



MEETING MINUTES

May 22, 2020 – 9:00 AM

BUDGET HEARING AND REGULAR MEETING - TELECONFERENCE

Members: Richard W. Carver - Area 1 (Carrant Creek/Smoky Valley)
Joe Westerlund - Area 2 (Tonopah/Manhattan)
James Weeks - Area 3 (Beatty /Armargosa Valley)
Walt Kuver- Area 4, Position 1 (Pahrump Valley)
William Knecht- Area 4, Position 2 (Pahrump Valley)
Dennis Gaddy -Vice Chair- Area 4, Position 3 (Pahrump Valley)
Dave Hall - At Large - Chair

Legal: Sev Carlson

Board of County Commissioners: Debra Strickland

Finance: Savannah Rucker

Staff: Oz Wichman
John Klenke
Christal Behrends

Acronyms: AG - Attorney General
AVSTP - Armargosa Valley Science & Technology Park
BOCC - Board of County Commissioners
BOR - Bureau of Reclamation
CSWP- Community Source Water Protection
CNRWA - Central Nevada Regional Water Authority
DOA - Department of Agriculture
DOI - Department of Interior
EPA - Environmental Protection Agency
GID - General Improvement District
GM - General Manager
GWE- Groundwater Evaluation Grant
GWMP – Groundwater Management Plan
HUD - Housing and Urban Development
IRWMP - Inter Regional Water Management Program
MOU - Memorandum of Understanding
NTS - Nevada Test Site
NCWDGB - Nye County Water District Governing Board
NRWA – Nevada Rural Water Association
NWRA - Nevada Water Resources Association
RFP - Request for Proposals
RNWA - Rural Nevada Water Authority
ROW - Right of Way
SNWA - Southern Nevada Water Authority
USDA - United States Department of Agriculture
UGTA - Underground Test Area

1. **9:02 AM Call to Order**
2. **09:03 AM Roll Call –Present:** Dave Hall, Dennis Gaddy, Jim Weeks, Walt Kuver, and Bill Knecht. **Absent:** Joe Westerlund and RW Carver.
3. **09:05 AM Mission Statement – “Provide, protect and preserve water resources within Nye County.”**
4. **09:05 AM General Public Comment (first): Three-minute time limit per person. Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item.**

No public comment

5. **09:06 AM Approval or modifications of the Agenda for the Water District Meeting of May 22, 2020 (Non-action item).**

No modifications to agenda.

6. **09:08 AM For Possible Action – Discussion, deliberation and decision regarding Approval of Minutes for April 30, 2020.**

Board member Jim Weeks stated under Item 11-c (staff reports) should read effluent not affluent sewage recharge count.

Also Commissioner Strickland asked that she be named as Board Liaison, as Commissioner Koenig is still listed.

Bill Knecht made a motion to approve the minutes from April 30, 2020 with discussed changes. Dennis Gaddy seconded the motion. **The vote was approved 5-0.**

7. **09:12 AM Correspondence and Announcements.**

Oz stated it appears that the Southern Nevada Water Authority is abandoning the battle for water rights in Eastern Nevada. We will be watching to see when the filings in Railroad Valley (Nye County) are withdrawn. If available, more of an update will be provided at the July meeting.

8. **09:15 AM Ex-Parte Communications and Conflict of Interest Disclosure Statements.**

Commissioner Strickland disclosed in addition to this Board’s liaison and a County

Commissioner, she is also the owner of Strickland Construction, T&M Group Realty and Lakeside Storage. She has been a licensed well drilling, pump setting, septic contractor as well as a broker who brokers water rights for 26 years. She will not be voting on items during this meeting. Although she will be able to influence this Board, she does not find this to be a conflict of interest. It is her hope that her knowledge base is of value.

TIMED ITEM – 09:00 AM

- 9. 09:17 AM For Possible Action- Public Hearing on the Fiscal Year 2020-2021 tentative budget for the Nye County Water District; and discussion and deliberation to adopt or amend and adopt the Final Budget for the Nye County Water District for Fiscal Year 2020-2021.**

Savannah Rucker identified for the Board that included in the backup is the Project Budget prepared by Oz Wichman, General Manager. This is the budget the Water District operates from in its execution of programs. Also included is the Department of Taxation legally adopted budget. The totals on the Department of Taxation budget are larger and do not match those of the approved Project Budget. This enables the Board to take action on items that may arise during the fiscal year.

Bill Knecht motioned to accept the FY 2020/2021 Nye County Water District Budget as presented. Dennis Gaddy seconded the motion. **The vote was approved 5-0.**

- 10. 09:22 AM For Possible Action – Discussion, deliberation, revisions, rejection and / or recommended action for approval of increasing Administrative Assistant, Christal Behrends, from part-time (with medical and part-time PERS benefits) to full-time (with benefits) employment status.**

Oz Wichman recapped that historically the Water District has had a fair amount of turnover in the Administrative Assistant position. He has worked to change this by getting benefits approved for the position, full-time status being the next step. The Administrative function is instrumental for the organization, as it contains the bulk of work. This is reflected in the sizeable decrease of Oz's billable hours. Oz is pleased with Christal's performance and believes it is time to make her a full-time employee.

Board member Bill Knecht commented that Christal has done an outstanding job in her position and making her full-time is well deserved. Dave Hall also mentioned he maintains good communication with Christal.

Bill Knecht motioned to approve changing Administrative Assistant, Christal Behrends to full-time status with continued medical benefits and others to include: holiday pay, annual leave accrual, sick leave accrual and full-time coverage by the Public Employee Retirement System (PERS) effective July, 1, 2020. Dennis Gaddy seconded the motion. **The vote was approved 5-0.**

- 11. 09:29 AM For Possible Action – Discussion, deliberation, revisions, rejection and / or recommended action for approval of a Professional Services Agreement (PSA) between the Nye County Water District Governing Board and Oscar Wichman for a not-to-exceed amount of \$40,000 for Fiscal Year 2020 / 2021.**

Oz mentioned that this is the same contract format as last fiscal year with a reduced not-to-exceed amount. This amount would include any sub-contractors directed by Oz. If approved, he is happy and willing to serve for another year.

Board member Dennis Gaddy made the observation that the increase of making Administrative Assistant Christal Behrends full-time, is offset by the decrease in Oz's not-to-exceed contract amount.

Dave Hall motioned to approve the Professional Services Agreement for Fiscal Year 2020 / 2021 between Oz Wichman and the Nye County Water District. Dennis Gaddy seconded the motion. **The vote was approved 5-0.**

- 12. 09:33 AM For Possible Action – Discussion, deliberation, revisions, rejection and / or approval of continued engagement for legal representation with the law firm of Kaempfer Crowell, Severin A. Carlson for a not-to-exceed amount of \$50,000 for Fiscal Year 2020 / 2021.**

Oz provided a recap that when the Water District was first organized, the County's DA office supported us. When that changed (Bello appointment), we retained Kaempfer Crowell who has defended us in various court hearings in which we have prevailed. Oz uses Sev for his review of various contracts and legal proceedings. Sev has made himself available for these items. He works well with the Water District and is not increasing his billing. Oz recommends continued engagement with Sev and the law firm of Kaempfer Crowell.

Dennis Gaddy motioned to approve the Professional Services Agreement for Fiscal Year 2020 / 2021 between the law firm of Kaempfer Crowell, Severin A. Carlson and the Nye County Water District. Bill Knecht seconded the motion. **The vote was approved 5-0.**

- 13. 09:36 AM For Possible Action – Discussion, deliberation, revisions, rejection and / or approval of a Professional Services Agreement (PSA) with Kathy Gilmore (Quality Assurance Officer) for a not-to-exceed amount of \$4,000 for Fiscal Year 2020 / 2021.**

John Klenke stated that Kathy Gilmore has insured that we hit our QA goals on calibration and data entry with the water level measurement program. He really appreciates her abilities and the ease in which they are able to work together. Oz also mentioned that like other billings, Kathy is conservative in the billings she makes, amounting to a fraction of her not-to-exceed amount.

Dennis Gaddy motioned to approve the Professional Services Agreement for Fiscal Year 2020 / 2021 between Kathy Gilmore (Quality Assurance Officer) and the Nye County Water District. Jim Weeks seconded the motion. **The vote was approved 5-0.**

14. 09:39 AM For Possible Action – Discussion, deliberation, revisions, rejection and / or approval of a Professional Services Agreement (PSA) with Jamison Walker (Geoscience Consultant) for a not-to-exceed amount of \$10,000 for Fiscal Year 2020/2021.

As this would be a new contract, John Klenke explained that this will allow the Water District to utilize Jamie outside of his work within the TSamp Department of Energy grant. Jaime is familiar with the DOE / USGS model and DRI model, having input into both.

Oz commented that he met Jaime approximately 17 years ago, during the time he (Oz) served in Public Works. Jaime helped the Water District when we looked at the depth of domestic wells in the Pahrump Basin, correlating that with the decline in water levels. Everyone who works under contract fields a lot of phone calls that are never captured in billing. Work in good faith deserves compensation in good faith. Jaime has a great history of service to Nye County. Oz recommends that the Board approve this contract.

Dennis Gaddy motioned to approve the Professional Services Agreement for Fiscal Year 2020 / 2021 between Jamison Walker (Geoscience Consultant) and the Nye County Water District. Bill Knecht seconded the motion. **The vote was approved 5-0.**

15. 09:48 AM District Member, Staff and Liaison Reports/Comments:

a. Finances

Savannah Rucker mentioned that in lieu of the COVID crisis, the Department of Taxation is accepting electronic signatures. Pursuant to this, she will be emailing the Water District Governing Board members with a Docusign link to sign today's approved budget.

b. Board Reports

- I. LVVWD/SNWA
- II. CNRWA – John Koenig

c. Staff Reports

I. Oz Wichman

Oz stated we are going to have a full agenda at the end of July for our meeting in Tonopah. Part of the line-up will include: CNRWA (Jeff Fontaine or Joni) and Great Basin Water Network (Kyle). Also in today's agenda item 16, we will be discussing having an August meeting in Pahrump to present Walt Kuver's Pahrump Master Plan Update material that was postponed last month.

II. John Klenke

John has recently completed a project looking at the number of domestic wells and monitoring wells in Nye County. The results of this study have been sent to all Board members. Data is based on well driller logs submitted to the State. Research revealed as of 11/15/2019, there were 12,446 domestic wells in Nye County (11,509 in Pahrump). To prevent duplication of

numbers, any well that was plugged, reconditioned or deepened was not included in the data. Also noted, there are approximately 719 monitoring wells in Nye County.

Commissioner Strickland asked if it would be possible to complete an additional study on reconditioned wells, using the new well logs. It would be interesting to see the reason of reconditioning (i.e. depth or other). In her experience, she is seeing older steel casing wells rusting shut. Doing an additional study would provide more usable data. John Klenke said he would look into this, knowing it will take approximately 3 weeks of work.

III. Christal Behrends

Last week (5/13) Christal attended the Rural Communities Assistance Corporations Virtual Funding Fair. It was hosted on-line and was well produced. Funders from agencies including: EPA, NDEP, Nevada Rural Water Association, Community Block Grant and State Revolving Fund gave presentations and were available for questions. The focus was on loan and grant funding available for water infrastructure projects in the State of Nevada.

Secondly, Christal thanked the Board for all their confidence and support. We have dramatically increased our public interface assisting the community with: domestic well education, water quality testing, finance and inspection requirements on properties with domestic wells, water conservation, utility rebate programs and wastewater reporting. In addition, there are various tasks beyond administration and public relations that full-time status will allow more focus on. Including: grant writing / investigative funding, website administration, agency collaboration, legislative tracking, community outreach, water conservation ordinance compliance and domestic well mapping.

d. Projects Status Report

I. Staff

On behalf of Darrell Lacy, Christal mentioned that Darrell reached out to Frank McDonough of DRI regarding Cloud Seeding in the Pahrump Valley. Frank has just started looking at the Lee Canyon and other snow fall data for this past winter. He will happily report his findings to our Board if desired.

e. Board Liaison Reports

I. Commissioner Debra Strickland

Commissioner Strickland mentioned an item that came up at the past BoCC meeting regarding Yellow Pine Solar Project. In their Environmental Impact Statement they plan on hauling water to this facility. She asked that Oz look into this.

f. Report from other individuals, groups and or agencies regarding water-related issues; for informational purposes only.

16. **10:14 AM For Possible Action- Discussion, deliberation and decision concerning future Water District Governing Board Meetings. Proposed schedule to include:**
7/27/2020 Tonopah Regular Meeting 9am
8/31/2020 Pahrump Regular Meeting 9am
10/26/2020 Railroad Valley Regular Meeting (time TBD)

Dennis Gaddy motioned that we approve the meeting schedule as presented. Bill Knecht seconded the motion. **The vote was approved 5-0.**

17. **10:16 AM General Public Comment (Second)**

No public comment.

18. **10:17 AM Adjourn**