

**LAS VEGAS VALLEY WATER DISTRICT
BOARD OF DIRECTORS MEETING
JULY 18, 2023
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, Doa Ross, Dave Johnson, 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.lvwd.com/apps/agenda/lvwd/index.cfm

Yvette Williams, District F resident, provided comment on item #14. She stated that her current water bill was twice as much compared to the previous month, and that she reduced her water consumption by approximately 30 percent compared to last year, but her bill still increased. She stated that her excessive fees were more than the commodity of water, which she feels is an excessive fine. She stated that she was surprised to learn that only District customers are subject to this fee, not those in Henderson or North Las Vegas. She stated that she feels targeted and added that the ecosystem is in danger because of people choosing to water less to avoid excessive fees. She asked for the board's help and attention with this issue.

Julie Wignall, Las Vegas resident, spoke on item #14 and stated that water is life and that those who control water, control life, and she feels that the water district has too much power over the water. She stated that from an environmental science perspective, everything is connected, and these new fees make it so people cannot afford to pay their water bills and are choosing to not water their landscape, which destroys the plants and trees and increases the heat index. She stated that this is in direct opposition to what the City of Las Vegas is trying to do to plant trees and increase the urban canopy.

Peter Ricciardome, Las Vegas resident, provided comment on item #14 and stated that he lives in a community of homes on half-acre lots and that he, and his neighbors, do what they can to help reduce water usage. He stated that the excessive use fee is punitive and not necessary, and that the community is already saving water. He added that it is ill-conceived to think that a one-bedroom home should be on the same water tier as a home with ten bedrooms. He added that this is a hardship on many seniors with large properties and asked that the Board roll back the new tier system and continue to work towards water savings as it has done in the past.

Tera Anderson, Las Vegas resident, provided comment on item #14 and stated that no other public body in the country applies a uniform development standard across all asset classes. She said that even locally, there are many development standards that are intended to accommodate diversification of product offerings. She stated that to universally apply an excess use charge that is not in consideration of acreage and land is irresponsible and wondered how HOAs were considered.

Lisa Skurow, District F resident, spoke on item #14 and concurred with the previous comments. She added that her home is a multi-generational home. She feels that her property, and others like hers, are being targeted and that, in some cases, their water bills are more than their mortgage payments. She stated that there is a new car wash being built in an area where there are already multiple car washes and asked why those types of businesses are being allowed when residents are having to cut back on water use.

Bill & Lissa Sittman, Constantine George, Darrin Whetstone, Jason Hunt, Marlies Schmit and Sue & Paul Adras submitted 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 6, 2023. The motion was approved.

CONSENT AGENDA Items 2 – 10 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 interlocal agreement between the City of Henderson and the District for water service to an area of unincorporated Clark County.
3. Approve and authorize the General Manager to sign an interlocal agreement between the Colorado River Commission of Nevada and the District for assistance with the operation and maintenance of the District's solar generating facilities in an amount not to exceed \$200,000 per fiscal year.
4. Approve the termination of a cooperative agreement between the City of Henderson and the District for water service in Eldorado Valley and authorize the General Manager to sign, in substantially the same form as attached hereto, an interlocal agreement to transfer ownership of Eldorado Valley water facilities to the City of Henderson.
5. Approve and authorize the General Manager to sign Change Order No. 2 to the contract with Spencer Technical Group, LLC, for the replacement of the existing low voltage motor control center at the District's Angel Park Site in an amount not to exceed \$24,651 and a time extension of the final completion date by 48 calendar days.
6. Approve and authorize the General Manager to sign Change Order No. 3 to the contract with Byrd Underground, LLC, for pipeline replacement and connection to existing water meters for an increase not to exceed \$609,938 and a time extension of the final completion date by 206 calendar days.
7. Approve and authorize the General Manager to sign Change Order No. 4 to the contract with Tand, Inc., for unforeseen utility conflicts associated with the installation of pipelines and appurtenances in Atlantic Street, Bourbon Way, and Torrey Pines Drive for an increase not to exceed \$275,000 and a time extension of the final completion date by 74 calendar days.
8. Approve extensions to joinder agreements utilizing the State of Nevada vehicle purchasing contract for light and medium duty fleet vehicles through June 30, 2024, authorize the General Manager, or his designee, to approve any further extensions, and increase annual expenditures to a total amount not to exceed \$3,020,000.
9. Approve and authorize the General Manager to sign an amended and restated agreement between Black & Veatch Corporation and the District to provide professional engineering design and construction support services for the Centennial 2635 Zone Reservoir and 2745 Zone Pumping Station for a total amount not to exceed \$3,505,135.
10. Approve and authorize the General Manager to sign an agreement between Sunrise Mountainview Hospital, Inc., a Nevada Corporation, and the District for developer participation in the cost of future infrastructure, and authorize the District to receive from Sunrise Mountainview Hospital, Inc., an amount not to exceed \$80,000 for future pressure regulating valve construction.

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

BUSINESS AGENDA

11. Approve and authorize the General Manager to sign an agreement between The Howard Hughes Company, LLC, and the District for the design of the 4505 Zone Pumping Station.

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

12. Approve and authorize the General Manager to sign an agreement between The Howard Hughes Company, LLC, and the District for the design of the 4505 Zone Reservoir.

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

13. Award a contract to Western Single Ply – Nevada for the removal and replacement of the existing roof system at the District's East Administration building in the amount of \$1,506,000, authorize a change order contingency amount not to exceed \$150,000, and authorize the General Manager to sign the construction agreement.

FINAL ACTION: A motion was made by Director Segerblom to award the contract. The motion was approved.

14. Receive an update from staff on the implementation of Tier Equalization and Excessive Use Charges as water conservation measures.

John Entsminger, General Manager, gave a presentation on tier equalization and the excessive use charge. A copy of his presentation is attached to these minutes.

Mr. Entsminger began by mentioning the recent initiatives that have occurred to reduce consumptive and inefficient water use and stated that all sectors of the community are being asked to do their part. He reported that among all single-family residential accounts, the top 10 percent of customers use the same amount of water as the bottom 60 percent and added that many of the largest water users usually have unresolved leaks, large amounts of grass, and/or are not irrigating efficiently.

He stated that the excessive use charge thresholds are set at the minimum of the top 10 percent of single-family residential water bills per season and allows up to 252,000 gallons of water a year without incurring extra fees. Mr. Entsminger reported that among the customers who have received an excessive use charge since January, most were affected by the charge only one or two times and that seasonal watering compliance among single family residences has increase compared to the average of the last two years. He provided information on how customers can stay under the seasonal threshold to avoid an excessive use charge, primarily checking and fixing leaks, converting spray irrigation, watering efficiently and converting any unused grass.

Colby Pellegrino, Deputy General Manager of Resources, discussed maintaining landscapes and stated that property owners must know how their landscape is being irrigated and how to affect change. She stated that protecting mature trees is critically important to the community and highlighted examples of successfully completed grass conversions and protected trees through Southern Nevada. Ms. Pellegrino mentioned that there are some popular tree species around the valley that are near their maximum heat tolerance and discussed how current and changing climate conditions can impact tree survival. She reported that at the July Southern Nevada Water Authority (SNWA) Board meeting, the SNWA board will consider new programs and partnerships to increase the community's tree canopy coverage and improve urban heat impacts. One of these programs will be a new rebate enhancement that will be added to the existing SNWA Water Smart Landscapes (WSL) program.

Vice President Gibson asked if the compliance report makes the case that, independent of everything else, the excessive use charge has real value in terms of impacting behavior, to which Mr. Entsminger affirmed. Vice President Gibson asked what portion of the projected 8,250 acre-feet in savings is due to the excessive use charge, to which Mr. Entsminger answered roughly two-thirds of that amount.

Director Jones asked where those who are experiencing high water bills can go for leak assistance or to better understand how to use their irrigation clocks. Mr. Entsminger responded that they can go directly to LVVWD.com or call customer service and the district will arrange a site visit or water audit for any customer who would like one. He stated that in a perfect world, the district would not be collecting any money from the excessive use charge and added that all revenue from the excessive use charge will be put directly into paying for conversation programs.

Director McCurdy asked what type of resources are available for those on fixed incomes if assessed an excessive use fee. Mr. Entsminger reiterated that staff is willing to go to the property and meet one-on-one with individuals to help assess their water usage and help diagnose the issue. If it is a leak and it is repaired, he stated that the district has a one-time leak abatement write off program. If it is overwatering, staff can help educate how much their landscape truly needs. He also mentioned the WSL program which can help subsidize landscape conversion projects. Director McCurdy asked about the regional comparisons and asked how the District came up with the fee. Mr. Entsminger stated that when the fee was modeled in a way that would elicit a response and water savings from the top 10 percent of water users.

Director Segerblom asked about a list of qualified or certified leak repair companies. Ms. Pellegrino responded that the SNWA has begun a Water Smart Plumbing program to identify plumbers who want to certify as a Water Smart plumber. Director Segerblom asked if there was some type of way to offset excessive use costs for those who are refilling swimming pools if drained appropriately. Ms. Pellegrino responded that the District has not considered anything specific regarding pool draining and filling but noted that it might not be best to do that during the summer months. Director Segerblom asked how the amount of \$9 per 1,000 gallons over the threshold was calculated. Mr. Entsminger stated that the district performed several modeling situations and believe that number was the threshold at which a response from the community would be seen.

President Kirkpatrick stated that these conservation discussions began before the COVID-19 pandemic, and at that time, only half of the community was following the watering schedule. She added that this is where the community needs to come together as there is uncertainty moving forward regarding the water situation on the Colorado River.

Director Naft stated that the Water District is one of the most responsive agencies that the Board works with and appreciates the in-person time that staff is willing to spend with the community and its residents. He asked that if the two tree policies are approved at the SNWA Board meeting, that staff could send out information regarding those to the LVVWD Board, to which Ms. Pellegrino agreed.

Director Segerblom asked about property owners having the ability to view water meter data in real-time via a smart phone/device. Doa Ross, Deputy General Manager of Engineering, stated that the District is currently interviewing technology companies to look for the appropriate customer interface to give them the full ability to see everything that can be available to them. She stated that in the meantime, customers can receive that data directly from customer service. She added that this technology and ability should come online soon.

FINAL ACTION: No action was taken.

COMMENTS BY THE GENERAL PUBLIC

Robert Hillsman, 2740 S. Pioneer Way, stated that his water bill has doubled due to the excessive use fees. He lives on 1.25 acres and has landscaped much of his property. He stated that there are a lot of elderly people in his community that has decided to turn off the water to their landscaping and have tall mature trees that are dead or dying and are now a fire hazard. He is concerned that if this trend continues, there won't be anything to help pollinate trees or plants.

Edward McDonald, 4136 Del Monte Ave., stated that he has seen a lot of landscaping done incorrectly causing trees and plants to die. He added that he volunteers daily with elderly individuals and veterans to help with their landscaping and is willing to work with the district to help come up with ideas on how to help with this situation.

Laura McSwain, 2727 Ashby Ave., asked if she could get a copy of today's presentation. She agrees with much of what has been said about the impact and unintended consequences that have come because of the implementation of the excessive use charge. She stated that perhaps the biggest problem is that people have been caught off guard with these fees. She said that the community became more aware during the discussions for AB220. She concluded that the excessive use charge begins to infringe on property rights, and it appears that it is too late to help make any changes.

Daniel Braisted, Las Vegas, asked who he can speak with to talk about bringing water from the Missouri River to the Las Vegas valley.

Caroline Thomas-Jensen, 3155 Loma Vista Ave., stated that excessive use fees are unfair and discriminatory. She stated that residents in North Las Vegas and Henderson are exempt from them. She stated that her neighborhood is designated as a rural preservation which needs to be preserved and that there is no consideration given to the size of the lots nor to what constitutes a single family. She added that last month, her water usage was down 60 percent from the year before, but her water bill tripled.

Kevin Buckley, 1109 Campbell, stated that this has come as a big surprise to many Las Vegas residents and he is looking forward to working with the County Commission and LVVWD so they can continue to conserve water but also maintain the lifestyle they have enjoyed.

Adjournment

There being no further business to come before the board, the meeting adjourned at 10:16 a.m.

Public Comment received for 7/18/23 LVVWD Board of Directors Meeting

From: [Lissa Sittman](#)
To: [&PublicComment](#)
Subject: {External} Usage charges
Date: Tuesday, June 27, 2023 7:03:31 PM

7175 Rogers St 89118
Bill and Lissa Sittman

We were billed \$324 dollars for our water and an additional \$385 in fees and charges. When we called the LVVWD they explained 28,000 gallons is the same for everyone regardless of lot size.

Our home was built in 1979 and is on a 1/2 acre. The lawn was reduced when we moved in 15 years ago, but we added a pool.

This water allowance is detrimental to our property value. It seems unreasonable to penalize a home twice. The tier system allow seems steep and the additional fees are even more than the tier 4 water usage. Plus you are expecting a home with 4 times the landscaping acreage then most Las Vegas residents to be penalized for having trees and plants.

Would the board be willing to consider an additional water allowance for older established homes in the valley with mature landscaping? Considering that up to 5 homes in a high density residential area could be placed on a 1/2 acre this would give that area 140,000 gallons of water for usage. In the same amount of property we have the regulated 28,000. Truly, you are saving water since this is a single family residence. Giving some allowances to established rural communities would still be less than 140,000 gallons for the same amount given in high density neighborhoods.

Secondly, last February the LVVWD stated that the fees would take place, but it's a financial decision to change your yard, and most people need more than 3 months to accrue the funds to redo their yards.

We are asking that the board consider these hardships they are placing in the established contributing residents of Las Vegas. Many of our neighbors are on fixed incomes and have lost a spouse in recent years. These fees are an additional burden and stress on their way of life. As a non-profit entity, it seems cruel that the LVVWD would have such steep penalties put in place so quickly with no time for families transform their homes. 3 months was not enough time.

Please consider giving allowances for properties in rural areas that are at least 1/2 acre in size.

Thank you.

Sent from my iPhone

Public Comment received for 7/18/23 LVVWD Board of Directors Meeting

From: [constantine george](#)
To: [&PublicComment](#)
Subject: {External} LVVWD excessive fees and tier system.
Date: Sunday, July 16, 2023 6:07:17 PM

To whom it may concern:

In regards to your system it's set up incorrectly. You cannot expect a home that is 5500 sq ft and on .55 acre to have the same limitations as a 1200 sq ft home on .08 acre.

The excessive fees are ridiculous as well. I used less this year than last year and still getting penalized for using basic water for every day usage and drip landscaping even though we have cut back.

Your tiered system needs to be adjusted for home size and acreage. Also water limitations need adjusted too. You need to compare apples to apples and your system is a generic across the board system that discriminates against those with bigger homes and lots.

Please adjust your system and make it equitable.

If there is a real water issue which I've heard for 48 years growing up here and being a native stop building. You allow building of homes and casinos and expect people to believe there is a water problem. It's all a sham.

We have plenty of water and the water department is nickle and diming people. Other cities around us have issues and larger populations and these communist like rules are not in place.

Fix the system and listen to your constituents. Make it an equitable system and compare equal products to themselves. Put a limitation on growth and building. You can only squeeze so much out of your constituents and we have had enough. The septic system issue was resolved with the voice of the people as will these issues today.

Thank you.

Constantine George

Sent from my iPhone

Public Comment received for 7/18/23 LVVWD Board of Directors Meeting

From: [Deb and Darrin Whetstone](#)
To: [&PublicComment](#)
Subject: {External} HOW IS THIS FAIR?!!!!!!!
Date: Tuesday, June 27, 2023 6:57:00 PM

28,000 gallons irregardless of home, lot and family size is absurd!!! All 3 of our adult children moved back home, so there are now 5 adults in our home. That is potentially 10 showers per day and a ton of laundry, toilet flushes and hand washing. How can a family scenario such as ours be held to the same standard as a smaller home and family? If we all lived separately we would be entitled to the allocated amount of water, but as a family unit, we must share the amount? That is beyond ignorant! This new policy and pricing is extremely prejudice against large families and needs to see its day in the court system....and I have a sneaking feeling it will VERY soon.
Darrin Whetstone

Public Comment received for 7/18/23 LVVWD Board of Directors Meeting

From: emailhunt@aol.com
To: [&PublicComment](#)
Subject: {External} Board Meeting July 18th 9 am about tier levels and excessive use fees
Date: Saturday, July 15, 2023 2:00:00 PM

Hello,

I am writing for public comments as I cannot make this meeting time. The tier levels and especially excessive use fees are not an equitable practice. I live on a 22,000 sf lot but am expected to use the same amount of water as a 4,000sf lot or even an apartment sized property. Under this method, 5 homes on 4,000 sf. lots can use 5 x the amount of water as me even though they may not be supporting the same number of trees, plants, or bathrooms as I am. In theory, you are allowing people on smaller lot sizes to abuse their water use while we are being penalized even if we are reducing.

I have recently converted all of my grass to desert landscaping and am trying to drastically reduce my water usage but even then, I am paying much higher rates than people on 4,000 s.f. lots. I'm all for reducing water usage and doing my part but what you are doing with the tiers and excess fees has be unequitable. I went to a meeting a couple weeks ago and the water department came across with the attitude that if your plants have to die then they have to die. I would disagree with this logic. The plants and trees in Las Vegas are important to combat air pollution, issues with the ozone, and cooling of the valley compared to if there were none. Yes, water is very important but your tactics to support saving water need to be equitable. Perhaps I should be able to support more trees and plants than a 4,000 sf lot and a 4,000 sf lot should be allocated less then they are now. Your fees seem to be geared towards lack of planning and negotiating water rights with other states.....and lack of accountability and planning from states like California.

Bottom line, the tier structure and excess fees need to consider property size of acreage and home size otherwise it is favoring a portion of the users over another.

Thank you for your time,

Jason Hunt
7640 Coley Ave
Las Vegas, NV 89117
702-239-1605

Public Comment received for 7/18/23 LVVWD Board of Directors Meeting

From: [Marlies Schmit](#)
To: [&PublicComment](#)
Subject: {External} Water usage fines
Date: Thursday, June 29, 2023 2:49:56 PM

Reference: 6941 Arville Street

To whom it may concern,

I have lived in a Rural Preservation zone for the past 20 years. I have reduced my water usage to less than a third of what I used 20 years ago. I find the punitive fines for excess usage outrageous. I pay for my usage according to the tier I use, but the fines are causing hardship.

It is my understanding that you are considering "grandfathering in" residents and their homes who are in a similar situation to mine. Please let me know any progress in removing these fines.

Thank you.

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Marlies Schmit - Realtor
marliesforlv@gmail.com
702-370-9408
NV Lic S.069260

Public Comment received for 7/18/23 LVVWD Board of Directors Meeting

From: [Sue A](#)
To: [&PublicComment](#)
Subject: {External} Excessive & Unfair Punitive Water Tiers, Fees and Pipe size Charges to Las Vegas Residents
Date: Monday, July 17, 2023 7:01:53 AM

To LVVWD & SNWA;

This year, our 1/2 acre property in Section 10, unincorporated Clark County, has been under specific punitive and excessive water use tier charges, as well as the arm twisting tactics by the passing of AB220 to rid the valley of our septic systems.

Despite recognizing and reducing water waste issues inside our home and also our landscape, having made many changes, when affordable, to be responsible desert citizens, our water use has decreased, but our bill has somehow tripled. This is due to the convoluted new billing scheme designed to punish those of us on large, rural lots.

First, an unfair 1 in. pipe fees, punishes us for the existing LVVWD city water system in place when we bought the home. We should be charged ONLY for only the literal amount of water we use, not “after the fact” punitive charges based on the city water’s own design we cannot change. You want a different system, you can pay to change the size of the inlet plumbing pipe to our home.

Secondly, our large lots 1/2 to 1 acre properties are held to the SAME punitive usage tiers as the hundreds of thousands of micro-lot homes being approved by the city to be built across the valley as far as the eyes can see. Does it not make sense that we bought our large lot for our large family of 9, with one on the way? But, we are held to the same water use standards of a tiny home, therefore our normal household activities indoors and outdoors are progressively, exponentially billed as if we are nasty water-wasting humans, abusing our rights to household water? No, we are responsibly using our water, yet paying a bigger price for the privilege.

Lastly, although the outcome could have been much worse if the SNWA got it’s initial wishes, AB229 assures our property will be on the hook to pay sewer fees while we are on an unknown timeline/ waiting list for them to remove our existing septic tank that we don’t want or need to remove. If we don’t pay sewer fees we risk paying in full tens of thousands to tie into the sewer, because they have outlawed new environmentally sustainable septic tank replacements.

We’re starting to feel unwelcome in our own native city and outraged listening of the never ending expansion projects like new baseball stadiums. We have no water rights, one agency, called an authority, but actually has no accountability to residents about the decisions made regarding this precious commodity in a desert. Please, stop price gouging large lot residents with this unfair billing scheme, especially when you continue to support unreal growth to developers.

Thank you,

~ Sue & Paul Adras ~
7030 Coley Ave
Las Vegas NV 89117