

BOARD OF DIRECTORS

Eric Olsen, President
David Stix, Jr., Vice-President
Robert Oakden, Secretary
Lester deBraga, Treasurer
Abraham Schank, Director
Joseph Gomes, Director
Wade Workman, Director



DISTRICT MANAGEMENT

Rusty D. Jardine, Esq., General Manager and Counsel
Helen-Marie Morrow, Finance Manager
Cody Biggs, Construction & Maintenance Manager
Kelly Herwick, Water Master/Operations Manager
Mike Adams, Systems & Technologies Manager
Mark Solinski, Hydro-Electric Generation Facilities Manager

**TRUCKEE-CARSON IRRIGATION DISTRICT
BOARD OF DIRECTORS**

2666 Harrigan Road, Fallon, Nevada 89406

(775) 423-2141

www.tcid.org

PUBLIC NOTICE OF OPEN MEETING

Pursuant to Nevada Open Meeting Law, Notice is Hereby Given that the Truckee-Carson Irrigation District Board of Directors will Hold its Regular Monthly Meeting on: Tuesday, February 1, 2022 at the Hour of 9:00 a.m. This meeting will be conducted at the Board Room of the District, 2666 Harrigan Road, Fallon, Nevada.

PARTICIPATION IN BOARD MEETING

There are three (3) ways to participate in meetings of the Board: (1) in person; (2) via video conferencing; (3) via teleconferencing.

IN PERSON PARTICIPATION

Subject to conditions then in effect relating to the COVID-19 pandemic, you may join the meeting in person to hear, observe, and participate.

VIDEO CONFERENCING

If you would like to join the meeting to hear, observe, and participate in the meeting online, you may click on the link below:

Video Conference Access:

Join the Zoom Meeting at the link below:

<https://us06web.zoom.us/j/89936395049?pwd=VGRKd3dpL0QvRTJtZXIzbERZQUxPUT09>

Meeting ID: 899 3639 5049

Passcode: 327627

The link can be provided electronically upon request. Contact Michele at TCID, **775-423-2141**, for further information.

In the event that participation via Zoom isn't available, please dial by phone, at **1-855-222-7550**. The access code is **0135302 #**.

TELECONFERENCING

If you would like to join the meeting to hear and participate in the meeting, but not observe, follow the instructions below:

Teleconference Access

The teleconference number is **1-855-222-7550**. The collaboration (meeting) code is **0135302 #**. Please dial the number and follow all prompts including entry of the code, with the # tag when so prompted. You will then be connected to the meeting.

When speaking, all persons must clearly identify themselves for purposes of the record of proceedings. When not speaking, participants must place their phones or other electronic devices on mute. Strict rules of decorum will be observed.

THE AGENDA

Notes:

*For the purposes of this agenda, words which appear in **bold face** are intended only for ease of reference in the creation of this agenda. The full description of the agenda item, to be deliberated upon and decided by the Board, if at all, follows the words appearing in **bold face**.*

All meetings of the Board of Directors for the Truckee-Carson Irrigation District (TCID or District) are public (NRS 539.093). This agenda is a tentative meeting schedule. Action will be taken on all items unless otherwise noted. While meetings of the Board are subject to Nevada Open Meeting Law (NRS 241.010 et seq.) (OML), no provision of the OML requires the Board to discuss or take action on all agenda items. The Board may hear items in a different order, combine items for consideration, or remove an item from the agenda or delay discussion relating to any item at any time to accomplish business of the Board, on behalf of the electors of TCID, in the most efficient manner. Items scheduled at a specific time will not be heard earlier than at the scheduled time pursuant to the OML. Except in an emergency, TCID will provide written notice of its meetings consisting of a clear and complete statement of the topics scheduled to be considered. No action may be taken on any matter that is not scheduled on this agenda. Any statement made by a member of TCID during a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action. Meetings of the Board may be conducted according to the rules of parliamentary procedure.

The Board of Directors may recess the meeting in order to convene an attorney-client meeting.

The Board may take possible action on any item on this agenda unless that item is marked "For Information Only." Items marked "For Information Only" may be discussed by the Board after any presentation is made but no action may be taken on that particular item. The Board may take items out

of order, may combine two or more agenda items for consideration, may remove items from the agenda or may delay discussion of any item at any time.

- For Information Only:*
1. **Call to Order-Roll Call**
- For Information Only:*
2. **Pledge of Allegiance**
- For Possible Action:*
3. **Review and Adoption of the Agenda**
Deliberation and decision relating to the approval of the Regular Board Meeting Agenda of February 1, 2022.
- For Information Only:*
4. **Public Comment**
The Board of Directors welcomes public comment; but, any such comment must be limited to matters in the scope of authority of the Board of Directors. No matter discussed during public comment may be acted upon unless the matter appears on the agenda and is scheduled for possible action. If you wish to be heard, please introduce yourself at the appropriate time and the presiding member of the Board of Directors will recognize you. The amount of discussion on any matter, and the amount of time any speaker is allowed, may be limited. The Board of Directors will not restrict public comment based upon viewpoint. The Board of Directors shall refuse, during public comment, statements relating to the character, alleged misconduct, professional competence, or physical or mental health of a person.
- For Information Only:*
5. **Miscellaneous Correspondence**
Correspondence to be reviewed by the District.
- For Information Only:*
6. **General Manager and Staff Reports**
General updates from staff on current conditions, current or planned projects and business of the District.
- For Information Only:*
7. **City of Fernley–General Updates**
General updates by a representative from the City of Fernley.
- For Information Only:*
8. **United States Fish & Wildlife Service (USFWS)–Wetlands Issues/Updates**
General updates by a representative of the USFWS.
- For Information Only:*
9. **Bureau of Reclamation–Lahontan Basin Area Office**

General updates by a representative of the Lahontan Basin Area Office including the status of water supply conditions in the Newlands Federal Reclamation Project, and updates on the TCIDWORKS program.

For Information Only:

10. **Fallon Paiute Shoshone Tribe**

General updates by a representative from the Fallon Paiute Shoshone Tribe.

For Information Only:

11. **Fallon Naval Air Station**

General updates by a representative from the Fallon Naval Air Station.

For Information Only:

12. **Natural Resources Conservation Service (NRCS)**

General updates by a representative from the NRCS, Fallon, Nevada.

For Information Only:

13. **Nevada Department of Wildlife (NDOW)**

General updates by a representative from NDOW, Fallon, Nevada.

For Information Only:

14. **Farmer's Conservation Alliance (FCA)**

General updates by a representative from the FCA regarding the modernization plan now being developed for the Newlands Federal Reclamation Project, Nevada.

For Possible Action

15. **Determination of the Annual Rate and Levy of Assessment for Operation and Maintenance (O&M) of the Newlands Reclamation Project**

Deliberation and decision relating to the setting of a rate and levy of an assessment upon the lands in the District. The Board of Directors is required to set the rate and levy an assessment upon the lands in the District at its February meeting –pursuant to NRS 539.670(1). The levy and assessment must be sufficient to raise the annual interest on the outstanding bonds or any contractual obligation. The District has no outstanding bonds. The foremost contractual obligation of the District is the contract for the operation and maintenance of the Newlands Federal Reclamation Project, Nevada.

For Possible Action

16. **Determination of the Rate and Levy of Annual Assessment on All Lands in the District (District General Assessment)**

Deliberation and decision relating to the determination of the rate and levy of an annual assessment on all lands in the District for deposit in a capital improvement fund for purposes including the construction, reconstruction or maintenance of the District and any appurtenances necessary thereto, and for ordinary and current expenses of the District as provided for by NRS 539.480(3-8). The rate for the assessment is adjusted on July 1 of each year by an amount equal to the product of the maximum amount applicable during the immediately preceding 12-month period, multiplied by the lesser of 4.5 percent or the average percentage of increase in the Consumer Price Index (CPI)

for West Urban Consumers for the immediately preceding 5 years (NRS 539.480(8)). The rate of assessment for fiscal year 2021/22 is \$6.10. The new rate as adjusted by the CPI is \$6.29 for fiscal year 2022/23.

For Possible Action

17. **Annual Report to State Engineer**

Deliberation and decision on contents of an annual report to be made to the State Engineer as provided for by NRS 539.205. Report contents include progress of the work of the District. The key development for 2021 was the negotiation of a new contract for the on-going operation and maintenance of the Newlands Reclamation Project. In addition, following the December 15, 2020 Record of Decision (ROD) for Truckee Canal Extraordinary Maintenance, the District collaborated with the Bureau of Reclamation regarding project construction and funding.

For Possible Action

18. **Annual Health Care Agreement with Anthem Blue Cross and Blue Shield (March 2022-February 2023)**

Deliberation and decision relating to approval of the annual health care agreement with Anthem Blue Cross and Blue Shield (March 2022 - February 2023) for all eligible District employees and Directors.

For Possible Action

19. **Setting of Dates and Format for Annual Water User Meetings**

Deliberation and decision relating to setting of annual water user meetings (dates and times) and determination of format (virtual or via teleconference) for participation by water right holders in the Newlands Federal Reclamation Project.

For Possible Action

20. **Proposal by The Ferguson Group for Advocacy Services (Old Business)**

Deliberation and decision relating to approval/denial of a proposal by the Ferguson Group (TFG) of Washington, D.C. to provide advocacy services for the District, including, without limitation, pursuit of potential funding from federal sources, such as loans and grants, for purposes of implementing improvements to the Truckee Canal as described in the Record of Decision for Truckee Canal Extraordinary Maintenance entered December 2020, by Ernest Conant, Regional Director for the United States Bureau of Reclamation. Such services are to be provided by Mark Limbaugh, President of TFG, and by Lane Dixon, Principal. Terms of the proposal include an \$8,000 monthly retainer over an initial period of twelve (12) months and payment for other expenses incurred in the course of advocacy.

For Possible Action

21. **Proposal by Capitol Hill Consulting Group for Government Funding Assistance**

Deliberation and decision relating to approval/denial of a proposal by Capitol Hill Consulting Group of Washington D.C., to provide assistance to the Truckee-Carson Irrigation District in connection with procurement of federal support dollars with which to provide extraordinary maintenance to the Truckee Canal in Fernley including, without limitation, lining approximately 3.6 miles of Canal with a combination of geomembrane

lining and concrete, construction of a new Fernley Check Structure, modification of the Bango Check Structure, and other improvements to be made to the Truckee Canal within the Newlands Federal Reclamation Project.

For Possible Action

22. Rules and Regulations Governing Distribution and Use of Stockwater

Deliberation and decision by the Board of Directors as to formation of rules governing the distribution and use of stock-water during the irrigation season and any time outside the irrigation season. The “General Provisions” of the Orr Ditch Decree, *United States of America v. Orr Water Ditch Company, et al.*, in Equity, Docket No. A3, dated September 8, 1944, (hereinafter “Decree”) include the following provisions:

The above named parties [water right holders under the Decree] who so appropriated water for irrigation have also used and in addition thereto are entitled and allowed to use water for livestock and domestic purposes, but only in such amounts as may be necessary for watering stock and for domestic purposes; provided that the priority in respect to the use of water for livestock and domestic purposes of any person shall be identical with the priority of such party for irrigation.

The “Administrative Provisions” of the Alpine Decree, *the United States v. Alpine Land & Reservoir Company, a Corporation, et al.*, Civil No. D-183 BRT, dated October 28, 1980, bear similar language.

Nevada State law, NRS 539.233(1), confers upon the Board of Directors power to establish bylaws, rules and regulations for the distribution and use of water in the District and to compel water users, at their expense, to install measuring and regulating devices to effect and make a proper distribution of water. The District may exercise this power at the Meeting by approving or denying proposed bylaws, rules and regulations governing stock-water use.

NRS 539.233(2) requires that any such bylaws, rules and regulations formed by the Board of Directors shall be printed in convenient form for distribution throughout the District.

The proposed Rules and Regulations Governing Distribution and Use of Stockwater are as follows:

1. The Alpine Decree (*United States v. Alpine Land & Reservoir Company, et al.*, Civil No. D-183 BRT, dated October 28, 1980, and the Orr Ditch Decree (*United States of America v. Orr Water Ditch Company, et al.*, in Equity, Docket No. A-3, dated September 8, 1944, as modified, bear provisions defining the manner to which water right holders are entitled and allowed to use water: For irrigation and also for livestock and domestic purposes. Manner of use is an attribute of an existing right under Decree and does not create an additional or separate water right for livestock and domestic purposes. The priority of livestock and domestic purposes is the same as that for irrigation purposes.

2. The delivery of water for stockwater and domestic purposes is limited to that amount necessary for such purposes.
3. Except as otherwise provided herein, delivery of water for stockwater and domestic purposes shall coincide with delivery of water for irrigation. The water season for all purposes shall be set by the Board of Directors pursuant to NRS 539.233(1).
4. It shall be the responsibility of a water right holder to determine the amount of water to be ascribed for stockwater and domestic purposes within the decreed right.
5. If for any reason delivery of water for stockwater and domestic purposes cannot be made during the irrigation season, the District shall provide for delivery by other means including, without limitation, delivery by truck.
6. No cost beyond assessment for operation and maintenance imposed upon lands within the District shall be imposed upon lands receiving irrigation water through a stockwater pipeline.
7. No fees shall be collected by the District for stockwater delivery where any such delivery is not possible.

For Possible Action

23. Consent Agenda

Matters borne by the consent agenda are considered routine and/or informational in nature. Any deliberation and/or decisions made relating to the consent agenda may be given by the Board in a single action without comment, discussion, or public input as a single Board action. Any item on the consent agenda may be removed there-from, upon the request of a Director or member of the public, and thus be made the object of full and complete deliberation and decision making. Action relating to the consent agenda may be undertaken at any time during the course of the meeting. Items on the consent agenda for this meeting are as follows:

- Approval of Director's compensation as provided for by NRS 539.080.
- Approval of Board Meeting Minutes of January 4, 2022.

24. Committee Reports

For Information Only

O&M Committee Recommendations

General updates by Committee Chairman.

For Possible Action

Carson Lake Pasture Advisory Committee Recommendations

Establishment of Animal Unit Monthly Rate for Fees and Insect Control

Deliberation and decision by the Board of Directors relating to approval of the recommendation to establish the animal unit monthly rate for fees and insect control at \$7.20.

Carson Lake Pasture Grazing Management Contract

Deliberation and decision by the Board of Directors relating to approval of recommendations associated with contract for management of grazing (also known as the “Cowboy Contract”) for the 2022 season at the Carson Lake Pasture, in Churchill County, Nevada, by and between the Truckee-Carson Irrigation District and Bryant Behimer -as an independent contractor. Terms and conditions of the contract include, without limitation, the rate of compensation, term, reciprocal duties and expectations relating to Pasture management.

For Information Only

Employee Relations Committee Recommendations

General updates by Committee Chairman.

For Possible Action

Treasurer’s Report and Finance Committee Recommendations

Treasurer’s Report

Deliberation and decision relating to the District Treasurer’s monthly report ending December 31, 2021, made pursuant to NRS 539.483, and any District Finance Committee recommendations relating thereto, and including, without limitation, levy of assessments, posting and publication of claims, preparation of financial statements, review of accounts both payable and receivable, justification of accounts, action on past due accounts, augmentation of budget categories within the general budget or revision to the District’s annual budget, authorization for and/or review of audits, preparation and approval of financial filings, approval of disbursements, payments, transfer of funds, journal entries, payroll, and/or management of District accounts necessary to achieve compliance with applicable principles, practices of generally accepted accounting practices.

Treasurer’s Note:

Pursuant to NRS 350.538(2), the duties associated with municipal obligations do not apply to “an irrigation district or special district governed by Title 48 of NRS.” An irrigation district is not a “municipality” within the meaning of NRS Chapter 350 (Municipal Obligations). The discharge of all duties relating to the levy of assessments, posting and publication of claims, and financial statements as set forth by NRS Chapter 539 (Irrigation Districts) is deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626 (Local Financial Administration) inclusive –as otherwise made applicable to local governments (See NRS 354.474(2)).

For Information Only

Negotiations Committee

General updates by Committee Chairman.

For Information Only

Policy Committee

General updates by Committee Chairman.

For Information Only

Public Relations Committee

General updates by Committee Chairman.

For Information Only

Revenue-IT Committee

General updates by Committee Chairman.

For Information Only

Truckee Canal Safety Committee

General updates by Committee Chairman.

For Information Only

25. Additional Period of Public Comment

Please refer to agenda item four (4) for rules relating to public comment.

26. Adjournment

Special Accommodations: The Truckee-Carson Irrigation District will make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend. Persons who are disabled and require special assistance may contact Michele Wisnefski, by phone at (775) 423-2141, or by email at michele@tcid.org, or in writing, at TCID, 2666 Harrigan Road, Fallon, Nevada 89406.

Posting: This meeting has been or will be posted at the following locations and websites at least three (3) days prior to the scheduled date of this meeting in accordance with NRS 241.020(3).

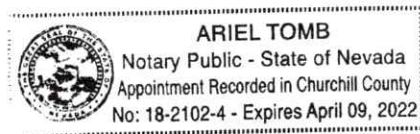
- Fallon City Hall
- Churchill County Administration Building
- Fernley City Hall
- Truckee-Carson Irrigation District
- TCID Website, www.tcid.org
- Department of Administration Public Meeting Notice Website, <http://notice.nv.gov/>

State of Nevada)
 :SS
County of Churchill)

I, Michele Wisnefski, of said Churchill County, do hereby affirm that I posted or caused to be posted, a copy of this agenda, on the 25th day of January, 2022 at the Truckee-Carson Irrigation District Office, where the proceedings are pending.


Michele Wisnefski

Subscribed and affirmed to before me this 25th day of January, 2022.




Notary Public