



A G E N D A
LAS VEGAS VALLEY WATER DISTRICT
BOARD OF DIRECTORS

SPECIAL MEETING
9:00 A.M. – NOVEMBER 17, 2020

COMMISSION CHAMBERS
CLARK COUNTY GOVERNMENT CENTER
500 S. GRAND CENTRAL PARKWAY, LAS VEGAS, NEVADA
(702) 258-3100

Board of Directors
Marilyn Kirkpatrick, President
Jim Gibson, Vice President
Larry Brown
Justin Jones
Michael Naft
Tick Segerblom
Lawrence Weekly

John J. Entsminger,
General Manager

Date Posted: November 9, 2020

The Las Vegas Valley Water District makes reasonable efforts to assist and accommodate persons with physical disabilities who desire to attend the meeting. For assistance, call the Agenda Coordinator (702) 258-3277 at least 24 hours prior to the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED IN THE FOLLOWING LOCATIONS:

LAS VEGAS VALLEY WATER DISTRICT
1001 SOUTH VALLEY VIEW BOULEVARD
LAS VEGAS, NEVADA

CLARK COUNTY GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY
LAS VEGAS, NEVADA

GRANT SAWYER STATE OFFICE BUILDING
555 EAST WASHINGTON AVENUE
LAS VEGAS, NEVADA

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA

All items listed on this agenda are for action by the Board of Directors, unless otherwise indicated. Items may be taken out of order. The Board of Directors may combine two or more agenda items for consideration, and/or may remove an item from the agenda or delay discussions relating to an item on the agenda at any time.

Visit our website at <https://www.lvwd.com/lvwd-agendas> or main office at 1001 S. Valley View Boulevard, Las Vegas, Nevada for Las Vegas Valley Water District agenda postings, copies of supporting material and approved minutes. To receive meeting information, including supporting material, contact the LVVWD Agenda Coordinator at (702) 258-3277 or agendas@lvwd.com.

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

NO ACTION MAY BE TAKEN: At this time, the Board of Directors will hear general comments from the public on items listed on the agenda. If you wish to speak to the Board about items within its jurisdiction, but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Please limit your comments to three minutes or less. Public comment can also be provided in advance of the meeting and submitted to publiccomment@lvwd.com.

ITEM NO.

1. *For Possible Action:* Approve agenda with the inclusion of tabled and/or reconsidered items, emergency items and/or deletion of items.
2. *For Possible Action:* Determine that proposed modifications to the District's Service Rules affecting service and fees for Manmade Lakes, Ornamental Water Features, Recreational Water Parks and non-fiscal changes to the District's Facilities Connection Charge schedule are not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business; consider and approve the attached Business Impact Statement; and direct staff to set a public hearing for possible adoption of the proposed Service Rule changes for December 1, 2020.

COMMENTS BY THE GENERAL PUBLIC

NO ACTION MAY BE TAKEN: At this time, the Board of Directors will hear general comments from the public on matters under the jurisdiction of the Las Vegas Valley Water District. Please limit your comments to three minutes or less.

LAS VEGAS VALLEY WATER DISTRICT
BOARD OF DIRECTORS
AGENDA ITEM
November 17, 2020

Subject:

Business Impact Statement

Petitioner:

Colby N. Pellegrino, Deputy General Manager, Resources

Recommendations:

That the Board of Directors determine that proposed modifications to the District's Service Rules affecting service and fees for Manmade Lakes, Ornamental Water Features, Recreational Water Parks and non-fiscal changes to the District's Facilities Connection Charge schedule are not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business; consider and approve the attached Business Impact Statement; and direct staff to set a public hearing for possible adoption of the proposed Service Rule changes for December 1, 2020.

Fiscal Impact:

None by approval of the above recommendation.

Background:

The District remains committed to supporting regional conservation efforts and curbing inefficient water uses within its service area. For this reason, the District's proposed rule modifications include limitations on service for new Manmade Lakes, Ornamental Water Features and Recreational Water Parks. The proposed changes also include rate adjustments for manmade lakes and abatement requirements for new consumptive, ornamental water uses.

Owners of manmade lakes are currently paying the same rate as that applicable to construction water, which is the tier 3 water rate. If these changes are approved, existing manmade lakes will pay the same tiered rate as other commercial and industrial businesses (non single-family residential) beginning on January 1, 2022, and any new manmade lakes will pay water rates exclusively in the 4th tier.

The proposed changes are also aligning the District's Service Rules with other local governmental ordinances as they relate to ornamental water features and manmade lakes. Currently, new manmade lakes and ornamental water features can only be permitted within the resort corridor. If approved, the Service Rules will incorporate these regulations along with abatement effort requirements for new permitted manmade lakes or water features to ensure new ornamental consumptive uses are abating their use. Abatement efforts require a property owner to: (1) convert existing turf to water efficient landscaping at a ratio of 10 square feet of turf for each square foot of new surface area; (2) support the regional conservation program by paying \$30 for each square foot of new surface area to the Southern Nevada Water Authority; or (3) reduce or eliminate an existing body of water on the property so that there is an equal or net decrease in water surface area on the property. New recreational water parks will also be required to abate their use and may do so under options (1) or (2) above.

Lastly, the District is also proposing changes to its Service Rules affecting when the imposition of the previously-approved indexed rate adjustment to the District's Facilities Connection Charge

will be effective. Under the proposed changes, the District's Facilities Connection Charge will be adjusted annually for all projects approved on or after March 1, to align with changes supported by the Southern Nevada Water Authority. This action does not change the rates of the District's Facilities Connection Charge, only the timing when the rate will be adjusted.

Pursuant to the Business Impact Statement (BIS) statutes set forth in NRS Chapter 237, a notice of the proposed changes was published in the Las Vegas Review-Journal on October 8, 2020, and provided to more than 350 local trade associations and interested parties. The comments received as a result of this notification, as well as anticipated impacts to businesses, were evaluated and are summarized within the attached BIS.

Based on the incorporation and evaluation of public comments received during the comment period to the BIS, staff recommends that the Board find that the proposed changes to the Service Rules are unlikely to present a direct or significant economic burden on businesses, or directly restrict the formation, operation or expansion of a business. Staff further recommends that the Board approve the BIS and set a Public Hearing for Tuesday, December 1, 2020, at 9:00 a.m. at the Clark County Government Center, Commission Chambers, 500 S. Grand Central Parkway, Las Vegas, Nevada, to consider and adopt the proposed changes to the Service Rules. Upon Board approval to set the Public Hearing, the District will notice the Public Hearing in the Legal Notices section of the *Las Vegas Review-Journal* on November 23, 2020. If the proposed changes are approved at the public hearing, they will be effective January 1, 2021, with the exception of the manmade lake rate, which will be effective January 1, 2022.

This action is authorized pursuant to NRS 237.030 through 237.150 and Sections 9(1), 9.2 and 16 of the Las Vegas Valley Water District Act, Chapter 167, Statutes of Nevada 1947. The office of the General Counsel has reviewed and approved this item.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "John J. Entsminger", is written over a horizontal line.

John J. Entsminger, General Manager

JJE:CNP:AMB:KH

Attachments

BUSINESS IMPACT STATEMENT

Summary of Service Rule changes proposed for adoption.

EXECUTIVE SUMMARY

Nevada law requires that local governments solicit the input of businesses and trade associations and develop a Business Impact Statement (BIS) evaluating financial information received regarding whether a proposed rule imposing, increasing or adjusting a fee paid in whole or in substantial part by businesses is likely to impose a direct, significant economic burden on a business, or directly restrict the formation, operation or expansion of a business.

The Las Vegas Valley Water District (LVVWD) is responsible for ensuring a reliable water supply to more than 1.5 million customers in Clark County. Conservation is one of Southern Nevada's most critical water resources, as it reduces existing and future demands and extends available water supplies. As such, LVVWD consistently evaluates new opportunities for additional water conservation. To that end, LVVWD is considering changes to its service rules that affect service and fees for Manmade Lakes, Ornamental Water Features and Recreational Water Parks. The following changes are being proposed to ensure that all customers pay the same rates for the same service and that consumptive, ornamental water uses support the regional conservation program through abatement. If approved, these changes will also align the LVVWD's Service Rules with other local government ordinances relating to manmade lakes, ornamental water features and recreational water parks.

Manmade Lakes

Manmade lake accounts are currently charged the same rate as construction water, which is the third-tier water rate. Under the proposed changes, existing manmade lakes would pay the same tiered rates as other commercial and industrial businesses (non-single-family residential), effective January 1, 2022, and any new manmade lakes would pay the fourth-tier water rate. Under the proposed Service Rule revisions, new manmade lakes would also be required to abate their water use through a one-time abatement effort by:

- Converting existing turf to water-efficient landscaping at a ratio of 10 square feet of turf for each square foot of surface area;
- Supporting the regional conservation program by paying \$30 for each square foot of surface area to the Southern Nevada Water Authority; or
- Reducing or eliminating an existing body of water so that there is an equal or net decrease in water surface area on the property.

Ornamental Water Features

Under the proposed Service Rule revisions, new ornamental water features would also be required to abate their water use through a one-time abatement effort by:

- Converting existing turf to water-efficient landscaping at a ratio of 10 square feet of turf for each square foot of surface area;
- Supporting the regional conservation program by paying \$30 for each square foot of surface area to the Southern Nevada Water Authority; or
- Reducing or eliminating an existing body of water so that there is an equal or net decrease in water surface area on the property.

Recreational Water Parks

New Recreational Water Parks similarly would be required to offset their water use through one of the following efforts:

- Removing turf and converting to water-efficient landscaping at a ratio of 10 square feet of turf for each square foot of water surface area; or
- Supporting the regional conservation program by paying \$30 for each square foot of water surface area to the Southern Nevada Water Authority.

Facilities Connection Charge Schedule Adjustment

The LVVWD is also considering changes to the fee schedule for the Facilities Connection Charge. Under the proposed changes, the annual rate adjustment for the Facilities Connection Charge would change from January 1 to March 1. No changes to previously approved Facilities Connection Charge rates are being proposed.

THE BUSINESS IMPACT STATEMENT

- A. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Public Notice & Comment Solicitation

As reflected in the attached, the LVVWD published a public notice of the proposed changes to the Service Rules on October 8, 2020 in the Las Vegas Review-Journal, sent notices to more than 350 businesses and trade associations via mail and email, requested their input on the type and extent of the potential economic effects of the proposed changes, and collected comments through November 3, 2020. Affected customers were able to submit comments to the LVVWD via mail, email and by telephone. Furthermore, the LVVWD.com website prominently featured the BIS notice and a link to the proposed Service Rule changes.

Summary of Responses

During the public comment period, the LVVWD received five inquiries and one comment pertaining to the proposed Service Rules changes. A record of the inquiries and a copy of the comment are attached to this document. Generally, the respondents requested information on the impact that the revised Service Rules would have, with three respondents specifically asking for clarification on the changes regarding manmade lakes.

One comment—a letter—was received from Kaemper Crowell Attorneys at Law on behalf of the Desert Shores Community Association. It described the Desert Shores community, its manmade lakes, and the benefit that they provide the community. It also stated that the proposed changes would result in a 12 percent increase in the cost of water used for the manmade lakes, imposing a direct and significant economic burden on the Community Association. The letter also requested that customers such as Desert Shores be excluded from the proposed rule.

To obtain a copy of this BIS document, including the foregoing summary of responses, please e-mail Jordan.Bunker@snwa.com.

- B. The estimated economic effect of the proposed rule on the businesses which it is to regulate, including, without limitation: Both adverse and beneficial effects, and both direct and indirect effects.**

Manmade Lakes Rates

There are currently only two existing manmade lake accounts in the LVVWD service area that would be affected by the proposed Service Rules change to the manmade lake rates: the Desert Shores Community Association and the Lakes Association. If approved, Desert Shores' average monthly water bill would increase by approximately \$1,197.15, and the Lakes Association's average monthly water bill would increase by approximately \$5,840.30.

For any new manmade lake installed on or after January 1, 2021, the cost of water will increase by approximately \$1.71 per 1,000 gallons of water.

Other potential economic effects are as follows:

Adverse Effect	The business may not be able to save as much as it previously did on a monthly basis for expansion, operating and planning goals.
Adverse Effect	Conservation caused by higher rates may affect daily business operations and expenses.
Beneficial Effect	The business may adjust water consumption to balance its annual operating budget.
Indirect Effect	Developers or community associations may pass the increased costs to residents and businesses.
Direct Effect	The cost of doing business will increase when the rate increase becomes effective.
Indirect Effect	The change in rates may lead a business to increase prices to cover additional operating costs.
Indirect Effect	Rate changes may lead to more water saving practices used by the business, thereby reducing its water use and potentially reducing water bill charges.

Abatement Requirements for New Manmade Lakes, Ornamental Water Features and Recreational Water Parks

The proposed abatement requirements will not have an economic effect on existing manmade lakes, ornamental water features and recreational water parks, as they apply only to new consumptive uses for these purposes. New manmade lakes, ornamental water features and recreational water parks will be required to abate their use under the proposed Service Rule changes. One of the available abatement options includes a one-time payment of \$30 for each square foot of water surface area to the Southern Nevada Water Authority to support its regional conservation program. The economic effect in that instance will depend on the size of the new manmade lake, ornamental water feature or recreational water park.

Other potential economic effects of the proposed abatement requirements for new manmade lakes, ornamental water features and recreational water parks are as follows:

Adverse Effect	Complying with the proposed abatement requirements may result in a one-time expense for the business.
Beneficial Effect	None.
Direct Effect	The affected business may evaluate its water use and potentially make changes that would result in more efficient water use elsewhere on property.
Indirect Effect	Supporting the regional conservation program by reducing inefficient water uses throughout the community.

Fee Schedule Change for the Facilities Connection Charge

Because the revision to the fee schedule does not include any change to fees, rates or charges, no adverse economic effects are anticipated.

- C. **The following constitutes a description of the methods that the governing body of the local government or its designee considered to reduce the impact of the proposed rule on businesses: simplifying the proposed rule; establishing different standards of compliance for a business; and modifying a fee or fine set forth in the rule so that a business is authorized to pay a lower fee or fine. Below is a statement regarding whether the governing body or its designee actually used any of these methods.**

Manmade Lakes Rates

If the proposed changes are approved, existing manmade lakes will pay the same tiered rates as other commercial and industrial businesses (non-single-family residential), effective January 1, 2022, and any new manmade lakes constructed after January 1, 2021 would pay the fourth-tier water rates. This action would simplify the rate structure by treating manmade lakes in a similar manner as other commercial and industrial businesses.

LVVWD did not establish different standards of compliance for a business. Having evaluated customer water rates, LVVWD staff recommends that all businesses throughout the community, who equally share the benefit of accessing the community water supply, should pay the same rates as other customers in their rate class. For this reason, LVVWD proposes that customer accounts with existing manmade lakes pay the same rate as other non-single-family residential customers.

LVVWD did not modify a fee or fine so that a business is authorized to pay a lower fee or fine. If approved, however, the proposed rate adjustment would become effective January 1, 2022, providing affected customers a one-year timeframe to adjust internal budgets and prepare for the new rates.

Abatement Requirements for New Manmade Lakes, Ornamental Water Features and Recreational Water Parks

LVVWD did not simplify the proposed rule or establish different standards of compliance for a business. Community participation in conservation is vital to the prosperity and livelihood of southern Nevada. The fees associated with the abatement requirements for new Manmade Lakes, Ornamental Water Features and Recreational Water Parks will be uniformly applied and used to support and reduce the water resource impacts to the community these projects represent.

LVVWD did not modify a fee so that a business is authorized to pay a lower fee or fine. However, LVVWD included other abatement options in the proposed rule that a business can select in lieu of paying the fee to the SNWA in support of regional conservation goals.

Fee Schedule Change for the Facilities Connection Charge

LVVWD received positive feedback from businesses that would be affected by the proposed change to the date of previously-approved annual increases to the Facilities Connection Charge. Because there is no fee increase or estimated negative economic impact on businesses due to this proposed change, LVVWD did not consider or use methods to reduce the fee on businesses.

- D. **The estimated cost to the local government for enforcement of the proposed rule:**

The proposed changes will not create a material administrative investment to enforce.

- E. **If the proposed rule provides a new fee or increases an existing fee, the total annual amount the local government expects to collect and the manner in which the money will be used is:**

Manmade Lakes Rates

Based on 2021 water rates and the affected customers' most recent consumption patterns, the LVVWD estimates that this Service Rules change would result in an increase of approximately \$70,000 in annual LVVWD water bill revenue, which will be used in the same manner as other water bill revenue.

Abatement Requirements for New Manmade Lakes, Ornamental Water Features and Recreational Water Parks

Based on developments over the past decade and planned future developments that may occur, the proposed abatement requirements for new Manmade Lakes, Ornamental Water Features and Recreational Water Parks, if approved, are estimated to generate approximately \$1.5 million annually. However, since the proposed rate change may discourage future ornamental consumptive uses, the amount collected may be lower than what is estimated. Regardless of the amount, the LVVWD will remit these funds to the Southern Nevada Water Authority's water conservation programs, such as the Water Smart Landscapes Rebate Program. The Las Vegas Valley Water District will not benefit from the collection of these abatement fees.

Fee Schedule Change for the Facilities Connection Charge

Not applicable.

- F. If the proposed rule includes provisions that duplicate or are more stringent than federal, state, or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The provisions included in the District's Service Rules are consistent with those already in the planning codes for the City of Las Vegas and Clark County, jurisdictions that the District serves. Inclusion of these rules ensures planning efforts are consistent valley-wide as it relates to water use and water efficiency.

- G. The reason for the conclusions regarding the impact of the proposed rule on businesses.**

Manmade Lakes Rates

Although LVVWD received a comment to the contrary from an existing manmade lake customer, staff finds that adjustments to the rates for existing and new manmade lakes are not likely to impose a direct and substantial economic burden on or directly restrict the formation or operation of a business. For businesses with an existing Manmade Lake, the rate change will go into effect on January 1, 2022, providing a one-year timeframe to adjust accordingly. The proposed delay in implementation provides these businesses with time to determine whether turf conversions funded through the SNWA's Water Smart Landscapes program and the subsequent reduction in billed water use for irrigation can offset the proposed adjustment. The one-year delay will also allow businesses to explore methods to increase revenue if necessary. For new manmade lakes, any economic burden associated with the proposed rate change can be avoided altogether by a business if it elects not to install a new manmade lake.

Abatement Requirements for New Manmade Lakes, Ornamental Water Features and Recreational Water Parks

The LVVWD is charged with responsibly maintaining southern Nevada's water resources and establishing sustainable practices to ensure a reliable water supply for the community today and for the future. The proposed abatement requirements for Manmade Lakes, Ornamental Water Features and Recreational Water Parks align with LVVWD's efforts to conserve water, and are not likely to impose a direct and significant burden on businesses or restrict the formation, operation or expansion of a business should they be approved and adopted by the LVVWD Board.

Customers seeking to build a new Manmade Lake, Ornamental Water Feature and/or a Recreational Water Park may still do so with added requirements to reduce impact on the community. Only one of the available options to fulfil the abatement requirement includes a fee, so a customer may avoid the fee by choosing an alternative non-fee-based option to fulfil the abatement requirement. Additionally, the amount of the fee is within the control of a business, as it is based on the size of the water surface area of the new manmade lake, ornamental water feature or recreational water park to be served with District water.

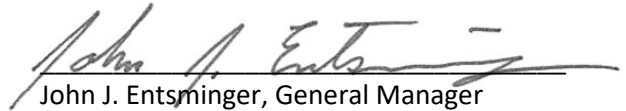
Customers with an existing Manmade Lake, Ornamental Water Feature and/or a Recreational Water Park are not affected by these proposed abatement changes.

Fee Schedule Change for the Facilities Connection Charge

After receiving positive feedback from businesses that would be affected by the proposed Service Rules change regarding the date of implementation of the previously-approved annual fee changes for the Facilities Connection Charge, staff concluded that the proposed schedule change will not have an adverse economic impact on businesses, and therefore, it will not impose a direct and significant burden on businesses, or restrict the formation, operation, or expansion of a business should they be approved and adopted by the LVVWD Board.

On November 17, 2020, the LVVWD Board will consider this BIS prior to setting a Public Hearing to consider implementing the proposed changes to the Service Rules. The BIS is available for public review and comment prior to a final Board decision. Staff is recommending that the Board set a Public Hearing for December 1, 2020, as required by NRS 237.090, to consider the proposed changes to the Service Rules.

I certify that to the best of my knowledge or belief, the information contained in this statement was prepared properly and is accurate.


John J. Entsminger, General Manager

APPENDIX

COMMENT RECEIVED DURING PUBLISHED BUSINESS IMPACT STATEMENT COMMENT PERIOD

The following comment was received from Kaemper Crowell Attorneys at Law, on behalf of the Desert Shores Community Association:

KAEMPFER CROWELL

ATTORNEYS AT LAW

LAS VEGAS OFFICE

SEVERIN A. CARLSON
scarlson@kcwlaw.com
702.792.7092

November 3, 2020

LAS VEGAS OFFICE
1980 Festival Plaza Drive
Suite 650
Las Vegas, NV 89135
Tel: 702.792.7000
Fax: 702.796.7181

RENO OFFICE
50 West Liberty Street
Suite 700
Reno, NV 89501
Tel: 775.852.3900
Fax: 775.327.2011

CARSON CITY OFFICE
510 West Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

Via E-Mail Only: LVVWD-BIS@lvvwd.com

Las Vegas Valley Water District
Attn: Gaby Villafuerte
1001 S. Valley View Blvd., M/S #760
Las Vegas, NV 89135

Re: *Proposed Changes to Service Rules*

Dear Ms. Villafuerte:

This Firm represents Desert Shores Community Association ("Desert Shores" or "our client") with respect to Las Vegas Valley Water District's ("LVVWD" or "Water District") proposed changes to its service rules. We are providing this response to the Water District's request for information as to the impacts of its proposed changes pursuant to NRS 237.030-237.110. In sum, the proposed changes impose a direct and significant economic burden upon Desert Shores and will restrict the operation of Desert Shores. In accordance with NRS 237.080(3), Desert Shores would request that the Water District simplify the proposed changes, establish different standards, and modify charges for customers such as Desert Shores and similarly situated customers.

As you know, Desert Shores is a 3,351 unit un-gated master planned community located in the foothills of northwest Las Vegas since 1988. Desert Shores encompasses 682 acres, in which its roads and walkways are owned by the City of Las Vegas. Desert Shores maintains four (4) manmade lakes that are approximately 33 years old. All water within the lakes is received from the Water District at an approximate annual cost of \$409,000 under existing service rules. The lakes consist of 59.40 acres of surface area and utilize 376.50 acre feet of water. Since Desert Shores must maintain specific water levels within the lakes, it has no choice to reduce water use through alternative means, unlike replacing landscaping with more drought tolerant plants.

Desert Shores' lakes are not only an amenity for its residents, but an amenity for non-residents and the community as a whole. The proposed change to the Water District's service rules by making manmade lakes pay the same rate as non single-family residential customers, however, would result in an approximate 12% increase in the cost of water used for the lakes.

The lakes at Desert Shores are managed to provide the healthiest water environment with monthly testing through certified labs, regular water analysis, dye treatments, algae treatments, and a newly renovated aeration system. The lakes are home to turtles, rabbits, the occasional wondering coyote, while also providing habitat for multiple breeds of migrating waterfowl: ducks, geese, coots, cranes, and a population of hundreds of non-migratory Muscovy ducks.

The lakes are used by Desert Shores' residents for boating and fishing, but swimming is not permitted. The lakes are home to many varieties of fish, including bass, carp, catfish, crappie. Desert Shores is a party to a Safe Harbor Agreement with the Nevada Division of Wildlife ("NDOW") whereby the lakes provide a protective home for two (2) endangered fish species. Desert Shores also partners with NDOW to provide fishing lessons by NDOW employees, including hosting an annual Fishing Derby for residents and non-residents alike.

Non-residents can enjoy the lakes providing they are respectful and follow simple rules: pets on leash, no littering, no smoking and no feeding waterfowl. Desert Shores gets hundreds of non-residents visitors each day: walkers, bikers, weddings, photographers, class pictures, people taking lunch breaks, etc. The lakes also provide an ideal setting for a number of local businesses: Marche' Bacchus, Americana and Lakeside Weddings to name a few, while also providing grounds for religious services such as the Jewish annual ritual of Tashlich.

As such, Desert Shores not only provides amenities for its residents, but the community in general, while also providing an environment for wildlife habitat. This community and wildlife habitat is furnished at no cost to non-residents, but it does result in a cost to Desert Shores. The proposed changes will significantly increase the cost of water supplied to these lakes by approximately 12%, making it significantly more expensive for Desert Shores to offer these amenities, which in turn will likely restrict other operations of Desert Shores. As such, we would respectfully request that the Water District simplify its rules to exclude customers like Desert Shores, and those similarly situated, who provide public and wildlife amenities through their manmade lakes, from the proposed change to charge manmade lakes the same rate as non single-family residential customers and continue to only charge the existing rates for such customers.

We appreciate your consideration of these comments as a part of your consideration of the Business Impact Statement and any adoption of amended service rules.

Sincerely,

KAEMPFER CROWELL



Severin A. Carlson

SAC/jkh
cc: Desert Shores Community Association

LVVWD staff also received and responded to the following general inquiries that were made during the public comment period:

INQUIRY NO. 1 (RECEIVED VIA PHONE)

CALL RECEIVED: October 8, 2020

Summary: Jerry Kurilec from Nevada Community Management stated that he was working on the agency's budget and wanted to better understand the impact of the rate changes.

INQUIRY NO. 2 (RECEIVED VIA PHONE)

CALL RECEIVED: October 8, 2020

Summary: Ed Uehling, southern Nevada resident, stated that he would like more information on the changes and restrictions to Manmade Lakes.

INQUIRY NO. 3 (RECEIVED VIA PHONE)

CALL RECEIVED: October 21, 2020

Summary: Steve Glimp, City of Las Vegas, had a question on the impact of the Service Rules changes to the City of Las Vegas.

INQUIRY NO. 4 (RECEIVED VIA PHONE)

CALL RECEIVED: October 26, 2020

Summary: Karen McClain, Desert Shores Community, had a question on the new tier rates for existing manmade lakes.

INQUIRY NO. 5 (RECEIVED VIA PHONE)

CALL RECEIVED: October 26, 2020

Summary: Sonja Williams, Prime Community Management, had a question on the impact of the Service Rules changes to existing manmade lakes.

NOTICE OF PROPOSED CHANGES TO BUSINESSES

The LVVWD mailed and emailed notices to more than 350 businesses and trade associations, advising them of the proposed changes to the Service Rules and requesting specific public input regarding the type and extent of the economic effect of the proposed changes. Below is a copy of the notice.

COPY OF NOTICE

NOTICE OF PROPOSED CHANGES TO SERVICE RULES

RE: SERVICE TO NEW MANMADE LAKES, ORNAMENTAL WATER FEATURES, RECREATIONAL WATER PARKS, AND FEE CHANGE SCHEDULE FOR THE FACILITY CONNECTION CHARGE

INTRODUCTION

The Las Vegas Valley Water District (LVVWD) is responsible for delivering a safe and reliable water supply to its customers. Because conservation of water resources is vital to the general prosperity, health, safety and welfare of the community, the LVVWD is considering changes to its service rules that affect service and fees for Manmade Lakes, Ornamental Water Features and Recreational Water Parks. The LVVWD is also considering revising the fee change schedule for the Facilities Connection Charge.

Under the proposed provisions, as of January 1, 2021, service to new Manmade Lakes, Ornamental Water Features and Recreational Water Parks shall be severely limited. Service to new Manmade Lakes, Ornamental Water Features or Recreational Water Parks may be prohibited unless specific water users participate in one or a combination of the abatement efforts listed below.

Manmade Lakes

The LVVWD will not provide water to a new manmade lake unless it is within the resort corridor, permitted within applicable development codes and offsets its water use through one of the below efforts:

- Converts existing turf to xeriscape at a ratio of 10 square feet of turf for each square foot of surface area;
- Supports the regional conservation program by paying \$30 for each square foot of surface area to the Southern Nevada Water Authority; or
- Reduces or eliminates an existing Non-Conforming body of water on the property so that there is an equal or net decrease in water surface area on the property.

Manmade Lakes in service before January 1, 2021 shall pay the same rate as non single-family residential customers. If approved, this rate adjustment goes into effect on January 1, 2022.

New Manmade Lakes constructed after January 1, 2021 shall pay the highest tier water rate.

Ornamental Water Features

The LVVWD will not provide water to a new ornamental water feature unless it is within the resort corridor, permitted within applicable development codes and offsets its water use through one of the below efforts:

- Converts existing turf to xeriscape at a ratio of 10 square feet of turf for each square foot of surface area;
- Supports the regional conservation program by paying \$30 for each square foot of surface area to the Southern Nevada Water Authority; or
- Reduces or eliminates an existing Non-Conforming body of water on the property so that there is an equal or net decrease in water surface area on the property.

Recreational Water Parks

The LVVWD will not provide a connection to new Recreational Water Parks until it offsets its water use through one of the below efforts:

- Removes turf and converts to xeriscape at a ratio of 10 square feet of turf for each square foot of surface area; or
- Supports the regional conservation program by paying \$30 for each square foot of surface area Southern Nevada Water Authority.

The LVVWD is also considering changes to its Service Rules that affect the fee change schedule for the Facilities Connection Charge. Under the proposed changes, the Facilities Connection Charge will be adjusted annually for all projects approved on or after March 1.

PURPOSE OF NOTICE

This notice is being provided in order to conform to the requirements of NRS 237.030 – 237.110, “Adoption of Rules Affecting Businesses.” Potentially affected businesses may submit data and arguments to the LVVWD on the following questions:

1. Do the proposed changes impose a direct and significant economic burden upon your business? If you believe these changes do, please be specific as to why the change imposes such a burden.
2. Do the proposed changes restrict the formation, operation or expansion of your business? If you believe these changes do, please be specific as to how and why the change imposes such a burden.

TENTATIVE SCHEDULE

The LVVWD will consider the Business Impact Statement at its regular meeting on Tuesday, November 17, 2020 at 9:00 a.m. in Commission Chambers at the Clark County Government Center. At that time, it is anticipated that the LVVWD Board of Directors will set a public hearing for December 1, 2020 at 9:00 a.m. at the same location to consider approval of the proposed changes.

RESPONSE

Please review and evaluate how the proposed changes will affect your business in light of the two questions listed. If your business is served by the LVVWD and you believe your business is affected by the proposed rule, you must provide a response to the LVVWD no later than 6:00 p.m., November 3, 2020.

To Provide a Response via Post Mail:
Las Vegas Valley Water District
Attention: Gaby Villafuerte
1001 S. Valley View Boulevard, M/S #760
Las Vegas, NV 89153

via email:
LVVWD-BIS@lvvwd.com

Please contact Gaby Villafuerte at (702) 467-9252 with any questions or to receive a copy of the proposed Service Rules.

**NOTICE PUBLISHED IN THE LAS VEGAS REVIEW-JOURNAL
NOTIFYING THE PUBLIC ABOUT PROPOSED CHANGES TO THE SERVICE RULES**

**LAS VEGAS VALLEY
WATER DISTRICT
NOTICE OF PROPOSED
CHANGES TO SERVICE
RULES**

The Las Vegas Valley Water District (LVVWD) is considering changes to its Service Rules that affect service, water rates and fees for new Manmade Lakes, Ornamental Water Features and Recreational Water Parks. The proposed Service Rules also changes the date when the previously approved increases are implemented for the Facilities Connection Charge.

The LVVWD is required to notify businesses of the proposed rule. Visit LVVWD.com or call 702-818-9063 for information.

**PUB: Oct. 8, 2020
LV Review-Journal**