

STAFF REPORT

Date: February 12, 2020

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **D.5. Staff Report (For Possible Action) Presentation and discussion regarding the voting structure of the Truckee River Flood Management Authority, financing, and history of selection of a Joint Powers Authority versus other statutory options.**

From: John Flansberg, Director of Public Works

Summary: At the January 8, 2020 Council Meeting, Council requested staff present three items for discussion relating to the Truckee River Flood Management Authority (TRFMA); background on the voting structure; financing of the TRFMA; and why a Joint Powers Authority (JPA) was selected.

Previous Council Action:

July 10, 2013 An amendment was proposed to modify the voting structure of the TRFMA by removing the unanimous approval provision to allow for either a majority vote or supermajority vote depending on the matter. Council approved the amendment, but required additional changes to the voting structure to include that each entity have at least one affirmative vote for a motion to pass at TRFMA. The amendment died, as it did not subsequently pass approval by all three entities or the TRFMA.

March 2011 Council approved the ICA creating the TRFMA as a Joint Powers Authority.

Discussion: 1. Background on voting structure.

The unanimous consent voting structure was a policy decision made by the entities during negotiations of the agreement creating a joint powers authority.

The operating agreement provides for an affirmative vote of all of the Directors present at the meeting where action is considered and the governing bodies of all Members for the following: any amendment to the agreement including termination of the agreement; the

withdrawal of any Member, Dissolution of the authority; merger of the authority with another entity.

The operating agreement further provides for an affirmative vote of all of the Directors present at the meeting where the action is considered for the following: charge fees, rates and charges; amending the plan including the Infrastructure Tax Plan; capital improvement plans; budgets; facilities plans federal funding agreements.

The operating agreement also provides for an affirmative vote of all of the Directors present at the meeting where the action is considered and the governing body of the affected member for the following: amendments to regulatory measures of development codes.

In July 2013, an amendment was proposed to modify the voting structure of the authority by removing the unanimous approval provision to allow for either a majority vote or supermajority vote depending on the matter. The amendment was proposed by Washoe County. Council approved the amendment at the July meeting with a recommendation for additional changes to the voting structure in that each entity have at least one affirmative vote. The amendment died as it was not approved by all three entities or the TRFMA. The voting structure has remained status quo.

Recently, revising the voting structure has been discussed. No action has occurred by TRFMA.

2. Financing.

The TRFMA and its projects are funded by a 1/8 cents sales tax in Washoe County adopted by the Board of County Commissioners under NRS 377B.100 (6) in 1998. Another portion of the sales tax adopted under this authority has financed the regional emergency dispatch facility. The TRFMA is empowered to adopt and impose rates and charges; however no rates or charges have been implemented. Further, no federal funding has been provided.

3. Selection of Joint Powers Authority structure versus other options.

In January 2009, Council considered various options. Six options were presented and discussed. The options were the following: a General Improvement District (GID); a Flood Control District (FCD); a Joint Powers Authority (JPA) (TMWA model); an interlocal agreement with single agency ownership of all flood control features (Washoe County); an interlocal agreement with joint agency ownership of all flood control features (TMWRF Model); or an interlocal agreement with each agency owning flood control facilities within its own jurisdiction (attached is a matrix addressing each of the six options).

Some of the factors considered in the determination to create a JPA were as follows: 1. Only a county is enabled to create a GID; 2. FCD is controlled by a board of the county; 3. A statutory amendment is needed for a FCD as only populations in excess of 700,000 are enabled with the power to create; 4. Liability is with one entity; 5. One entity imposes rates and charges; and; 6. The USACOE prefers to contract with one agency.

Financial Implications: None at this time.

Legal Implications: None at this time.

Recommendation: Staff requests Council provide direction as necessary.

Proposed Motion: None.

Attachments:

- Recorded-ICA-3-14-11 (PDF)
- matrix of 6 options (PDF)