



# CITY OF FERNLEY

## CITY COUNCIL AGENDA REPORT

Meeting Date: January 6, 2021

**REPORT TO:** Mayor and City Council  
**REPORT THRU:** Daphne Hooper, City Manager  
**REPORT FROM:** Dave Whalen, Public Works Director  
**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:** Possible Action to award a contract for an update to the City of Fernley Water Conservation Plans to Resource Concepts Inc. (RCI) in the not to exceed amount of \$22,165.

**Agenda Item Brief:** The City of Fernley (City) is required to have a Water Conservation Plan. The Nevada Division of Water Resources and the United States Department of Interior, Bureau of Reclamation both require Water Conservation Plans to be in place per regulation. Both require updating every five years; the City's most recent Water Plan submittals occurred on September 12, 2016 (Bureau of Reclamation) and February 29, 2008 (Nevada Division of Water Resources).

**Recommended Motion:**

**"I move to award a contract for an update to the City of Fernley Water Conservation Plans to Resource Concepts Inc. (RCI) in the not to exceed amount of \$22,165."**

**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 reports for background, analysis, alternatives.

**ALTERNATIVES:**

City Council may vote to deny the contract and give direction to the city manager for an alternative.

**BACKGROUND:**

*The City of Fernley (City) is required to update and submit two Water Conservation Plans. One plan for the Nevada Division of Water Resources and the other for the United States Department of Interior, Bureau of Reclamation. The plan components for NDWR's version are outlined in the Nevada Revised Statutes, Chapter 540. The Bureau of Reclamation's plan has requirements defined in Section 210 of the Reclamation Reform Act. Both require updating every five years; the City's most recent Water Plan submittals occurred on September 12, 2016 (Bureau of Reclamation) and February 29, 2008 (Nevada Division of Water Resources).*

*Resource Concepts, Inc. will review both Water Conservation Plans and their specific requirements. If there are enough overlapping similarities amongst the plan requirements, then one (1) updated report will be compiled and submitted to both agencies. However, if there are unique criteria that make the single plan option inefficient and cumbersome, then two separate plans will be compiled and submitted to their respective agencies*

**LEGAL IMPLICATIONS:**

Nevada Statutes: NRS 540

Other: 2009 Settlement Agreement (Subsection 210(b) of the Reclamation Reform Act of 1982)

**FINANCIAL IMPLICATIONS:**

The yearly budget for Water Rights Protection has a contingency of \$95,000 to allow for the updates of each of these plans.

**ATTACHMENTS:**

- 1.) RCI Contract- Standard Contract for Professional Services
- 2.) 2020-12-04 City of Fernley Water Conservation Plan Proposal - Final
- 3.) 2020 RCI Fee Sched Water Rights – City of Fernley Water Rights