

Truckee River Flood Control Project Needs Committee

Committee Meeting Minutes

Thursday, August 17, 2017 at 9:30 am

TMWA Conference Rooms
1355 Capital Blvd, Reno, NV

FCPNC



Members

Tray Abney
Dave Aiazzi
Jay Aldean
Andrew Diss
Matthew Duplantis
Marge Frandsen
Mike Kazmierski
Bob LaRiviere
Dick Mills
Julia Ratti
Dean Schultz
Scott Smith
Mike Sprinkle
Lea Tauchen
Rod Young

1. Call to Order

- A. Roll Call, Establishment of Quorum, and Pledge of Allegiance – Jay Aldean, Executive Director of TRFMA called the meeting to order at 9:30 am. A quorum was established with voting members: Tray Abney, Andrew Diss, Matthew Duplantis, Marge Frandsen, Mike Kazmierski (arrived at 10:10 am), Bob LaRiviere, Dick Mills, Julia Ratti, Scott Smith, Mike Sprinkle, Lea Tauchen, and Rod Young. Non-Voting Members Jay Aldean and Dean Schultz were also present. Member Dave Aiazzi was absent; Governor Sandoval's appointment to the Committee had not been made as of the meeting date.

TRFMA staff present: Laura Bayer, Danielle Henderson, Ed Evans, Eric Scheetz, Lori Williams, and Michael Wolz.

- B. Public Comment – TRFMA Executive Director Jay Aldean called for Public Comment and hearing none, he closed this item.

- C. Approval of Agenda for August 17, 2017 (*For Possible Action*)

Motion 2017.8.17.1C to approve the agenda for August 17, 2017.

Moved: Member Ratti Seconded: Member LaRiviere

All Present Were In Favor: Tray Abney, Andrew Diss, Matthew Duplantis, Marge Frandsen, Bob LaRiviere, Dick Mills, Julia Ratti, Scott Smith, Mike Sprinkle, Lea Tauchen, and Rod Young.

- D. Announcements - Jay Aldean asked that all members identify themselves for the record prior to speaking since this meeting is only audio recorded.

2. Introduction of Committee Members -

Tray Abney, Chamber of Commerce, stated he is heavily involved in flood issues and tax issues. The Chamber supported this bill in the legislature. He recognizes the need for an in depth discussion about this.

Andrew Diss, GSR, representing the Nevada Resort Association wants to make sure to come up with a good plan. GSR's close proximity to the river is a key concern.

Matthew Duplantis, NAIOP is representing developers and industrial property owners' best interests.

Marge Frandsen, NV Association of Realtors is a member of the TRFMA Working Group and has been involved with the flood project since 1997. Looking to come up with an equitable way to fund the project.

Bob LaRiviere, BANN, as a true Rotarian, he likes to give back. He is prepared to listen to everything.

Dick Mills, representing the City of Sparks, owns properties affected by floods and is currently a member of the TRFMA Working Group.

Julia Ratti, State Senator, represents District 13, the urban core of Sparks. She noted the public expects government to get public safety right and this is a critical decision juncture; time to lift above jurisdictional issues.

Scott Smith, representing Washoe County, is a retired engineer who has experienced the 1986 and 1997 floods first hand. Interested in seeing an equitable approach to a serious problem.

Lea Tauchen, Retail Assoc. of NV is concerned about taxes affecting retailers. Looking for a fair and equitable approach to this issue.

Rod Young, representing the NV AFL-CIO is representing labor's concerns and appreciates being invited to the table.

Mike Sprinkle, State Assemblyman who represents Sparks, stated we need to come up with the dollars to see this project to fruition.

Dean Schultz, COO for RTAA which is a large land owner in the affected parts of the valley. Jay Aldean added that the Reno-Tahoe Airport Authority chose a non-voting status to avoid any kind of conflict of interest.

Jay Aldean, Executive Director of TRFMA is here to provide information and a smiling face. Aldean introduced Michael Wolz, General Counsel for TRFMA Board.

3. **Presentation and discussion of the provisions of Assembly Bill 375, 79th Session of the Nevada Legislature (2017), and the tasks, duties, and powers of the Truckee River Flood Control Project Needs Committee (FCPNC).**

Public Comment: Jeff Church – Reno Tax Revolt.com – distributed a handout for the record and stated we already pay sales tax for flood control; let those who built in the flood plain pay their own way. This will be fought vigorously. He feels this committee is contrary to law.

Michael Wolz, TRFMA General Counsel, stated he will be acting as the Committee's attorney for the duration of these meetings. Wolz explained that there are 16 members of the committee, two are non-voting, and eight members equal a quorum. Voting only requires a majority of the members present at the meeting.

Wolz explained the tasks the committee is responsible for accomplishing. He explained the difference between fee and tax. The committee must recommend a fee; cannot recommend a tax without a fee. Those who receive a direct benefit from the flood project must pay a fee. The recommended fee, in the amount established by this committee, will be sent to the TRFMA Board who will hold public hearings. The fee does not go to the voters.

A tax recommendation goes to the WC Commission to be placed on the November 2018 ballot. The voters get to approve that. Wolz discussed the types of taxes

available for committee consideration, noting that staff is looking into the “other taxes” stated in AB375. Wolz confirmed that this committee can do one of three things: impose a tax (other than sales tax) and a fee, impose a fee only, or do nothing.

Wolz explained the Direct Benefit Area (DBA). Jay Aldean said there is a secondary benefit of flooding or not flooding per FEMA. A property owner could build up their property out of the benefit area.

Dean Schulz stated the existing TRFMA has the authority to assess a fee. Is that boundary limited to that DBA or can it be applied to anyone? Wolz replied there are no legal limitations on who can be charged a fee, but the benefit ratio does provide some limitations. This is the interpretation of a common law, not a statutory definition. Wolz will look into whether the fee is contingent on the recommended tax passing or not.

Wolz noted there is a drop dead date for federal funds. TRFMA needs to have a funding mechanism in place to be able to sign the Corps partnership agreement.

Bob LaRiviere asked if TRFMA will have groups that put up the funding similar to the WC1 campaign had. Wolz indicated someone would have to step forward to form that coalition; TRFMA cannot be involved.

4. Brief overview of early flood protection efforts in Washoe County.

Jay Aldean, TRFMA Executive Director presented a PowerPoint presentation (copy on file). Andrew Diss asked about the \$180 million Former Senator Reid set aside: does TRFMA only get that when construction begins? Aldean replied that TRFMA can develop a common features project that is in both the 50 and 100 year plans. If staff can find one, TRFMA could start on that or sign a partnership agreement with the Corps which TRFMA can't do until a funding source secured. Aldean confirmed that the \$180 million is part of the Federal budget and can be doled out as they see fit.

Aldean also confirmed that no inflation is included; every year that goes by, the \$180 million is losing purchasing power. He did speak to both Nevada Senators and they are behind this project.

5. Discussion and possible action to: elect the Truckee River Flood Control Project Needs Committee Chair, elect a Vice Chair, and establish rules of procedure for future meetings. (For Possible Action)

Public Comment: Jeff Church cautioned the Committee to pay close attention to the Open Meeting Law as well as other ethics and rules of order. He would like to be considered as an alternate on the committee should an opening arise.

Motion 2017.8.17.5a to elect Bob LaRiviere as Committee Chair.

Moved: Member Abney Seconded: Member Smith

All Present Were In Favor: Tray Abney, Andrew Diss, Matthew Duplantis, Marge Frandsen, Mike Kazmierski, Bob LaRiviere, Dick Mills, Julia Ratti, Scott Smith, Mike Sprinkle, Lea Tauchen, and Rod Young.

Motion 2017.8.17.5b to elect Tray Abney as Committee Vice Chair.**Moved: Member Diss Seconded: Member Ratti****All Present Were In Favor**

General Counsel Wolz explained the proposed procedures and rules of order for future meetings as outlined in handout.

Motion 2017.8.17.5c to approve proposed rules of procedure for future meetings with the caveat that if anyone has any changes they would like to suggest, they bring it forward to the next meeting.

Moved: Member Ratti Seconded: Member Sprinkle**All Present Were In Favor**

6. **Presentation and discussion of topics and issues that may need to be considered and addressed by the FCPNC at future meetings to accomplish the tasks established by Assembly Bill 375, 79th Session of the Nevada Legislature (2017). Possible action to identify topics and issues for presentation and consideration at future meetings and to establish the order of presentation. (For Possible Action)**

Jay Aldean discussed the list of proposed meeting topics as well as the map and map book included in the Committee Members' reference binder.

Andrew Diss asked to have the list of the "other taxes" to be imposed by the next meeting so Committee Members can prepare for meeting #5 new revenue sources. Chair LaRiviere stated that any Committee Member who would like to add an item to a future agenda should email him, Vice Chair Abney, or Jay Aldean.

Dean Schulz asked that the Committee receive all pertinent information prior to each meeting.

7. **Discussion of schedule of future meetings and possible action to set dates, times and venue for future meetings. (For Possible Action)**

The Committee agreed to the proposed meeting schedule in the Committee Packet: meeting from 9 to 11 am on the first and third Thursdays of each month with the following exceptions:

- Thursday, 9/7 will be moved to Wednesday, 9/6
- Thursday, 9/21 will be moved to Friday, 9/22

8. **Public Comment** – Chair LaRiviere called for Public Comment and hearing none, he closed this item.

9. **Adjournment (For Possible Action)**

Motion 2017.8.17.9 to adjourn at 11 a.m.**Moved: Member Diss Seconded: Member Smith****All Present Were In Favor**

Respectfully submitted,
Laura Bayer, Recording Secretary
Approved in Session on September 6, 2017.