in a lot of the projects and reviewing the need for inspection report. The SWIF has been sent in and her question to USACE was how long will this process take and when will the inspection report be issued. The SWIF will take 90 to 120 days, it has to work its way through Regional office, District office and up to headquarters. So we are buying some time because the government is shut down now. USACE will not issue the report until it has gone through these steps. We will not have to start meeting with Congressional delegations and others to advise them we have entered into a SWIF. This is something we can put off for a while.

In meeting with NDWR, we are letting them know what is happening upstream and are coordinating, we found out they have an biological assessment and if we need to file for permits, we could possibly use their assessment or use parts of this report which would save money. We are trying to work together on all the issues as we move through the USACE process.

Director Penrose is personally getting a little impatient with TRFMA with the model and he will be making some phone calls with discreet pressure being applied, till we get our hands on this model.

### **12. LEGAL REPORT –**

Mr. Bergin had to leave the meeting early, nothing to report.

### **13. PUBLIC COMMENT -**

Director James stated he was looking at the audit, on page 17 it says we have \$500,000 in uninsured funds; he concern is with a lot of banks failing in the past it may be worthwhile to consider moving funds around so they will be under the requirement. If Nevada State Bank were to go under, the District could possibly loose \$500,000. He knows it is may be a hassle but this would protect our funds.

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

Director Roberts received comments on funding in terms of grants, will it be more appropriate to have a discussion more in advance of the Budget Hearings so we can determine what our obligation, if any, what obligation we do have to under our operating perimeters to allocate some of our tax resources elsewhere. If it becomes the policy of the Board that we retain those monies for the things we discussed today, that we get information out to the other people, i.e. the Dayton Valley Conservation District, who relies heavily on this money as they have no taxable income and are professional beggars. As these funds dry up so does the district. What will be our policy in the future?

Director Schank stated we do not have to set a policy; this Board was formed and has a charter to carry out the Martis Creek Agreement. The other things we have done over the years, we have accumulated funds until 2008 arrived and we saw the funds go the other way, we always had plenty of

money. He does not think it is policy as much as we need to reset the Budget to put the money in the proper places this Board has the charter with the State of Nevada to carry out. He thinks what it said is well taken and possibly we need to put this on the agenda next month and/or send out warning letters that quite possibly the funds we have been able to distribute in the past may not happen, so the organizations can plan and go to other places for funding.

Lori mentioned earlier this year, we reset the process as this Board had been considering grant requests that came in randomly throughout the year. The Board decided to get on an annual basis where people would submit their requests in January, we would have a team to review requests that we float to the top. Then those projects would be reviewed and approved by the Board as part of the Budget process. So we were not getting inquiries in July and /or October. We may want to decide entities could apply next year with a low expectation, that there may be money available and as we work through other items and find out money may be available, we could incorporate into the budget.

Director Dennis stated there was the Emergency Funds set aside for emergency. We got into a talk about distribution of the funds during the year in terms of long term and/or short term CD's. My question was how much money would the district need if there was an actual flood event for an emergency that might occur. So when we looked at past costs, this is where the \$350,000 came from through the discussion the Board had with regards to the necessity of emergency fund that was Cash accessible is how this decision came to be.

Acting Chair Westergard stated we should place the Request for Funding of Grants on the agenda for next month to be discussed as to how to handle next year requests.

Ms. Williams stated Rob Martinez, Nevada Department of Water Resources would like to come to either the November or December meeting to fill us in on his responsibility on the lower river and where they are. Rob is going to be working with the State Engineer, who is his superior. There were some funding sources in the State for projects and debris removal on the rivers; however the money dried up through the budget recycle. He is actually going to see if he can resurrect some of this funding in the future legislature. We may want to get involved in this effort. Director James thought this was under State Lands, wants to set up a meeting with Jim Lawrence and Leo Bergin in the future to talk about it.

Director Schank asked whether next month is our Annual Meeting. Ms. Bergin stated yes, you will be approving the draft audit, nominating and electing President, Vice President and a new Secretary/Treasurer. She also advised Barbara Byington, Todd Westergard and Greg Dennis their terms are up at the end of December and to please contact the Governor's office.

Director Schank will not be able to attend November's annual meeting as he will be at National Water Resources Conference in San Antonio. Director Schank would like to suggest to the rest of his fellow Board Members, Todd Westergard is a good man and he would hope you elect him as Chairman of the Board.

There being no further business, Acting Chair Westergard adjourned the meeting at 12:10 a.m. Announced the next meeting will be held Tuesday, November 12, 2013.

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Todd Westergard  
Acting Chair

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Gwyn S. Bergin,  
Secretary/Treasurer