



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: January 19, 2022

REPORT TO: Mayor and City Council
REPORT THRU: Daphne Hooper, City Manager
REPORT FROM: Dave Whalen, Public Works Director
REVIEWED BY: David Rigdon, Special 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 adopt an update to the State of Nevada City of Fernley Water Conservation Plan written by Resource Concepts Inc. (RCI) per guidelines of the Nevada Division of Water Resources (NRS 540).

Agenda Item Brief: The City of Fernley (City) is required to have a Water Conservation Plan per NRS 540 approved through the Nevada Division of Water Resources (NDWR). The NDWR requires an update every five years; the City's most recent Water Plan submittal occurred February 29, 2008 (NDWR).

Recommended Motion:

"I move to adopt an update to the State of Nevada City of Fernley Water Conservation Plan written by Resource Concepts Inc. (RCI) per guidelines of the Nevada Division of Water Resources (NRS 540)."

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 motion and give direction to the city manager for an alternative plan of action.

BACKGROUND:

The City of Fernley (City) is required to update and submit two Water Conservation Plans every five years. One plan is for the Nevada Division of Water Resources (NDWR) and the other for the United States Department of Interior, Bureau of Reclamation (BOR). 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 (BOR) and February 29, 2008 (NDWR).

Resource Concepts, Inc. has reviewed both Water Conservation Plans and their specific requirements. There are not enough overlapping similarities amongst each of the plan's requirements so that one updated report could be compiled and submitted to both agencies. Therefore, two separate plans were written and submitted to their respective agencies. The Nevada Division of Water Resources recently approved the Water Conservation Plan submitted to the State Agency. A separate staff report and letter of acceptance will be provided for the federal BOR plan.

Per NRS 540, the Water Conservation Plan must first be approved by the State and then adopted by the governing body of the water utility (NRS 540.131). This staff report is asking for the adoption of the State Water Conservation Plan for the next five-year cycle beginning on the date of issuance of the acceptance letter from the state (January 3, 2022).

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 (GL 510-810-698) has a contingency of \$95,000 to allow for the completion of the updates of each of these plans. The original budget was approved on January 6, 2021, and the project carried over to the current Fiscal year.

ATTACHMENTS:

- 1.) City of Fernley, Water Conservation Plan (RCI, dated December 3, 2021)
- 2.) Approval of the City of Fernley Water Conservation Plan, 1-3-2022