

The meeting was held at 11:00 a.m. on Tuesday, July 13, 2004, at the Sawyer State Office Building, 555 East Washington Avenue, Suite 4412, Las Vegas, Nevada.

COMMISSIONERS IN ATTENDANCE

Chairman
Vice Chairman
Commissioner
Commissioner
Commissioner
Commissioner

Richard W. Bunker
Jay D. Bingham
Myrna Williams
Shari Buck
Oscar Goodman
Ace I. Robison

COMMISSIONERS NOT PRESENT

Commissioner

Roland D. Westergard

DEPUTY ATTORNEYS GENERAL

Senior Deputy Attorney General
Senior Deputy Attorney General

Gerald A. López
Sara A. Price

COMMISSION STAFF IN ATTENDANCE

Executive Director
Deputy Executive Director
Special Assistant to Director
Division Chief, Finance and Administration
Hydropower Program Manager
Environmental Programs Manager
Assistant Director of Operations & Engineering
Power Supply Manager
Renewable Energy Program Manager
Natural Resource Specialist
Natural Resources Technician
Natural Resources Analyst
Accountant II
Office Manager
Administrative Assistant II
Administrative Assistant II

George M. Caan
Gail A. Bates
James D. Salo
Douglas N. Beatty
Malvin R. Ware
Phillip Lehr
Bob Reese
Jeff Waltman
Eric Dominquez
McClain Peterson
Anthony Miller
Nicole Everett
Gail Benton
Deanna Bruno
Brenda Haymore
Vickie Dismukes

OTHERS PRESENT; REPRESENTING

AMPAC
Boulder City, City of
Las Vegas Valley Water District

Jack Stonehocker
Ned Shamo
Sandra Reed Bothio

OTHERS PRESENT; REPRESENTING (continued)

Nevada Power Company
Overton Power District No. 5
Overton Power District No. 5
Riverside Developments, LLC
Riverside Developments, LLC
Riverside Developments, LLC
Self
Southern Nevada Water Authority
Titanium Metals Corporation

Judy Stokey
Kent Bloomfield
Delmar Leatham
James Shaw
Jacob Tal
Nick Azouz
Judie Brailsford
Scott Krantz
Kurt Euteneier

**COLORADO RIVER COMMISSION
OF NEVADA
MEETING OF JULY 13, 2004**

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OF NEVADA
MEETING OF JULY 13, 2004**

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The Colorado River Commission meeting was called to order by Chairman Bunker at 11:00 a.m. followed by the pledge of allegiance.

A. Conformance to Open Meeting Law.

Mr. Caan confirmed that the meeting was in compliance with the Open Meeting Law.

B. Approval of minutes of the June 8, 2004, meeting.

Commissioner Williams moved for approval of the minutes. The motion was approved by a unanimous vote.

C. Consideration of and possible action to accept a report updating the appraisal of the Commission's "Emerald River" land near Laughlin, Nevada, and to direct further action under NAC 321.100 through 321.230.

Mr. Caan said Jim Salo would provide the report on this agenda item.

Mr. Salo reminded the Commission that at its October 8, 2002, meeting Riverside Developments, LLC, presented a proposal to purchase approximately 110 acres of land owned by the Commission adjacent to Riverside's Emerald River Project (the "Commission's Emerald River parcels"). The Commission then directed staff to obtain two appraisals of that land. Those appraisals were reported to the Commission at its meeting on March 11, 2003. The values presented by the Commission's appraisers, Mr. Kent and Mr. Lubawy, were \$4,715,000 and \$4,430,000, respectively. The Commission subsequently determined that it was not appropriate to develop or dispose of the land at that time. Instead, the Commission formed a land management subcommittee, comprised of three of its members, charged in part with conducting a comprehensive review of the Commission's policies and procedures for managing all 9,110 acres of its land in the Fort Mohave Valley and reviewing the development needs, limitations and opportunities in Laughlin.

As a result of the work of the land management subcommittee, the Commission recently directed staff to update Mr. Kent's and Mr. Lubawy's March 2003 appraisals. Staff received and has reviewed Mr. Kent's updated appraisal. Due to previous commitments, Mr. Lubawy was unable to meet the time schedule the Commission required but will provide his revised appraisal by the end of July.

Mr. Salo briefly reviewed Mr. Kent's updated appraisal. Mr. Kent indicated that economic and development activity in the Laughlin area has improved noticeably in the past couple of years. There were more land and home sales than there were in 2002. Specifically, there were some land sales along the river north of the Commission's Emerald River property and south of the casino development area that were taken into account. Based on his assessment of all of these factors, Mr. Kent concluded that the value of the land is higher than it was two years ago. Previously, the

appraised value of the two parcels that make up the 110 acres was \$4,715,000. The current estimate of value for the two parcels is \$7,900,000. If you average the per-acre price of the two parcels, the previous appraisal was approximately \$42,000 per acre. The current appraisal is approximately \$72,000 per acre.

Mr. Salo pointed out that this agenda item has two parts and for the first part the Commission need only acknowledge and accept the updated appraisal.

Mr. Salo said the second part of the agenda item relates to staff's recommendation that the Commission consider identifying a type of development that could be developed on this land consistent with the applicable regulations. He explained that the Commission's land is subject to the Fort Mohave Valley Development Law and the Commission's related regulations. Under NRS 321.480 through 321.536 and NAC 321.100 through 321.230, the Commission has discretion to decide whether, when, and how to sell its land for development, and under what terms and conditions. But to do so, the Commission is required to follow certain procedures set forth in those statutes and regulations. These procedures were designed to allow all interested developers an opportunity to participate in the Commission's development program and to provide the Commission with as broad a range of proposals for the desired type of development as possible.

Generally, under NAC 321.190 through 321.230, if the Commission decides that it is now appropriate to provide for a particular type of development on the Commission's Emerald River parcels it must adopt a resolution ordering the Executive Director to solicit proposals for the development.

Mr. Salo said a few changes have been made to the draft resolution since it was provided to the Commissioners in their briefing books. He provided a handout highlighting the suggested revisions which changes the phrase "residential development" in numbered paragraph two of the resolution to "mixed use single-family residential, multifamily residential or resort development." He felt the changes clarified that the Commission was not limiting the potential proposals to single-family residences.

Commissioner Goodman said it was his understanding that the purpose for the Commission releasing the land for sale was to address the lack of available land for residential development due to unprecedented growth in the Laughlin area. With the disjunctive "or" in the resolution's proposed revision, a developer could propose resort development only.

Mr. Salo addressed Commissioner Goodman's concern by explaining that the Riverside Development's proposal that initiated the discussion on the sale of the Commission's land in Laughlin includes all the elements mentioned in the language changes. The company owns parcels all around the Commission's two parcels in question. If the company were to be the successful bidder at the end of the whole process, its proposal would include some elements of non-residential development. For example, the company proposes to realign the golf course onto what is currently Commission land, and another part of the land would be used for a parking lot for commercial development proposed for the company's land. Excluding the resort development language from

the resolution could preclude the Riverside Developments proposal, as well as others that included resort development in their proposals, from being considered.

Commissioner Goodman said he would not mind more resort development in Laughlin. He felt it would be healthy for the community. However, he would like one of the conditions to be a mixed-use residential project.

If it is the desire of the Commission, Mr. Salo said the solicitation could contain the requirement that the proposal include a substantial portion of residential development as opposed to pure resort development.

Commissioners Bingham and Robison questioned why the Commission should be concerned with what kind of development was proposed for the land. Other boards just sell the property to the highest bidder and then the local government for the area controls the best use for the land.

Mr. López explained that the Fort Mohave Valley Development Law and related regulations provide for development of the land—not just its sale. This Commission has always been concerned with how its land is to be developed, what kind of development there will be, what time frame will govern the development and even down to a detailed list of how many houses and mobile-home lots the development would include.

Commissioner Bingham asked why the federal government required that of the Commission in exchange for the land.

Mr. López said the State of Nevada and the federal government were working together to ensure that economic development would occur in the Laughlin area—that was the whole purpose of the state Fort Mohave Valley Development Act and the federal Fort Mohave Act enacted, respectively, in 1959 and 1960. Under the federal act, the Secretary of the Interior approved a development plan that in very broad strokes sketched out where certain kinds of development would appear. The Commission has followed that plan because it is required to: the plan runs with the land. As to the specifics of resort and residential development, for example, that has been left up to the State of Nevada. This Commission in the past has chosen to direct the development with very specific contractual guidelines in place.

Chairman Bunker said bad experiences in the past with developers failing to perform as promised is what staff is trying to avoid this time by making the solicitation broad enough to encourage all types of proposals. However, the land management subcommittee will then be tasked with determining the best development proposal.

Commissioner Bingham asked if he understood correctly that the difference between other government agencies' land sales, which just sell to the highest bidder, and this one is the federal mandate of economic development given to the Commission when it took stewardship of this land.

Mr. López said that was correct. The land must be developed according the plan approved by the Secretary of the Interior. The specifics, which have in the past included phased takedowns and development, are up to the Commission.

Commissioner Goodman mentioned the fact that the Commission does not receive the proceeds from the sale of the land. All proceeds from any sale are deposited in the Fort Mohave Valley Development Account, where, after meeting the Commission's expenses, they are available to support capital improvement projects in the Laughlin area.

Mr. Salo pointed out that the Commission cannot sell the land for less than its fair market value, which is why the updated appraisals are important.

Commissioner Williams stated that she felt residential was equally important in the economic development of the area since most of the taxes, etc. from residents are going over to the Arizona side of the river due to lack of housing.

On behalf of the Commission, Chairman Bunker accepted the updated appraisal.

Chairman Bunker suggested the land management subcommittee take the responsibility to review the new language for the resolution to make sure it gives them the scope of what they would like to consider in the Laughlin area. He also proposed that the subcommittee be given the authority to move forward to develop the solicitation. The solicitation will then be brought back to the full Commission for approval and then it will be released to the public.

Commissioner Bingham asked how much time it will take to develop the solicitation for proposals, have it approved by the subcommittee and then bring it back to the full Commission. He asked for an estimate on how long this process could take—one month, six months or longer?

Mr. Salo said if the subcommittee were delegated the authority to approve the solicitation, several weeks to a month's delay could be avoided.

Chairman Bunker said that timing is important to everyone, so anything that can be done to expedite this matter is important.

Commissioner Robison asked for clarification on the intent of the change of language in the resolution. Was it to cast as wide a net as possible for proposals and then let the county commission and the town board refine those proposals?

Mr. Salo said the language changes are intended to provide relatively broad guidance to the staff and land management subcommittee in drafting the solicitation for proposals to indicate what kind of development proposals are being solicited. If the solicitation included language similar to the resolution language, a pure commercial or industrial proposal would not fit in those categories and would be deemed a non-responsive proposal.

Mr. Caan said the suggested language is consistent with what the town board and the county commission has already recommended.

Chairman Bunker asked if that development area is currently zoned H-1. The answer was yes.

For the record, Mr. Caan clarified his understanding of the Commission's directions to staff in this matter. Staff will develop a solicitation for proposals that will be reviewed by the land management subcommittee to make sure the solicitation is consistent with today's discussion. The final draft of that solicitation will then go before the full Commission for its approval.

Chairman Bunker said the land management subcommittee has his full support in giving final approval on the solicitation. He did not feel the need for approval by the full Commission. The Commission members agreed.

Mr. Caan said that would expedite matters. He assured everyone that the land management subcommittee meeting would be a publicly-noticed meeting that anyone can attend. At that time, the public can hear and provide comments on the solicitation.

Commission Bunker moved to adopt the resolution with the substitute language as discussed and authorize the land management subcommittee to make additional changes as it sees fit. The motion was seconded by Commissioner Williams and approved unanimously. Resolution04-01 is attached hereto and made a part of these minutes.

D. Consideration of and possible action to approve agreements, respectively, with the law firms of Gordon & Sliver, Ltd; Howrey Simon Arnold & White, LLP; and John J. Gezelin to provide legal representation to certain officers and former employees of the Commission in a lawsuit brought by Nevada Power Company.

Mr. Salo explained that on March 17, 2004, Nevada Power Company ("NPC") brought a civil action in the federal district court for the District of Nevada against, among others, certain present officers and former employees of the Commission. They include the executive director, deputy executive director and two former electric power traders. Pursuant to NRS 41.0339, these defendants have timely requested legal representation provided by the Attorney General and paid for by the State. Since these defendants are current and former employees of the Commission, there is an obligation on behalf of the agency and the State of Nevada to defend those individuals to the extent that their actions were within the scope of their employment. The Attorney General has determined that while these defendants are entitled to legal representation under that statute, the provision of legal services by him or his office in this case is impracticable, uneconomical or could constitute a conflict of interest. In these circumstances, NRS 41.03435 authorizes the Attorney General to employ special counsel to provide the necessary defense and to compensate the special counsel out of the reserve for statutory contingency account.

Under the agreements, the Attorney General and the Commission, jointly, with the agreement of the respective clients, are employing the law firm of Gordon & Silver, Ltd, to represent the executive

director and deputy executive director at a not-to-exceed cost of \$150,000, and the law firms of Howrey Simon Arnold & White, LLP, at a not-to-exceed cost of \$150,000, and John J. Gezelin, Esq., at a not-to-exceed cost of \$100,000, to represent, respectively, William Miller and Timothy Clemens, formerly employed by the Commission as electric power traders. In performing their services, these law firms are required to coordinate their activities with the Attorney General, represented by James Salo, who has been designated a special deputy attorney general for this purpose. Mr. Douglas Beatty, the Commission's Division Chief, Finance and Administration, will administer the three agreements, with the assistance of Mr. Salo, because both the executive director and deputy executive director are defendants in the civil action that is the subject of the agreements.

Because the transactions involved in the lawsuit pertain to the power supply function of the Southern Nevada Water Authority Power Delivery Project, the cost of the legal services rendered under each of the three agreements will be borne as an operational expense of the Commission, charged against that function rather than charged against the reserve for statutory contingency account. This financial arrangement is consistent with the Commission's policy of allocating legal defense costs to the particular customer operations that gave rise to the litigation. As the Attorney General's office observed in its letter of April 6, 2004, regarding its tender of defense, "this matter [the NPC lawsuit] is essentially a continuation of the contract-based dispute the Commission has had recently with Nevada Power." These disputes—two at the Federal Energy Regulatory Commission, another before arbitration, and now the present lawsuit in federal district court—involve CRC operations under various agreements with NPC, mostly for electrical service provided to the Southern Nevada Water Authority. Should transactions involving other CRC customers become involved in the lawsuit, a change in customer allocation of defense costs may be necessary. It is staff's intention to bring any such change in allocation to the Commission for approval. Importantly, this financial arrangement also enables the Commission to better monitor and control costs under the agreements. The limits on compensation, described above, represent budgeted estimates designed to support the defense of the Commission's officers and former employees through the trial stage.

Staff recommended the Commission approve the agreements and authorize the Chairman to sign them.

A discussion followed regarding the opportunity for settlement negotiations, the need for caution regarding public statements on matters that are already in the judicial process, a request for additional in-depth briefings of Commissioners as the case progresses, and the need for representation due to the legal schedule already in place.

For the record, Commissioner Robison expressed concern that he is not sufficiently informed about this matter to feel comfortable voting on this item with the amount of money involved even though he understands the need for legal representation.

Commissioner Buck asked if this item could be deferred until the next Commission meeting. She said she was concerned about the cost of this lawsuit and who is paying for it.

Mr. Salo said the legal proceedings are moving forward and these attorneys need to be up to speed to protect the defendants and indirectly protect the Commission and the Southern Nevada Water Authority. It would be inappropriate to leave the defendants without representation. He said the cost of this litigation has been charged to the SNWA as a part of the cost of power that is provided through the Commission.

Commissioner Goodman concurred.

Chairman Bunker moved to approve the agreements. The motion was seconded by Commissioner Williams.

Chairman Bunker asked for a poll of the Commissioners' votes.

**Ace Robison—aye
Oscar Goodman—aye
Myrna Williams—aye
Richard Bunker—aye
Jay Bingham—aye
Shari Buck—aye**

The motion was approved unanimously.

E. Consideration of and possible action to approve an amendment of the Commission's contract with the law firm of Duncan, Weinberg, Genzer & Pembroke, P.C., to increase the limit on compensation.

Mr. Salo reminded the Commission that at its meeting on July 8, 2003, the CRC approved a personal services contract with Duncan, Weinberg, Genzer & Pembroke, P.C., of Washington, D.C., ("Duncan Weinberg") to provide needed outside legal services and representation in the Order to Show Cause and relating proceedings (the "Partnership Dockets") before the Federal Energy Regulatory Commission ("FERC"). In these proceedings, FERC is investigating the role of Enron in the California energy crises of 2000-2001 and that of entities, like the CRC, who had contracts with Enron. CRC was unable to use the services of its primary Washington, D.C. counsel, Miller, Balis and O'Neill, because of a potential conflict of interest. Staff has worked closely with Duncan Weinberg in the intervening months and finds its services to be of a high quality as well as prompt and responsive.

Currently, under the Duncan Weinberg contract, the maximum aggregate cost for all services is \$450,000, as a result of an increase of \$300,000 approved by the Commission at its meeting on March 15, 2004. Continuing circumstances beyond the Commission's control and other factors will cause that limit to be exhausted sooner than anticipated. Generally, the involvement of Nevada Power Company and other parties in the Partnership Dockets has intensified and become more complicated. This has required unanticipated additional work from Duncan Weinberg in

monitoring this activity, reviewing voluminous trader tapes, and preparing appropriate responses, among them, expanded CRC testimony and various necessary motions on CRC's behalf. Because of the interrelationship among these cases, in addition to Duncan Weinberg's work on the Partnership Dockets, the firm has had to become involved to a large extent with CRC's petition for review in the DC Circuit of FERC's claim of jurisdiction over the CRC and similar consolidated petitions filed by others, and with Nevada Power's arbitration case against the CRC. Duncan Weinberg has also been required to work closely with other counsel in a civil action brought by Nevada Power against SNWA and named individuals who are current or former CRC employees. Also since CRC's March 2004 meeting, Duncan Weinberg prepared and filed CRC's comprehensive complaint against Nevada Power Company with FERC regarding positive imbalances, an action not anticipated at that meeting.

With input from Duncan Weinberg, staff has prepared a revised budget that takes these developments into account and projects the needed effort forward as realistically as possible through post-trial briefs and exceptions in both the Show Cause Order and CRC complaint proceedings before FERC.

For the Show Cause proceeding, staff anticipates an additional \$260,000 in fees will be needed to continue to defend the CRC and to cover work on a proposal to FERC staff; completing testimony and exhibits; researching and drafting motions and other pleadings; researching and drafting a pre-trial brief; preparation for and participation in a three-week hearing; and drafting post-trial briefs, briefs on exception, and a request for rehearing.

For the new CRC complaint proceeding, staff anticipates the need for an additional \$300,000 in fees to cover drafting such pleadings as a response to Nevada Power's Answer, a request for rehearing of the Commission's (yet to be issued) order setting the case for hearing, and CRC's initial testimony and exhibits; reviewing Nevada Power's reply testimony and exhibits and written discovery to and from Nevada Power; preparing for and taking depositions of Nevada Power and other personnel; preparing for and defending depositions of CRC employees and other personnel; drafting motions and responses to motions; drafting rebuttal testimony; researching and drafting a pretrial brief; preparation for and participation in a ten-day hearing; and drafting post-trial briefs, briefs on exception, and a request for rehearing.

The above estimates do not include services associated with appeals, which tend to be less labor-intensive than trial work. Nor do those estimates include expenses, the largest of which are associated with travel and transcripts of depositions and hearings, the magnitude of which are difficult to anticipate. Staff recommended that an additional \$40,000 be included to cover the cost of transcripts for hearings and depositions.

The estimated total additional cost for all this work is \$600,000. The "Third Amendatory Contract for Services of Independent Contract," adds this amount to the current \$450,000 authorization to bring the maximum aggregate cost for all services in the Duncan Weinberg contract to \$1,050,000. The need for this work is both on-going and acute.

Staff recommended the Commission approve the amendment and authorize the Chairman to sign it.

Commissioner Bingham moved to accept staff's recommendation. The motion was seconded by Commissioner Williams and approved by a unanimous vote of those Commissioner present. Commissioner Goodman was not present for the vote.

F. Consideration of and possible action to approve an Agreement for Energy and Risk Management Consulting Services with Mobius Risk Group, LLC.

Mrs. Bates explained that the Southern Nevada Water Authority ("SNWA") engaged the Mobius Risk Group, LLC ("Mobius") in June 2004 to provide energy and risk management consultation services. The SNWA has been pleased by the level of expertise and service provided by Mobius. Pursuant to the recently approved Electric Power Supply Agreement between the Colorado River Commission of Nevada ("CRC") and the SNWA, the CRC has specific responsibilities with regard to managing power supply assets, managing energy-related risk, and developing power supply plans on behalf of the SNWA. The CRC desires to take advantage of work that has been completed by Mobius for the SNWA by contracting with them to provide similar services in connection with the CRC's management of the SNWA's power portfolio.

The CRC desires the services of Mobius to support internal staff functions and to provide additional energy risk management expertise. Mobius will essentially be used to conduct ongoing market analysis for both power and power-related commodities; to evaluate risk strategies and to recommend courses of action with respect to energy portfolio management; to develop forward price curves and management reports; to assist with instrument valuation and contract negotiation; and to provide other energy-related consultation services as needed.

Mobius is an energy advisory firm that provides large energy-consuming companies, utilities and municipalities with solutions to reduce exposure to energy market risks. Mobius was formed in January 2002 and is headquartered in Houston, Texas. The company works exclusively on behalf of its clients and does not act as an aggregator or supplier. Mobius is made up of energy professionals with substantial experience in energy risk management, trading, quantitative analytics, structuring, valuation, procurement and physical asset management.

Mrs. Bates pointed out an error in the draft agreement that was provided with the Commission's briefing material. Subsection 6.1 shows the total not-to-exceed cost as \$150,000 when it should be \$165,000. Staff is requesting approval of a three-year contract with Mobius with expenditures not to exceed \$165,000 per year. She pointed out that this is a 'time and materials' contract, so if Mobius is never used there is no cost to the Commission. SNWA has agreed to accept financial responsibility for expenditures under the contract. The contract can be terminated without cause by either party with 30 days' written notice. Staff recommended approval of the contract.

Commissioner Bingham moved for approval of the contract. The motion was seconded by Commissioner Williams and approved by a unanimous vote of those Commissioners present. Commissioner Goodman was not present for this vote.

G. Consideration of and possible action on ratification of the Commission's intervention in Federal Regulatory Commission ("FERC") Docket No. ER04-909-000, Nevada Power Company's filing of an executed Service Agreement for Network Integration Transmission Service (Retail Access Transmission Service) and an executed Network Operating Agreement.

Mrs. Bates reported that in July of 2003, the Southern Nevada Water Authority ("SNWA") notified Nevada Power of its intent to begin the process of switching two of its small pumping loads (Pumping Plant #4 and Pumping Plant #5) from Nevada Power service to CRC service pursuant to Senate Bill 211. As a result, the CRC, SNWA, Nevada Power, and Public Service Company of New Mexico ("PNM"), the CRC's Scheduling Coordinator, began negotiating the necessary agreements that would set forth the specific terms and conditions that govern the use of Nevada Power's transmission network by retail customers. On April 28, 2004, the CRC, SNWA, Nevada Power, and PNM executed a Service Agreement for Network Integration Transmission Service (Retail Access Transmission Service). On May 3, 2004, Nevada Power and PNM executed a Network Operating Agreement. On June 4, 2004, Nevada Power filed the two subject agreements with the Federal Energy Regulatory Commission ("FERC").

The subject agreements are required in order to continue the process of switching Pumping Plants #4 and #5 to CRC service. The CRC has a direct and substantial interest in the approval of the agreements as executed by the parties. Given that the CRC's interest cannot be adequately protected by any other party, the CRC filed a timely intervention in FERC Docket No. ER04-909-000. The staff recommended that the Commission ratify its intervention in the docket.

Commissioner Bingham moved to ratify the intervention in FERC Docket No. ER04-909-000. The motion was approved by a unanimous vote of those Commissioners present. Commissioner Goodman was not present for this vote.

H. Comments and questions from the public.

Chairman Bunker asked if there were any comments or questions from the public. There were none.

I. Comments and questions from the Commission members.

Chairman Bunker asked if there were any comments or question from the Commission members. There were none.

J. Next meeting date selection.

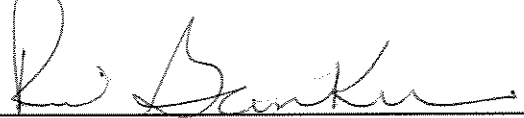
The next meeting was tentatively scheduled for August 10, 2004, at the Sawyer State Office Building in room 4412.

The meeting adjourned at 12:29 p.m.



George M. Caan, Executive Director

APPROVED:



Richard W. Bunker, Chairman

RESOLUTION 04-1
of the
COLORADO RIVER COMMISSION OF NEVADA

**A RESOLUTION ORDERING THE PREPARATION
OF A SOLICITATION FOR PROPOSALS TO
DEVELOP CERTAIN LAND OWNED BY THE
COLORADO RIVER COMMISSION OF NEVADA**

WHEREAS, In 1959, the Nevada Legislature enacted the Fort Mohave Valley Development Law (NRS 321.480 to 321.536, inclusive), authorizing the Colorado River Commission of Nevada (“Commission”) to acquire and develop 15,000 acres of federal land in the Fort Mohave Valley near Laughlin, Nevada, and in 1960, Congress enacted the Fort Mohave Act (74 Stat. 74), which provided for the transfer of that land (the “Transfer Area”) to the Commission in conjunction with a master development plan approved by the Secretary of the Interior; and

WHEREAS, Pursuant to those laws, the Commission acquired the entire Transfer Area and over the years has disposed of, and provided for residential, resort, commercial, industrial and recreational development on, a substantial portion of the Transfer Area; and

WHEREAS, On November 17, 2003, the Commission established a land management subcommittee, comprised of three of its members, which was charged in part with conducting a comprehensive review of the current laws, policies and procedures pertaining to the management of the Commission’s remaining lands in the Transfer Area; and the subcommittee has also examined the needs and opportunities for economic development in the Laughlin area, including recent interest in the development of the Commission’s Emerald River property; and

WHEREAS, The Commission has directed that two appraisals of the Commission's Emerald River property completed in February 2003, be updated, and those updated appraisals have or will soon be reported to the Commission; and

WHEREAS, The Commission has decided that it is appropriate at this time to provide for resort and residential development on the Commission's Emerald River property; now, therefore, be it

RESOLVED BY THE COLORADO RIVER COMMISSION OF NEVADA, That:

1. As used in this resolution, "the Commission's Emerald River property" means those certain parcels of vacant land located near Laughlin, Nevada, and described generally as:

1.1 Parcel 1, the "Waterfront Parcel," identified by the Clark County Assessor as Parcel Numbers 264-26-000-010 and 264-34-501-001 and comprising approximately 84.71 acres.

1.2 Parcel 2, the "Upland Parcel," identified by the Clark County Assessor as Parcel Number 264-26-000-011 and comprising approximately 26.09 acres.

2. Staff is hereby directed to prepare a solicitation for proposals for mixed use single-family residential, multi-family residential and/or resort development on the Commission's Emerald River property in accordance with the provisions of NRS 321.480 to 321.536, inclusive, and NAC 321.100 to 321.230, inclusive.

3. In preparing the solicitation, Staff shall coordinate closely with the Commission's Land Management Subcommittee and the Laughlin Town Manager. When completed, Staff shall present the solicitation to the Commission's Land Management Subcommittee for its review and approval, along with a plan for publishing the notice soliciting proposals. And be it further

RESOLVED, that the Chairman be authorized to sign this resolution on behalf of the Commission. And be it further

RESOLVED, that a copy of this resolution be affixed to the minutes of the Colorado River Commission of July 13, 2004, and be transmitted by the Executive Director to the Chairman of the Laughlin Town Advisory Board through the Laughlin Town Manager.

Adopted and passed at a regular meeting of the Colorado River Commission of Nevada on July 13, 2004.

A handwritten signature in cursive script, appearing to read "R. Bunker", written over a horizontal line.

Richard W. Bunker, Chairman