

## RESOLUTION

A RESOLUTION APPROVING A CHANGE TO THE VOTING STRUCTURE OF THE BOARD OF DIRECTORS OF THE TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY, AND URGING THE AUTHORITY TO EXPEND FUNDS AND TAKE ACTIONS TO ASSURE THAT AN ENVIRONMENTAL IMPACT STATEMENT FOR THE TRUCKEE RIVER FLOOD MANAGEMENT PROJECT IS COMPLETED AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, in 2011 the City of Sparks, Washoe County, and the City of Reno created a joint powers authority through an Interlocal cooperative agreement and thereby formed the Truckee Meadows Flood Management Authority to continue the Truckee River Flood Project (the "Project");

WHEREAS, the Project will prevent the loss of life and property; prevent the disruption of commerce, transportation, communication and essential services which have adverse economic impacts; prevent the waste of water resulting from floods; provide for the conservation, development, use and disposal of water and improved quality of water; provide for ecosystem restoration and enhanced recreational facilities; provide for the safeguarding of the public health; and create jobs for citizens of the region;

WHEREAS, the Truckee River Flood Management Authority ("Authority") is governed by the Truckee River Flood Management Authority Board of Directors ("Authority Board") which is comprised of 2 directors from each of the 3 governing boards for a total of 6 directors ;

WHEREAS, the interlocal cooperative agreement provides that Authority Board must act by unanimous approval of the directors present on all matters including entering into agreements, adoption of plans and appointing officers;

WHEREAS, the executive director of the Authority is to be appointed by and serves at the pleasure of the Authority Board and is to be given powers and responsibilities by the Authority Board to act on behalf of the joint powers authority to administer the Project,

WHEREAS, for many years the City of Sparks and other local governments and most recently the Authority have been working to obtain approvals of U.S. Army Corps of Engineers

(the “Corps”) that are necessary to obtain permits to perform work within the Truckee River and to partner with the federal government in the job of funding, designing, approving, permitting and commencing the Project and those permits and approvals include an Environmental Impact Statement (“EIS”) being prepared in connection with the General Reevaluation Report and a draft Chief’s Report;

WHEREAS, since its formation in early 2011 the Authority board has failed to obtain unanimous approval of directors and therefore effectively failed to act on several important matters including: selection of a chairman of the Authority Board, appointment of an executive director, the approval of contracts with consultants to assist in federal approvals and funding, and other matters;

WHEREAS, in the absence of an executive director authorized to act for the Authority, in the absence of a chief financial officer or treasurer of the Authority authorized to spend money on behalf of the Authority, in the absence of a properly approved budget, in the absence of a properly approved capital improvement plan, and given the inability to implement governmentally sound internal controls and oversight of expenditure of public funds, Washoe County is effectively prevented by its statutory and fiduciary duties from transferring the 377B Tax and other assets to the Authority;

WHEREAS, the absence of a director and the inability of the Authority Board to act are impediments to coordination of efforts with the Corps and is jeopardizing progress on the obtaining of permits including the EIS and critical federal funding;

WHEREAS, the unanimous voting requirement of the Authority board may have been envisioned to force consensus and compromise on the board of directors but has become an insurmountable obstacle to the Authority Board’s ability to make decisions to manage the Project and an impairment to the credibility of the Authority with federal partners and funding providers; and

WHEREAS, eliminating the unanimous voting requirement of the Authority board will

position the Authority Board' s to make decisions in a manner consistent with many other local and regional governing boards and still allow for representation by all the member agencies;

NOW THEREFORE be it hereby resolved by the City of Sparks City Council as follows:

1. The City of Sparks approval is hereby given to an amendment to the 2011 Interlocal cooperative agreement establishing the Authority to change the voting structure of the board of directors of the Authority to read substantially as set forth in Attachment A hereto.

2. That the City of Reno is respectfully requested and urged to act to change the voting structure of the Board of Directors of the Authority to read substantially as set forth in Attachment A hereto (with the Washoe County Board of County Commissioners having already considered and passed the amendment).

3. That the Board of Directors of the Truckee River Flood Management Authority is urged in its discretion to take all necessary actions to cause the completion of the Environmental Impact Statement being prepared in connection with the General Reevaluation Report and draft Chief's Report being prepared by the United States Army Corps of Engineers in connection with the Truckee River Flood Management Project.

PASSED and ADOPTED on the \_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Geno R. Martini, Mayor

ATTESTED:

APPROVED TO FORM:

By: \_\_\_\_\_

By: \_\_\_\_\_

Linda K. Patterson, City Clerk

CITY ATTORNEY

STATE OF NEVADA )

§ Acknowledgement in representative capacity

COUNTY OF WASHOE )

(NRS 240.1665)

This instrument was acknowledged before me on \_\_\_\_\_ by  
Geno Martini as Mayor and Linda K. Patterson as City Clerk of the City of Sparks, Nevada

\_\_\_\_\_  
Notary Public