

The Colorado River Commission of Nevada (Commission) meeting was held at 1:33 p.m. on Tuesday, May 9, 2023, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, NV 89155.

COMMISSIONERS IN ATTENDANCE

Chairwoman	Puoy K. Premsrirut
Vice Chairwoman	Kara J. Kelley
Commissioner	Justin Jones
Commissioner	Marilyn Kirkpatrick
Commissioner	Allen J. Puliz
Commissioner	Dan Stewart

DEPUTY ATTORNEY(S) GENERAL

Special Counsel, Attorney General	David W. Newton
Special Counsel, Attorney General	Michelle D. Briggs

COMMISSION STAFF IN ATTENDANCE

Executive Director	Eric Witkoski
Senior Assistant Director	Sara Price
Chief of Finance and Administration	Douglas N. Beatty
Assistant Director, Engineering and Operations	Bob Reese
Assistant Director, Energy Information Systems	Kaleb Hall
Environmental Program Manager	Warren Turkett, Ph.D.
Senior Energy Accountant	Stephanie Salleroli
Natural Resources Specialist	Laura Dye
System Coordinator	Chris Smith
Executive Assistant Manager	Gina L. Goodman
Administrative Assistant III	Saira Castillo
Administrative Assistant II	Joshua Cleveland

OTHERS PRESENT: REPRESENTING

City of Boulder City	Cynthia Sneed
City of Boulder City	Joseph Stubitz
City of Henderson	Becky Risse
City of Henderson	Priscilla Howell
Fennemore Craig, P.C.	Lauren J. Caster
Las Vegas Review Journal	Colton Lochhead
Legislative Counsel Bureau	Morgan Barlow
March Counsel LLC.	Craig Silverstein
Overton Power District No. 5	MeLisa Garcia
Southern Nevada Water Authority	Brittany Cermak
Southern Nevada Water Authority	Jordan Bunker

COLORADO RIVER COMMISSION OF NEVADA

MEETING OF

MAY 9, 2023

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The Colorado River Commission of Nevada (Commission) meeting was called to order by Chairwoman Premsrirut at 1:33 p.m., followed by the pledge of allegiance.

A. Conformance to Open Meeting Law.

Executive Director, Eric Witkoski confirmed that the meeting was posted in compliance with the Open Meeting Law.

B. Comments from the public. Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on an agenda as an item for possible action.

Chairwoman Premsrirut asked if there were any comments from the public. There were none.

C. For Possible Action: Approval of minutes of the April 11, 2023, meeting.

Action for the April 11, 2023 Minutes was moved to the next Commission meeting.

D. For Possible Action: Consideration of and possible action to approve Amendment No. 2 to Contract No. SA-15-02 between Colorado River Commission of Nevada and Schneider Electric USA, Inc. for an additional four years for Substation Automation System Support Services.

Assistant Director, Engineering and Operations, Robert Reese explained the request for Amendment No. 2 to Contract No. SA-15-02, is for an extension of time of the contract for four years to June 30, 2027. The current remaining balance on the contract is \$164,186.87 and is expected to be sufficient for the term of the extension of the contract.

The Colorado River Commission of Nevada (Commission) owns, operates, and maintains seventeen high voltage substations staffed by eight Commission employees in the Commission's Power Delivery Project. In addition, the Commission is responsible for the operation and maintenance of ten substations that are owned by the Southern Nevada Water Authority and three owned by the Clark County Water Reclamation District.

On June 9, 2015, the Commission entered a contract to provide systems support services for a business enterprise system that allows the Commission and its customers who receive electric service from the Commission facilities, to manage the procurement of electric energy, including scheduling and accounting, more efficiently by the rapid dissemination of real-time metering data. These support services included programming, troubleshooting, and modifying software and hardware associated with the energy meters and software as required for routine operation and maintenance.

Due to the proprietary nature of the meters and software used in the Power Delivery facilities, Staff initiated a Solicitation Waiver process in accordance with Nevada State Purchasing guidelines.

The Nevada State Purchasing Solicitation Waiver or Sole Source process omits the Request for Proposals process when, as in this instance, proprietary hardware and software are involved. As noted in the Solicitation Waiver, "Selecting another vendor would require removing and replacing 100+ meters and the operating software, which is not operationally or economically feasible, and the Commission's metering and data collection system would no longer be compatible with the local utility, NV Energy." The Solicitation Waiver #140902 was approved by the Administrator of the Nevada State Purchasing Division.

On March 12, 2019, the Commission approved Amendment No. 1 to Contract SA-15-02 which extended the contract with Schneider Electric USA, Inc. (Schneider Electric) until June 30, 2023.

This Contract with Schneider Electric is an enabling-type contract that allows the Commission's operation and maintenance Staff to receive support from Schneider Electric on an as-needed basis for certain tasks and software support. Work under the contract will be authorized by Commission Staff as needed through the development and execution of written task authorizations.

Amendment No. 2 proposes to retain the services of Schneider Electric for an additional four-year extension, not to exceed the previously approved total amount of \$350,000, upon Board of Examiners' approval, anticipated to be June 2023. The total combined value of task authorizations under this agreement shall not exceed \$350,000 over the term of the contract. The amount remaining on this contract as of today is \$164,186.87.

Chairwoman Premsrirut noted this request is to extend the term of contract No. SA-15-02, not to increase the fiscal note or the requirement.

Commissioner Puliz moved for approval Amendment No. 2 to Contract No. SA-15-02 between Colorado River Commission of Nevada and Schneider Electric USA, Inc., for an additional four years for Substation Automation System Support Services. The motion was seconded by Commissioner Kelley and approved by unanimous vote.

<p>E. <i>For Possible Action:</i> Consideration of and possible action to approve a two-year contract in the amount of \$95,000 for legal services between Colorado River Commission of Nevada, Office of the Nevada Attorney General, and March Counsel LLC.</p>
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Mr. Witkoski explained that in April of 2021, the Commission approved a contract for \$150,000 with March Counsel LLC. Only \$10,800 has been spent under the contract since being approved. Normally, Staff would be seeking an amendment of the contract to extend the term, but the Nevada Attorney General's Office is requiring the contracts for outside legal counsel be changed to a new format. Thus, Staff is proposing a new contract for \$95,000 for two years. Staff believes the new amount will be sufficient for the services of March Counsel for the next two years.

March Counsel is owned and operated by Craig Silverstein, and he has represented and advised the Commission Staff on Federal Energy Regulatory Commission (FERC)

matters and more recently Regional Transmission Organizations (RTOs) for several years. The Staff values his advice, and he his expertise on FERC matters and the regional markets in the Western United States. Over the last year, Staff has met with Craig Silverstein on a quarterly basis to discuss the latest topics involving FERC and RTOs and found the discussions helpful.

Normally, Staff presents a fully executed contract when presented for approval by the Commission. However, with the change in the format of the contract required by the Nevada Attorney General's Office and other related administrative processing matters, a completely executed contract is not available for approval. However, a draft of the contract that includes the term, the billing rates, and the Scope of Work is included for review. Staff is requesting that the Commission approve the contract with March Counsel, provided the final contract is substantially the same in terms and conditions as presented to the Commission for approval. This approval step will allow Staff to work with the Nevada Attorney General's Office to finalize the contract and have it submitted to the Board of Examiners for approval later in May for approval prior to June 30, 2023, when the current contract with March Counsel expires.

Chairwoman Premsrirut commented that she believes Mr. Craig Silverstein has been providing legal services to the Commission for as long as she has been here. She appreciates Mr. Silverstein's budgetary sense, not exceeding the retainer, and also the continuity. Chairwoman Premsrirut added that this is just to extend the term or redo the form versus any fiscal increase.

Commissioner Stewart moved for approval a two-year contract in the amount of \$95,000 for legal services between Colorado River Commission of Nevada, Office of the Nevada Attorney General, and March Counsel LLC. The motion was seconded by Commissioner Kelley and approved by unanimous vote.

<p>F. <i>For Possible Action:</i> Consideration of and possible action to approve a two-year contract in the amount of \$95,000 for legal services between Colorado River Commission of Nevada and Fennemore Craig P.C.</p>
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Mr. Witkoski explained that in June of 2022, the Commission approved Amendment No. 7 to the Fennemore Craig P.C. (Fennemore) contract that extended the term of the contract until June 30, 2024. At that time, there was \$65,606 remaining on the contract and the Commission approved the contract extension. The amount of the contract has now nearly expired due to the work on the matter at the 9th Circuit and later at the United States Supreme Court on the briefing and preparation related to the Petition for Certiorari, the opening brief, reply brief and the many hours of discussion and in assistance provided in preparing the lead attorney in Arizona for the oral argument before the Supreme Court.

Staff is proposing a new contract, rather than Amendment No. 8. The contract is a three-party contract, with the Commission, the Nevada Attorney General's Office and Fennemore. The amount under the contract being proposed is for \$95,000 and should be sufficient for a period of time if there is further work following the decision in the Navajo case.

Normally, Staff presents a fully executed contract when presented for approval by the Commission. However, with administrative changes required by the Nevada Attorney General's Office, a completely executed contract is not available for approval. However, a draft of the contract that includes the term, the billing rates, and the Scope of Work is included for review. Staff are requesting that the Commission approve the contract with Fennemore, provided the final contract is substantially the same in terms and conditions as presented to the Commission for approval. This approval step will allow Staff to work with the Nevada Attorney General's Office and Fennemore to finalize the contract and have it submitted to the Board of Examiners for approval later in May prior to June 30, 2023, when the current contract with Fennemore expires.

Chairwoman Premsrirut commented that, similar to the last agenda item, the Navajo case has also been around for as long as she has served on the Commission.

Commissioner Kirkpatrick moved for approval a two-year contract in the amount of \$95,000 for legal services between Colorado River Commission of Nevada, Office of the Nevada Attorney General, and Fennemore Craig, P.C. The motion was seconded by Commissioner Puliz and Commissioner Stewart and approved by unanimous vote.

<p>G. <i>For Possible Action:</i> Consideration of and possible action to approve a one-year contract between the Colorado River Commission of Nevada (Commission) and a suitable title company to be selected for an amount not to exceed \$5,000 for title search and policies, if necessary, and related research of the Commission's ownership interest of the property along Boulder Highway in Henderson, Nevada.</p>
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Mr. Witkoski explained that this matter is related to the request of the City of Henderson for the Commission to convey their possible property rights to remanent parcels that the Commission may own along Boulder Highway that were reserved in a 1952 Deed. The contract will allow Staff to hire a title company to research the property records and determine whether and what the Commission may still own along Boulder Highway.

Chairwoman Premsrirut recalls that at the last Commission's last meeting, the substantive issue of this matter came up, and it was the consensus of all Commission members to conduct further due diligence. This agenda item is a furtherance of that due diligence.

Chairwoman Premsrirut asked the Director Mr. Witkoski to report the selection of the title company at the next Commission meeting.

Commissioner Kirkpatrick moved for approval a one-year contract between the Colorado River Commission of Nevada and a suitable title company to be selected for an amount not to exceed \$5,000 for title search and policies, if necessary, and related research of the Commission's ownership interest of the property along Boulder Highway in Henderson, Nevada. The motion was seconded by Commissioner Puliz and approved by unanimous vote.

H. Consideration and possible action by the Colorado River Commission of Nevada to approve or disapprove the notice of intent by the City of Henderson and Basic Water Company to grant specific Municipal Utility Easements.

Mr. Witkoski stated that on April 28, 2023, the Commission received notice from Counsel for the City of Henderson and the Debtors of their intent to dedicate two Municipal Utility Easements. The Commission has 20 days, or until May 18, 2023, to approve or disapprove of the easement grants.

Staff are evaluating what easements and property the Commission may still own in the area and evaluating the location of the proposed easements, and whether the Commission has any facilities in the area. This has to do with land, but it is separate from agenda item G.

When the Basic Water Company bankruptcy began Holley Driggs did title searches of the property that Basic Water owned. Because of the Commission's long history with Basic Water Company complex Staff wanted to know if the Commission had title to any properties.

The background stems from the 1952 deed where the Commission reserved some right of way. There are two properties; Lake Mead Parkway parcel and Van Wagenen parcel.

Lake Mead Parkway Parcel

Holley Driggs memo concluded the Commission has no property interest or easements in that area.

Van Wagenen Parcel

The Commission does not have any parcels. However, the Commission has an old legacy easement for a 230 KV line that came from a 1948 deed. Staff visited the parcel last Thursday, May 4, 2023 and confirmed there were no Commission assets in the area of these easements.

With that confirmation Staff does not see any reason to object the granting of an easement from Basic Water Company to the City of Henderson. Mr. Witkoski asked Special Counsel if this information was properly conveyed.

Chairwoman Premsrirut asked in making the determination that the Commission has no assets, what particular measures were taken, or items reviewed for the record.

Mr. Reese responded Staff pulled up easements for the transmission infrastructure and facilities. Staff conducted a physical drive-by of those parcels, finding the Commission has no assets in that area that belong to our transmission system or facilities.

Commissioner Kirkpatrick moved for approval by the Colorado River Commission of Nevada to approve or disapprove the notice of intent by the City of Henderson and Basic Water Company to grant specific Municipal Utility Easements. The motion was seconded by Commissioner Stewart and approved by unanimous vote.

I. *For Information Only: Status update on 2023 Legislative Session and related budget matters submitted for approval for Fiscal Years 2024 and 2025.*

Chief of Finance and Administration Doug Beatty stated Staff received approval from the Legislative Budget Subcommittee for the Commission's budget and was awaiting approval from the full legislative committee. On May 6, 2023, Mr. Beatty spend time with the Commission's Legislative Counsel Bureau Finance Analyst, Morgan Barlow, while completing the final technical adjustments to closing our budget. As analysts' are closing budgets from other agencies technical adjustments are needed that may have an impact on the Commissions budget, such as allocations or some costs that may be allocated and/or changes that may affect certain items that all agencies share or have in common. Those technical adjustments are immaterial, so the Commission's budget is done.

J. *For Information Only: Update on pending legal matters, including Federal Energy Regulatory Commission or Public Utilities Commission of Nevada filings.*

Special Counsel Attorney General David Newton updated three pending legal matters.

Save the Colorado v. Dept. Of the Interior (LTemp):

The decision in that matter was appealed to the 9th Circuit in January. The only thing that has occurred in the case up to now is that the mandatory mediation was cancelled because it is believed or assumed that enough parties sent back, that they didn't think mediation was going to be of any value. We are just waiting for the next step from the court.

Basic Water Company bankruptcy

The Basic Water Company bankruptcy is still going on. It is the understanding that the auction is going to be in early June. It is somewhat stalled a little bit, as it gets closer to that.

Navajo Nation v. Dept. Of the Interior:

In the Navajo matter it was argued to the Supreme Court on March 20th. We are expecting to see a decision sometime, probably in June. Mr. Newton listened to the hearing as well as Mr. Witkoski and Ms. Briggs. Mr. Newton is uncertain which way it is going to go. You could identify about three justice blocks that were kind of floating, but you could not ever see which one was going to be the fourth or even the fifth. Hence, has no idea what to expect from that.

K. *For Information Only:* Status update from Staff on the hydrological conditions, drought, and climate of the Colorado River Basin, Nevada’s consumptive use of Colorado River water, the drought contingency plan, impacts on hydropower generation, electrical construction activities and other developments on the Colorado River.

Environmental Program Manager, Warren Turkett, Ph.D. presented.

A copy of the report is attached and made a part of the minutes (See Attachment A).

Hydrology and River Updates

- Precipitation and Temperature
- Colorado Basin River Forecast Center – Lake Powell 104 Group
- Operations Update
 - High-Flow Experiment
 - April 24 Month Study
- Lake Powell End-of Month Elevations – April 2023 24 Month Study
- Lake Mead End-of Month Elevations- April 2023 24 Month Study

L. *For Information Only:* Recognition and acknowledgement of the Colorado River Commission of Nevada’s Power Delivery Group, led by Robert Reese, that received from the American Public Power Association a Safety Award of Excellence for attaining a low incidence rate during the year of 2022.

Mr. Bob Reese and Staff were recognized for receiving the American Public Power Association, Safety Award of Excellence for 2022.

M. *Comments from the public. Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on an agenda as an item for possible action.*

Chairwoman Premsrirut asked if there were any comments from any member of the public present in the Chamber or any member of the public participating remotely that wish to address the Commission.

Becky Risse, Assistant City Attorney with the City of Henderson (City), commented on item H. Ms. Risse stated the following. This involves the city's notice to CRCNV of easements that it would like Basic Water Company, SPE 1 LLC to grant, given the various moving pieces and the bankruptcy process, the BWC and BWC SPE bankruptcy process. New information, it seems, keeps coming to light and so we just want to let the Commission and Commission staff know that there is at least one other easement on what the debtors refer to as the booster to property, that the City would like granted to it, and its entitled, the municipal utilities and access easement. And there has been an update to the municipal utilities and drainage easement that the City sent the CRCNV back in April through our bankruptcy Attorney. We are just respectfully requesting that as part of Item H that the Commission approve the granting of that additional easement and the modification of the one that was previously provided, and I emailed those updated

and current documents to Saira while the meeting was in progress and I apologize for the lateness in doing all of that and that is all I have for comments and I do not know if you can reopen item H. Thank you for listening to me.

Chairwoman Premsrirut thanked Ms. Risse for her comments. Unfortunately, this is not the time for action items, but the Commission can discuss that further and potentially address it at the next meeting. Chairwoman Premsrirut thanked Ms. Risse for appearing in and providing her comment to the Commission.

N. Comments and questions from the Commission members.

Chairwoman Premsrirut asked if there were any comments or questions from any Commission members. There were none.

O. Selection of the next possible meeting date.

The next meeting is tentatively scheduled for 1:30 p.m. on Tuesday, June 13, 2023, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada 89155.

P. Adjournment.

The meeting was adjourned at 2:07 p.m.



Eric Witkoski, Executive Director

APPROVED:


Puoy Premsrirut (Jul 20, 2023 14:40 PDT)

Jul 20, 2023

Puoy K. Premsrirut, Chairwoman



Colorado River Commission of Nevada

Hydrology and River Updates

Warren Turkett

May 9, 2023

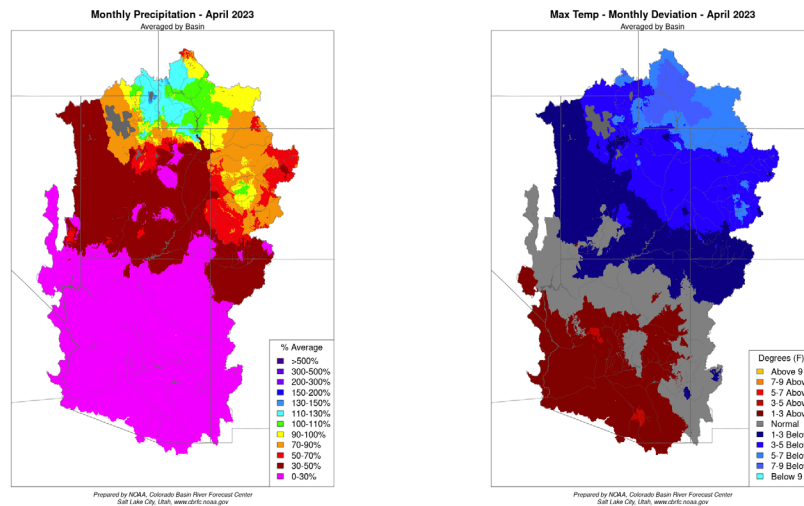


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Precipitation and Temperature

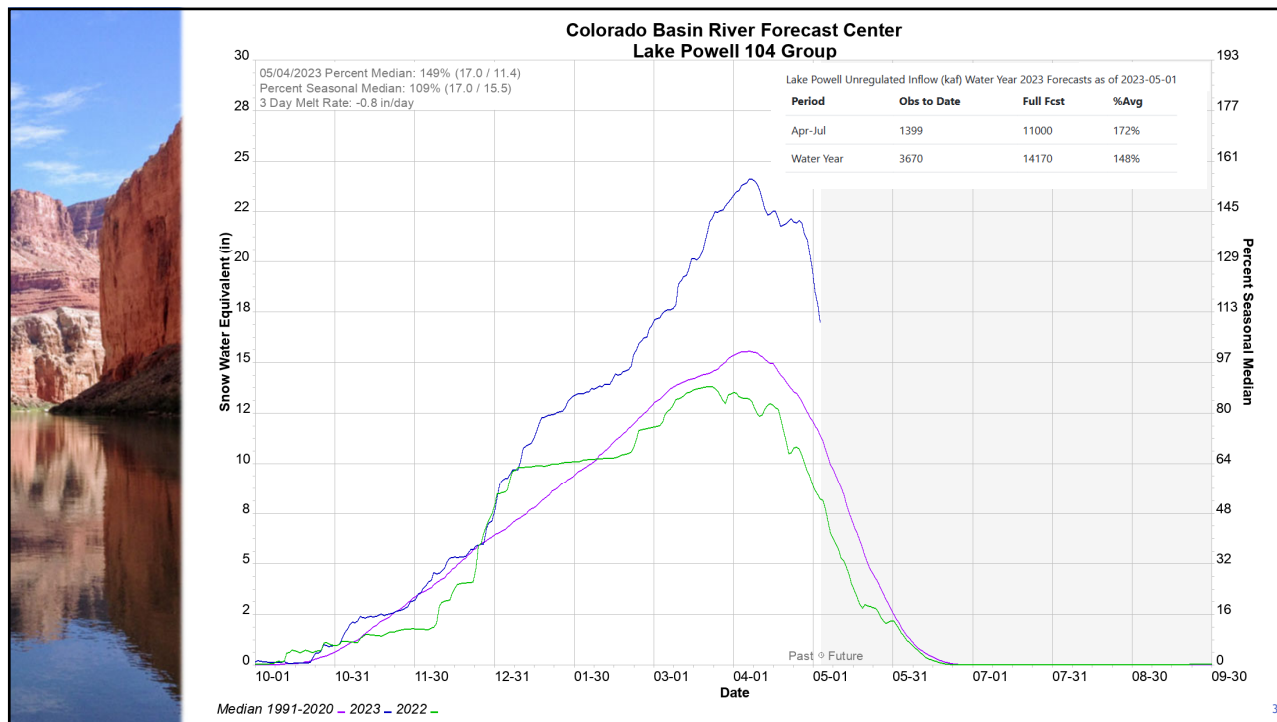


Lake Powell %Average Precipitation Water Year 2023

Area	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Water Year
UC-Powell	84	82	152	170	102	183	68	121

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Operations Update

High-Flow Experiment

- Reclamation conducted a High Flow Experiment at Glen Canyon Dam from April 24-27th.
- The high flow releases are being used to mobilize and deposit sediment within the Grand Canyon to build beaches.

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Operations Update

April 24 Month Study

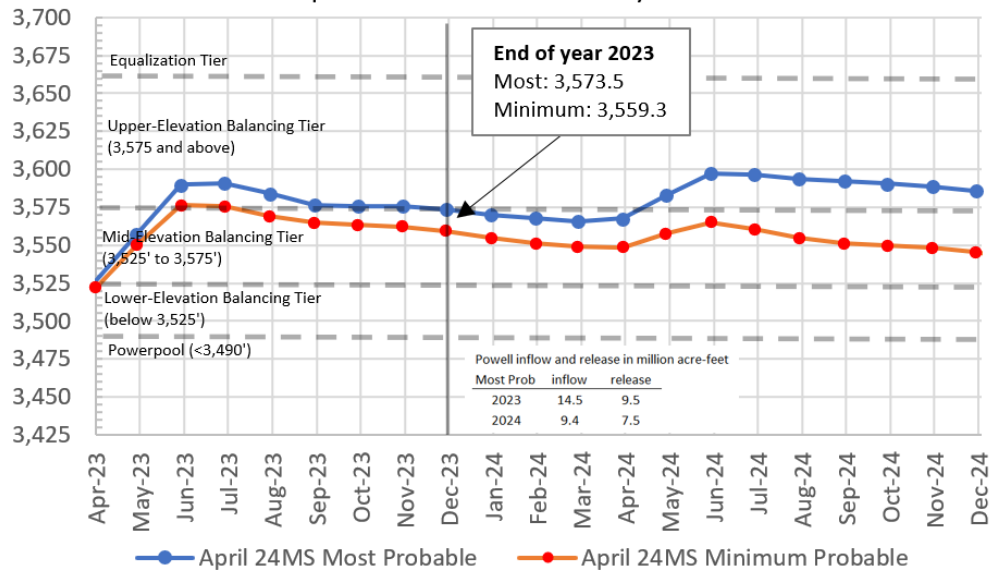
- The forecasted runoff into Lake Powell increased in April due to above average snowpack conditions.
- The April 24-Month Study is projecting a balancing release of 9.50 maf from Lake Powell in WY 2023.
- The actual release will range between 7.00 and 9.50 maf and will depend on actual hydrology and reservoir conditions at Lake Powell and Lake Mead during the remainder of the water year.

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Lake Powell End-of-Month Elevations April 2023 24 Month Study



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