

**LAS VEGAS VALLEY WATER DISTRICT  
BOARD OF DIRECTORS MEETING  
NOVEMBER 15, 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  
Tick Segerblom

STAFF PRESENT: John Entsminger, Colby Pellegrino, Dave Johnson, 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](http://www.lvvwd.com/apps/agenda/lvvwd/index.cfm)*

Kris Sanchez, Deputy Director, Governor's Office of Economic Development (GOED), read a statement on behalf of GOED, and spoke in support of item #18 and enacting new water-related policies to help with the impact and long-term effects of the drought. He added that successfully managing natural resources provides the community with certainty and stability, while enhancing relevancy and fortifying the economy.

Ken Evans, Southern Nevada Water Authority (SNWA) IRPAC member, business community member and Las Vegas resident, spoke in support of a moratorium for the use of evaporative cooling in new development and the implementation of a reduced golf course water budget to no more than 4.0 acre-feet per irrigated acre. He stated that these measures and policies have been the result of empirical data, research analysis and direct business community engagement.

Jon Leleu, NAIOP, spoke in support of item #18. He spoke about a committee that NAIOP assembled at the end of 2021 to help provide information, data, research, support, and insight about evaporative cooling to the SNWA. He also mentioned that NAIOP helped provide the language to the SNWA for the evaporative cooling moratorium.

Virginia Valentine, Nevada Resort Association, expressed the need for the moratorium on evaporative cooling systems in new development to conserve water for the good of Southern Nevada. She stated that the resort community will continue to do what it can to help support water conservation measures and initiatives.

Doug Cannon, President and CEO of NV Energy, spoke in support of item #18 and addressed a couple of questions related to an evaporative cooling moratorium. He stated that NV Energy will be able to provide the energy supply needed as the community makes the shift from evaporative cooling to mechanically cooled systems. He also stated that NV Energy will be able to supply service and make energy available to support Southern Nevada within the timelines provided in the proposed ordinance.

Jeremy Aguero, Principal Analyst, Applied Analysis, stated that he worked with the Las Vegas Global Economic Alliance and the Las Vegas Valley Water District (District) relative to the evaporative cooling issue. Speaking in support of item #18, he stated that the District brought forth a process that was thoughtful and comprehensive, coming up with a solution that will provide an opportunity for the community to continue to grow in a responsible way.

Glen Leavitt, Nevada Contractors Association, represents more than 450 contractors and stakeholders in Southern Nevada. He stated that the construction industry understands the needs for water conservation and requests that further discussion be considered regarding the proposed timeline for implementation of the evaporative cooling policy, so the industry doesn't suffer an extreme burden.

Jordan Krahenbuhl, Executive Director of Plumbing, Heating and Cooling Contractors of Nevada, spoke in support of water conservation, but addressed some unintended consequences related to the proposed implementation timeframes for item #18.

Carlos Fernandez, Executive Director of American Institute of Architects, Nevada Chapter, spoke in support of the evaporative cooling ban stating that this change needs to happen to help the community continue to grow and thrive.

Tony Cornell, general contractor, spoke in support of water conservation, but expressed concern about the proposed timeline for the evaporative cooling prohibition and requested moving the implantation date further out. He also expressed concern about the amount of energy that will be required to run all the new mechanically cooled systems.

Bob Gronauer, representing the Southern Highlands Golf Course, spoke on item #19. He stated that the methodology behind the proposed 4.0 acre-feet per irrigated acre is not fully complete. He stated that not all golf courses were used to calculate the formula and recommends the methodology be a reduction by percentage of water use for each golf course. He also stated that the economic impact, property value loss and hardship on the golf courses and surrounding communities will be significant.

Jaina Moan, External Affairs Director with the Nature Conservancy, spoke in support of items #18 and #19 and encouraged the board to approve these policies. She stated that water conservation and sustainability is crucial for nature and ecosystems and their benefit to the Southern Nevada community.

Angelyn Tabalba, Communications Director, Nevada Conservation League, expressed support for items #18 and #19, a moratorium for the use of evaporative cooling in new development and the implementation of a reduced golf course water budget to no more than 4.0 acre-feet per irrigated acre.

Jason Cheney, General Manager, Southern Highlands Golf Club and Nevada Golf Alliance Industry Board Member, gave comment on item #19. He stated that the golf industry has done a great job to reduce its water use footprint by removing a lot of turf over the years. He feels that the methodology used to calculate the proposed 4.0-acre feet per irrigated acre is incorrect and uses old information. He asked that the board and District staff continue to work with the golf industry to find a water budget number that will be appropriate for a reduction.

Ed Uehling, Las Vegas, commented on the District's annual financial reports and stated that they are more thorough than in previous years. He stated that the proposed water conservation initiatives create hardships on local residents and local businesses, and that the District needs to look for alternative ways to reduce water use. He talked about three possible solutions: creating more multi-family housing, building nuclear plants in Nevada to assist with desalination plants in California, and bringing ocean water inland for irrigation.

## **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 October 4, 2022. The motion was approved.

**CONSENT AGENDA Items 2 – 16 are routine and can be taken in one motion unless a Director requests that an item be taken separately.**

- 2. Approve and authorize the General Manager to sign an agreement, in substantially the same form as attached hereto, to extend the term of the interlocal agreement between the City of Henderson and the District to supply temporary water service to Basic Water Company for redelivery to an area of unincorporated Clark County.**
- 3. Approve and authorize the General Manager to sign, in substantially the same form as attached hereto, a cooperative agreement between the City of Las Vegas and the District regarding the processing of wastewater at Durango Hills Water Resource Center in an amount not to exceed \$11,056,701.**
- 4. Approve and authorize the President to sign an interlocal agreement between the Clark County Water Reclamation District and the District for installation of water facilities for the Whitney Lift Station Rehabilitation Project.**
- 5. Approve and authorize the General Manager to sign an amendment to the existing agreement between SC East Landco, LLC, and the District for a change to the provision of water services within the Skye Canyon Park 2860 Zone Pipeline for an increased amount of \$111,650, resulting in a total amount not to exceed \$1,744,650.**
- 6. Approve and authorize the General Manager to sign an amendment to the existing agreement between Black & Veatch Corporation and the District to provide professional design engineering and construction support services for the Centennial 2635 Zone Reservoir and 2745 Zone Pumping Station in the amount of \$126,951, resulting in a total amount not to exceed \$3,440,135.**

7. Approve and authorize the General Manager to sign an amendment to the existing 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 for an increase of \$1,444,053, resulting in a total amount not to exceed \$4,200,373.
8. 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 and authorize the General Manager to sign any ministerial documents necessary to effectuate the transaction.
9. Approve and authorize the General Manager to sign an agreement between Kiewit Infrastructure West Co. and the District for modification of water facilities as part of the NDOT I-15 Tropicana Design-Build Project and authorize the General Manager, or his designee, to sign future agreements pertaining to the construction of water facilities within the NDOT I-15 Tropicana Design-Build Project that do not fiscally impact the District.
10. Approve and authorize the General Manager to sign an agreement between Broyles International, LLC dba IZ design studio and the District to provide professional engineering services for the Valley View Campus Building Assessment in an amount not to exceed \$425,610.
11. Award a contract for pipeline installation to Byrd Underground, LLC, in the amount of \$2,488,952, authorize a change order contingency amount not to exceed \$240,000, and authorize the General Manager to sign the construction agreement.
12. Approve and authorize the General Manager to sign Amendment No. 3 to the Master Agreement between Workday, Inc., and the District to add the Workday Help module and implementation services in the amount of \$105,214, authorize a contingency amount not to exceed \$24,640, and authorize the General Manager or designee to sign change orders within the contingency amount.
13. Approve and authorize the President's signature on amendments to the Self-Funded Group Medical and Dental Benefits Exclusive Provider Organization (EPO) Plan among Clark County, the Clark County Water Reclamation District, the University Medical Center of Southern Nevada, the Las Vegas Convention and Visitors Authority, the Las Vegas Valley Water District, the Clark County Regional Flood Control district, the Regional Transportation Commission of Southern Nevada, the Southern Nevada Health District, the Henderson District Public Libraries, the Mount Charleston Fire Protection District, the Las Vegas Metropolitan Police Department, the Moapa Valley Fire Protection District and the Eighth Judicial District Court, and adopt an amended Self-Funded Group Medical and Dental Benefits EPO Plan, effective January 1, 2023.
14. Approve and authorize the President's signature on amendments to the Self-Funded Group Medical and Dental Benefits Preferred Provider Organization (PPO) Plan among Clark County, the Clark County Water Reclamation District, the University Medical Center of Southern Nevada, the Las Vegas Convention and Visitors Authority, the Las Vegas Valley Water District, the Clark County Regional Flood Control district, the Regional Transportation Commission of Southern Nevada, the Southern Nevada Health District, the Henderson District Public Libraries, the Mount Charleston Fire Protection District, the Las Vegas Metropolitan Police Department, the Moapa Valley Fire Protection District and the Eighth Judicial District Court, and adopt an amended Self-Funded Group Medical and Dental Benefits PPO Plan, effective January 1, 2023.
15. Approve and authorize the President to sign an amendment to the Interlocal Agreement among Clark County, the Clark County Water Reclamation District, the University Medical Center of Southern Nevada, the Las Vegas Convention and Visitors Authority, the Las Vegas Valley Water District, the Clark County Regional Flood Control District, the Regional Transportation Commission of Southern Nevada, the Southern Nevada Health District, the Henderson District Public Libraries, the Mount Charleston Fire Protection District, the Las Vegas Metropolitan Police Department, the Moapa Valley Fire Protection District and the Eighth Judicial District Court, establishing the rates for the Self-Funded Group Medical and Dental Benefits Plans, effective January 1, 2023.
16. Approve Sun Life Assurance Company of Canada as the provider for long-term disability and group life insurance for District employees.

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

**BUSINESS AGENDA**

**17. Accept the Las Vegas Valley Water District's Annual Comprehensive Financial Report, including the corresponding Independent Auditors' Report on Financial Statements and Other Supplementary Information for the Fiscal Year ended June 30, 2022, and authorize its submission to the Nevada Department of Taxation.**

Kevin Bethel, Chief Financial Officer, presented the Las Vegas Valley Water District's Annual Financial Report. This year, the District engaged a new audit firm, Baker Tilly. Mr. Bethel reported that the first-time audit went smoothly and within the auditor's required communications, there were no findings, and it was an unmodified opinion, with no internal control weaknesses or significant deficiencies that need to be reported to the board.

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

**18. Adopt changes to the Service Rules that prohibit service to new development equipped with systems that rely on evaporative cooling, and direct staff to work with Clark County and Southern Nevada's municipalities to update their existing building codes to implement a regionally-supported policy into their respective codes.**

Dave Johnson, Deputy General Manager of Operations, gave a presentation on the proposed evaporative cooling moratorium. A copy of his presentation is attached to these minutes.

He began by reviewing the Southern Nevada Water Authority's (SNWA) new conservation goal of 86 gallons per capita per day (GPCD) and stated that evaporative cooling represents 1.7 GPCD overall and that it is the second largest consumptive use of water in Southern Nevada, resulting in billions of gallons of water. He separated cooling into two primary systems, swamp coolers and cooling towers, and explained the process of each of those. He expressed that Southern Nevada cannot continue adding avoidable consumptive uses. He reminded the board that last December, the SNWA Board approved a resolution supporting a moratorium on evaporative cooling and since that time, staff has been providing briefings and working with more than 1,000 individuals representing community stakeholders and industries on a policy to restrict evaporative cooling.

Mr. Johnson showed several different mechanically cooled systems and technologies and stated that mitigating energy use increases, and peak electricity costs is easier in new construction than in retrofit scenarios. He reviewed the policy's framework and key deadlines and, due to the considerable amount of input received, recommends extending the Certificate of Occupancy or Completion deadline from February 1, 2025, to February 1, 2026, one year later, to accommodate new builds.

Mr. Johnson gave an overview of the policy exceptions stating that it would not apply to retrofits or replacements that may otherwise require a building permit. He concluded by stating that for regional implementation, each jurisdiction will need to update their respective codes and expect uniform adoption, and that for approval today, the District's Service Rules would incorporate the policy within its Water Commitment Process and Conditions of Service sections.

Vice Chair Gibson commented that the door is not closing on continued discussions with stakeholders surrounding this policy. He also clarified that there is nothing in this policy that would prevent the board from waiving the applicability of a code, for instance. Mr. Johnson affirmed.

Director Naft clarified that the only recommended change is to the date, extending it to February 1, 2026. Mr. Johnson affirmed and recommended that the word *temporary* also be added to Certificate of Occupancy or Completion.

FINAL ACTION: A motion was made by Vice President Gibson to adopt changes to the Service Rules that prohibit service to new development equipped with systems that rely on evaporative cooling, extending the Certificate of Occupancy or Completion deadline to February 1, 2026, and adding *temporary* Certificate of Occupancy or Completion by the deadline. The motion was approved.

- 19. Determine that proposed changes to the District’s Service Rules on golf course water budgets 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 changes on January 3, 2023.**

Colby Pellegrino, Deputy General Manager of Resources, gave a presentation on the proposed changes to golf course water budgets. A copy of her presentation is attached to these minutes.

She reported on declining water levels in Lake Mead and presented the SNWA’s goal of 86 GPCD, and the actions needed to meet that goal. She explained that one of those actions is to reduce the valley’s golf course water budgets from 6.3 acre-feet per irrigated acre to 4.0 acre-feet per irrigated acre. She mentioned that golf courses are the most water intensive industry in the valley from a consumptive use perspective. Ms. Pellegrino stated that the current water budget has been in place since 2005, and the methodology accounts for everything on a golf course that is irrigated, calculates the water use, and divides it by the total number of irrigated acres. Since courses significantly range in terms of design and size, tracking water use per irrigated acre represents a way to equitable benchmark water use.

Ms. Pellegrino stated that the golf course industry has been a great participant in the Water Smart Landscape program, removing unused turfgrass, but stated that there are still courses that have not done any turf conversions to-date. During the BIS comment period, four letters were received from golf courses. She summarized the course’s primary concerns and gave a list of adjustments to operations or facilities that could reduce water use. She also highlighted those areas where SNWA can provide incentives or assistance to the golf courses. She concluded her presentation by noting the implementation date, which is proposed as January 1, 2024.

Ms. Pellegrino also mentioned that the SNWA entered a memorandum of understanding (MOU) with other Colorado River municipalities to mutually agree to hold each other responsible for implementing water conservation. She stated that one of the most significant items within the MOU is a commitment to remove 30 percent of non-functional turf.

Director Jones recognized those golf courses that have taken steps to conserve water. He asked if the comparison of courses is equitable to what they used to be when the water budget methodology was created. Ms. Pellegrino stated that the methodology takes every acre a course is irrigating and divides it by their total water use, so throughout time, as golf course efficiency improves, the amount of water per acre they are using decreases. If some of the area becomes developed, it is no longer included in their irrigated acreage calculation.

Director Segerblom asked if the SNWA has calculated how much money may be used to assist and incentivize golf courses to remove turf, to which Ms. Pellegrino stated that the agency has not.

FINAL ACTION: A motion was made by Vice President Gibson to approve the Business Impact Statement and set a public hearing for January 3, 2023. The motion was approved.

### **COMMENTS BY THE GENERAL PUBLIC**

Daniel Braistead stated that a spring under the Las Vegas Academy overflows three months of the year. He also asked what the value of the SNWA’s downtown property is worth and if the SNWA pays property tax. Vice President Gibson stated that the SNWA does not pay property tax.

Ed Uehling expressed frustration about the new policies and stated that they put too much hardship and burden on the community and will create future problems.

Lindsay Denton expressed support of water conservation and the recent rate increases but expressed concern that the increase did not account for different fees for the different size water meters. She said until now, the increased fees have been offset by the larger tier allowances, but now that the tiers have been equalized, she is asking to also equalize the total fees. She also stated that the excessive use fees do not take lot sizes into account, specifically in residential RE zoning.

### **Adjournment**

There being no further business to come before the board, the meeting adjourned at 10:20 a.m.