

## **LAS VEGAS VALLEY WATERSHED ADVISORY COMMITTEE**

Southern Nevada Water Authority  
100 N City Parkway, Las Vegas, NV 89106  
February 9, 2023  
2:00 p.m.

### **Members Present:**

Tom Brady, *City of North Las Vegas (CNLV)*  
Keiba Crear, *Las Vegas Valley Water District (LVVWD, alt.)*  
Adrian Edwards, *City of Henderson (COH, alt.)*  
Zane Marshall, *Southern Nevada Water Authority (SNWA)*  
Mindy Meyers, *Clark County (CC, alt.)*  
Tom Minwegen, *Clark County Water Reclamation District (CCWRD)*  
Steve Parrish, *Clark County Regional Flood Control District (CCRFCD)*  
Charles Trushel, *City of Las Vegas (CLV)*

### **Also Present:**

Steven Anderson	Ryan Pearson
Jason Bailey	Ron Portaro (facilitator)
Richard Donahue	John Solvie
Laura Dye	David Stoft
Jason Eckberg	Todd Tietjen
Dan Fischer	Andrew Trelease
Sara Gedo	Debbie Van Dooremolen
Tom Maher	

### **1. Welcome/Call to Order**

Chair Charles Trushel called the meeting to order at 2:05 p.m.

### **2. Public Comment**

Seeing no request for public comment, Charles moved forward with the meeting.

### **3. Introductions**

Attendees are listed above.

### **4. Facilitator-led Discussion of Bylaws**

Ron Portaro, with Total Quality Resources, facilitated a discussion about the Las Vegas Valley Watershed Advisory Committee (LVVWAC) bylaws. A review of the bylaws was a request from the committee during the previously facilitated meeting. The first suggested revision to the bylaws was in Section B, Membership. The CCWRD requested to add a fourth item in the section to read: "Each Agency's full interests in the Las Vegas Valley Watershed, including but not limited to, water, wastewater, and stormwater, are represented by its Member." Tom Minwegen explained that the purpose behind adding this item is to clarify who is represented within the committee and who is not.

Zane Marshall made a motion to amend Section B, Membership to include #4 as stated above. The motion passed unanimously.

Under Section C, Functions, the CCWRD requested to replace the word “provide” with the word “advise” under #2. The purpose of this change is to convey more cooperation and to be more aligned with the advisory-focused name of the committee.

Zane made a motion to revise Section C, Functions #2 and replace the word “provide” with the word “advise.” The motion passed unanimously.

Under Section C, Functions, the CCWRD requested to add item #11 to read: “LVVWAC funds received from LVVWAC Agencies may only be expended on functions, activities, and associated administrative support that effectuate the LTOP.” Tom Minwegen stated that he is open to discussion to better clarify how the committee will approach funding future projects outside the scope of the Las Vegas Wash Long-Term Operating Plan (LTOP) budget, giving the recent selenium study as an example. Zane stated that the LTOP implements the Las Vegas Wash Comprehensive Adaptive Management Plan (CAMP). Adrian Edwards asked if the addition of this language would adversely impact any work that is to be done on the Lower Las Vegas Wash, to which the committee responded that it would not. Steve Parrish stated that he would like more time to review and consider this addition. He added that the selenium study was important for the Las Vegas Wash (Wash) and the LVVWAC and that was the reason it was brought to the group, adding that it was not outside the scope of the LVVWAC. Tom Minwegen stated that this language is to clarify what the purpose of the committee is with regards to funding special projects and under what authority should members be voting to pay for them. Steve asked if this language is added, and there is a similar situation to the recent selenium study, would this limit the group’s ability to approve funding? He added that the group should be able to consider and further deliberate the intent of the proposed language. Zane stated that the LVVWAC should be able to deliberate on funding projects outside the scope of the LTOP and create a mechanism for funding items outside the LTOP, if needed. He added that an interlocal agreement may be this type of mechanism.

Zane asked Steven Anderson, SNWA/LVVWD legal counsel, if the proposed language was added as #11 to Section C, can the group deliberate on issues outside the scope of the LTOP? Steven stated that he believes the group should be able to do so, but it may provide some limitations. Zane stated that going through the interlocal agreement process would take 60 to 90 days to get approval, thus causing some limitation on flexibility. David stated that the proposed language respects the fact that the group is an advisory committee, and would expect that items affecting the entire watershed be brought to the table for discussion, but that there would not be some automatic trigger to funds these projects. Steve stated that sometimes they need to act quickly, and he has some concern that this language may slow or complicate the process. Adrian stated that perhaps there is a way to revise the proposed language slightly that may help alleviate concerns with expediency, giving the example that if a vote is unanimous, perhaps a more extensive approval process is not needed. David Stoft proposed adding the following verbiage “LVVWAC funds received from LVVWAC Agencies may only be expended on functions, activities, and associated administrative support that effectuate the LTOP, *unless approved unanimously by all members.*” Zane stated that the LTOP budget is reviewed and approved annually and that David’s revised suggestion to the language is helpful. He added that the LTOP does a good job at supporting the CAMP. Steve stated that the committee needs to carefully word this item; he does not want, for example, the LTOP to not be approved because of one single vote in opposition. He suggested that legal counsel take time to draft language before being voted upon by the committee. Ron Portaro suggested that legal counsel work to draft

language and that this item be tabled until later in the meeting. Charles asked the group if they are ready to vote on the item or would like to table it and revisit it later in the meeting. It was decided by the group to table the item.

Under Section D, Officers, the COH proposes to add the following language to item #2: “In the absence of the Chairperson, the Vice Chairperson shall perform the functions of the Chairperson. In the absence of both the Chairperson and the Vice Chairperson, the responsibility for presiding over the meeting can be delegated to the Member alternate for the Chairperson or the Vice Chairperson.” The purpose of this change is to better identify who presides over the meeting in absence of the Chairperson and Vice Chairperson. Charles supports this language as it adds clarification. Tom Minwegen asked that whoever is asked to preside over the meeting has continuity to the group and its discussions. Charles stated that by being an alternate, the individual should either be present at meetings or informed of matters by the member. It was asked who would delegate the responsibilities, to which it was answered that the Chairperson would delegate them (or the Vice Chairperson if the Chairperson was absent).

Mindy Meyers asked if there is a reason that all these bylaw revisions need to be approved today. As an alternate, she would like to take these changes back to the member and assigned alternate for their review before approving. Zane stated this facilitated workshop is not typical business but is a result of some concerns brought up by CCWRD. He added that resolution of some of these issues is best decided today as the facilitated workshop format will not continue. Tom Minwegen added that he would be willing to sit with Randy Tarr and Dan Hernandez to review what was discussed today. Zane stated that the group should have as much discussion today on these items so that if there needs to be approval at the next meeting, it is a simple yes/no process.

Steve asked if the verbiage “can be delegated” needs to be included. He suggested it be simplified to just read that the alternates will preside in absence of the Chairperson or Vice Chairperson. Tom Minwegen made a motion to approve the proposed language for #2 under Section D as presented. Tom Brady amended the motion to include a fifth option that delegates to the Las Vegas Wash Project Coordination Team Manager in the absence of the Chairperson, Vice Chairperson and both alternates. The motion passed unanimously.

Under Section E, Meeting Requirements, #1, SNWA proposes to reduce the number of regular meetings each year from three to two (April and October). The budget would be approved in the October meeting. Tom Minwegen asked if this would prohibit a special meeting if needed. Zane responded that this is for regular meetings only and would not prohibit special meetings. Keiba stated that since the initiation of the LTOP, activity has declined and with the informative monthly newsletter, staff felt that a minimum of two meetings annually was sufficient. The number of meetings for the Las Vegas Wash Coordination Committee and the study teams have also been reduced to two.

Zane made a motion to revise Section E, Meeting Requirements #1 and reduce the number of regular meetings each year from three to two. The motion passed unanimously.

**5. Receive Presentation on How the Las Vegas Wash Long-Term Operating Plan (LTOP) Tiers from the Las Vegas Wash Comprehensive Adaptive Management Plan (CAMP) and Supports Continued CAMP Implementation**

Debbie Van Dooremolen gave a presentation on the CAMP and LTOP. She began with a brief overview of the CAMP, which is the road map for the stabilization and enhancement of the Wash and includes 44 action items. Twenty-two of those items were completed or already addressed and 22 were stated as ongoing. Those 22 items fall under the following six categories: erosion and stormwater, jurisdictional and regulatory, public outreach, funding, water quality and environmental resources. Debbie reviewed the ongoing actions and the associated costs to continue implementation of the CAMP and protect program assets constructed under the capital improvements plan. The LTOP was approved by the LVVWAC in March 2020 for approximately \$2.4 million in 2019 dollars with a 2.5 percent annual escalation.

**6. Facilitator-led Discussion of Opportunities for Special Projects Outside Scope of LTOP and Related Funding**

Ron facilitated the discussion. Mindy stated that the Clark County Wetlands Park collects much of the trash and debris that travels down the Wash. She asked if trash cleanup is a special project that could be considered by the committee. Keiba stated that there is a line item within the LTOP budget for cleanup for approximately \$40,000 annually. Zane stated that it is in the best interest of the committee to have some mechanism to be able to address unique circumstances within LVVWAC activities. The group should be able to at least discuss them and if funding needs to happen outside the LTOP budget, that should be able to be discussed. If there are items that need immediate attention but are of concern to the Wash and the watershed, the group may want to consider some mechanism to be able to act, whether a consensus vote or something else. David agreed with those comments and liked the option for a unanimous vote. He agreed that issues involving the entire watershed need the attention of the committee. Steve agreed with the concept but is concerned about slowing things or limiting them. He added that an interlocal agreement could take months to get approval from all the various jurisdictions. David stated that an interlocal agreement approach could be difficult logistically, trying to ensure that all entities get something on an agenda in a timely manner.

Following discussion from legal counsel, the following language was proposed for the bylaws, for Section C, Functions, #11: “LVVWAC funds received from LVVWAC Agencies may only be expended on functions, activities, and associated administrative support for matters within the scope of that year’s LTOP budget. LVVWAC funds may be expended on matters outside the scope of that year’s LTOP budget by unanimous vote of the Members.” Mindy asked if that means additional LVVWAC funds may be expended or those funds within the budget. She proposed that the word “additional” be included before “LVVWAC funds” to clarify that it is for dollars not within the approved LTOP budget. Tom Minwegen asked if the committee has authorization to spend money other than how it is budgeted. Keiba responded that typically the funds would be added into the budget prior to its approval. Steve stated that with this change, the committee would not be able to do what it did funding the selenium study, and would now require a separate, unanimous vote. David stated that it would not be a veto, but it would mean that the organizations that want to participate would need to do so via a different method outside this committee. Zane stated that perhaps another way to solve this issue is to fund a special project under the existing interlocal agreement on a voluntary basis. He stated that legal counsel would need to confirm that this is legally possible and acceptable. He added that it would not slow down or limit the process. David recommended an additional change to the language that mirrored the way that the provision is anticipated being used. He continued saying “LVVWAC funds may be expended on matters...” and added another sentence that stated that funds contributed by certain members can only be used as those members vote, giving flexibility to

individual agencies' ability to contribute to a specific project or cause. He added that it may prove difficult to manage the funds administratively. Mindy asked if there is an expectation that not all members and agencies would participate in the needs of the watershed and be able to just opt out. Tom Minwegen stated that is the core of the issue and that it presents a challenge with some agencies. Zane stated that the committee's goal and purpose is to address the entire watershed, and its potential issues, but to respect the limitations of the authorities and jurisdictions. Steve recommended that this language be separated into two items, the first focused on the LTOP budget and the second focused on anything outside the scope of the budget. David agreed with this approach. Mindy stated that she would prefer to not vote on this until the members of her agency had an opportunity to review. David stated that this group should maximize the use of the facilitator during this meeting and get to a point where the committee can agree on the proposed language. Zane asked the group to discuss and draft language in real-time and take the recommendation to separate the language. The proposed language was updated to read:

- "LVVWAC funds received from LVVWAC Agencies may only be expended on functions, activities, and associated administrative support for matters within the scope of that year's LTOP budget.
- Additional LVVWAC funds may be expended on matters outside the scope of the LTOP by unanimous vote of the Members."

Steve made a motion for staff to prepare the revisions to the bylaws as discussed and send to all members prior to the next meeting for a vote at that meeting. The motion passed.

**7. Set Next Meeting Date and Propose Items for the Next Meeting's Agenda**

The next meeting will be scheduled for either March 9<sup>th</sup> or 14<sup>th</sup> and a meeting invite will go out to the committee. The meeting will include items to approve the 2023/2024 LTOP budget and approve the revised bylaws as discussed today.

**8. Public Comment**

There were no comments from the public. Meeting adjourned.