

**LAS VEGAS VALLEY WATER DISTRICT
BOARD OF DIRECTORS MEETING
DECEMBER 5, 2017
MINUTES**

CALL TO ORDER 9:02 a.m., Commission Chambers, Clark County Government Center,
500 South Grand Central Parkway, Las Vegas, Nevada

DIRECTORS PRESENT Marilyn Kirkpatrick, President
Steve Sisolak, Vice President
Susan Brager
Larry Brown
James Gibson
Chris Giunchigliani
Lawrence Weekly

DIRECTORS ABSENT None

STAFF PRESENT John Entsminger, Julie Wilcox, Dave Johnson, Greg Walch, Brian Thomas

OTHERS PRESENT Mary Miller, Office of the Clark County District Attorney
William Nelson, Piercy Bowler Taylor & Kern

Unless otherwise indicated, all members present voted in the affirmative.

COMMENTS BY THE GENERAL PUBLIC

For full public comment, visit www.lvwwd.com/apps/agenda/lvwwd/index.cfm

Margaret Coleman discussed perceived water quality issues on Coleman Street.

ITEM NO.

1. Approval of Agenda & Minutes

FINAL ACTION: A motion was made by Director Giunchigliani to approve the agenda and the minutes from the regular meeting of November 7, 2017. The motion was approved.

BUSINESS AGENDA

2. Award a contract for Network Infrastructure Upgrade Services to Adobe Communications Electronics, Inc., for the amount of \$4,436,622, plus line item quantity adjustments of \$563,378, for a total amount not to exceed \$5,000,000; and authorize the General Manager to sign the construction agreement.

John Entsminger, General Manager, stated that the District is upgrading from radio to fiber optic communications between facilities and this contract is to perform that upgrade.

Director Giunchigliani mentioned that the County plans to coordinate broadband fiber optic within the jurisdiction and wanted to ensure those efforts are not duplicated unnecessarily. Mr. Entsminger stated that this specific upgrade is to interconnect the District's own facilities for stand-alone secure communications, primarily for the SCADA system. He did reassure that the District communicates with other jurisdictions regularly.

FINAL ACTION: A motion was made by Director Giunchigliani to approved staff's recommendations. The motion was approved.

3. Adopt a resolution designating the General Manager as its authorized representative to take action to protect the District's legal interests.

Greg Walch, General Counsel, stated that this resolution request arises from a June 2017 Supreme Court opinion and, if not adopted, may be problematic for the District in a few, rare scenarios that require immediate response. The resolution authorizes the General Manager to make protective filings as he deems necessary, until the Board can act on the matter.

Director Giunchigliani asked what the notification process to the Board would be with the adoption of this resolution. Mr. Walch stated that the District would bring a request to ratify at the next regularly scheduled meeting.

Vice President Sisolak stated that the Board of County Commissioners gets briefed on all legal issues pertaining to the County, and this resolution would be contrary to the way the County proceeds with legal matters. He specified a preference for having consistency on how all agencies handle legal issues.

President Kirkpatrick stated that she could appreciate a shortened response time frame that a water utility may need to react to, as it relates to legal matters. Mr. Walch reiterated that this is designed to cover rare instances where it is difficult to get the Board together to act on short notice, and potentially miss opportunities that could be problematic if an appeal was deemed void.

Vice President Sisolak requested an example of what may be so time sensitive where the General Manager may need to take action on a legal matter prior to Board approval. Mr. Walch stated, in rare instances, a writ proceeding or a TRO application may require a quick response.

Mary Miller, Clark County District Attorney Office, addressed the Board and stated that while it is not fully understood how the Supreme Court will interpret these resolutions, the District cannot risk the chance, in those limited circumstances, where the local government will not have sufficient notice. She stated that the appeal will be made by the attorneys, then the entity will immediately notify the governing body and that the governing body retains the right to terminate an appeal if desired. The Clark County District Attorney's Office supports the adoption of this resolution.

FINAL ACTION: A motion was made by Director Brown to adopt the resolution. The motion was approved.

- 4. Adopt a resolution of intent proposing the issuance of, and authorizing the publication of notices relating to, General Obligation (Limited Tax) Water Bonds (additionally secured by pledged revenues) in the maximum aggregate principal amount of \$100,000,000 for the purpose of financing water projects for the Las Vegas Valley Water District; providing the manner, form and content of the notices thereof; authorizing the Chief Financial Officer to arrange for the sale of such bonds; and providing the effective date hereof.**

FINAL ACTION: A motion was made by Director Giunchigliani to approve staff's recommendations. The motion was approved.

- 5. Accept the District's Comprehensive Annual Financial Report and corresponding Independent Auditor's Report on Financial Statements and Supplementary Information for the period ending June 30, 2017, and authorize their submission to the Nevada Department of Taxation.**

William Nelson, with Piercy Bowler Taylor & Kern, addressed the board stating that his company had performed the audit of the financial statements of the Las Vegas Valley Water District for the period ending June 30, 2017. They issued an unqualified opinion on the financial statements and noted no material weaknesses or deficiencies. President Kirkpatrick and Directors Brown and Weekly disclosed for the record that Percy Bowler Taylor & Kern handle their own financial reporting. Greg Walch, General Counsel, stated that it was still appropriate for them to vote.

FINAL ACTION: A motion was made by Director Brager to approve staff's recommendations. The motion was approved.

COMMENTS BY THE GENERAL PUBLIC

There were no speakers.

Adjournment

There being no further business to come before the board, the meeting adjourned at 9:23 a.m.

Copies of all original agenda items and minutes, including all attachments, are on file in the General Manager's office at the Las Vegas Valley Water District, 1001 South Valley View Boulevard, Las Vegas, Nevada.