



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: June 17, 2020

REPORT TO: Mayor and City Council
REPORT FROM: Daphne Hooper, City Manager
REVIEWED BY: Brent Kolvet, Deputy City Attorney
REVIEWED BY: Denise Lewis, City Treasurer

FINANCIAL IMPACT:

Yes: No:

CURRENTLY BUDGETED:

Yes: No:

FUND/ACCOUNT:

510-810-698

ACTION REQUESTED: Consent Ordinance Resolution Motion Receive/File

AGENDA ITEM: Staff Report (For Possible Action): Possible Approval of a Contract for Water Rights Services to Resource Concepts Inc. in an amount not to exceed \$50,000 for FY 2020-2021.

Agenda Item Brief: The proposed contract is for Resource Concepts Inc. to provide engineering services and water rights dedications for FY 2020/2021 and in compliance with established City of Fernley priorities in an amount not to exceed \$50,000.

Recommended Motion:

"I move to approve the contract for Water Right Services to Resource Concepts Inc. in an amount not to exceed \$50,000."

Business Impact (per NRS Chapter 237):

- A Business Impact Statement is Attached.
- A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

The Council can may:

- Not approve the contract and direct staff to look for other possible companies for legislative services.
- Request additional information

BACKGROUND:

The City owns approximately 10,000-acre feet of Trucker River claim three water rights as well as municipal and irrigation groundwater rights. These rights are a significant asset to the City of Fernley and require on-going maintenance of these rights. The City of Fernley also requires the review and processing of water rights dedications.

Resource Concepts Inc. will provide the following types of services on an as needed, per project basis:

1. Review water rights dedication packages to the City of Fernley.
 - a. Review dedication packages for completeness and accuracy when initially received by the City of Fernley.
 - b. Review existing aerial photos, challenged water documents, TCID detail sheets, ownership records, water rights summary, change applications, and "existing place of use" maps.
 - c. Coordinate with City Engineer and staff, City Attorney and staff, Special City Attorney and staff, dedicators and their agents to ensure dedication package is complete and accurate.
 - d. When Dedication Package is complete and accurate, coordinate and brief the City Attorney and City Engineer regarding the facts and findings of the review.
 - e. Coordinate City Attorney recommendations for action.
 - f. File change application (with City of Fernley signature) and associated documents with State Engineer's Office. Track status of change applications and respond to State Engineer questions and/or comments.
 - g. Track status of dedications and brief City of Fernley as necessary.
2. Preparation of Dedication Packages of water rights for the City of Fernley.
 - a. Review existing aerial photos, challenged water documents, TCID detail sheets, ownership records, water rights summary, change application, and "existing place of use" maps.
 - b. Prepare Deed, Deed exhibit, dedication agreement, change application, change application map.
 - c. Coordinate with City Engineer and staff, City Attorney and staff, Special City Attorney and staff, dedicators and their agents to ensure dedication package is complete and accurate.
 - d. When dedication package is drafted, coordinate and brief the City Attorney and City Engineer.
3. General Water Rights for City of Fernley
 - a. In conjunction with Fernley Staff prepare and forward ERC Yearly Report to NDWR
 - b. Yearly review of optimization Plan and preparation of summary action list for implementation by Fernley Staff
 - c. Coordination with Churchill Temporary Change Applications
 - d. Coordination with NDWR and completion of permitting requirements including the surface water lease program.
 - e. Coordination with TCID regarding Fernley current and future water rights.
 - f. General administrative matters relating to Fernley surface water and ground water rights.
 - g. Preparation and submittal of water rights Change Application and Change Application map with NDWR as well as tracking and reporting the status of dedications.
 - h. Monitor and keep the City informed of any and all deadlines such as time to file extension requests, etc.

The fees for the contract are outlined in Attachment B and the total amount is not to exceed \$50,000. Council approved RCI for Water Rights Services for FY 2018-19 and FY 2019-20.

LEGAL IMPLICATIONS:

NRS 625.050 Practice of Professional Engineering

FINANCIAL IMPLICATIONS:

Funds have been budgeted for FY 2020-2021.

ATTACHMENTS:

Proposed Contract

Attachment A – Scope of Work

Attachment B – Fee Schedule