

**LAS VEGAS VALLEY WATER DISTRICT
BOARD OF DIRECTORS MEETING
JULY 19, 2022
MINUTES**

CALL TO ORDER 9:00 a.m., Commission Chambers, Clark County Government Center,
500 South Grand Central Parkway, Las Vegas, Nevada

DIRECTORS PRESENT: Marilyn Kirkpatrick, President
Jim Gibson, Vice President
Justin Jones
William McCurdy II
Ross Miller
Michael Naft

DIRECTORS ABSENT: Tick Segerblom

STAFF PRESENT: John Entsminger, Doa Ross, Greg Walch, Kevin Bethel

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

COMMENTS BY THE GENERAL PUBLIC

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

Jaina Moan, External Affairs Director with the Nature Conservancy, spoke in support of item #10, the changes to LVVWD Service Rules related to size limitations for new single-family residential pool(s), spa(s) and/or water feature(s). She stated that water conservation and sustainability is crucial for nature and ecosystems and their benefit to the Southern Nevada community.

Terrence Thornton, Las Vegas, spoke of his ties to Lake Mead and his involvement in the swimming pool industry. He spoke in opposition of item #10 and stated that data provided by the District is inaccurate and the proposed water savings are much smaller than expected and do not help with the water crisis. He encouraged the board to vote no on item #10 and stated that the proposal put forth by the swimming pool industry results in a greater water savings.

Dustin Watters, Watters Aquatech Pools and Spas in Las Vegas, spoke in opposition of item #10. He stated that the pool industry is being unfairly targeted and talked about the importance of working together to create equitable solutions for all. He also mentioned the pool industry's proposal and stated that it's being dismissed even though it shows a greater water savings than that proposed by the District.

Michael Frye, 5 Fire Rock Court, Las Vegas, spoke on item #10 and asked that the Board not act and table the item until a better alternative is presented. He stated that the residential sector is being treated harsher than the commercial sector when it comes to water conservation.

Kevin Kraft, owner of Ozzie Kraft Pools in Las Vegas, spoke in opposition of item #10 and stated that his business has been in Las Vegas since 1942 and that the pool industry has a vested interest in water conservation in Southern Nevada. He stated that the industry wants to be part of the solution and has a three-part proposal which involves limiting pool size with lot size with a cap. He spoke about an analysis conducted by Shawn McCoy, PhD which was done for the pool industry's proposal that shows a greater water savings.

Jonathan Lytle, Southern Nevada Conservation League, spoke in support of item #10 and the need to reduce consumptive water use. He stated that the average pool size in Southern Nevada is 475 sq. ft. which is sufficient for single family recreational use. He stated that limiting the pool size to 600 sq. ft. will reduce wasteful water use.

John Ocegüera, Strategies 360, stated that the pool industry is committed to help and presented its proposal. The proposal limits new pool construction to 7 percent of lot size with conservation fees for any pool over 1,000 sq. ft., permits conservation fee exemptions for pools with permanently installed covers, limits maximum pool size to 2,940 sq. ft., and prohibits all independent water features. He stated that the pool industry's proposal will save 25 – 30 percent more water than the District's proposed Service Rule change.

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Ben Howell, Principal of California Pools of Las Vegas, spoke in opposition of item #10 and is in support of the proposal presented by the pool industry, stating that it will yield greater water conservation.

Ron Schwartz, owner of Aqua-Safe Unlimited, spoke in opposition of item #10 and added that permanent pool covers are one of the best ways to reduce pool evaporation.

The Southern Nevada Home Builders Association, resident Michael Frye and resident Susan Melby submitted written public comment in advance of the meeting. Their comments are attached to these minutes.

ITEM NO.

1. Approval of Agenda & Minutes

FINAL ACTION: A motion was made by Vice President Gibson to approve the agenda and the minutes from the regular meeting of June 7, 2022. The motion was approved.

CONSENT AGENDA Items 2 – 6 are routine and can be taken in one motion unless a Director requests that an item be taken separately.

- 2. Ratify approval of Change Order No. 1 to the contract with Las Vegas Paving Corporation for a contract price increase of \$200,000 and authorize the General Manager to sign Change Order No. 2 for an additional contract price increase of \$500,000, for a total contract price increase of \$700,000.**
- 3. Approve an amended and restated professional services agreement among Hobbs, Ong & Associates, Inc.; Public Financial Management, Inc.; and the District for independent financial advisory services, with the purpose of adding Public Financial Management, Inc., as a party to the agreement, amending the fee schedule, and increasing the not to exceed amount from \$150,000 to \$200,000 per fiscal year.**
- 4. Approve and authorize the General Manager to sign an interlocal agreement between the Nevada Department of Transportation and the District for modification of water facilities as part of the NDOT I-15 Tropicana Design Build Project in an amount not to exceed \$2,756,320 and authorize the General Manager to sign any ministerial documents necessary to effectuate the transaction.**
- 5. Approve and authorize the General Manager to sign an agreement between Jacobs Engineering Group Inc., and the District to provide professional engineering design services for miscellaneous civil, electrical, mechanical, and control systems projects in an annual amount not to exceed \$1,000,000, and authorize renewal for up to six additional one-year periods.**
- 6. Appoint Greg Kodweis to serve on the Las Vegas Valley Water District, Nevada OPEB Trust Fund Board of Trustees.**

FINAL ACTION: A motion was made by Vice President Gibson to approve staff's recommendations. The motion was approved.

BUSINESS AGENDA

- 7. Conduct a public hearing and approve a cost-of-living wage adjustment of 5.4 percent based upon negotiations with employees represented by the Teamsters Local Union No. 14, effective July 19, 2022.**

President Kirkpatrick opened the public hearing. As there were no members wishing to speak, she closed the hearing.

FINAL ACTION: A motion was made by Director Jones to approve a cost-of-living wage adjustment. The motion was approved.

- 8. Reject the bid from Codale Electric Supply, Inc., and award the bid for the supply of motor control units and switchgear to Autonomy Technology, Inc., for a total amount not to exceed \$15,000,000, which includes pricing, consumption and market condition increases, and authorize the General Manager to sign the purchase agreement.**

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

9. **Award a contract for pipeline installation in Paradise Road between Twain Avenue and Karen Avenue to Harber Company, Inc., dba Mountain Cascade of Nevada, in the amount of \$10,858,500, authorize a change order contingency amount not to exceed \$1,000,000, and authorize the General Manager to sign the construction agreement.**

FINAL ACTION: A motion was made by Vice President Gibson to award the contract. The motion was approved.

10. **Adopt changes to the Service Rules that would prohibit service to a single-family residential customer with a pool(s), spa(s) and/or water feature(s) that have a combined surface area greater than 600 square feet if the customer obtained a pool permit from the customer’s governing jurisdiction after September 1, 2022.**

John Entsminger, General Manager, gave a presentation on the District’s proposed pool size limits and change to its Service Rules. His presentation is attached to these minutes. He began by giving an update on the Colorado River, reduced inflows, aridification and lake levels. He discussed the importance of reducing consumptive use in the valley and highlighted the major uses of water in Southern Nevada that cannot be recovered, including, landscape irrigation, septic systems, evaporative cooling, export products and water feature evaporation. He reported on the average pool size in Southern Nevada and stated that 75 percent of recently constructed pools already fall under the proposed size limit of 600 sq. ft. and still allow for sufficient recreational space. He added that future development is limited only by its unrecoverable water uses and that Southern Nevada must adapt with more efficient development codes.

Director Jones asked if there was any assertion from the pool industry that 600 sq. ft. is an insufficient pool size for a single-family residence and its recreational use. Mr. Entsminger stated that the pool industry primarily stated that bigger lot sizes deserve bigger pools. Director Jones stated that for his family, 600 sq. ft. is more than adequate, and he echoes the sentiment of equity that a pool size based on lot size does not make sense, because it would subsidize the wealthy with large lots to build ornamental pools.

Vice President Gibson stated that the pool industry’s proposal pits the haves against the have-nots, and it does not seem equitable. He also stated that he would be in support of whatever plan could save the most water, but that the pool industry’s water savings calculations do not add up correctly. He also does not agree with the idea that someone could pay their way past the threshold.

Director Miller asked if an analysis has been conducted on the pool industry’s proposal and what would be the impact in delaying this item and vote. Mr. Entsminger stated that any delay in action would result in delayed water savings.

President Kirkpatrick stated that many difficult decisions have been made and will continue to be made as the situation on the Colorado River worsens. She stated that at one point, stopping pool building permits altogether was discussed, but they did not want to pursue such drastic measures. She stated that she understands this may be an unpopular vote for some, but that Southern Nevada needs to conserve as much water as possible. She added that the SNWA has invested in long-term infrastructure to help continue to supply water to the community. President Kirkpatrick added that the other government entities in Southern Nevada will also be making similar code changes.

Mr. Entsminger stated that the Secretary of Interior will likely declare a phase two shortage condition on the Colorado River no later than August 18th as lake levels continue to decline. This would reduce Nevada’s legally entitled allocation to 274,000 acre-feet per year and added that last year Southern Nevada’s consumptive water use was 242,000 acre-feet. He stated that only by meeting our conservation goals can we continue to see positive economic growth. Mr. Entsminger made one correction within the proposed Service Rule change with the addition of the words “single family residential” before the word “customers” in Chapter 3.10 line E.

Director McCurdy asked if existing permits are affected. Mr. Entsminger stated that if a customer has a pool permit in hand before September 1, 2022, the change does not impact them.

FINAL ACTION: A motion was made by Director Jones to adopt the changes to the Service Rules with the addition of the words “single family residential” before the word “customers” in Chapter 3.10 line E. The motion was approved.

COMMENTS BY THE GENERAL PUBLIC

Kevin Kraft stated that he agrees that while water conservation is important, he stands by the pool industry's report and proposal and reiterated its water savings. He added that the September 1st deadline greatly impacts several customers who have already begun pool design projects but do not yet have permits pulled.

Phil Radford, Las Vegas, stated that the Sothern Nevada Water Authority needs to improve outreach and communication about its incentive programs.

Michael Frye questioned the accuracy of the District's water savings calculation within its plan. He also stated that it is unclear if well owners are subject to this pool size limit.

John Oceguera stated that the pool building industry in Southern Nevada may shift because of this decision with luxury builders having to adjust their models. He stated that this could increase the numbers of pools built as builder competition may drive prices down.

Daniel Braistead talked about an aqueduct that was built in Colorado for agriculture.

Joe Vassallo, owner of Paragon Pools in Las Vegas, asked that action on the item be postponed.

Adjournment

There being no further business to come before the board, the meeting adjourned at 10:09 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.

**Public Comment provided by SNHBA, received on 7/14/22 and
included in the minutes as required by Nevada's Open Meeting Law**

From: Amanda <amanda@snhba.com>
Sent: Thursday, July 14, 2022 9:04 AM
To: Chaunsey Chau-Duong <Chaunsey.Chau-Duong@lvvwd.com>
Cc: Nat Hodgson <Nat@snhba.com>
Subject: {External} SNHBA testimony for next week's hearing

Chaunsey,

Per our discussion, SNHBA will not be able to attend the Tuesday public hearing, but will be in attendance at the Thursday public hearing to put the below comments onto the record.

SNHBA respectfully requests these comments are also submitted into the record for the July 19, 2022 Las Vegas Valley Water District Board of Directors meeting.

10. For Possible Action: Adopt changes to the Service Rules that would prohibit service to a single-family residential customer with a pool(s), spa(s) and/or water feature(s) that have a combined surface area greater than 600 square feet if the customer obtained a pool permit from the customer's governing jurisdiction after September 1, 2022.

My name is Amanda Moss, Senior Director of Government Affairs for the Southern Nevada Home Builders Association (SNHBA) for the record. SNHBA is the oldest and largest local trade association representing the residential construction industry in the state of Nevada, and we represent over 90% of the residential market in Southern Nevada.

SNHBA recently commissioned a study conducted by Applied Analysis showing that new homes were much more efficient in their water use as compared to older homes. New homes used approximately 50% less water than older homes despite being larger in size. That is due in part because the builders I represent have not installed turf in the front yards since 2003 and do not install backyards. New residential construction installs SNWA-approved desert scape in the front yards, and over 99% of the water used in a new home is recycled in our return flow credit system.

We are here today to do our part for our community, focusing on consumptive outdoor use. Although there is little outdoor/consumptive use in new homes, where pools are installed, there is water loss due to evaporation. That is why we are here to support the SNWA's prohibition on pool installations over 600 square feet.

I want to be clear—this policy change will negatively impact my members and their future residents. But this is the right thing to do. For conservation and for the economic health of our Valley. SNHBA is again here at the table, doing our part to support these critical policy conversations to ensure we get to 86 GPCD.

I look forward to providing these same comments in the City of Henderson and City of North Las Vegas as they follow your leadership in enacting this amendment in their Service Rules/UDACs. Thank you.

Please let me know if you have any questions/concerns.

Respectfully,

**Public Comment provided by SNHBA, received on 7/14/22 and
included in the minutes as required by Nevada's Open Meeting Law**



Amanda Moss
Senior Director of Government Affairs
Southern Nevada Home Builders Association
[702-540-1881](tel:702-540-1881)
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Public Comment provided by Michael Frye, received on 7/18/22 and included in the minutes as required by Nevada's Open Meeting Law

Swimming pool restrictions item 10

Michael Frye, 5 Fire Rock Court Las Vegas NV 89141

My degree is nuclear engineering, so analyzing data and projecting the correct outcome is what I have been trained to do. I was born in Southern Nevada and have lived here my entire life, except for the time I was in the Navy.

I would ask that you postpone voting on reducing pool sizes until you have a better more thoughtful plan.

From the LA times “Water conservation is a noble cause, though it seems to be ill-advised every time cities start in the direction of pool restricting law making. These efforts fail to consider the strain on the economy if they discourage pool building and often don't think about how much water a swimming pool actually uses. The truth is that pools use less water than your lawn and may ultimately conserve water relative to traditional landscaping.”

“...pools...use 8,000 less gallons than a traditional landscape...”

“A covered pool is significantly more efficient, using less water than even drought-tolerant landscaping...”

“A pool seems like an easy target for those trying to handle droughts, though it’s often a misguided effort.”

Public Comment provided by Michael Frye, received on 7/18/22 and included in the minutes as required by Nevada's Open Meeting Law

The current proposal of limiting pools to 600 square feet in a misguided effort and there is a better way that would save even more water and not take away southern Nevada residents freedoms to choose.

How can you reduce pool sizes for people with water rights?

Nevada residents are a minority user of the Colorado river in general using about 1.8%, that being said no matter what we do we cannot save the Colorado river or do anything to prevent Lake Mead from getting to dead pool if weather patterns do not improve.

Even so Nevada residents have done way more than their pro-rated share of conserving water compared the other users of the Colorado river. Why? Sadly, because Nevada residents have been the path of less resistance and therefore been saddled with the largest burden of saving something they mathematically cannot.

This frankly is just not right, and residents deserve better from their elected officials.

Public Comment provided by Michael Frye, received on 7/18/22 and included in the minutes as required by Nevada's Open Meeting Law

Even right now people are crying about the record low level of lake mead but don't understand that the BLM, Utah and Arizona are withholding more water than normal in Lake Powell because they can, in effect violating the Colorado River Compact, but circumventing it by saying they will give the water back in September. In effect a 0% interest loan, with 0% approval needed, with 0 consequences, to be paid back whenever they feel like it.

Causing a massive economic decline of Lake Mead recreational users.

The current Plan of paying homeowners and businesses \$3.00 a square foot to remove grass is outdated and hasn't kept up with current inflation and I would doubt no one does it. Because that is only \$300 for 100 square feet of grass.

A better plan that would save more water would be to charge \$1,000 for every 100 square feet of a pool over 600 square feet and use that money to remove grass.

Giving the governing bodies the opportunity to try something better and giving room to make changes to improvements over time and giving back Nevada residents some of their freedoms.

Public Comment provided by Michael Frye, received on 7/18/22 and included in the minutes as required by Nevada's Open Meeting Law

Similar to the user's Tier system of the Colorado river.

So, then you could pay \$1,300 for every 100 square feet of grass removal. Then people could afford start doing it again.

So, I would just ask that you postpone a vote until you have a better plan that better represents the interest of the Nevada citizens, treats them more fairly and has more of an impact.

Even so, no matter what you do, mathematically it will have zero impact on whether or not Lake Mead gets to dead pool.

Which once we do get to dead pool then we will get to use all of Lake Mead and not have to share it with California and Arizona, essentially giving us enough water forever.

So, it is possible this problem will solve itself.

Public Comment provided by Susan Melby, received on 7/15/22 and included in the minutes as required by Nevada's Open Meeting Law

From: [Jason Bailey](#)
To: [Jason Bailey](#)
Subject: FW: {External} Re: LVVWD Email Us: General Comments/Questions
Date: Monday, July 18, 2022 2:23:52 PM

From: Las Vegas Valley Water District <DoNot.Reply@lvvwd.com>

Sent: Friday, July 15, 2022 12:48 PM

To: ContactLVVWD <Contact.LVVWD@lvvwd.com>

Subject: LVVWD Email Us: General Comments/Questions

LVVWD Email Us: General Comments/Questions

First Name: susan

Last Name: melby

Address 1: 2569 legend drive

Address 2:

City: las vegas

State: Nevada

ZIP: 89134

Phone: 702-240-3634

Email: bookermelby@aol.com

Subject: drought

Message: I would like these questions to be brought to the attention of the Board of Directors at their next scheduled meeting on July 19. (1) Why can't we funnel flood waters from the midwest/east coast to the drought stricken southwest? (2) Why do we continue to build in Las Vegas with the current drought? Money should not be the answer in times of crisis! My family has lived in Las Vegas since the early 1960's and we are saddened to see what's happening in our community. I look forward to your response. Sue Melby

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