

**The Colorado River Commission of Nevada (Commission) meeting was held at 1:30 p.m. on Tuesday, September 10, 2024, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, NV 89155.**

**COMMISSIONERS IN ATTENDANCE**

Chairwoman	Puoy K. Premsrirut
Vice Chairwoman	Kara J. Kelley
Commissioner	Marilyn Kirkpatrick
Commissioner	Allen J. Puliz
Commissioner	Dan H. Stewart
Commissioner	Steve Walton

**COMMISSIONERS PRESENT VIA TELECONFERENCE**

Commissioner	Cody Winterton
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**DEPUTY ATTORNEY(S) GENERAL**

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

**COMMISSION STAFF IN ATTENDANCE**

Executive Director	Eric Witkoski
Senior Assistant Director	Sara Price
Chief of Finance and Administration	Douglas N. Beatty
Assistant Director, Energy Information Systems	Kaleb Hall
Assistant Director, Engineering and Operations	Shae Pelkowski
Assistant Director, Hydropower	Gail Bates
Assistant Director, Natural Resources	Warren Turkett, Ph.D.
Hydropower Program Manager	Craig Pyper
Chief Accountant	Gail L. Benton
Senior Energy Accountant	Hyelim Hong
Senior Energy Accountant	Andrew Weart
Natural Resource Specialist	Danielle E. Greene
System Coordinator	Chris Smith
IT Application Specialist	John Sagmani
Executive Assistant Manager	Gina L. Goodman
Office Manager	Noah Fischel
Administrative Assistant III	Tamisha Randolph
Administrative Assistant II	Joshua Cleveland

**OTHERS PRESENT: REPRESENTING**

City of North Las Vegas  
Kupfersmid & Company LLC  
Legislative Counsel Bureau  
Overton Power District No. 5  
Self  
Southern Nevada Water District  
Water Fairness Coalition Inc.

Joemel Llamado  
Jason Kupfersmid  
Justin Luna  
Johnathan Denninghoff  
Shawn Mollus  
Annalise Porter  
Laura McSwain

**COLORADO RIVER COMMISSION OF NEVADA**

**MEETING OF**

**SEPTEMBER 10, 2024**

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The Colorado River Commission of Nevada (Commission) meeting was called to order by Chairwoman Premsrirut at 1:30 p.m., followed by the pledge of allegiance.

**A. Conformance to Open Meeting Law.**

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

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

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

**C. For Possible Action: Approval of the minutes of the August 13, 2024, meeting.**

Commissioner Puliz moved for approval the minutes of the August 13, 2024, meeting. The motion was seconded by Vice Chairwoman Kelley and approved by those present.

**D. For Possible Action: Consideration of and possible action to approve Contract No. 24-DSR-13350 between Colorado River Commission of Nevada and United States, Department of Energy, Western Area Power Administration (WAPA) for Firm Transmission Service Arrangements for the period of October 1, 2024, to September 30, 2057.**

Commissioner Kirkpatrick was present for this agenda item.

In Agenda Item D, Mr. Witkoski introduced Contract No. 24-DSR-13350 for approval. The contract is between the Colorado River Commission of Nevada (Commission) and the United States Department of Energy, Western Area Power Administration (WAPA), for firm transmission service arrangements from October 1, 2024, to September 30, 2057. Although items E, F, and G are related, he clarified that Item D would be discussed separately.

Ms. Bates provided the background. She explained that Commission has a small allocation of hydropower from the Salt Lake City Area Integrated Projects, with the delivery point at Pinnacle Peak Substation in Arizona, while Commission's customers are in Southern Nevada. Therefore, a transmission agreement with WAPA is necessary to deliver power from Pinnacle Peak to the Mead Substation near Boulder City. Under the current contract, the power and transmission services are bundled, but in 2019, Commission agreed to separate contracts for resource and transmission, as preferred by WAPA.

Ms. Bates noted that the new transmission contract with WAPA's Desert Southwest Region will maintain the same rate Commission currently pays under the Parker Davis

rate. She requested that the Commission authorize Mr. Witkoski to enter into this new contract.

Commissioner Puliz questioned the length of the 32-year contract, to which Ms. Bates explained that the renewal process began earlier, making it effectively a 40-year contract that will begin in October 2024.

After further discussion, a motion to approve was made by Commissioner Stewart and seconded by Commissioner Kirkpatrick. The motion was approved unanimously.

**E. *For Possible Action: Consideration of and possible action to approve Amendment No. 1 to Contract No. P14-SLCESC between the Colorado River Commission of Nevada and the City of Boulder City, Nevada for the Sale of Electric Power from the Salt Lake City Area Integrated Projects from October 1, 2024, through September 30, 2057.***

**F. *For Possible Action: Consideration of and possible action to approve Amendment No. 1 to Contract No. P06-SLCESC between the Colorado River Commission of Nevada and Overton Power District No. 5, for the Sale of Electric Power from the Salt Lake City Area Integrated Projects from October 1, 2024, through September 30, 2057.***

**G. *For Possible Action: Consideration of and possible action to approve Amendment No. 1 to Contract No. P08-SLCESC between the Colorado River Commission of Nevada and Valley Electric Association, Inc., for the Sale of Electric Power from the Salt Lake City Area Integrated Projects from October 1, 2024, through September 30, 2057.***

In Agenda Items E, F, and G, Mr. Witkoski explained that these items are related to Item D and share similar contractual terms. As such, they would be discussed together. Each item involved amendments to contracts between the Colorado River Commission of Nevada (Commission) and various entities for the sale of electric power from the Salt Lake City Area Integrated Projects from October 1, 2024, through September 30, 2057. The entities involved were the City of Boulder City (Item E), Overton Power District No. 5 (Item F), and Valley Electric Association, Inc. (Item G).

Ms. Bates provided the background. In 2019, when the Commission renewed the federal Salt Lake City Area Integrated Projects (SLCAIP) contract, parallel agreements were negotiated with the three contractors: Boulder City, Overton Power District, and Valley Electric Association. These agreements initially required the customers to enter a transmission contract with Commission to pass through the federal charges outlined in the contracts. Upon review, it was determined that separate transmission agreements were unnecessary, and Commission could simply pass through the charges under the existing contracts, as they do currently.

To address this issue Staff proposed a simple amendment to the SLCAIP contracts. This amendment removes the requirement for a separate transmission agreement and clarifies the ability to pass through the charges. Ms. Bates noted that the customers had verbally agreed to the amendment, but formal approval from their respective boards was still

pending. She requested that the Commission conditionally approve the amendments, subject to the customers' formal approval.

After some clarification from Ms. Bates and Mr. Witkoski regarding the conditional approval process, Commissioner Walton moved to approve the amendments, with the condition that the respective councils and boards also approve. The motion was seconded by Commissioner Kirkpatrick and approved unanimously.

**H. *For Possible Action: Consideration of and possible action to approve a contract between the Colorado River Commission of Nevada and Kupfersmid & Company LLC for specialized utility accounting services in an amount not to exceed \$60,000 for a two-year term.***

In Agenda Item H, Mr. Witkoski introduced the proposed contract between the Colorado River Commission of Nevada (Commission) and Kupfersmid & Company LLC for specialized utility accounting services, not to exceed \$60,000 for a two-year term. He mentioned that the need for these services had been under consideration for some time and asked Ms. Bates to provide further details.

Ms. Bates explained that the Commission's billing process is highly detailed, with each federal charge broken down for customers. The Commission has been considering ways to simplify the billing structure while ensuring it meets customers' needs. The contract would provide expertise in evaluating whether alternative billing structures could work, considering various implications like cash flow and customer preferences.

Commissioner Kirkpatrick expressed concerns about aligning any changes with audit requirements, referencing past audits where differences in billing methods caused issues. She suggested reaching out to the Commission's auditors to ensure alignment and avoid future problems. Mr. Beatty, Commission's Chief of Finance & Administration, agreed with this suggestion, noting that their current auditor, Moss Adams, specializes in utility audits. He committed to involve them in the process.

Mr. Witkoski affirmed that any changes would be vetted with the auditors, customers, and stakeholders before implementation. Ms. Bates clarified that the consultant would only improve the billing system and the Commission would continue managing its own billing.

Following this discussion, Commissioner Puliz moved to approve the contract, seconded by Commissioner Kelley. The motion was approved unanimously.

**I. *For Possible Action: Consideration of and possible action to appoint Eric Witkoski as a Board Member from the Colorado River Commission of Nevada to serve on the Silver State Energy Association (SSEA) Board of Directors and approve Eric Witkoski to serve, if selected by the SSEA board, as its chairman; or alternatively appoint another person to fulfill the role.***

In Agenda Item I, Mr. Witkoski informed the Commission that discussions earlier in the day led to the decision to table the item. The item, which involved the appointment of Mr. Witkoski or another person as a Board Member from the Colorado River Commission of

Nevada to the Silver State Energy Association (SSEA) Board of Directors, as well as his potential selection as SSEA chairman, was deferred to a future meeting.

Chairwoman Premsrirut confirmed that the item was pulled from the agenda and would be revisited at the next meeting.

<b>J.     <i>For Information Only: Update on budget submitted for the FY 2026 and FY 2027 Legislative session and update on audit by Legislative Auditor for period of January 1, 2021, through December 31, 2022.</i></b>
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In Agenda Item J, Mr. Witkoski introduced an informational update on the budget submitted for the fiscal years 2026 and 2027, as well as an audit conducted by the Legislative Auditor for the period of January 1, 2021, through December 31, 2022. He first invited Mr. Beatty to provide an update on the budget.

Mr. Beatty reported that the budget was submitted on time, including new positions and authorizations for ongoing projects. The process is now moving to the Governor's Finance Office for review, with feedback expected over the next few months. The Governor's final budget will be submitted during the legislative session.

Mr. Witkoski then provided an update on the Legislative Counsel Bureau (LCB) audit, which had just been made public. The audit raised concerns about water accounting personnel, which the Commission has already addressed by assigning responsibilities to Mr. Turkett and hiring additional staff. During the audit period, the Commission's power delivery group did not meet certain aspirational record keeping compliance goals due to challenges posed by the COVID-19 pandemic.

Chairwoman Premsrirut acknowledged the challenges posed by the pandemic and appreciated the explanation. Commissioner Kirkpatrick inquired about the audit process, questioning whether legislators had considered the operational context during the pandemic. Mr. Witkoski clarified that the Commission had filed a response to the audit highlighting the operational context.

Commissioner Kirkpatrick stressed the importance of maintaining a complete record of these explanations to avoid potential misunderstandings during future budget evaluations.

The discussion concluded without further questions or comments.

<b>K.     <i>For Information Only: Update on pending legal matters, including Federal Energy Regulatory Commission, Public Utilities Commission of Nevada filings and Federal Legislation</i></b>
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In Agenda Item K, Mr. Witkoski provided an update on pending legal matters, focusing on federal legislation. He informed the Commission that there were no new updates on legal cases, but he provided details on the progress of the Hoover Dam Act. The Act passed through the House committee in May and June and was scheduled to be heard by the



Senate's Water and Power Subcommittee the following day. Mr. Witkoski expressed hope that the bill might be attached to an omnibus package by the end of the year.

There were no questions or comments from the Commission on this item.

<p><b>L.     <i>For Information Only:</i>   Status update from Staff on the hydrological conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, basin negotiations, impacts on hydropower generation, electrical construction activities and other developments on the Colorado River.</b></p>
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In Agenda Item L, Mr. Witkoski introduced an update on the hydrological conditions, drought, and climate of the Colorado River Basin, as well as developments impacting Nevada's consumptive use of Colorado River water and hydropower generation. He invited Mr. Turkett to provide a detailed hydrology report.

Mr. Turkett began with an update on precipitation and temperature in the Upper Basin, noting that August saw 167% of average precipitation, bringing the cumulative total for the water year to 104% of average. Despite this, the runoff forecast remains at 8.1-million-acre feet, only 84% of the average, due to unusually high temperatures affecting runoff. However, the good precipitation provides better conditions for the upcoming water year, beginning in October 2024.

He continued with an overview of the August 24-month study results from the Bureau of Reclamation. Lake Powell's operating criteria will be in the mid-elevation release tier, with 7.48-million-acre feet of water to be released in 2025. Lake Mead's elevation is projected between 1075 and 1050 feet, resulting in a Tier 1 shortage. This situation mirrors the current year's operating criteria, with Nevada facing a 21,000-acre foot reduction.

Mr. Turkett also discussed the projections for Lake Powell and Lake Mead elevations, highlighting uncertainty due to future precipitation and temperature conditions. He noted that Nevada's consumptive use of Colorado River water through July was down 13% compared to the three-year average, thanks to ongoing conservation efforts.

Commissioners Walton and Puliz asked questions about the runoff statistics and whether evaporation losses, particularly in California, would be addressed in future water agreements. Mr. Turkett and Ms. Price, Senior Assistant Director, explained that evaporation is a significant issue and is under consideration in ongoing post-2026 negotiations regarding the Colorado River.

Ms. Price also provided an update on federal legislation related to the Multi-Species Conservation Program (MSCP), which would allow non-federal contributions to be placed in an interest-bearing account, benefiting environmental programs. This legislation will be heard alongside the Hoover Dam Act in the Senate.

The discussion concluded without further questions or comments.

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

Chairwoman Premsrirut asked if there were any comments from any member of the public present in the Chamber or any member of the public participating remotely that wish to address the Commission. There were none.

**N. *Comments and questions from the Commission members.***


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

**O. *Selection of the next possible meeting date*** .

The next meeting is tentatively scheduled for 1:30 p.m. on October 8, 2024, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada 89155.

**P. *Adjournment*** .

The meeting was adjourned at 2:10 p.m.

  
Eric Witkoski, Executive Director

APPROVED:

  
Puoy K. Premsrirut, Chairwoman