

MEMO TO: Kingsbury GID Board of Trustees

FROM: Mitchell S. Dion, General Manager

SUBJECT: General Manager's Report for the meeting December 17, 2024

General:

Treatment plant and SCADA repairs continue to progress, communications improvements are implemented now awaiting the distribution communications (server) to building 160.

Recruitments continue, still seeking qualified candidates for professional positions (engineering and admin/finance) as well as temporary labor. We have made an offer to one candidate as temporary labor and awaiting his background verification. We require background checks and drug testing for even temporary labor, especially if they are operating our equipment or vehicles.

Grant submission for US EPA to upgrade SCADA & pumpstation controls was submitted, results not known until May 25

Grant submitted for Tahoe Water for Fire Suppression Partnership, scoring meeting occurred, results unknown. The project would provide funding for the upgrades and connections needed down Sewer Plant Road which would allow for connection of the small area of district near Elks Point Road to the remainder of the district. Moreover, it would provide for the interoperability of the Round Hill GID water system with the lower portion of the Kingsbury system which greatly enhances the sustainability of both systems in emergency response.

The hearing for our petition for judicial consideration of fire hydrant snow access is scheduled for Dec 19th.

Our Snow Removal vendor seeks compensation for alleged damage to snow removal equipment due to irregularities of the roadway near Quacking Aspen where the County approved NV Energy to install new vaults. As a reminder, we do not own the roads, they are not our asset. Only the County can permit the cutting (or even closing) of the roads. The complaint for the snow removal contractor was directed to the County and NV Energy.

Customers:

Water damage from the Fire Hydrant on 2 March remains on-going. I have expressed our concern and dissatisfaction with insurance representatives. We must evaluate alternative insurance arrangements. We must be more responsive, at least in initial response.

The CMMS software continues to be improved, and attached is an example of a response to a complete work request which could also be used to keep customers informed of their requests too.

Associations and outside meetings:

The League of Cities and Municipality Board meeting occurred on 10 December 2024.

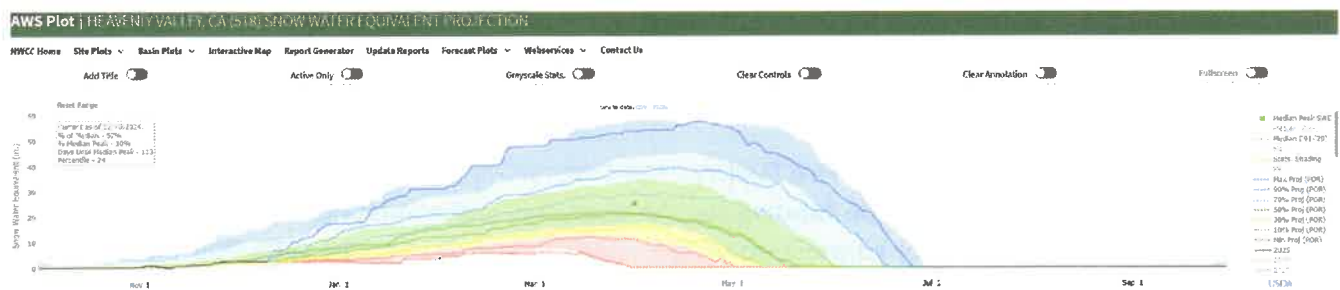
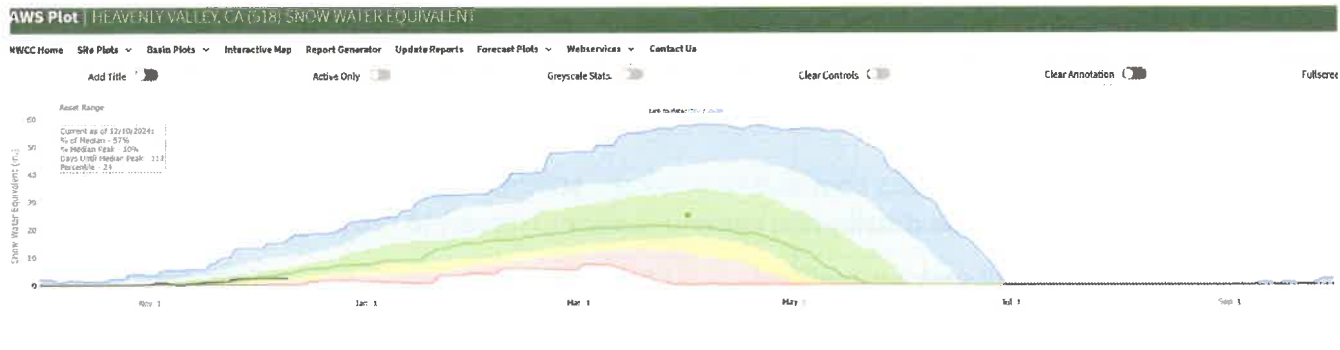
Continue to attend CISA (internet security) updates.

Participation in the National Association of Special Districts seems promising

AWWA Conference is coming to Tahoe in May.

Water Resources:

Currently, the lake is at 6,226.7 (same as a month ago) – the legal limit is 6229.1. The water year just began, and Lake Tahoe is carrying forward a good supply.



Future Work/In Progress/Concerns/Heads up

- SCADA software replacement
- Rates and Rate workshops
- Calendar year 2025 schedule and objectives
- Strategic Planning for Board once Budget is completed

KINGSBURY GENERAL IMPROVEMENT DISTRICT

Statement of Hours and Fees

3.1.4. Summary of the Firm's Qualifications: Statement of the total estimated hours and fee schedule for key personnel assigned to the major tasks of the audit (resulting in the maximum fee to be paid annually and any annual increase anticipated during the length of the contract).

EXPECTED FEES

Our fees are based on the complexity of the issue and the experience level of the staff members necessary to address it. If you request additional services, we will obtain your agreement on fees before commencing work, so there are no surprises or hidden fees.

We propose the following fees based on our understanding of the scope of work and the level of involvement of the District's staff:

Engagement Hours and Fees

	Financial Statement Audit Hours	Hourly Rate	Total Fees
Partners	30	\$300	\$9,000
Managers	70	\$160	\$11,200
Supervisory Staff	160	\$110	\$17,600
Professional Staff	120	\$100	\$12,000
Clerical/Support Staff	4	\$50	\$250
Total Labor	384	\$130	\$50,000
Total Max Price of Audit			\$50,000

Engagement Services and Fees

Professional Services	Optional Years				
	2023	2024	2025	2026	2027
Annual Audit of Financial Statements	\$50,000	\$52,500	\$55,125	\$58,000	\$61,000
Total Fees	\$50,000	\$52,500	\$55,125	\$58,000	\$61,000

** The pricing assumes there will be no major programs tested. If major programs are required for testing under Uniform Guidance rules, an additional fee of \$10,000 for each additional major program will be added. The pricing excludes assistance in implementing GASB 96.*

Out-of-Pocket Fees

In addition to the professional fees listed above, you will be billed for actual out-of-pocket expenses such as travel and electronic confirmations.

Billing Policy Regarding Telephone Inquiries

We know clients appreciate access to all their service team members. We embrace this opportunity for constant communication and will ensure our team members are available when you have questions and issues. This service is included in the scope of the engagement. If a particular issue surfaces that falls outside the scope of this engagement, we'll bring it to your attention and obtain approval before proceeding.



NEVADA LEAGUE OF CITIES

Board of Directors Meeting

Monday, December 12, 2024

10:30 am

<https://zoom.us/j/91676523866?pwd=VtNf7NBuWv2aGShzOVFIheQTyTpVLJ.1>

Meeting ID: 916 7652 3866

Passcode: 863120

AGENDA

Call to order: Mayor Romero

Role Call: Determination of Quorum

- I. Approval of Minutes: October 12, 2024 (*Action Item)
- II. Bylaws revisions: (*Action Item)
 - a. **Article IV, Section 1, (a) Officers** – I think this paragraph should have added to it that to be considered eligible to be elected to the Secretary/ Treasurer position the candidate should be in their 1st or 2nd year of a 4 year term.
 - i. SECTION 1. Composition, Selection of Members, Qualifications, Terms and Powers
Officers - Officers shall consist of a President, Vice President, Secretary/Treasurer and Past President. All officers must be elected officials of a member entity. The office of Secretary/Treasurer and any vacant office are filled by election before the end of the calendar year. *To be considered eligible to be elected to the Secretary/ Treasurer position, the candidate should be in their 1st or 2nd year of a 4 year term.* Terms of all officers begin on January 1 and terminate on December 31. Officers, if eligible, graduate to the next highest position on January 1. The outgoing President becomes the Past President if eligible. If the outgoing President is ineligible, unable, or unwilling to serve the next preceding eligible Past President shall fill the office. Except for the Past President, individuals are limited to one term in any office.
 - b. **Article IV, Section 1, (b) Executive Board** - I think this paragraph should be changed to have the three at-large members annually nominated by the incoming president with the objective to geographically balance the make-up of the entire E-Board (officers and at-large members) with the nomination to be approved by the board of directors.
 - i. (b) Executive Board - The Executive Board is comprised of the Officers and three at-large members ~~elected by the Board of Directors.~~ *The three at-large members will be annually nominated by the incoming president with the objective to geographically balance the make-up of the entire E-Board (officers*

and at-large members) with the nomination to be approved by the board of directors. At large members must be an elected member of the governing board of a member entity, a County Commissioner acting as a member of the governing board of a town without an elected or appointed advisory board, or an elected or appointed member of a Town Advisory Board. At large members must be elected officials from a member entity. At large members may not be from the same member entity as an officer. One at-large member shall be from a member entity with a population of 75,000 or more (“Large Cities”), one from a member entity with a population of fewer than 75,000 or more than 10,000 (“Medium Cities”), and one from a member entity with a population of 10,000 or fewer (“Small Cities”). At large members are elected before the end of the calendar year. Terms of at-large members of the Executive Board begin on January 1 and end on December 31. At large members may serve a maximum of three one-year terms. No member entity may have more than one representative on the Executive Board. The Executive Board will be responsible for decisions between Board of Directors meetings requiring immediate action. The Executive Board will serve as advisory members on the League's committees.

- c. **Article IV, Section 4 – Quorum** – I feel this section should be changed to note that member entities shall only be represented by a duly elected representative of the member entity. The bylaws currently allow for the member entity to be represented at board meetings by staff. I think that discourages participation by electeds of the entity and that is who we need to have buy-in on the League.

i. SECTION 4. Quorum

Except as herein otherwise provided, a 51% majority of the full Board of Directors shall constitute a quorum for the transaction of business. Member cities and all affiliate members may be represented by *a duly elected representative of the member entity* ~~persons~~ other than appointed board members from his/her municipality, but only one vote per member municipality will be allowed at board meetings.

- d. **Article IV, Section 8 – Headquarter** – This section currently requires the League to maintain an office in Carson City. We should probably change this to maintain office space in Carson City during the legislative session and as needed.

i. SECTION 8. Headquarters

The Executive Director shall establish and maintain League headquarters in the City of Carson City *during legislative session, as needed* and may establish and maintain branch offices in other cities.

III. 2025 League Legislative Session Platform: (For discussion)

a. Strategic Priorities (see attached)

b. Mission Statement:

- i. *The Nevada League of Cities is committed to the idea that on many day-to-day issues the most responsive and accessible level of government is local government. In as much as this is the case the NVLC's objective is to champion measures that bring control of issues affecting communities and*

funding down to the level of local government. The League is also committed to cooperating with County, State and Federal governments in forwarding measures and legislation that will benefit the most citizens of the State of Nevada.

- IV. Project 1160 Records Retention Schedule Overhaul – (For discussion)
 - a. Project Timeline: [Project 1160: Schedule Overhaul](#)
 - b. See attached
- V. Assemblyman Ken Gray/Carson City BDR – (For discussion)
 - a. See attached
- VI. Announcements:
 - a. Nevada Local Elected Officials Training (Reno, NV) – Friday, January 24, 2025
 - b. NLC Congressional City Conference (DC): March 10-12, 2025
 - c. Mayors & Chairs Day March 20, 2025 (Legislative Breakfast + Board Meeting)
 - d. NV League Annual Conference (Las Vegas – Green Valley Ranch) October 27-30, 2025
 - e. NLC City Summit (Salt Lake City, UT) November 19-22, 2025

Adjournment

Mayor Romero would like the Nevada League of Cities & Municipalities to produce a strategic legislative statement of principles for the upcoming Legislative Session. These would be centered around topics that are common to the League's members. The categories she would like to include are below, along with some initial statements to begin the discussion.

- Public Safety
 - A large portion of local government budgets are dedicated to funding public safety services such as local police, fire, and emergency medical response.
 - Unfunded mandates or other requirements in law can affect the ability of local governments to continue to fund these services. We would encourage the Legislature to fund any requirements for additional services and consider the financial impact of any proposals being considered during the legislative session which could constrain the ability to provide public safety services.
- Land Use and Affordable Housing
 - The Nevada League of Cities & Municipalities represents a geographically diverse group of communities that are home to more than 1.8 million Nevadans
 - We believe that mayors, city council members and other local elected officials are best positioned to understand the specific needs and requirements of communities when it comes to local land use and planning, and that they are best equipped to make decisions that reflect local needs and desires.
 - The League has introduced a bill draft request (BDR) to create a state pool of funding that would be available to local governments who waive fees or use other incentives to promote the construction of affordable housing and we encourage support for this legislation.
 - The League also seeks to be part of a conversation on solutions that local governments can provide to increase housing supply within their communities, which could promote more affordable options.
- Transparency
 - League members believe there remains a high rate of compliance when it comes to meeting the requirements of the Nevada Public Records Act
 - Any changes made by the Legislature should be to increase clarity in the law where the right of the public to obtain public records must be balanced with the privacy rights of individuals that have provided personal identifying information to governmental entities, and the efficient use of resources should be reserved for important governmental services for the public.
 - The League is introducing a BDR to provide clarity regarding the ability to engage in cost recovery; requiring the cooperation of a requestor with the public entity and requiring that a requestor provide his or her identity.
 - In recent years, several of the League's member jurisdictions, as well as other governing bodies, have worked together with the Attorney General's office to reach consensus on updates to the Nevada Open Meeting Law. The Legislature

should encourage a similar consensus-building approach to updating the Public Records Act.

- **Transportation and Infrastructure**
 - The League supports efforts to evaluate new procurement practices that provide cost-savings for public contracting.
- **Financial Stability**
 - The Nevada League believes the Legislature should maintain and strengthen the stability of local government revenues.
 - Property tax and the consolidated tax (sales and various use taxes) are the primary revenue sources for local governments. Other than during the Great Recession, property taxes have been the most stable resource, while the consolidated tax often mirrors wider economic conditions within the state and the nation.
 - Due to property tax caps enacted in 2005, millions in local government revenues have been abated, leading to a greater reliance of local governments on the consolidated tax, fees, and other resources.
 - The League also believes the Legislature should limit unfunded mandates that shift the requirement to provide new services to local governments without providing a source of funding.
- **Governance**
 - The Nevada League believes the Legislature should consult with local elected leaders, before making structural changes to any city's governance or charter.
 - In 2015, Nevada Legislature expressly authorized limited home rule provisions for local governments to address "matters of local concern" that involve areas or persons located within its jurisdiction, but do not have a significant effect on areas outside of the city. The Legislature should continue to reserve matters of local concern to the purview of local government.

Mitch Dion

From: Asset Essentials Administrator <ae-noreply@smtp.dudesolutions.com>
Sent: Tuesday, December 10, 2024 10:57 AM
To: Mitch Dion
Subject: WO# WO000066 status has been changed from Asset Essentials.

Date: 12/10/2024 10:56:41 AM

WO#: [WO000066](#)

Title: mount white board in training room

Source Type: Location

Cost Center:

Status: Completed

Priority: Medium

Work Category: General Maintenance

Work Type: Improvements

WO Origin: NonPM

Originator: Mitch Dion

Assigned To: Joe Esenarro Jeff Wood

Date of Origination: 12/10/2024 6:28:00 AM

Date Assigned: 12/10/2024 6:28:00 AM

Date Expected:

Date Completed: 12/10/2024 10:56:00 AM

Problem:

Cause:

Action:

Comments:

Address:

Custom Fields:

Users:

Name: Joe Esenarro **Job Title:** Maintenance Supervisor **Email:** Joe@KGID.org **Phone 1:** 7759016249
Phone 2:

Name: Jeff Wood **Job Title:** **Email:** jwood@kgid.org **Phone 1:** **Phone 2:**

Labor:

Parts:

Tasks:

Work Requested: mount white board

Source Locations:

Path: Main Office **No:** LN000002 **Site:** Facilities/Physical Plant **Description:**

Tahoe Water for Fire Suppression Partnership

Agency	Title	Prioritization if more than one project was submitted	Grant Share	Match	Total Project Cost	Re
IVGID	Ponderosa & Tunnel Creek	1	\$ 475,000.00	\$ 475,000.00	\$ 950,000.00	
KGID	Sewer Plan Road to Doria Court	1	\$ 2,000,000.00	\$ 2,000,000.00	\$ 4,100,000.00	
NTPUD	Brockway Vista Brook Salmon	1	\$ 1,311,870.00	\$ 1,311,870.00	\$ 2,623,740.00	
NTPUD	Brockway Phase 2	2	\$ 1,152,900.00	\$ 1,152,900.00	\$ 2,305,800.00	
NTPUD	Lake Forest No 3	3	\$ 1,035,000.00	\$ 1,035,000.00	\$ 2,070,000.00	
NTPUD	Brockway Phase 3	4	\$ 1,062,000.00	\$ 1,062,000.00	\$ 2,124,000.00	
NTPUD	Beaver, Chipmunk, Deer...	5	\$ 867,750.00	\$ 867,750.00	\$ 1,735,500.00	
RHGID	Kent Way	1	\$ 697,186.00	\$ 697,186.00	\$ 1,394,372.00	
STPUD	Bijou #1	1	\$ 1,787,625.00	\$ 1,787,625.00	\$ 3,575,250.00	
STPUD	Washoan Nadowa	2	\$ 71,500.00	\$ 196,500.00	\$ 386,000.00	
STPUD	Park Avenue	3	\$ 625,000.00	\$ 625,000.00	\$ 1,250,000.00	
Tahoe Park	Eliz Pipeline	1	\$ 175,000.00	\$ 175,000.00	\$ 350,000.00	
TCPUD	Madden Creek	1	\$ 2,000,000.00	\$ 5,089,279.00	\$ 7,089,279.00	
TCPUD	Lower Meeks	2	\$ 502,967.00	\$ 502,967.00	\$ 1,005,934.00	
TCPUD	Tahoe Cedars	3	\$ 2,000,000.00	\$ 9,932,500.00	\$ 11,932,500.00	
TCPUD	Westshore Storage	4	\$ 1,995,000.00	\$ 1,995,000.00	\$ 3,990,000.00	

All Projects	\$ 46,882,375.00
Total Cost:	\$ 46,882,375.00

RECEIVED

NOV 15 2024

**Douglas County
District Court Clerk**

FILED

2024 NOV 15 AM 11:02

**REBECCA EDWARDS
CLERK**

BY [Signature] DEPUTY

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10 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

11 **IN AND FOR DOUGLAS COUNTY**

12
13 **KINGSBURY GENERAL IMPROVEMENT** Case No. 2024-CV-00197
14 **DISTRICT, a political subdivision of the**
15 **State of Nevada,** Dept. No. II
16 **Petitioner.**

17 _____ /
18 **PETITIONER'S REPLY**

19 **TO ANSWER TO VERIFIED PETITION FOR JUDICIAL CONFIRMATION**

20 Petitioner, Kingsbury General Improvement District (hereinafter "Petitioner," "KGID" and/or
21 "the District"), by and through its attorneys, Mark Forsberg, Esq. and Oshinski & Forsberg, Ltd., hereby
22 submits its Reply to Tahoe Douglas Fire Protection District's Answer to Verified Petition For Judicial
23 Confirmation and the State Fire Marshal's Joinder thereto. The Tahoe Douglas Fire Protection District
24 is referred to as "TDFPD," and collectively with the Fire Marshal, the "Interested Parties."

25 **INTRODUCTION**

26 The Tahoe Douglas Fire Protection District, joined without elaboration or supplementation by
27 the Nevada State Fire Marshal, filed an Answer as permitted by NRS 43.130, as persons interested in
28 the power of the Kingsbury General Improvement District that is the subject of the pending Petition For

1 Judicial Confirmation. TDFPD and the State Fire Marshal are the only parties to answer the Petition
2 prior to the date fixed for the hearing that was conducted on November 4, 2024. Persons who did not
3 answer or move to dismiss the Petition are deemed to have confessed the powers at issue in the Petition.
4 *NRS 43.130(2)*.

5 The Answer of the Interested Parties fails to provide admissible evidence for many of its factual
6 assertions and fails to identify authority in the Nevada Revised Statutes, Douglas County ordinances,
7 the ordinance adopted by KGID or Nevada jurisprudence for its legal contentions.

8 For example, the Interested Parties assert that Nevada statutory and local law impose the
9 responsibility on KGID as the owner and operator of fire hydrants to clear them of snow and other
10 obstructions. *Answer at p. 2, lines 7-8*. But then, in support of this premise, the Interested Parties cite
11 only “KGID’s own ordinances,” specifically section 12.1 of KGID’s “Rates, Rules and Regulations for
12 Water Service,” to establish that the fire hydrants within the Kingsbury General Improvement District
13 belong to the District. *Answer at p. 2*. That KGID owns the hydrants is not contested. The Interested
14 Parties extrapolate, without citation to legal authority, that KGID ownership of fire hydrants implies an
15 additional duty: to clear them of snow and other obstructions for the purpose of making them accessible
16 to the Tahoe Douglas Fire Protection District’s personnel. But the Interested Parties identify no Nevada
17 statute or local ordinance that imposes a duty on KGID to carry out this task, which is a primary issue
18 before the Court.

19 The Interested Parties cite KGID’s adopted FY 2023-2024 budget, which includes line items
20 for “snow removal,” to imply that KGID budgets for removing snow from around fire hydrants. The
21 Interested Parties fail to recognize or do not know that KGID’s snow removal budget is used exclusively
22 for clearing roads, a responsibility that is expressly identified as a function of the District by NRS
23 318.144, which permits a county to grant power to a district for the “maintenance and repair of dedicated
24 streets and alleys and the removal of snow therefrom...”

25 And, the Interested Parties ignore Douglas County Ordinances 140 and 144 which bestow upon
26 KGID the only powers it has; those powers are “the making of paving, curb and gutter, sidewalk, storm
27 drainage and sanitary sewer improvements (Ordinance 144) and “water improvements, street lights,
28 and garbage and refuse collection and disposal.”

1 The Interested Parties also ignore the importance and the meaning of Douglas County Ordinance
2 325 which created and granted powers to TDFPD. That ordinance, at section 3, identified the purpose
3 for which the district was formed:

4 To provide fire protection for Douglas County residents of the Lake Tahoe area,
5 including but not limited to (a) the acquisition and maintenance of fire protection
6 facilities, (b) the construction, improvement and maintenance of fire protection
7 facilities, (c) the elimination of fire hazards existing with the district, (d) the removal
8 from public highways and private lands of dry grass, stubble bushes, rubbish and other
9 inflammable materials which, in the judgment of the district, constitute a fire hazard,
10 (e) the coordination of fire protection activities with the State Forester Fire Warden and
the State Board of Forestry and Fire Control, and (f) participation with the State
Forester Fire Warden and the State Board of Forestry and Fire Control in the
formulation of a state wide plan for the prevention and control of fires.

11 Perhaps most important, the Interested Parties ignore the overarching and controlling provisions
12 of Dillon's Rule codified as NRS 244.137. Dillon's Rule provides that a board of county commissioners
13 may exercise only powers granted by the Nevada Constitution or a statute and "powers necessarily
14 implied in or incident to those powers, and powers essential to the accomplishment of the stated
15 objectives and purposes of the county, which are not merely convenient, but indispensable." While
16 Dillon's Rule allows the broadening by implication of powers a county may exercise, NRS 244.137(7)
17 provides that the broadening of the powers that may be found to apply to counties do not apply to any
18 local governing body other than a county commission, defeating the proposition advanced by the
19 Interested Parties that the KGID enabling ordinances should be read to imply powers not expressly
20 granted in those ordinances, such as the authority to enter private property and to clear snow from
21 around fire hydrants that are on that private property.

22 KGID addresses below each specific argument presented by the Interested Parties in the order
23 that they are presented in the Answer. The headings for each section are those used by the Interested
24 Parties in the Answer, and the premise of each is disputed.

25 Reply to Answer, Section III

26 1. "KGID's Ordinance's [sic] establish ownership."

27 KGID does not dispute that it owns the physical structure of the fire hydrants and the water lines
28 that deliver water to the hydrants. The Interested Parties, however, begin their discussion of hydrant

1 ownership by asserting that KGID Ordinance No. 1, establishing "Rates, Rules and Regulations for
2 Water Service" *expanded* KGID's scope of duties to include water improvements. KGID was created
3 to be a water purveyor, and thus never needed to expand into this realm. This assertion that it did reflects
4 an incorrect understanding of how any statutory district in Nevada obtains its power, as well as a
5 misunderstanding of the KGID ordinance itself. As discussed in the Petition, under NRS 318.050(1) it
6 is the board of county commissioners that is vested with the jurisdiction, power and authority to create
7 districts within the county it governs and to determine their purposes. And it is only the board of county
8 commissioners that is empowered to "add basic powers not provided in its formation, in which event
9 the board shall cause proceedings to be had by the board of county commissioners similar, and nearly
10 as may be, to those provided for the formation of the district, and with like effect." *NRS 318.077*. Thus,
11 by statute, the county board of commissioners, not KGID, has the exclusive power to add powers to
12 those originally granted to the district. Just as important, no provision of NRS 318 empowers a district
13 to, by enacting its own ordinance, expand its scope of duties as asserted in the Answer. *Answer at p. 3,*
14 *lines 24-26.*

15 The power of KGID, or any district formed under NRS 318, is further circumscribed by Dillon's
16 Rule, codified at NRS 244.137. NRS 244.137(7) grants a county power to adopt ordinances to address
17 matters that are of local concern even if a legislative act doesn't expressly provide that power.
18 Specifically, 244.137(6)(b) gives a board of county commissioners authority to "modify Dillon's Rule
19 as applied to the board of county commissioners so that if there is any fair or reasonable doubt
20 concerning the existence of a power of the board to address a matter of local concern, it must be
21 presumed that the board has the power unless the presumption is rebutted by evidence of the contrary
22 intent by the Legislature." Notably, there is no reference in the statute to granting such authority to a
23 district and if there were any doubt about the limitation on this ability to modify Dillon's Rule, it is
24 erased by subsection (7), which provides:

25 The provisions of NRS 244.137 to 244.146, inclusive, must not be interpreted to modify
26 Dillon's Rule with regard to:

- 27 (a) Any local governing body other than a board of county commissioners; or
28 (b) Any powers other than those powers necessary or proper to address matters of
local concern for the effective operation of county government.

1 Thus, Dillon's Rule expressly grants to only a board of county commissioners the power to
2 exceed its expressed statutory authority for the purpose of addressing matters of public concern, and
3 expressly denies that power to any local governing body other than a board of county commissioners.
4 KGID has no power to expand its own powers, even if such an expansion might be construed to address
5 matters of local concern, such as the matter of local concern that is addressed in the Petition. It is
6 therefore pointless to examine KGID's "ordinance" that establishes Rates, Rules & Regulations for
7 Water Service in search of either the authority or the duty to provide fire protection or to clear snow
8 from around fire hydrants. The only permissible places to search for such authority are Douglas County
9 Ordinance 140 (*Exhibit 6 to Forsberg Declaration in Support of Petition For Judicial Confirmation*)
10 and Ordinance 144 (*Exhibit 7 to Forsberg Declaration in Support of Petition For Judicial*
11 *Confirmation*). Clearing snow from around fire hydrants is not authorized as a power or purpose of
12 KGID in those ordinances, and no district has the power to expand its own powers, even to address
13 matters of public concern.

14 The reference by the Interested Parties to Section 12.1 of KGID's ordinance addressing the use
15 of fire hydrants is also unhelpful to their argument. The section provides that "fire hydrants are for the
16 use of the District [KGID] or by organized fire protection agencies [for example, TDFPD]." Rather
17 than establishing KGID's exclusive authority over the hydrants, the provision recognizes that TDFPD
18 is an intended user of the hydrants. KGID, being a general improvement district not authorized to
19 conduct any fire protection or prevention activities, does not use the hydrants at all for those purposes.
20 TDFPD, to the exclusion of KGID, is a fire protection agency authorized to use the hydrants for that
21 purpose. KGID provides the hydrants and the water, TDFPD is the agency charged with using them,
22 and that use includes whatever measures are necessary to reach them. The Interested Parties offer no
23 authority for any contrary view.

24 2. "KGID's Budget Proves Responsibility for Snow Removal and Maintenance."

25 The Interested Parties misrepresent the meaning of line items in KGID's budget for snow
26 removal and for maintenance. The Interested Parties posit that line items in the KGID budget, *Exhibit*
27 *2 to Declaration of Alex Velto, Esq. in Support of Answer to Verified Petition For Judicial*
28 *Confirmation*, are proof that KGID has *assumed* the responsibility for clearing snow around fire

1 hydrants. This assertion is based on an incorrect understanding of the KGID budget and the District's
2 authority. KGID sets aside a portion of its budget for snow removal because of the authority granted
3 to it by NRS 318.145 and Douglas County Ordinance No. 140. The statute allows a county to grant a
4 power to a district to maintain and operate street improvements, acquired by the district, ... "including,
5 without limitation the maintenance and repair of dedicated streets and alleys and the removal of snow
6 therefrom."¹ Ordinance No. 140 declares its purpose to be to create KGID, "having as its purpose the
7 making of certain improvements, to wit: paving, curb and gutters, sidewalks..." KGID performs snow
8 removal only in keeping with that statutory and ordinal authority: its budget for snow removal pertains
9 only to these tasks, which it is authorized to do.

10 Moreover, the line item for snow removal applies only to a subset of persons served by KGID.
11 That subset consists of parcel owners who pay a fee to KGID to plow their roads because no other entity
12 (such as the State of Nevada or an HOA) does so. *See Declaration of Mitchell S. Dion attached hereto*
13 *as Exhibit 1*. The line items in the budget cited by the Interested Parties reflects revenue received from
14 those owners who pay a fee for snow removal on their roads and streets. The line items do not reflect
15 money spent or budgeted for removal of snow from around fire hydrants on private property. *Id.* In
16 fact, *all* of KGID's snow removal budget is spent on snow removal from streets and sidewalks and no
17 money is budgeted for removal of snow from around fire hydrants on private property. *Id.* In its
18 decades of existence, KGID has never budgeted money for that purpose.

19 Similarly, where the budget identifies sums related to fire protection, they are references to the
20 portion of revenue collected by KGID from residential and commercial property owners who pay a
21 separate fee to have KGID provide water to serve a private fire protection system. The fees received
22 for this purpose by KGID are segregated in a separate fund and are not available for any use except
23 serving the private fire protection system owners, and may not be used to remove snow from around
24 any of the 286 KGID-owned fire hydrants in the district. *Id.* This revenue stream is not a reflection of
25 sums expended by KGID for fire protection services or an acknowledgment of a duty to do so. *See,*
26 *e.g., Answer, Exhibit 2, p. 7.*

27 _____
28 ¹ The inclusion of this language "and the removal of snow therefrom" confirms the commission's inclusion of snow
plowing as a District power. It could have provided the same authority regarding snow around hydrants. It did not.

1 The Interested Parties also argue that the mention of fire protection in the revenue section of the
2 budget indicates a responsibility to provide fire protection services. This is incorrect. KGID serves
3 water customers and receives payment for the water provided through an enterprise fund as defined by
4 NRS 354.517, established and operated in compliance with NRS 354.612. NRS 354.612(4) and (5)
5 require that the financial objective of an enterprise fund is to operate in balance, creating no profit and
6 using the funds only for the designated purpose. KGID's water fund is an enterprise fund. *Id.* Money
7 received by the water fund designated "fire protection" is money charged to property owners who have
8 private fire protection systems to recoup the additional demand, storage and capacity burden placed on
9 KGID by these systems and the cost of water provided to them. *Id.* These systems are not served by
10 public hydrants owned by KGID. *Id.* Thus, water fund revenue cannot be used for fire protection, or
11 for the removal of snow from around hydrants. The line item in the budget for "fire protection" is
12 revenue received from the customers who have private fire protection systems, not for fire protection
13 provided by KGID.

14 KGID segregates its snow removal fund in the same way it segregates its water service
15 enterprise fund. Only a subset of KGID residents pay for snow removal. *Id.* This subset consists of
16 property owners who live on streets or roads that are not plowed by the State of Nevada, Douglas
17 County or an HOA. Other property owners do not pay for snow removal and do not receive the service.
18 *Id.* The snow removal service does not include hydrants, only roads and streets. Where the KGID budget
19 refers to expenditures for snow removal, those expenditures are directly related to plowing, sanding and
20 de-icing roads as explicitly authorized by ordinance and NRS 318.145, for property owners who pay
21 the fee. *Id.* No item in the entire KGID budget reflects sums spent by KGID to clear snow from around
22 fire hydrants on private property nor any allocation of funds for that purpose. *Id.* No money in the
23 snow removal fund can be used for any purpose but serving the property owners who pay for it by
24 plowing their streets. *Id.*

25 The Interested Parties simply mischaracterize the budget and attempt to apply a fanciful and
26 self-serving meaning to the budgetary records of KGID.

27 ///

28 ///

1 No. 1 (attached as Exhibit 1 to the Declaration of Alex Velto in support of the Answer), section 5.8
2 only describes easements that may be acquired for the extension of the District water system. The
3 ordinance provides that “in the event that an easement is required for the *extension* of the District water
4 system or the making of a connection thereto, the *Applicant* shall procure and have accepted by the
5 District a proper easement or grant of right-of-way sufficient in law to allow the laying, replacement,
6 repair and maintenance of such extension or facilities.” (Emphasis added.) In its ordinance, KGID
7 demands that an applicant - - presumably a private party or another public entity - - provide an easement
8 across its property if KGID’s water system is to be extended across that property. In fact, KGID does,
9 as its ordinance and all applicable law permit, maintain the water system itself, including, as discussed
10 above, pipelines, meters and hydrants. KGID’s ordinance does not assign to it any duty other than to
11 maintain its own system, and it could not do so, even if it wished to because it cannot exceed the powers
12 granted to it by Douglas County ordinances and state law.

13 Nor, as the Interested Parties assert, may KGID’s access to private property be “justified under
14 both the doctrines of implied easement and easement by necessity...” Here, the Interested Parties seem
15 to be suggesting that KGID could or should assert the existence of an implied easement or easement by
16 necessity that KGID neither seeks nor wants and which is not in furtherance of any of its lawful
17 responsibilities. Ironically, it would be logical and more appropriate if TDFPD, which wants snow to
18 be removed from around fire hydrants, to assert the existence of such an easement for its benefit and in
19 furtherance of its own responsibilities imposed by NRS 318 and Douglas County Ordinance 325. *See*
20 Ordinance 325, Section 3 which sets forth TDFPD’s purposes, presenting what is expressly a non-
21 exhaustive list of its powers.

22 Even if the Interested Parties were correct in asserting that an easement by necessity or an
23 implied easement could arise, giving KGID a dominant estate over private property, the Interested
24 Parties offer no authority for the proposition that KGID somehow has an obligation to first assert that
25 such an easement has arisen, which likely would require it to identify the location of such easements to
26 serve 286 fire hydrants, then to quiet title to that easement with respect to the property owner of each
27 parcel where a hydrant exists. Reading such a draconian obligation into the enabling legislation for
28 KGID is unreasonable.

1 Even if an implied easement or easement by necessity were an estate in land that KGID wished
2 to pursue, the law and the circumstances do not support the existence of either kind of easement. The
3 general rule is that an easement, being an interest in property, is subject to the statute of frauds, and
4 therefore must be evidenced by a writing. *NRS 111.205*. Here, the Interested Parties do not suggest
5 that any written easements exist in favor of KGID across private property in connection with removing
6 snow from around fire hydrants.

7 **Implied Easements.** The elements which must exist if an implied easement is to be recognized
8 are (1) unity of title and subsequent transfer by the common owner; (2) apparent and continuous use,
9 apparent at the time of transfer to the person who claims the easement; and (3) use of the easement must
10 be necessary for the proper and reasonable enjoyment of the benefited property. In *Boyd v. McDonald*,
11 81 Nev. 642, 649, 408 P.2d 717, 720 (1965), the Nevada Supreme Court stated:

12 We emphasize that an easement by implication is, in effect, an easement created by law.
13 It is grounded in the court's decision that as to a particular transaction in land, the owner
14 of two parcels had so used one to the benefit of his other, that, on selling the benefited
15 parcel, a purchaser could reasonably have expected, without further inquiry, that these
benefits were included in the sale. Minute encroachments generally provide classic
examples of easements by implication.

16 Here, no easement by implication can arise because there is no historic unity of title that involved KGID
17 and the current owner of the land where hydrants exist. Moreover, there has not been apparent and
18 continuous use (to remove snow) of any speculative implied easement by KGID and there is no use that
19 is necessary, proper and reasonable for any benefited property. In fact, there is no specific benefited
20 estate in land that is inherent in the concept of an easement.

21 **Easement by Necessity.** An easement by necessity exists if two requirements are met: (1) prior
22 common ownership, and (2) necessity at the time of severance. *Jackson v. Nash*, 109 Nev. 1202, 1209,
23 866 P.2d 262 (1993). The Interested Parties cite *Jackson v. Nash* but do not discuss its two requirements
24 for the existence of an easement by necessity, nor do they explain why or how those factors are met
25 here. The Interested Parties do not identify any prior common ownership of property to meet the first
26 prong of the test set forth in *Jackson v. Nash*. Without common ownership, the second prong, necessity
27 at the time of severance, is unsatisfiable, because there was no common ownership. Yet, the Interested
28 Parties must be suggesting that there is prior common ownership and necessity at the time of severance

1 at the location of each of the 286 fire hydrants that exist on private property throughout the District.
2 The argument of the Interested Parties would fail even if there were only one fire hydrant; when there
3 are hundreds, its absurdity becomes apparent.

4 **Section V (1).** “Even if KGID could push responsibility to homeowners, it would not resolve
5 [sic] KGID of its own obligations.”

6 This argument is specious. First, KGID has established in its Petition and in this Reply that it
7 has no obligation to remove snow from around its fire hydrants that are on private property. Second,
8 the Petition does not ask the Court to decide who or what entity, other than KGID, is responsible for
9 performing such snow removal. KGID seeks only to establish that it does not have the power to remove
10 snow from private property and that it is not the owner of the property where snow is to be removed,
11 all for the purpose of establishing that it cannot be criminally liable for not removing the snow, a course
12 of action already threatened by TDFPD.

13 **Reply to Answer, Section VI:**

14 **“The State Fire Marshal’s opinion is correct; KGID is responsible for maintaining the**
15 **hydrants, which includes clearing them after snow fall.”**

16 The Interested Parties fail to recognize the distinction between ownership of hydrants and
17 ownership of real property. As set forth in the Petition and hereinabove, KGID is the owner of
18 waterlines and water hydrants, but is not the owner of any interest in the land where the waterlines and
19 hydrants have been placed or the land surrounding those locations. The Interested Parties fail to address
20 this crucial distinction in their argument interpreting the opinion of the Nevada State Fire Marshal,
21 *Exhibit 3 to Forsberg Declaration in Support of Petition For Judicial Confirmation*. This failure defeats
22 their argument that the provisions of Nevada Administrative Code §477, adopting National Fire
23 Protection Association Standard No. 25, imposes a duty upon a district that is a water purveyor to clear
24 snow from around fire hydrants. It is necessary to examine the definitions of various terms used in NAC
25 477 to ascertain who is assigned the responsibility for various fire protection activities.

26 NAC 477.1035 defines the term “fire hydrant” to mean “a water supply system with a valve
27 connection that has at least one outlet that is used to supply water to a hose or pumper tanker for a fire
28 department.” Notably, this provision describes a hydrant as a water supply system, not a fire protection

1 system that is subject to NFPA regulations. NAC 477.1035 is a regulation enacted by the State Fire
2 Marshal: the State Fire Marshal has distinguished water supply systems and fire protection systems,
3 and asserts no power to regulate water supply systems. Nothing in the definitions suggest that a fire
4 hydrant is real property or that a fire hydrant does anything more complicated than supply a source of
5 water for the use of a fire department.

6 NAC 477.165, also adopted by the State Fire Marshal, defines "owner" as "a person who owns
7 property and the person's authorized agent or attorney, a purchaser, devisee or fiduciary and a person
8 having a vested or contingent interest in the property." Neither this provision nor NAC 477.1035
9 suggests that a fire hydrant is "property." In all respects the use of the term "property" here reflects that
10 it refers to land. It is absurd to conclude that a fire hydrant may be "devised" or that a person could
11 acquire a "contingent interest" in one.

12 NAC 477.167, added to NAC by the state Board of Fire Services, defines "person" as:

- 13 1. A natural person.
- 14 2. Any form of business or social organization and any other nongovernmental legal
15 entity, including, without limitation, a corporation, partnership, sole proprietorship,
16 association, trust or unincorporated organization.
- 17 3. A government, a political subdivision of a government, or an agency or
18 instrumentality of a government or of a political subdivision of a government.

19 NAC 477.150 defines "maintenance" as the "repair, service, including periodic inspections and
20 tests, required to keep the protective signaling system and automatic sprinkler systems and their
21 component parts in an operative condition at all times, together with replacement of the system or of
22 their components when it becomes undependable or inoperative."

23 It is not disputed that KGID is a "person" that owns the fire hydrants. That is, KGID owns the
24 water supply system to which a fire department may attach a hose or pumper to carry out its fire
25 protection duties. It is also undisputed that KGID does not own the real property upon which fire
26 hydrants within its boundaries exist. Therefore, logically, when the State Fire Marshal opines that
27 NFPA 25 §4.1.1 assigns the responsibility for maintenance of water-based "fire protection systems" to
28 the 'property owner or designated representative,'" he could only be referring of the responsibility of

1 the fire hydrant owner - - KGID - - to maintain the fire hydrant itself, a part of the water supply system
2 that furnishes water. Since KGID is not the owner of anything except the hydrant, even if the term
3 “property” could mean real property or personal property, a “property owner” is only responsible for
4 what it owns under the very provisions relied upon by the State Fire Marshal. KGID does exactly that:
5 It maintains the fire hydrants in working order for use by a fire department and does not maintain what
6 it does not own, the real property upon which the hydrant stands. Most important, NAC 477.1035 makes
7 it clear that a fire hydrant is part of a water supply system, not a fire protection system, excluding
8 hydrants from the scope of NFPA standards and the Fire Marshal’s authority.

9 As pointed out in the Petition, a footnote to NFPA 4.1.1 also suggests that the term “owner”
10 refers to a person’s obligation to test and maintain a fire protection system “installed in their building...”
11 The editorial note states that inspection, testing and maintenance tasks pertaining to the fire protection
12 system should be done at their specified intervals, such as daily, weekly, monthly, quarterly, etc.”
13 Clearly, NFPA 4.1.1 is referring only to the duty of the owner of a fire protection system to maintain
14 that system, and not to, for example, maintain land or take any action with respect to land. Moreover, a
15 fire hydrant is not a fire protection system, but is a water supply system.

16 A reference by the Interested Parties to NFPA 25 §7.4.2.2 and International Fire Code §507.5.5
17 is unhelpful to the issue before this Court because neither provision addresses *who* has the responsibility
18 to fulfil the requirements. Section 7.4.2.2 simply states that hydrants are to be kept free of snow, ice or
19 other materials and protected against mechanical damage so that free access is ensured but does not
20 offer any illumination on the questions of *who* must do that. Applying the reasoning of the Interested
21 Parties, this obligation should fall on the property owner, in this case the owner of the land surrounding
22 the hydrant. Similarly, §507.5.5 of the IFC does not designate a responsible party, but it is undisputed
23 that KGID does not own the space around the hydrant that must be maintained in a condition that does
24 not impede access. That obligation, therefore, must apply to the owner, as the argument of the Interested
25 Parties suggests.

26 **Reply to Answer, Section VII:**

27 **“KGID has no ability under NRS Chapter 43 to question TDFPD’s determination of criminal**
28 **liability for its failure to clear snow.”**

1 The Interested Parties mistakenly argue that KGID asks the Court to confirm the powers of
2 TDFPD using the judicial confirmation process established by NRS Chapter 43. This is a
3 misapprehension of the Petition. KGID asks this Court to confirm only that its own powers and authority
4 are circumscribed by Douglas County Ordinances 140 and 144 and NRS 318, and further limited by
5 Dillon's Rule. KGID asserts that the application of these statutes and ordinances limits KGID to
6 performing the following functions: furnishing streets and alleys and removing snow from them, as set
7 forth in NRS 138.120; furnishing curbs, gutters and sidewalks as provided in NRS 318.125; furnishing
8 sidewalks as provided in NRS 318.130; furnishing facilities for storm drainage or flood control as
9 provided in NRS 318.135; furnishing sanitary facilities for sewerage as provided in NRS 318.140;
10 furnishing facilities for lighting streets as provided in NRS 318.141; furnishing facilities for collection
11 and disposal of garbage as set forth in NRS 318.142; and furnishing facilities for water as forth in NRS
12 318.144. None of these items in this exhaustive list of powers and authority granted to KGID include
13 removing snow from private land to facilitate fire protection services.

14 KGID does not assert that TDFPD must remove snow from any location at any time within
15 either KGID's boundaries or the boundaries of TDFPD. Rather, KGID points out to the Court that
16 Douglas County Ordinance 325 and in particular, NRS 474.580 grant these powers and authority to
17 TDFPD. (NRS 318.1181 grants fire protection districts formed under Chapter 318 to exercise the
18 powers granted by NRS 747.580 to free-standing fire districts.) As set forth in the Petition, NRS
19 474.580, which applies to TDFPD but not to KGID, provides that "any *owner of lands* within a fire
20 protection district created pursuant to the chapter shall eliminate and remove a fire hazard on the
21 *owner's property* when directed to do so by the board," and that "if the owner does not comply within
22 the time specified by the board, the board may eliminate and remove the fire hazard in the manner
23 permitted by NRS 474.160 or 474.470, whichever applies, and may for this purpose contract with any
24 person for the performance of the work." (Emphasis added.) The statute goes on to permit a fire
25 protection district to eliminate and remove the fire hazard and recover the cost directly from the owner
26 of the property.

27 A bedrock rule of statutory construction is that the legislature must be presumed to have stated
28 in a statute what it means, and means in a statute what it says. In *Bldg. Energetix Corp. v. EHE, LP*,

1 129 Nev. 78, 83 (2013). Where the legislature includes particular language in one section of a statute
2 but omits it in another section of the same statute, it is generally presumed that the legislature acts
3 intentionally and purposefully in the disparate inclusion or exclusion. When the legislature or the body
4 adopting an ordinance “has employed a term or phrase in one place and excluded it in another, it should
5 not be implied where excluded.” *Taylor v. Thunder*, 116 Nev. 698, 13 P.3d 43 (2001). Thus, just as it
6 is impermissible to read into Ordinance 325 any non-fire protection activities that TDFPD is
7 empowered to exercise, it is impermissible to read into Douglas County Ordinances 140 and 144 any
8 authority or obligation to exercise any of its power for fire protection activities. When the legislative
9 body has employed a term or phrase in one place and excluded it in another, it should not be implied
10 where excluded. *Id.* Where NRS 318 and Douglas County ordinances give all fire protection obligations
11 and authority to TDFPD, and excluded those obligations in establishing KGID, no fire protection
12 obligation should be read into Ordinances 140 and 144.

13 1. “KGID’s request for a pre-enforcement determination as to the TDFPD’s ability to
14 enforce its ordinance lacks standing and is not ripe for consideration.”

15 KGID has standing and its Petition is ripe for consideration. The Interested Parties argue that
16 because KGID has not been injured in fact, it cannot maintain this Petition For Judicial Confirmation.
17 This contention is meritless. KGID is not seeking declaratory relief under Chapter 30 of NRS, and the
18 provisions of the statute and cases interpreting it simply do not apply. Arguments of the Interested
19 Parties addressing declaratory relief should be disregarded.

20 The Petition here is brought under Chapter 43 of NRS. As the legislative declaration contained
21 in NRS 43.020 emphasizes, the legislature concluded that an early judicial examination into the validity
22 of any power promotes the interests of the people of this state. That section of the statute also provides
23 that the chapter is to be liberally construed to effect its purposes. NRS 43.100(1) provides that a
24 governing body may file a petition for judicial confirmation at any time seeking an examination and
25 determination of the validity of any power conferred, whether or not such power has been exercised.
26 NRS 43.140 provides that upon acquiring jurisdiction, the court “shall examine into and determine all
27 matters and all things *affecting* the question submitted, shall make such findings with reference thereto
28 and render such judgment and decree thereon as the case warrants.” (Emphasis added.) Accordingly,

1 under Chapter 43 KGID need not wait until TDFPD takes its threatened action by citing KGID for
2 allegedly violating a penal ordinance that, in the view of TDFPD, makes failing to remove snow a
3 misdemeanor and every day that such a condition exists constitutes a separate violation. *See Exhibit 2*
4 *to Forsberg Declaration in Support of Petition For Judicial Confirmation* (letter from TDFPD counsel
5 to KGID board (a person who knowingly violates the provisions of this chapter or any regulations
6 adopted by the state fire marshal is guilty of a misdemeanor, and each day a violation occurs constitutes
7 a separate offense.) Presumably, after a snowfall, TDFPD could issue misdemeanor citations to KGID
8 for each of the 286 fire hydrants not cleared of snow and another citation for each day thereafter that
9 each remained uncleared. Remarkably, counsel who executed that letter promising that result are the
10 very same counsel who now argue that KGID's Petition is unripe.

11 If the Court confirms that KGID lacks authority of obligation to clear snow from around
12 hydrants, it follows that KGID cannot be held criminally liable for not doing so.

13 **Reply to Answer, Section VIII:**

14 **“TDFPD’s Ordinance’s (sic) do not require it to maintain the hydrants.”**

15 This argument is another of the Interested Parties’ non sequiturs, creating an issue not raised in
16 the Petition and then arguing it. KGID makes no assertion that TDFPD is required to clear snow from
17 around fire hydrants even if it finds it necessary to use those fire hydrants for fire protection activities
18 for which it is authorized. Historically, KGID has not cleared snow from around fire hydrants. TDFPD
19 does not assert that it has cleared snow from around fire hydrants either, despite the undeniable fact that
20 it is the only NRS 318 district that is authorized to conduct fire protection activities of any kind.

21 TDFPD offers its interpretation of its own enabling ordinance to assert that a fire protection
22 “facility” as used in its enabling ordinance refers only to physical structures and equipment directly
23 used by fire departments, listing fire stations, fire engines and other firefighting apparatus, as if fire
24 hydrants are not fire protection facilities or physical structures and equipment used by fire departments.
25 Clearly, fire hydrants are equipment used by TDFPD and not used by KGID. Nonetheless, KGID does
26 maintain the fire hydrants as the owner of them. What it does not do is maintain any other land or
27 structures used exclusively for fire protection purposes. TDFPD offers no authority to support its
28 interpretation of its own ordinance to mean that TDFPD may not remove snow from around fire

1 hydrants. Failing to offer authority for this proposition is ground for this Court to decline to consider
2 it. *Cummings v. Tinkle*, 91 Nev. 548, 551, 539 P.2d 1213, 1215 (1975).

3 TDFPD asserts, further, that although it strenuously insists that snow blocking fire hydrants is
4 a threat to public safety, it cannot find within its obligation to eliminate fire hazards the duty or need to
5 remove snow from around hydrants that it considers critical to public safety. TDFPD views its duty
6 only to address conditions that pose a risk of *igniting* fires, a strategic but unjustified narrowing of its
7 obligations under its own ordinance and the obligations imposed on a fire district by NRS 318.1181.
8 Last, TDFPD claims that KGID's Ordinance No. 1 "confirm" its responsibility for hydrants. As
9 repeatedly stated in the Petition and herein, KGID maintains the integrity of the fire hydrants it owns.
10 And, as set forth above, KGID budgets no money and has in no way obligated itself through its
11 ordinance to remove snow from private property surrounding a fire hydrant.

12 1. "The Plain Text of the Ordinance Supports this Conclusion."

13 The conclusion referred to here is the premise that Douglas County Ordinance No. 325 does not
14 require TDFPD to remove snow from private property around fire hydrants. KGID need not address
15 this issue, as it seeks judicial confirmation only of its own powers and responsibilities. Whether TDFPD
16 is required to remove snow on private property so that it can reach fire hydrants and carry out its
17 responsibilities is an appropriate topic for a petition for judicial confirmation brought by TDFPD to
18 address this issue.

19 2. "The language 'Eliminating Fire Hazards' Does Not Impose a Duty to Maintain
20 Hydrants."

21 This argument is another non sequitur. KGID maintains the fire hydrants it owns and doesn't
22 assert that any other person or entity has that responsibility. IF TDFPD does not believe that snow
23 surrounding a fire hydrant on private property is a fire hazard, it can act accordingly.

24 3. "KGID's Ordinances and Policy Confirm its Responsibility for Hydrants."

25 KGID confirms that it owns and maintains the fire hydrants that are part of the water supply
26 system it operates. The Interested Parties seem to argue that Section 12.1 of KGID Ordinance No. 1
27 somehow alters this circumstance. Section 12.1 states in pertinent part that "Fire hydrants are for use
28 by the District or by organized fire protection agencies." This statement does not conflict with KGID's

1 position and does nothing to address who is responsible for removal of snow around fire hydrants in
2 the District. The Interested Parties do not explain how this provision of the ordinance has any effect on
3 the question posed in the Petition.

4 **Reply to Answer, Section IX:**

5 **“Dillon’s Rule does not preclude KGID from being obligated to clear hydrants.”**

6 KGID addressed this argument in the Petition and in its response to Section III of the Answer.
7 In Section IX, of their Answer, the Interested Parties misconstrue Dillon’s Rule (NRS 244.137). The
8 Interested Parties urge the Court to imply not only the authority, but the duty to clear snow from around
9 fire hydrants. The Interested Parties claim this is a part of KGID’s duty to maintain water infrastructure.
10 The Interested Parties offer no authority to refute the arguments presented by KGID in its response to
11 Section III of the Answer. NRS 244.137(6) permits *counties* to exercise powers not specifically granted
12 by the legislature if they address matters of public concern. However, subsection (7) of that very same
13 statute provides that the power to amend Dillon’s Rule to allow a county to address matters of local
14 concern that are not specifically granted by the legislature does not apply to any local governing body
15 other than a county commission. Thus, unarticulated powers cannot be implied when interpreting
16 KGID’s enabling ordinances. This Court simply cannot do what the Interested Parties ask and remain
17 within the constraints of NRS 244.137(7). Subsection (6) grants to a board of county commissioners
18 “all powers necessary or proper to address matters of local concern so that the board may adopt county
19 ordinances and implement and carry out county programs and functions for the effective operation of
20 county government and gives a board of county commissioners the power to modify Dillon’s Rule as
21 applied to the board of county commissioners so that if there is any reasonable doubt concerning the
22 existence of a power of the board to address a matter of local concern, it is presumed that the board has
23 the power unless the presumption is rebutted by evidence of a contrary intent by the legislature.
24 However, subsection (7) provides that the provisions of NRS 244.137, inclusive, “must not be
25 interpreted to modify Dillon’s Rule with regard to: (a) any local governing body other than a board of
26 county commissioners...” Thus, it is impermissible to imply, as a matter through the language
27 regarding matters of local concern, an unexpressed power by KGID to remove snow from private
28 property around fire hydrants. Similarly, any presumption in favor of such an implication is removed

1 by the fact that both Chapter 318 and Douglas County's ordinances establishing both KGID and TDFPD
2 clearly distinguish between the powers of a general improvement district and a fire protection district.
3 What the Interested Parties apparently argue is a rebuttable presumption that KGID must add to the
4 powers it has been granted by removing snow from around fire hydrants for fire protection purposes, is
5 thus rebutted. No ordinance and no statute - - and no evidence - - demonstrates that clearing snow from
6 around fire hydrants is essential to maintaining the water system. And, if snow removal does become
7 necessary KGID will do what it must to maintain the water system, just as TDFPD must do whatever
8 is necessary with regard to snow removal in order to carry out its fire protection duties.

9 KGID does not conflate fire protection with its duty to maintain fire hydrants. In fact, quite the
10 opposite is the case. KGID acknowledges its duty to maintain operational fire hydrants, while TDFPD
11 asks that KGID assume an additional responsibility that pertains only to fire protection, clearing snow
12 so that the TDFPD can access them more easily while performing its own duties. It is this argument
13 that improperly conflates the duties and authority of the two districts.

14 1. "Clearing Hydrants is Implied in KGID's Duty to Maintain Usability"

15 Under NRS 244.137(7), modifying Dillon's Rule additional powers of a general improvement
16 district may not be implied. To the extent that NRS 318.210 permits a district board to carry out
17 functions that are implied from the specific powers granted in Chapter 318, the functions are still limited
18 to the specific powers granted. KGID is a water purveyor and has the power to plow roads. It is granted
19 no specific authority to enter upon private property and remove snow to make hydrants more easily
20 accessible to a fire protection district, unless that entry is necessary to maintain KGID's property, such
21 as pipelines, meters and hydrants. Even if the power is implied, NRS 318.210 does not mandate that a
22 general improvement district take on such added responsibilities.

23 2. "Clearing Hydrants is Essential to the Purpose of Maintaining the Water System"

24 To the extent that removal of snow is essential to KGID's maintenance of fire hydrants, it does
25 so as needed.

26 3. "KGID's Argument Conflates Fire Protection with Hydrant Maintenance"

27 This argument is ironic. The purpose of KGID's Petition is to assure itself that providing water
28 to a hydrant and the responsibility for performing fire protection services are *not* conflated. TDFPD, on

1 the other hand, is attempting, through threat of criminal prosecution, to coerce KGID to perform tasks
2 it has never before performed and that are beyond the scope of its delegated responsibility to furnish
3 water. Clearing access to fire hydrants for TDPPD, under threat of criminal prosecution, is a conflation
4 of the separate and distinct duties of two districts.


5 **CONCLUSION**

6 For the above reasons and for the reasons stated in the Petition, KGID respectfully asks this
7 Court to grant its Petition.

8 Affirmation. The undersigned affirms the preceding document does not contain protected
9 information of any person or persons pursuant to NRS 239B.030.

10 Dated: November 15, 2024

11 OSHINSKI & FORSBERG, LTD.

12
13 By 
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LIST OF EXHIBITS

Exhibit No.	Description	No. Pages
1	Declaration of Mitchell S. Dion	3
2	Nev. A.G. Opinion No. 2000-34	6

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Oshinski & Forsberg, Ltd., and that on November 15, 2024, I served the foregoing **Reply to Answer to Verified Petition For Judicial Confirmation** on the following individuals or entities by serving a true copy thereof by the following method(s):

enclosed in a sealed envelope with postage fully prepaid thereon, in the United States Post Office mail, pursuant to NRCP 5(b)(2)(B);

via electronic filing pursuant to Nevada Electronic Filing and Conversion Rules ("NEFCR") 9(b);

hand delivery via messenger service pursuant to NRCP 5(b)(2)(A);

facsimile to the number(s) listed below, pursuant to NRCP 5(b)(2)(D);


Federal Express, UPS, or other overnight delivery; and/or

Email

fully addressed as follows:

Devon T. Reese, Esq.
Alex Velto, Esq.
REESE RING VELTO PLLC
200 S. Virginia Street, Suite 655
Reno, NV 89501
devon@rvlawyers.com
alex@rvlawyers.com
*Attorneys for Tahoe Douglas Fire
Protection District*

Aaron D. Ford
Attorney General
Jesselyn V. De Luna
Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way, Suite 100
Las Vegas, NV 89119
jdeluna@ag.nv.gov
Attorneys for State Fire Marshal



Linda Gilbertson

EXHIBIT 1

EXHIBIT 1

1 Mark Forsberg, Esq., NSB 4265
2 Rick Oshinski, Esq., NSB 4127
3 OSHINSKI & FORSBERG, LTD.
4 504 E. Musser Street, Suite 202
5 Carson City, NV 89701
6 T 775-301-4250 | F 775-301-4251
7 Mark@oshinskiforsberg.com
8 Rick@oshinskiforsberg.com
9 Attorneys for Petitioner

10 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
11 **IN AND FOR DOUGLAS COUNTY**

12 KINGSBURY GENERAL IMPROVEMENT Case No. 2024-CV-00197
13 DISTRICT, a political subdivision of the
14 State of Nevada, Dept. No. II
15
16 Petitioner.

17 **DECLARATION OF MITCHELL S. DION IN SUPPORT OF REPLY TO ANSWER TO**
18 **VERIFIED PETITION FOR JUDICIAL CONFIRMATION**
19 **STATE OF NEVADA**
20 **COUNTY OF DOUGLAS**

- 21 1. I am the General Manager of the Kingsbury General Improvement District ("KGID"). I
22 make this declaration in support of KGID's Reply to Answer to Verified Petition For Judicial
23 Confirmation. I have actual knowledge of the facts recited below, and if called to testify in this matter,
24 would testify competently as set forth below.
- 25 2. KGID is organized under NRS Chapter 318 to provide water, sewer, drainage and road
26 services to persons living within the district.
- 27 3. The district owns and maintains 286 fire hydrants in the area served with water by the
28 district service areas. The hydrants are maintained by KGID in accordance with industry standards
established by the American Waterworks Association and manufacturer recommendations.

- 1 4. KGID does not own the property where its hydrants exist.
- 2 5. KGID does not perform any fire protection functions and has not been given authority
3 to do so.
- 4 6. Tahoe Douglas Fire Protection District (“TDFPD”) is most often the end user of water
5 provided by KGID through its hydrants, and TDFPD is not charged for the water it uses for fire
6 protection.
- 7 7. KGID is not subject to NFPA §25, which is the “Standard for the Inspection, Testing
8 and Maintenance of Water-Based Fire Protection Systems.” A fire hydrant is not identified in NFPA
9 25 as a fire protection system covered by the standard.
- 10 8. NAC 477.1035 defines “fire hydrant” as a water supply system, not as a fire protection
11 system. KGID does not maintain any privately owned fire protection systems.
- 12 9. KGID charges its water customers for water and places the revenue generated in an
13 enterprise fund, which is segregated from all other budgetary items and revenues collected by KGID.
14 Funds collected and allocated to the enterprise fund for fire protection identified in Ordinance No. 1, p.
15 10, para. 1.35 and p. 40, para. 11.1.1.4 reflect revenue received by KGID that is used to recoup the
16 additional demand, storage and capacity burden placed on KGID by privately owned fire protection
17 systems, with a set rate and fees to provide water to these systems. Private fire protection systems are
18 not served by public fire hydrants.
- 19 10. The district does not own or maintain private fire protection systems, which are subject
20 to the regulations of NFPA 25 adopted by the State Fire Marshal.
- 21 11. KGID operates its water purveyor functions as an enterprise fund as defined by NRS
22 354.517, under which the intent of the governing body is to have the expenses of providing goods or
23 services on a continuing basis to the general public, financed or recovered primarily through charges to
24 the users for those goods or services. KGID also segregates revenue received for its snow removal
25 function and reports it to the Nevada Department of Taxation in the same way as it does its water
26 enterprise fund revenue. An enterprise fund is required by NRS 354.612 to recover the complete cost
27 of the activity financed through the fund without producing any significant amount of profit in the long
28 run. Under NRS 354.613, monies in enterprise funds can be transferred out only, in essence, to pay the

1 expenses related to the purpose for which the enterprise fund was created. Therefore, water enterprise
2 funds cannot be spent on snow removal or vice versa.

3 12. KGID also maintains a segregated snow removal fund. The revenue for the fund is
4 obtained solely through a fee-for-service arrangement with customers. A subset of district customers
5 whose streets or roads are not plowed by the state, county or an HOA receive and pay for this service.
6 The funds received are segregated and used only to pay for snow removal for the customers who pay
7 for it. The funds are not used to clear snow from around fire hydrants or other private property, or to
8 clear streets and roads for those who do not pay the fee.

9 Signed this 14 day of November, 2024, at State line, Nevada.

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Kingsbury General Improvement District

By 
Mitchell S. Dion, General Manager

EXHIBIT 2

EXHIBIT 2

OFFICIAL OPINIONS OF THE ATTORNEY GENERAL

AGO 2000-34 JOINT POWERS AGREEMENT; NEVADA PUBLIC UTILITIES COMMISSION: The Joint Powers Agreement contemplated by Washoe County and the Cities of Reno and Sparks would constitute a municipality and is exempt from requiring a certificate of public convenience from the Nevada Public Utilities Commission.

Carson City, December 5, 2000

Richard A. Gammick, Washoe County District Attorney, Washoe County Court House, P. O. Box 30038, Reno, Nevada 89520-3083

Dear Mr. Gammick:

Washoe County and the Cities of Reno and Sparks (the Local Governments) recently submitted a joint non-binding bid to purchase the water system owned by Sierra Pacific Resources (Sierra). At this time, the Local Governments anticipate forming a Joint Powers Authority (JPA) pursuant to Nevada Revised Statute (NRS) 277.110, which would be the purchaser and owner of the water system. NRS 277.110 allows two or more public agencies to enter into cooperative agreements with one another. Our office has received the JPA and will be making a determination upon the same as required by statute.

Bond counsel for the Local Governments has indicated that prior to issuing bonds to finance the purchase of Sierra's water business, the JPA must get an Attorney General's opinion stating that the JPA will not be required to obtain a certificate of public convenience or necessity (CPC) from the Nevada Public Utilities Commission (Commission). As a result, the Local Governments have formally requested an Attorney General's opinion (AGO) regarding whether the JPA would be a public utility and thus required to acquire such a CPC from the Commission.¹

¹ This opinion addresses only the issue of whether the JPA formed by the Local Governments must obtain a CPC in order to purchase Sierra's water utility assets. This opinion does not consider Sierra's statutory responsibilities as the seller in this transaction. Indeed, it appears that NRS 704.390 would require Sierra to receive formal approval from the Commission prior to transferring control of its utility assets to the Local Governments.

OFFICIAL OPINIONS OF THE ATTORNEY GENERAL

QUESTION

Whether a JPA, created under NRS 277.110 to purchase and operate the water system currently owned by Sierra, must or is required to obtain a CPC from the Commission?

ANALYSIS

A. Generally

NRS 704.330(1) addresses the issue as to what entities must obtain a CPC and under what circumstances a CPC is required. NRS 704.330(1) provides that:

Every public utility owning, controlling, operating or maintaining or having any contemplation of owning, controlling or operating any public utility shall, before beginning such operation . . . , obtain from the commission a certificate that the present or future public convenience or necessity requires or will require such continued operation or commencement of operations or construction.

Thus, according to NRS 704.330(1) only public utilities are required to obtain a CPC. NRS 704.020 defines the terms "public utility" or "utility" to include "any plant or equipment used to furnish water for business, manufacturing, agricultural or household use" In defining public utility, it is necessary to review NRS 704.340 as this statute limits the scope of NRS 704.020 by expressly exempting municipalities and certain trusts from having to obtain a CPC from the Commission. Thus, unless the JPA falls within the term "municipality" as contemplated in NRS 704.340, the JPA would be required to obtain a CPC.

B. Municipality Defined

NRS chapter 704 does not provide a definition of the term "municipalities." Likewise, NRS chapter 277A, under which the JPA would be created, does not expressly address whether an entity created under those provisions would constitute a "municipality." Thus it is necessary to consult other legal

OFFICIAL OPINIONS OF THE ATTORNEY GENERAL

authority to determine whether the JPA contemplated in your request would fall within the exemption for "municipalities" under NRS 704.340.

Several Nevada statutes have defined the term "municipality" to include cities, counties and other *governmental entities*. For example, NRS 445A.375 describes a municipality to mean, "Any city, town, county, district, association or other public body created by or pursuant to the laws of this state and having jurisdiction over disposal of sewage, industrial wastes or other wastes." Pursuant to NRS 43.080, the term "municipality" includes:

[T]he State of Nevada, or any corporation, instrumentality or other agency thereof, or any incorporated city, any unincorporated town, or any county, school district, conservancy district, drainage district, irrigation district, general improvement district, other corporate district constituting a political subdivision of this state, housing authority, urban renewal authority, other type of authority, the University and Community College System of Nevada, the board of regents of the University of Nevada, or any other body corporate and politic of the State of Nevada, but excluding the Federal Government.

Another definition, found at NRS 244A.037, defines municipality to include a ". . . water authority organized as a political subdivision created by cooperative agreement whose members include at least the two largest municipal retail water purveyors in the county."²

These statutes demonstrate the Legislature's willingness to broadly define "municipalities" to include cities, counties, and other government entities. Moreover, a review of the applicable legislative histories show that the Legislature did not intend to exclude JPA's from the definition of municipalities as contemplated in NRS 704.340. Thus it is reasonable to conclude that the Nevada Legislature intended to extend similar definitional latitude to the term "municipalities" in NRS 704.340. Support for our legal conclusion can be found in a related statute. First, NRS 704.030(3) provides that a person who furnishes water as an accommodation in an area where water is not available from a

² NRS chapter 244A addresses bond financing of county projects.

OFFICIAL OPINIONS OF THE ATTORNEY GENERAL

"public utility, cooperative corporations, and associations or political subdivisions" engaged in the business of selling water to persons within the political subdivision is not a *public utility or utility*. Second, NRS 704.030(4) states that a person *is not a public utility or a utility* if the person sells energy to "public utilities, cities, counties or other entities" which are reselling the energy to the public. Because NRS 704.030 distinguishes public utilities from cities, counties and political subdivisions, it is reasonable to conclude that the term "municipalities" found in NRS 704.340 is likewise applicable to a broad range of governmental entities. Thus it is reasonable to conclude that the JPA would fall within the term "municipalities" as is contemplated in NRS 704.340.

Our legal conclusion that the term municipalities would include a JPA is supported by the language in NRS 277.110, which states that any power, privilege or authority capable of exercise by a public agency of this State may be exercised jointly by any other public agency of this State. It is clear the Legislature intended that any entity created by a cooperative agreement under NRS 277.110 would possess the same legal rights and privileges of each of the combining agencies. Because each of the forming agencies would be exempt from Commission regulation under NRS 704.340, it necessarily follows that the JPA would enjoy that same exempt status.

The only case interpreting NRS 704.340(1) is *White Pine Power Dis. No. 9 v. Public Service Comm'n*, 76 Nev. 497, 358 P.2d 118 (1969). In that case, the court held that a municipal power district was not a municipality under NRS 312.040 and thus was not exempt from the requirements of NRS 704.330. However, it is important to note that the court's analysis focused on provisions contained in NRS chapter 312, which has since been repealed. In particular, the court examined the following definitions:

Municipal power district, 'power district' or 'district' means a municipal power district organized under this chapter, either as originally organized or as the same may be from time to time altered or amended.

Municipality for the purposes of this chapter, shall include any city or town, incorporated or unincorporated, and any school district.

Based on the above definitions, the court determined that a municipal power district could not be considered a municipality. The court did not address whether cities, counties or other governmental entities, such as a JPA would

OFFICIAL OPINIONS OF THE ATTORNEY GENERAL

constitute a municipality exempt from Commission regulation. Thus the *White Pine* analysis and decision is not applicable to the question discussed in this opinion.

This office has previously examined the scope of the exemption language in NRS 704.330. In AGO 58-1963, this office concluded that the definition of "municipality" in NRS 704.330 must be limited to include only cities. Op. Nev. Att'y Gen. No. 58 (August 1, 1963). However, that legal conclusion was premised upon the reconciliation of NRS 704.330 with a provision of NRS chapter 311 which expressly stated that water and sanitation districts were subject to the jurisdiction of the then Public Service Commission. That section of NRS chapter 311 has since been repealed. Moreover, there are no statutory provisions stating that JPAs are jurisdictional to the Commission. Thus reliance upon Op. Nev. Att'y Gen. No. 58 for purposes of this opinion is not appropriate.

In Op. Nev. Att'y Gen. No. 79-23, the Attorney General was asked whether a utility formed under a general improvement district was within the definition of "public utilities" and thus required to pay interest on deposits pursuant to NRS 704.671. This office provided the following analysis:

However, this office has long held that the definitions of public utilities as stated in NRS 704.020 do not include municipally owned utilities. Attorney General's Opinion 732, March 11, 1949; Attorney General's Opinion 187, July 17, 1952; Attorney General's Opinion 99, December 12, 1963.

Specifically, in Attorney General's Opinion 732, March 11, 1949 the question of whether or not the Public Service Commission of Nevada had jurisdiction over Lincoln County Power District No. 1 was addressed. This office reasoned that the definition of public utility contained in section 6106, N.C.L. 1926 did not include municipal corporations. The same is true today. NRS 704.020. Furthermore section 137, N.C.L. 1929 provided that a municipality was not required to obtain a certificate of public convenience when operating or maintaining a public utility. The same is true today. NRS 704.340. Since a general improvement district is quasi-municipal pursuant to NRS 318.015, it would also follow under this reasoning that a utility owned by a general improvement district is outside the scope of NRS 704.020.

OFFICIAL OPINIONS OF THE ATTORNEY GENERAL

Based on the foregoing analysis, the Attorney General concluded that, "Since a general improvement district is quasi-municipal pursuant to NRS 318.015, it would also follow under this reasoning that a utility owned by a general improvement district is outside the scope of NRS 704.020." Op. Nev. Att'y Gen. No. 79-23 (Oct. 29, 1979) at p. 129.

Based on the above legal analysis, it is reasonable to conclude the term "municipalities" as used in NRS 704.340 encompasses a broad range of governmental entities including cities and counties. It is likewise logical to conclude that the JPA contemplated by the Local Governments would fall within the definition of "municipalities."

CONCLUSION

The Joint Powers Agreement (JPA) contemplated by Washoe County and the cities of Reno and Sparks would constitute a municipality exempt from the Nevada Public Utilities Commission regulation pursuant to NRS 704.330. As a result, the JPA would not be required to obtain a certificate of public convenience or necessity from the Nevada Public Utilities Commission in order to purchase and operate Sierra Pacific Resources' water system.

FRANKIE SUE DEL PAPA
Attorney General

By: NORMAN J. AZEVEDO
Chief Deputy Attorney General

CASE NO: 2023-CR-00072

DEPT NO. I

State of Nevada

v.

Aaron Jermain Dabney

DATE: 11/12/2024

JUDGE: Nathan Tod Young

CLERK: Amy Weidner

COURT REPORTER: Christy Joyce - Capitol Reporters

PLAINTIFFS COUNSEL: Chelsea Mazza

DEFENDANTS COUNSEL: Mary Brown

LAW CLERK: John Seddon

BAILIFFS: Sgt. Doug Midkiff/Ignacio Gonzalez/Eric Lindsay

PAROLE & PROBATION: Rebecca Bourne

The above-entitled matter was before the Court this being the time set for REVIEW HEARING. The defendant was present in court and represented by counsel.

Ms. Brown requested the evaluations be paid for by Douglas County.

The Court granted the request.

Ms. Brown shall prepare that order.

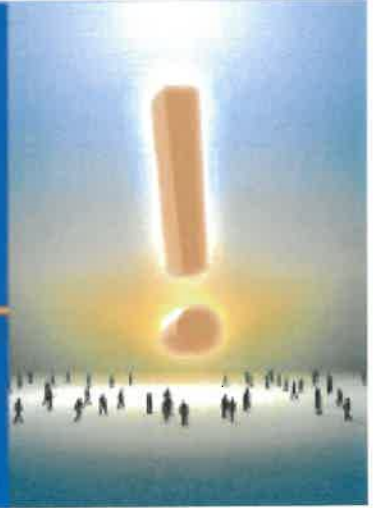
Ms. Brown requested to withdraw the Motion for Incompetency.

Ms. Mazza presented argument.

The Court ordered a third competency evaluation to be completed by Dr. Melissa Piasecki and set this matter for a competency hearing on January 14, 2025 at 9:00 a.m.



HR ALERT



New Exempt Salary Levels Struck Down by Federal Court 11-15-24

POOL/PACT Human Resources (HR) is publishing this important Alert on the new exempt salary levels being overturned by a federal court. If you have any questions about how this may impact your employment policies or practices, please contact your HR Business Partner for more information.

On November 15, 2024, the U.S. District Court for the Eastern District of Texas ruled that the Department of Labor (DOL) exceeded its authority when it issued [regulations](#) that increased the minimum salary threshold for exempt employees earlier this year. The judge's order not only invalidates the rule nationwide, it further overturns the increase that went into effect on July 1, 2024, setting the minimum salary threshold back to the 2019 level of \$35,568 per year.

If you feel like you're having déjà vu, you're not. This really did happen before in 2016 when the same Texas federal district court stayed a proposed large increase in the salary threshold days before the increase was set to go into effect and was permanently blocked a few months later.

What happens next?

The DOL could appeal the decision, and if an appeal court reverses the judgment quickly, the next salary level increase could still go into effect on January 1, 2025. However, if the appeal is still ongoing after President-elect Trump takes office, the new administration may scrap the new threshold or propose different salary levels as it has before.

What employers should do now

Effective immediately, the 2019 salary threshold of \$35,684 is back in effect. How to proceed depends on what was already implemented to comply with the new, now overturned, regulations:

- If exempt employees' salaries were increased to meet the new salary threshold or if employees were informed of increases that would take effect in the near future,



New Exempt Salary Levels Struck Down by Federal District Court 11-15-24

employers should work closely with legal counsel if they want to consider reversing changes. Keep in mind that reversing salaries could have a negative impact on morale.

- If employees were converted to hourly non-exempt due to the increased salary threshold, employers may be able to convert these employees back to exempt status after ensuring the position still meets the duties tests. (For more information, see POOL/PACT HR's *HR Briefing Exempt Employees* available to registered users at www.poolpact.com.)

As things are in flux right now, it may be wise to wait and see what happens with a potential appeal and how the new administration will respond before making any changes.

POOL/PACT HR will continue to track changes and update Members as needed. Please feel free to contact your HR Business Partner with any questions you may have.



Safe Drinking Water Act 50th anniversary December 16th

On this day in 1974, the Safe Drinking Water Act was signed into law, ensuring safe, clean drinking water for millions of Americans. For 50 years, the SDWA has protected public health and driven innovation in water treatment.

The Safe Drinking Water Act is vital for public health, but it wouldn't be possible without the dedicated water professionals who implement and uphold its standards every day. From source to tap, they work tirelessly to treat, monitor and deliver safe water to our communities.

Work zone fatalities reached a 17-year high in 2021. ²⁷ Between 2013 and 2021, work zone fatalities increased 61 percent. In 2021, over 105,000 work zone crashes were estimated to have occurred resulting in over 42,000 injuries and 954 work zone fatalities. ^{8,9} Stated another way, 42,000 injuries is about the capacity of a football stadium. 954 work zone fatalities is the equivalent of 5 commercial domestic airliners. Comprehensive costs of work zone crashes are estimated at over \$37.9 billion annually (2023 dollars) ^{28, 29, 43} Benefits of reducing the number crashes by implementing [Positive Protection](#) & barrier separation in work zones can be estimated at over \$3.7-\$8.7 billion annually (10%-23% of work zone crash costs, 2023 dollars). ⁴²

In 2020, during the COVID-19 pandemic, work zone crashes & fatalities climbed despite lower traffic volumes. ^{20, 21, 22, 23, 32, 33} For the first half of 2021, USDOT estimated another 18.4% surge in traffic fatalities over 2020 and the largest number of traffic fatalities since 2006. ³⁵ **In 2021, TxDOT reported that work zone fatalities in fact surged 33%.** ³⁶ For the first quarter of 2022, USDOT estimated a record increase in fatalities nationwide. ³⁸

The Governor's Highway Safety Association (GHSA) projected that the **U.S. pedestrian fatality rate jumped an unprecedented 21% from 2019.** ³⁴ A prior study found that [38% of "Pedestrian" fatalities in work zones were workers](#) (i.e. road construction/maintenance workers, utility workers, and planning/surveying workers). Working on foot along our roadways is dangerous.

AGC Study - Outcomes of Work Zone Crashes 38.

(Mouseover data points for details.)



Zach Conine
State Treasurer



STATE OF NEVADA
OFFICE OF THE STATE TREASURER

VIA EMAIL:

TO: Mitchell Dion, Kingsbury GID

RE: State Drinking Water Revolving Fund: KGID

DATE: December 12, 2024

Dear Mr. Dion:

Please accept this letter as official notification of the debt service for the below referenced loans due to the state of Nevada in collected funds by *Thursday, January 2, 2025*.

Contract #	PRINCIPAL	INTEREST	TOTAL
KGID-2	\$108,237.43	\$9,974.20	\$118,211.63
KGID-3	\$94,555.87	\$15,924.13	\$110,480.00
DW1203	\$332,506.12	\$64,855.07	\$397,361.19
DW1501	\$153,548.98	\$41,268.93	\$194,817.91
	\$688,848.40	\$132,022.33	\$820,870.73

All payments must be made either by wire or by transfer from your LGIP account. Please contact me to designate the date and method of your payment at 775-684-5631 or jeoliver@nevadatreasurer.gov.

Sincerely,

Jean E Oliver

Jean E. Oliver
Management Analyst

E-mail to: mitchell@kgid.org; cc: brandy@kgid.org

CARSON CITY OFFICE
101 N. Carson Street, Suite 4
Carson City, Nevada 89701-4786
(775) 684-5600 Telephone
(775) 684-5623 Fax

STATE TREASURER PROGRAMS

Governor Guinn Millennium Scholarship
Program
Nevada Prepaid Tuition Program
Unclaimed Property
College Savings Plans of Nevada
Nevada College Kick Start Program

LAS VEGAS OFFICE
555 E. Washington Avenue, Suite 4600
Las Vegas, Nevada 89101-1074
(702) 486-2025 Telephone
(702) 486-3246 Fax



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Tom Dallaire, P.E.
DIRECTOR

775-782-6201
FAX: 775-782-6297
website: www.douglascountynv.gov

Building Division
Engineering Division
Planning Division
Code Enforcement

NOTICE OF APPLICATION AND HEARING **Planning Commission & Board of County Commissioners**

Dear Property Owner:

An application for the below-referenced project is on file at the Douglas County Community Development offices, Planning Division, at 1594 Esmeralda Avenue, Room 202, in Minden, Nevada.

The Board/Commission reserves the right to: take items in a different order; combine two or more agenda items for consideration; remove items from the agenda; and/or delay discussions relating to an item on the agenda at any time.

The application(s) below will be considered under the Public Hearing portion of the meeting. The Agenda and Staff Reports will be online prior to the meeting <https://www.douglascountynv.gov> - click on Agendas and Minutes.

For possible action. Discussion on Ordinance 2024-1642, a Zoning Text Amendment (ref. DP 24-0162), amending Chapter 20.703 of the Douglas County Code relative to Tahoe Area Plan Regulations, to implement proposed changes to the South Shore Area Plan (SSAP), by revising signage regulations within the T-MU/TC and T-T/HDT Overlay zoning districts and updating references to the TRPA Code of Ordinances. The SSAP covers properties generally along US 50 from the California-Nevada Stateline to the lower Kingsbury area and are zoned as Tourist, Recreation, Resort Recreation, and Mixed Use. The applicant is Douglas County.

For possible action. Discussion on Ordinance 2024-1643, a Zoning Map Amendment (ref. DP 24-0180), changing the zoning for a certain property (APN: 1318-23-401-019) within the South Shore Area Plan (SSAP) by classifying the entirety of the parcel at 201 Manor Drive, comprising approximately 4.54 acres, as T-MU (Tahoe Mixed-Use) with a TC (Town Center) overlay. The SSAP covers properties generally along US 50 from the California-Nevada Stateline to the lower Kingsbury area and are zoned as Tourist, Recreation, Resort Recreation, and Mixed Use. The applicant is Douglas County.
Case Planner: Kate Moroles-O'Neil 775-782-6212 kmoneil@douglasnv.us

Planning Commission:

Date: December 10, 2024
Time: 1:00 pm.
Meeting Location: Historic Courthouse, 1616 Eighth Street, Minden.

Board of County Commissioners Meeting(s):

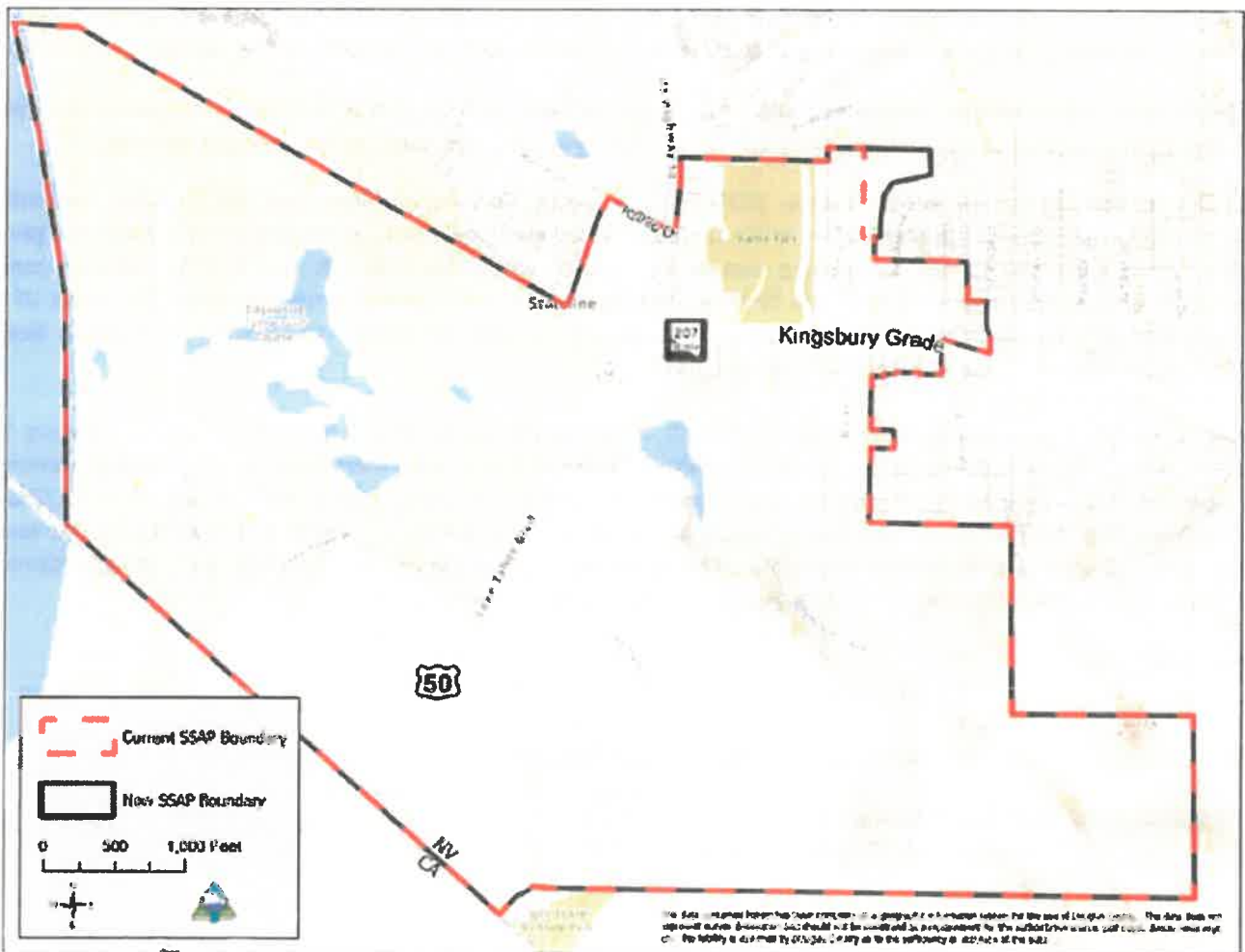
Date: December 19, 2024 and January 16, 2025
Time: 10:00 am.
Meeting Location: Historic Courthouse, 1616 Eighth Street, Minden.

This matter may be continued to another meeting without additional notice.

- Meeting time and location are subject to change; Please check <http://www.douglascountynv.gov/> for time or location updates and final agenda.
- All written public comments that are received prior to 4:00 PM the day before the meeting will be compiled and will be added as supplemental material for the Board/Commission and the public to review prior to the meeting.
- Interested persons may appear at the meeting in person. Public comment is limited to 3 minutes. You may submit comments by mail to Douglas County Community Development Department, P.O. Box 218, Minden, NV 89423, fax (775) 782-9007, or email planning@douglasnv.us.

Comments (additional comments may be provided separately): _____

Vicinity Map



RECEIVED

DEC 02 2024

Initial: _____



OFFICE of INTELLIGENCE and ANALYSIS
INTELLIGENCE IN VIEW

11 DECEMBER 2024

DHS-IA-IV-2024-24996

CYBERSECURITY

(U//FOUO) Cyber and Physical Threats Against the Water and Wastewater Systems Sector

(U//FOUO) Scope Note: This product is part of a series of cross-cutting, baseline threat assessments for some of the 16 designated critical infrastructure sectors defined in accordance with National Security Council Presidential Policy Directive 22: Critical Infrastructure Security and Resilience. The Water and Wastewater Systems sector consists of many public drinking water and wastewater treatment systems that service a majority of the US population. For more information, visit <https://www.cisa.gov/topics/critical-infrastructure-security-and-resilience/critical-infrastructure-sectors/commercial-facilities-sector>.



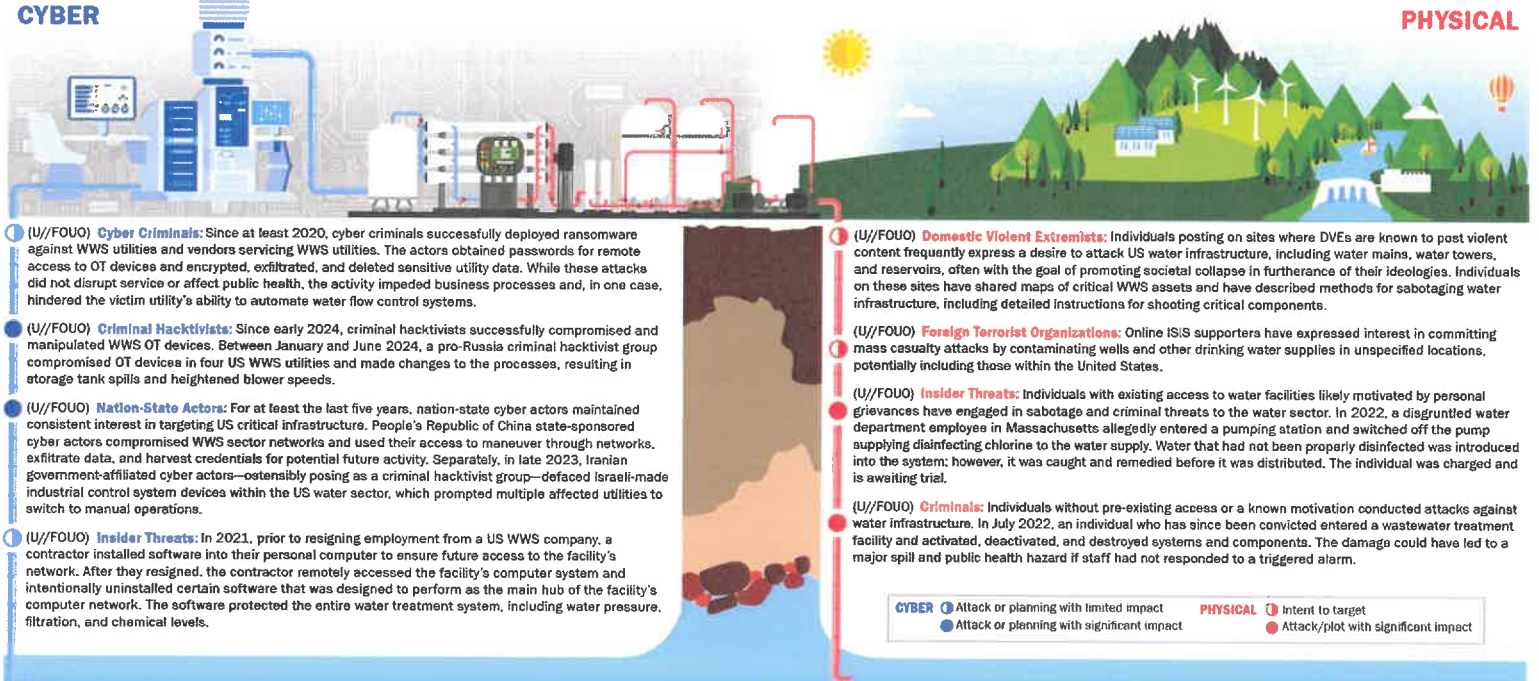
(U//FOUO) Cyber and Physical Threats Against the Water and Wastewater Systems Sector

(U//FOUO) Threat actors regularly target the US Water and Wastewater Systems (WWS) sector with cyber and physical attacks that have varying impacts on utilities. Cyber attacks are the most prevalent threat activity observed against the WWS sector, though these incidents have generally resulted in localized impacts to individual utility operations and did not compromise water quality. Cyber criminals, criminal hacktivists, and nation-state cyber actors have all conducted successful malicious activities against WWS sector utilities, such as encrypting utility business devices, manipulating utility operational technology (OT), and pre-positioning for possible future activity. Insider threat actors and criminals have conducted physical attacks against WWS sector infrastructure, ranging from nuisance-level vandalism to destruction of equipment. Individuals who sabotage and vandalize water infrastructure often go unidentified. Domestic violent extremist (DVE) and foreign terrorist organization actors have only posted online expressing interest in targeting the WWS sector with physical attacks. Major disruptions could have severe consequences, as the WWS sector is one of the lifeline critical infrastructure sectors, which are necessary for civilian health and safety, continuity of critical government and business functions, and national economic security.

OVERALL GRAPHIC CLASSIFICATION: UNCLASSIFIED//FOR OFFICIAL USE ONLY

CYBER

PHYSICAL



Source, Reference, and Dissemination Information

For Questions, Contact (U) DHS-SPS-RFI@hq.dhs.gov

Definitions

(U//FOUO) **Criminal Hactivist:** An individual or group who gains unauthorized access to computer files or networks in order to further social or political goals, wholly or in part, through unlawful acts or criminal cyber activity.

(U//FOUO) **Domestic Violent Extremist (DVE):** An individual based and operating primarily within the United States or its territories without direction or inspiration from a foreign terrorist group or other foreign power who seeks to further political or social goals, wholly or in part, through unlawful acts of force or violence. The mere advocacy of political or social positions, political activism, use of strong rhetoric, or generalized philosophic embrace of violent tactics alone does not constitute violent extremism and may be constitutionally protected. DVEs can fit within one or multiple categories of ideological motivation and can span a broad range of groups or movements. I&A utilizes this term synonymously with “domestic terrorist.”

Reporting Suspicious Activity

(U) **To report suspicious activity, law enforcement, Fire-EMS, private security personnel, and emergency managers should follow established protocols; all other personnel should call 911 or contact local law enforcement.** Suspicious activity reports (SARs) will be forwarded to the appropriate fusion center and FBI Joint Terrorism Task Force for further action. For more information on the Nationwide SAR Initiative, visit www.dhs.gov/nsi.

(U) **To report a computer security incident, please contact CISA at 888-282-0870; or go to [IRF Index - IRF](#). Please contact CISA for all network defense needs and complete the CISA Incident Reporting System form.** The CISA Incident Reporting System provides a secure, web-enabled means of reporting computer security incidents to CISA. An incident is defined as a violation or imminent threat of violation of computer security policies, acceptable use policies, or standard computer security practices. In general, types of activity commonly recognized as violating typical security policies include attempts (either failed or successful) to gain unauthorized access to a system or its data, including personally identifiable information; unwanted disruption or denial of service; the unauthorized use of a system for processing or storing data; and changes to system hardware, firmware, or software without the owner’s knowledge, instruction, or consent.

(U) **To report this incident to the Intelligence Community, please contact your DHS I&A Field Intelligence Officer at your state or major urban area fusion center, or e-mail DHS.INTEL.FOD.HQ@hq.dhs.gov.** DHS I&A Field Intelligence Officers are forward deployed to every US state and territory and support state, local, tribal, territorial, and private sector partners in their intelligence needs; they ensure any threats, incidents, or suspicious activity is reported to the Intelligence Community for operational awareness and analytic consumption.

Warning Notices & Handling Caveats

(U) **Warning:** This information is provided only for intelligence purposes. It cannot be used in connection with any foreign or domestic court proceedings or for any other legal, judicial, or administrative purposes.

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official. State and local homeland security officials may share this document with authorized critical infrastructure and key resource personnel and private sector security officials without further approval from DHS.

(U) All US person information has been minimized. Should you require US person information, please contact the Homeland Security Single Point of Service, Request for Information Office at DHS-SPS-RFI@hq.dhs.gov, DHS-SPS-RFI@dhs.sgov.gov, DHS-SPS-RFI@dhs.ic.gov.



Homeland Security

Office of Intelligence and Analysis

Customer Feedback Form

Product Title: (U//FOUO) Cyber and Physical Threats Against the Water and Wastewater Systems Sector

All survey responses are completely anonymous. No personally identifiable information is captured unless you voluntarily offer personal or contact information in any of the comment fields. Additionally, your responses are combined with those of many others and summarized in a report to further protect your anonymity.

1. Please select partner type: and function:

2. What is the highest level of intelligence information that you receive?

3. Please complete the following sentence: "I focus most of my time on:"

4. Please rate your satisfaction with each of the following:

	Very Satisfied	Somewhat Satisfied	Neither Satisfied nor Dissatisfied	Somewhat Dissatisfied	Very Dissatisfied	N/A
Product's overall usefulness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Product's relevance to your mission	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Product's timeliness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Product's responsiveness to your intelligence needs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. How do you plan to use this product in support of your mission? (Check all that apply.)

- | | |
|--|---|
| <input type="checkbox"/> Drive planning and preparedness efforts, training, and/or emergency response operations | <input type="checkbox"/> Initiate a law enforcement investigation |
| <input type="checkbox"/> Observe, identify, and/or disrupt threats | <input type="checkbox"/> Intiate your own regional-specific analysis |
| <input type="checkbox"/> Share with partners | <input type="checkbox"/> Intiate your own topic-specific analysis |
| <input type="checkbox"/> Allocate resources (e.g. equipment and personnel) | <input type="checkbox"/> Develop long-term homeland security strategies |
| <input type="checkbox"/> Reprioritize organizational focus | <input type="checkbox"/> Do not plan to use |
| <input type="checkbox"/> Author or adjust policies and guidelines | <input type="checkbox"/> Other: <input type="text"/> |

6. To further understand your response to question #5, please provide specific details about situations in which you might use this product.

7. What did this product not address that you anticipated it would?

8. To what extent do you agree with the following two statements?

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	N/A
This product will enable me to make better decisions regarding this topic.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
This product provided me with intelligence information I did not find elsewhere.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

9. How did you obtain this product?

10. Would you be willing to participate in a follow-up conversation about your feedback?

To help us understand more about your organization so we can better tailor future products, please provide:

Name: <input type="text"/>	Position: <input type="text"/>
Organization: <input type="text"/>	State: <input type="text"/>
Contact Number: <input type="text"/>	Email: <input type="text"/>



[Privacy Act Statement](#)

Retirement Board

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Operations Officer

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Officer

Memorandum

To: Retirement Liaison Officers

From: Charyl Lacombe, Administrative Analyst

Date: December 9, 2024

Re: Re-Employed Retiree Earnings Limitation for Fiscal Year 2025

The earnings limitation for retired employees returning to employment with a Nevada public employer in a non-eligible position for fiscal year 2025 is \$31,335.00. Fiscal year 2025 begins July 1, 2024, and ends on June 30, 2025.

A retired employee who exceeds the earnings limitation in any fiscal year must have his/her benefit suspended for the duration of the employment, independent contract, or any subsequent employment during the fiscal year, even if it extends into the next fiscal year. Both the public employer and retired employee must notify PERS within ten days after the retired employee exceeds the earnings limitation.

If you have any questions regarding this memorandum, please contact us and ask to speak with a Counseling Services representative.

Legislative Social Events Calendar

February 2025

Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28	29	30	31	1
2	3	4	5	6	7	8
		ROOM 3100 NOT AVAILABLE 12:00AM - 11:45PM Location: Assembly	ROOM 3100 NOT AVAILABLE 12:00AM - 11:45PM Location: Assembly	ROOM 3100 NOT AVAILABLE 12:00AM - 11:45PM Location: Assembly	ROOM 3100 NOT AVAILABLE 12:00AM - 11:45PM Location: Assembly	
9	10	11	12	13	14	15
	NASS Day - Meetings 7:00AM - 4:00PM Location: Assembly	Nevada Tribes Day Activities 7:00AM - 5:00PM Location: Room 3100 Legislative Bldg.	Nevada Credit Union League Government Relations Breakfast 7:00AM - 10:00AM Location: Room 3100 Legislative Bldg.	ROOM 3100 NOT AVAILABLE 12:00AM - 11:45PM Location: Assembly		
	NASS Day at the Assembly 8:00AM - 3:00PM Location: Assembly	Nevada Tribes Day Displays 7:00AM - 5:00PM Location: Legislative Building Front Foyer	Nevada Credit Union League Government Relations Day -Day at the Assembly 8:00AM - 5:00PM Location: Assembly			

Sun	Mon	Tue	Wed	Thu	Fri	Sat
9	10	11	12	13	14	15
	<p>NASS Day Display 8:00AM - 3:00PM Location: Legislative Building Front Foyer</p> <p>NASS Day -Lunch & Meetings 12:00PM - 1:30PM Location: Room 3100 Legislative Bldg.</p>	<p>Nevada Tribes Day at the Legislature 8:00AM - 5:00PM Location: Legislature</p>	<p>Public Power Day - Day at the Assembly 8:00AM - 12:00PM Location: Assembly</p> <p>Public Power Day - Displays 8:00AM - 11:00AM Location: Legislative Building Front Foyer</p> <p>Public Power Day - Meetings/Activities 11:30AM - 5:00PM Location: Room 3100 Legislative Bldg.</p> <p>Public Power Day - Luncheon 12:00PM - 1:30PM Location: Room 3100 Legislative Bldg.</p>			
16	17	18	19	20	21	22
	<p>Hunger Action - Special Day 8:00AM - 5:00PM Location: Assembly</p>	<p>ROOM 3100 NOT AVAILABLE (RESERVED) 12:00AM - 11:45PM Location: Assembly</p>	<p>LVGEA - Special Day 8:00AM - 5:00PM Location: Assembly</p>	<p>Nevada REALTORS - Day at the Assembly 8:00AM - 6:00PM Location: Assembly</p>		

Sun	Mon	Tue	Wed	Thu	Fri	Sat
16	17	18	19	20	21	22
	<p>Hunger Action Day Breakfast 8:00AM - 9:30AM Location: Assembly</p>	<p>Black History Day - Meetings and Activities 8:00AM - 5:00PM Location: Room 3100 Legislative Bldg.</p>	<p>United Way - Special Day 8:00AM - 5:00PM Location: Assembly</p>	<p>American Heart Association Day - Day at the Assembly 8:00AM - 5:00PM Location: Assembly</p>		
	<p>Hunger Action Day Luncheon 11:30AM - 1:30PM Location: Room 3100 Legislative Bldg.</p>	<p>Black History Day - Special Day at the Assembly 8:00AM - 4:00PM Location: Assembly</p>	<p>United Way Activities 8:00AM - 5:00PM Location: Room 3100 Legislative Bldg.</p>	<p>American Heart Association Day - Luncheon 8:00AM - 5:00PM Location: Room 3100 Legislative Bldg.</p>		
		<p>Black History Day - Displays 8:00AM - 3:00PM Location: Legislative Building Front Foyer</p>		<p>American Heart Association Day - Breakfast 9:00AM - 11:00AM Location: Room 3100 Legislative Bldg.</p>		
		<p>Black History Day - Breakfast 8:00AM - 9:30AM Location: Room 3100 Legislative Bldg.</p>				

Sun	Mon	Tue	Wed	Thu	Fri	Sat
16	17	18	19	20	21	22
		Black History Day - Luncheon 12:00PM - 1:30PM Location: Room 3100 Legislative Bldg.				
23	24	25	26	27	28	1
	Nevada Public Health Association - Breakfast 7:30AM - 8:00AM Location: Room 3100 Legislative Bldg.	Community Health Providers Breakfast 7:30AM - 9:30AM Location: Room 3100 Legislative Bldg.	Nevada Contractors Association Day 8:00AM - 5:00PM Location: Assembly	ROOM 3100 NOT AVAILABLE 12:00AM - 11:45PM Location: Assembly		
	Nevada Public Health Association - Activities 8:00AM - 12:00PM Location: Room 3100 Legislative Bldg.	Behavioral Health Association of Nevada - Day at the Assembly 8:00AM - 6:00PM Location: Assembly	Touro University - Special Day 8:00AM - 5:00PM Location: Assembly	Emergency Management Day - Displays 8:00AM - 3:00PM Location: Second Floor Atrium Area		
	Nevada Alliance of Boys and Girls Clubs - Day at the Assembly 10:00AM - 4:30PM Location: Assembly	Henderson Chamber of Commerce - Special Day 8:00AM - 5:00PM Location: Assembly	Nevada Contractors Association Luncheon 11:30AM - 1:30PM Location: Room 3100 Legislative Bldg.	Gallagher Dialogues - Offsite Event 5:30PM - 9:00PM Location: The Nevada Museum of Art		

Sun	Mon	Tue	Wed	Thu	Fri	Sat
23	24	25	26	27	28	1
		Behavioral Health Association of Nevada - Displays 8:00AM - 3:00PM Location: Legislative Building Front Foyer				
		Community Health Providers Luncheon 11:30AM - 1:30PM Location: Room 3100 Legislative Bldg.				
		Henderson Chamber of Commerce - Offsite Reception 5:00PM - 8:00PM Off-site Location: Governor's Mansion				
2	3	4	5	6	7	8
Reducing the Burden of Cancer Breakfast 7:30AM - 10:00AM Location: Room 3100 Legislative Bldg.	ROOM 3100 NOT AVAILABLE (RESERVED) 12:00AM - 11:45PM Location: Room 3100 Legislative Bldg.	Nevada Association of School Boards - Special Day 8:00AM - 1:00PM Location: Assembly	Nevada Libraries - Library Day 8:00AM - 5:00PM Location: Assembly	Developmental Disabilities Awareness Day - Breakfast 7:00AM - 9:00AM Location: Room 3100 Legislative Bldg.		

Sun	Mon	Tue	Wed	Thu	Fri	Sat
2	3	4	5	6	7	8
	<p>4-H Capitol Days - Day at the Assembly 8:00AM - 3:00PM Location: Assembly</p>	<p>Developmental Disabilities Awareness Day - Breakfast 7:30AM - 9:00AM Location: Assembly</p>	<p>Nevada Association of School Boards Breakfast 8:00AM - 1:00PM Location: Room 3100 Legislative Bldg.</p>	<p>Nevada Libraries Display 8:00AM - 5:00PM Location: Legislative Building Front Foyer</p>	<p>Developmental Disabilities Awareness Day at the Assembly 8:00AM - 3:00PM Location: Assembly</p>	
	<p>4-H Capitol Days - Displays 8:00AM - 3:00PM Location: Legislative Building Front Foyer</p>	<p>Developmental Disabilities Awareness Day - Day at the Assembly 8:00AM - 4:00PM Location: Assembly</p>	<p>Nevada Association of School Boards Display 8:00AM - 1:00PM Location: Legislative Building Front Foyer</p>	<p>Nevada Libraries Luncheon 11:30AM - 1:30PM Location: Room 3100 Legislative Bldg.</p>	<p>Developmental Disabilities Awareness Day - Luncheon 11:00AM - 1:00PM Location: Room 3100 Legislative Bldg.</p>	
	<p>Reducing the Burden of Cancer - Special Day 8:00AM - 3:00PM Location: Assembly</p>	<p>Problem Gambling Awareness Display 9:00AM - 3:00PM Location: Legislative Building Front Foyer</p>		<p>Nature in Nevada - Offsite Reception 5:30PM - 6:30PM Off-site Location: TBA</p>		
	<p>4-H Capitol Days - Luncheon 12:30PM - 2:00PM Location: Room 3100 Legislative Bldg.</p>	<p>Problem Gambling Awareness - Special Day 9:00AM - 3:00PM Location: Assembly</p>				

Sun	Mon	Tue	Wed	Thu	Fri	Sat
2	3	4	5	6	7	8
		Developmental Disabilities Awareness Day - Luncheon 12:00PM - 1:30PM Location: Room 3100 Legislative Bldg.				

MEMO TO: Mitch Dion, General Manager
FROM: Judy Brewer, Administrative & Human Resource Supervisor
SUBJECT: Management Report of December 2024

Rental Property (298 Kingsbury)

- Full occupancy
- Scheduling carpets in common areas to be cleaned in Spring
- One broken window in the front of building to be addressed at V's
- Resolving discrepancies with "receivables" for accounting From Tahoe Property Management
- Looking into eliminating Tahoe Property Management and providing services inhouse

General Information

- Document imaging project continues
- Onsite Shredding for records retention
- Researching outsourcing bill preparation and mailing
- Entered a service agreement with Summit Pest Control for rodent control at 160

Human Resources

- Employees Christmas Festivities will be held on 18th of December
- Active recruitment for Water Operator, Accounting Manager, Civil Engineer, and Seasonal positions. Nearly no interest or minimally qualified applicants
- Byran Moss is the acting Water Treatment/Distribution Lead Operator starting November 4, 2024, for three months
- NV Pers contribution increase 7/1/25:
Employee/Employer Contribution from 17.5% to 19.25%
Employer-Pay Contribution from 33.5% to 36.75%

SERVICE REQUEST (NOVEMBER 23 vs NOVEMBER 24)

Nov. 2023			Nov. 2024		
<u>REQUEST CODE:</u>	<u>COUNT:</u>	<u>AMOUNT:</u>	<u>REQUEST CODE:</u>	<u>COUNT:</u>	<u>AMOUNT:</u>
OFF/ON	2	100.00	OFF/ON	0	0.00
INSPECTION	11	0.00	INSPECTION	6	0.00
LEAK	1	50.00	LEAK	8	50.00
PROFILE	0	0.00	REPAIR	0	0.00
OFF	12	262.50	OFF	4	200.00
ESCROW	0	0.00	ESCROW	0	0.00
ON	3	150.00	ON	4	200.00
ONCALL	19	100.00	ONCALL	0	0.00
NEW	1	0.00	NEW	49	0.00
REREAD	0	0.00	REREAD	0	0.00
TAMPER	2	500.00	TAMPER	1	200.00
FROZEN	1	0.00	FROZEN	1	50.00
SEWER	0	0.00	SEWER	0	0.00
PROFILE	0	0.00	PROFILE	0	0.00

TOTAL	52	1162.50	TOTAL	72	700.00
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**HOURS WORKED COMPARISON
(November 2022-2023-2024)**



LIENS (October 2024)

111 Tramway Dr. A-10 \$ 1,761.67

County Tax roll collection:

759 Boulder Court #Q \$100,573.30

495 Tramway Drive, #12 \$99,894.28

Service Turned Off:

165 Irwin A&B \$51,467.33 Turned off in 2016

302 Griffin Court \$13,157.40 Turned off in 2021

MEMO TO: Mitch Dion, General Manager

FROM: Joe Esenarro, Utility Operations Superintendent

SUBJECT: Operations Report for the meeting of December 17, 2024

UTILITY OPERATIONS:

Comprehensive Maintenance Management System (CMMS) asset input continues, and configuration for the sequencing for reviews and assignments.

Empire Power Systems did annual maintenance on all generators throughout the district.

Crew cleaned up and re-arranged water piping and block wall in the yard preparing for Sprung Structure construction (April 2025)

Moved equipment and painted garage at 160 Pineridge Dr.

Replaced broken water valve cans throughout the district.

Maintenance on the pump control valve at Station 3 Pump 2.

Underground Service Alerts have been very steady committing at least one operator regularly.

Water production for the month was 11,676,000 gallons.

Jeff Wood and Jerron Pierson (Roads) have been cleaning drains and installing delineation throughout the district.

Installed flagpole at 160 Pineridge.

Connection permit inspections and reviews continue as the end of dig season rapidly approaches. Routinely, complements for Byran Moss are made. He is closing out old permits and has issued 3 new permits.

Jeff Wood and Jerron Pierson have been active with delineation throughout the district.

Mike Edwards was working with consultants to troubleshoot, repair and replace the hardware and software needed for remote access and monitoring of the treatment plant.

VEHICLES and EQUIPMENT:

Zac Goode performed maintenance the loader, backhoe, and skid steer.

Byran Moss started maintenance of small equipment routine.

Crews chained up all equipment for winter.

TRAINING:

All utility personnel attended the monthly safety meeting.

All water crew attended Pool pact safe and sober workplace training.

Mike Edwards and Blair Churchyard attended flagger training course and are now certified flaggers.

Blair Churchyard passed his backflow test and is now a certified tester.



MEMORANDUM

TO: Mitchell S. Dion, General Manager, Kingsbury GID
FROM: Travis Marshall, PE, Project Manager, DOWL
DATE: December 10, 2024
SUBJECT: Engineering Report for the Meeting of December 17, 2024

GENERAL

- Assisted with general service request items and general correspondence.
 - DOWL's Water Resources Manager is actively assisting with the Water Rights Renewal process. One Application completed in December with one more application due next month.

PROJECTS

Task Order #33: Tahoe Beach Club Management/Observation Services

- On-call construction observation will resume next summer.

Task Order #54: Sewer Master Plan

- Final Sewer Master Plan and Bypass memo submitted to General Manager. Bypass Memo discussions to continue through final deliverables.

Task Order #60: Survey Support for FY23 – FY 25 Water Main and Road Improvement Projects

- FY23: Andria and Barrett (West)
 - Tasks complete for design.
- FY24: Tramway and Tina
 - Tasks complete for design.
- FY25: Maryanne and Barrett
 - Tasks complete for design.

Task Order #61: FY23 Water Main and Road Improvement Project

- Final retention release payment to contractor withheld until Contractor provides DOWL lien releases from paving sub-contractor.
- DOWL continues to coordinate with Contractor and General Manager to receive final documentation and close out project.

Task Order #64: FY24 Water Main and Road Repair/Replacement Project:

- Work for the 2024 Construction Season for Tramway and Tina has been paused and will continue May 2025.

Task Order #65 – Ponderosa MHP Waterline Replacement Project

- DOWL continues to coordinate with the District to complete contractual requirements and Federal Funding Requirements.
- DOWL coordinating with Contractor to provide final closeout documentation and pay applications to be submitted to General Manager.
- Project Closeout to be completed December 2025 for Ponderosa MHP.

MEMORANDUM

Task Order #66 – 25-26 Water Replacement Project: Maryanne, Barrett, and Panorama

- Subsequent design deliverables and preliminary contract documents to be submitted to General Manager December.
- DOWL coordinating with General Manager on Project bidding and construction schedule.
- Replacement of approximately 8,900 LF of water main with ductile iron for Maryanne, Barrett, and Panorama. Minor streets include Carol Cir, Drew Ct, and Vista Dr.

Task Order #67 – 2025 Road Rehabilitation & Replacement Project

- DOWL incorporating General Manager input on project scope and will provide initial Contract Document deliverables in December.
- Preliminary Road CIP planning to consider future Water CIP and active construction projects in service area.
- Project includes full rehabilitation for Andria/N Benjamin, Tramway, Quaking Aspen, S Benjamin, and Terrace View. Other roadwork includes a district-wide crack repair, full section replacements, and Manhole/valve collar reconstruction.



Nevada Division of
STATE LANDS

RECEIVED

NOV 20 2024

STATE OF NEVADA
Department of Conservation & Natural Resources

Joe Lombardo, *Governor*
James A. Settelmeyer, *Director*
Charles Donohue, *Administrator*

November 18, 2024

Dear Neighbor,

Nevada Division of State Lands (NDSL) is responsible for the management of urban conservation area lots in your neighborhood. We have identified you as a neighboring landowner to one of these conservation areas and wanted to provide you with a management update.

NDSL manages 476 parcels in the urban environment as part of the Lake Tahoe Urban Lot Management Program. Maintaining healthy vigorous forests that are less susceptible to bark beetle infestation, reducing wildfire fuel loading, preserving suitable wildlife habitat, and managing for erosion control and water quality are the core elements of NDSL's management strategy. A wildfire fuels reduction plan is in place to thin vegetation on the lots we manage and reduce the risk of wildfire in your neighborhood.

NDSL manages urban lots on a rotating annual schedule which includes thinning projects that result in wood material that is piled and prepared for prescribed burning activities. These piles are required to cure for a minimum of two years to ensure complete consumption of the fuels and to reduce the smoke impact in your neighborhood.

Pile burning is being coordinated with your fire protection district and is anticipated to be completed over the next couple of months. All prescribed fire activities are dependent on the availability of personnel, weather forecasts, fuel moisture levels and conditions that minimize smoke impacts.

Attached is a list of NDSL Conservation Areas that are scheduled for pile burning during the upcoming season. To locate a map of the Urban Lots, please visit <https://lands.nv.gov/gis-mapping-data> and select the State Lands Web Map. In the upper right corner is a search bar and you can input the assessor parcel number associated with your property to locate it on the map.

If you have any questions regarding pile burning, conservation area management, hazard trees, or have general questions, please contact NDSL Forester Brent Moore. Brent can be contacted at 775-684-2743 or bemoore@lands.nv.gov.

Sincerely,

Kevin Fromherz
Program Manager
Nevada Tahoe Resource Team

2024 NDSL Burn Piles Douglas

Address	APN	Lot Title	NDSL #
Behind Tahoe Glen HOA	1418-34-101-005	Pickett	500
End of Bigler Ct	1319-19-713-001	DeWaal	462
Bigler Ct	1319-19-714-024	Needham	464
End of Jack Cr	1319-30-110-003	Bratene	467
694 Amy Ct	1319-19-411-001	Pearson	455
Jack Dr	1319-19-411-022	Krueger (Roberts)	456
189 Beverly Rd	1319-19-410-002	Kearns	453
196 Beverly Rd	1319-19-410-010	Vitale	454
Between N. Benjamin and Aspen Wy	1319-19-113-024	Kelly	450
Behind Andria Dr	1319-19-110-001	B&C Builders Supply	448
312 Barton Dr	1319-18-414-005	Megargee	447
Barrett Dr	1319-18-312-026	Gorman	441
402 Barrett Dr	1319-18-312-036	Costantino	443
Barrett Dr	1319-18-312-044	Barnett	444
Barrett Dr	1319-18-312-030	Newton	442
448 Barrett Dr	1319-18-410-008	Henry	445
442 Vista Dr	1318-25-111-013	Burnett	418
1317 Cave Rock Rd	1418-27-810-048	Rosato	494
1335 Winding Wy	1418-27-810-044	Gentile	493
Winding Way	1418-27-810-014	Shweizer	489
307 Pheasant Ln	1418-27-812-009	Martin	499
311 Pheasant Ln	1418-27-812-008	Martin	498
310 Gull Ct	1418-27-810-031	Moore	491
312 Gull Ct	1418-27-810-032	Moore	492
318 Pheasant Ln	1418-27-812-004	Cave Rock Estates	496
Corner of Pheasant and Winding Wy	1418-27-810-028	Ohannesian	490
289 Robin Cr	1418-27-810-006	Forni Trust	487
287 Robin Cr	1418-27-810-007	Litov	488
290 Robin Cr	1418-27-811-007	Meason	495
279 Lark Cr	1418-27-710-002	Ohannesian	479
408 Kingsbury Grade	1318-24-401-002	Cernusco	410
421 Kingsbury Grade	1318-24-404-008	Scharruhn/Schultz	411

Retirement Board

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Executive Officer

Kabrina Feser
Operations Officer

Steve Edmundson
Chief Investment
Officer

Memorandum

To: Public Employers
From: Kabrina Feser, Operations Officer
Date: December 2, 2024
Re: Retirement Contribution Rates – Guidelines for Implementing Changes
in Rate of Retirement Contributions Beginning July 1, 2025

At its November 21, 2024, meeting, the Retirement Board approved the June 30, 2024, actuarial valuation report submitted by the System’s actuary. The report reflects the actuarially determined contribution rates needed to fund the System on an actuarial reserve basis for both Employer-pay (EPC) and Employee/Employer contribution plans.

Contribution rates for Regular and Police/Fire members contributing under the EPC and Employee/Employer plans are scheduled to increase. There will also be an increase in the rate for Volunteer Fire members. All rate changes are effective with the first monthly retirement reporting period beginning on or after July 1, 2025. Each employer will receive a detailed letter explaining the specific date and contribution report to begin the rates for each employee group.

The contribution rates for Regular members under the EPC plan will increase from **33.50%** to **36.75%** and the contribution rate for Regular members under the Employee/Employer plan will increase from **17.5%** to **19.25%**. The contribution rates for Police/Fire members under the EPC plan will increase from **50.00%** to **58.75%** and the contribution rate for Police/Fire members under the Employee/Employer plan will increase from **25.75%** to **30.00%**. The guidelines listed on the following pages should be used to implement the contribution rate changes and for the adjustment to your EPC compensation schedules. A certification form will be sent to each public employer to document the method in which their EPC compensation schedules are adjusted.

Contribution Rate Changes – Employee/Employer Contribution Plan

Regular Members – Increase contribution rate to 19.25%

Police/Fire Members – Increase contribution rate to 30.00%

Contribution Rate Changes – Employer-Pay Contribution (EPC) Plan

Regular Members – Increase contribution rate to 36.75%

Police/Fire Members – Increase contribution rate to 58.75%

Volunteer Fire Members – Increase contribution rate to 38.50%

EPC Compensation Schedule Adjustments

If on the effective date of the contribution rate increase:

1. Regular members are not receiving a pay increase, your current EPC compensation schedule should be reduced by **1.625%**. The member in this case is paying his portion of the rate increase by salary reduction.
2. Regular members are scheduled to receive a pay increase of **1.625%**, this will offset the increase in the contribution rate. The member in this case is paying his portion of the rate increase in lieu of an equivalent pay increase.
3. Regular members are receiving a pay increase greater than **1.625%**.
 - (a) First, raise your current EPC compensation schedule by the percentage or dollar amount of the pay increase, and then,
 - (b) Reduce the schedule by **1.625%**.

The member in this case is paying his portion of the rate increase by salary reduction.

If on the effective date of the contribution rate increase:

1. Police/Fire members are not receiving a pay increase, your current EPC compensation schedule should be reduced by **4.375%**. The member in this case is paying his portion of the rate increase by salary reduction.
2. Police/Fire members are scheduled to receive a pay increase of **4.375%**, this will offset the increase in the contribution rate. The member in this case is paying his portion of the rate increase in lieu of an equivalent pay increase.

3. Police/Fire members are receiving a pay increase greater than **4.375%**.
 - (a) First, raise your current EPC compensation schedule by the percentage or dollar amount of the pay increase, and then,
 - (b) Reduce the schedule by **4.375%**.

The member in this case is paying his portion of the rate increase by salary reduction.

Please direct any questions you may have regarding the changes to the rates of contributions or adjustments to your EPC compensation schedule to Charyl Lacombe, Administrative Analyst at (775) 687-4200 extension 228 or Walter Zeron, Director of Communications and Employer Services at (775) 687-4200 extension 470.

Municipal Securities Rulemaking Board Rule G-10 Disclosure

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