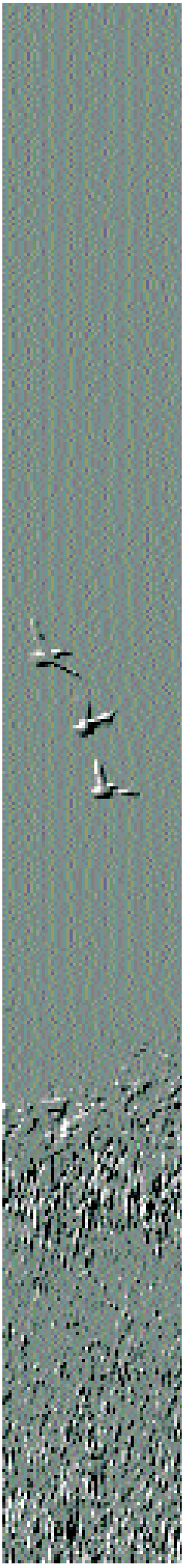


Chapter 12
Jurisdictional & Regulatory Study Team

Objective

"What jurisdictional or regulatory framework is needed to implement the Comprehensive Adaptive Management Plan?"

Introduction

There are a number of different planning and regulatory entities in the Las Vegas Valley (Valley) having various authorities. In fact, no one agency has complete oversight or is responsible for planning and management of the Las Vegas Wash (Wash). For example, Clark County is responsible for Valley-wide water quality management planning, implementation of the Wetlands Park Master Plan and local land use planning. The Clark County Regional Flood Control District is responsible for flood control master planning, and the cities and county are responsible for land use planning throughout the Valley, including the Wash.

To understand and develop recommendations regarding the jurisdictional and regulatory issues and their effects on long-term management of the Wash, the Las Vegas Wash Coordination Committee established the Jurisdictional & Regulatory Study Team (Team).

The Process

The Team's primary purpose was to identify planning and regulatory entities involved with management of the Wash, determine their authority and responsibilities, and recommend jurisdictional options that support implementation of the Las Vegas Wash Comprehensive Adaptive Management Plan. To achieve their objective, the Team first identified two goals to accomplish throughout the process:

Goal One - Identify regulatory requirements and jurisdictional responsibilities.

Goal Two - Recommend organizational options to ensure administration and implementation of the comprehensive adaptive management plan.

The Team met monthly for nine months to determine potential regulatory or jurisdictional issues that may arise during development and implementation of the comprehensive adaptive management plan. Agency charters, legislative and statutory limitations, and governing bodies were discussed and analyzed throughout the process.

Background

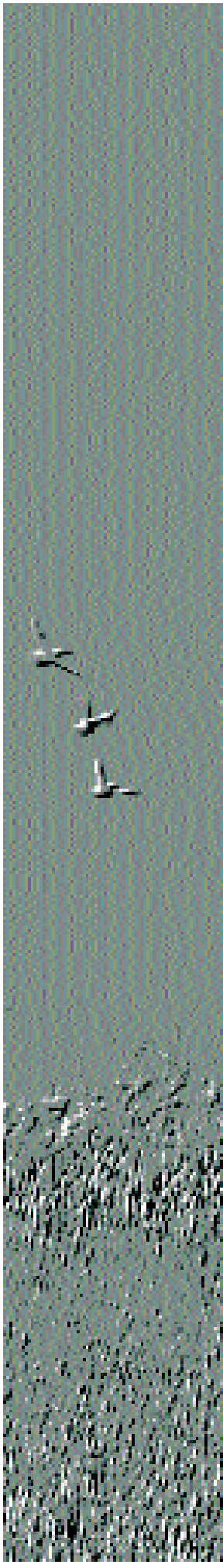
Current Jurisdictional & Regulatory Environment

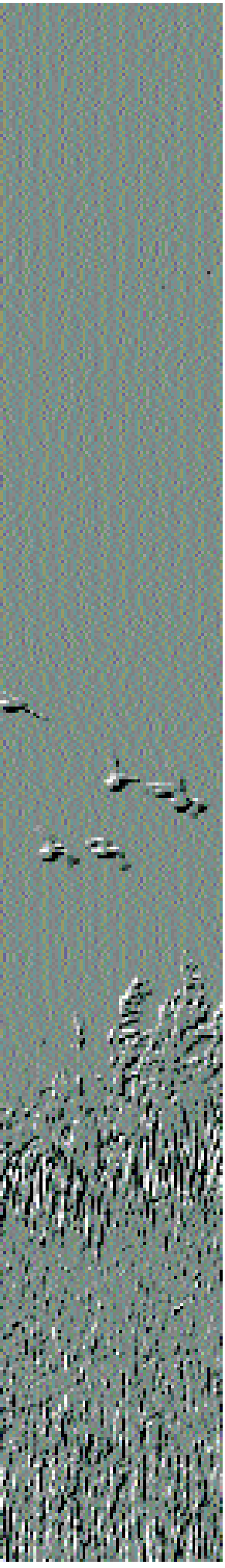
Each local city or county government, district or authority operates within its charter as directed by state legislation. Furthermore, each city and Clark County is responsible for planning and zoning, public works, parks and many other programs within its corporate boundaries. Clark County's jurisdictional authority is granted through Nevada Revised Statutes (NRS), and cities in the Valley have authority under their charters to enact codes or ordinances not in conflict with state law or Clark County codes.

In attempting to identify the optimal organizational framework for implementation of the comprehensive adaptive management plan, the Jurisdictional & Regulatory Study Team went through a series of analyses that focused on such items as the regulatory environment and the responsibilities of existing stakeholder agencies. One part of this review focused on understanding each entities' planning and jurisdictional responsibilities. Table 12.1 identifies each agency's planning and jurisdictional responsibilities. The Team also reviewed two jurisdictional methods utilized by local entities: special legislation districts and joint powers agreements.

Special Legislation District

Special Legislation Districts are allowed under Nevada Revised Statute and have specific service boundaries. Their charters or authority are directly related to a specific task or program and a decision-making board generally has oversight. One example is the Clark County Regional Flood Control District (CCRFCD). The CCRFCD is responsible for flood control planning and implementation on a county-wide basis. The cities' and county's public works departments coordinate with flood control facility maintenance.





Joint Powers Agreement

Joint Powers Agreements have proven to be an effective tool for management of specific programs in the southern Nevada area. The Southern Nevada Water Authority (SNWA) was formed as the result of a joint powers agreement among seven agencies as an interagency effort to maintain existing water resources from a quality and quantity perspective and explore options for new resources.

The Team also identified other regulatory considerations, including the National Environmental Protection Act, the Southern Nevada Public Lands Management Act, the Clean Water Action Plan and the Safe Drinking Water Act Source Water Assessment Program.

LAS VEGAS VALLEY AGENCY
PLANNING AND JURISDICTIONAL RESPONSIBILITES

Agency	Environmental & Natural Resource Planning	Land Use Planning & Zoning	Flood Control	Drinking Water Supply Treatment & Distribution	Reclamation & Reuse	Wastewater Conveyance System & Facility	Issuance of NPDES Permits	Regional Transportation Planning
Clark County	X	X			X			
City of Henderson		X		X	X	X		
City of Las Vegas		X			X	X		
City of North Las Vegas		X		X				
Clark County Regional Flood Control District			X					
Southern Nevada Water Authority				X				
Clark County Transportation Commission								X
Conservation District of Southern Nevada	X							
Clark County Sanitation District					X	X		
Nevada Div. Environmental Protection	X						X	

Table 12.1 - Las Vegas Valley agency planning responsibilities.

Management Options & Selection Criteria

As a place to begin, a list of all existing and potential management options was created. This resulted in a total of 19 options, listed below.

Existing Management Options

- City of North Las Vegas
- City of Las Vegas
- City of Henderson
- Clark County
- Southern Nevada Water Authority
- Clark County Regional Flood Control District
- Conservation District of Southern Nevada
- Clark County Sanitation District
- Status Quo (Coordination Committee continues)
- Sewage & Wastewater Advisory Committee
- Regional Planning Coalition

Potential Management Options

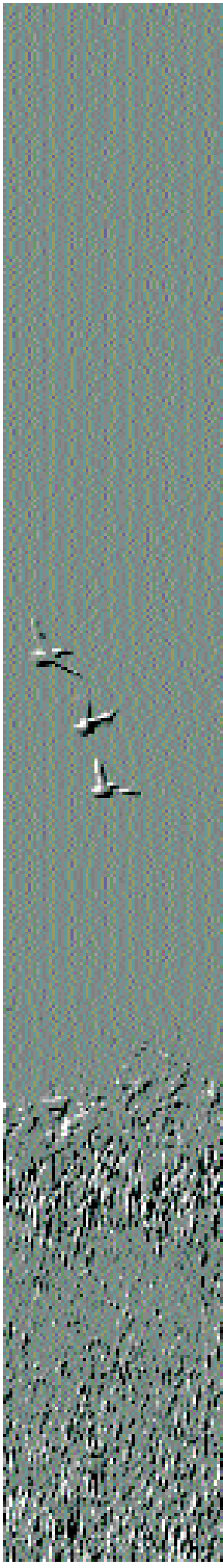
- Nevada Revised Statute 318 (General Improvement District)
- Privatization
- Quasi-Privatization
- Appointed Board
- Joint Powers Authority
- Non-Profit Foundation
- Special Improvement District
- Special Legislation District

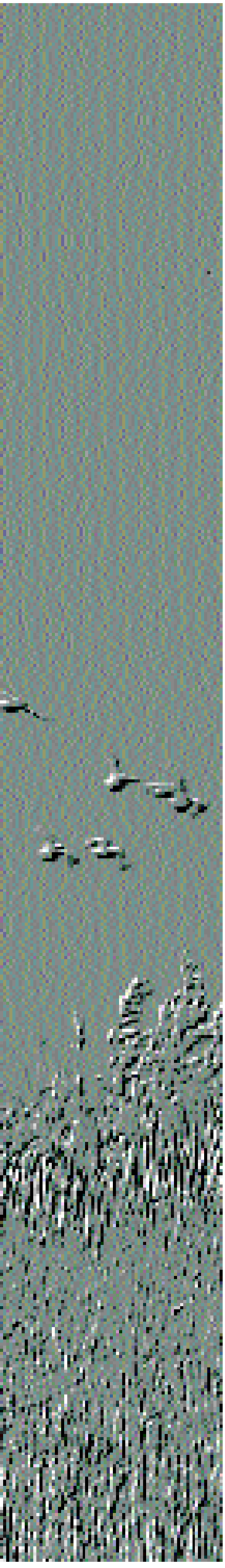
At this point, management options were reviewed according to various "selection criteria" identified by the Team (Table 12.2). Selection criteria includes items such as flexibility, financing, accountability, public perception, authority and feasibility. Once reviewed, the 19 management options were then reviewed and narrowed down to a list of nine, which were further analyzed by the Team.

Determinations

Before further discussion on the individual options, the Team decided to develop a list of determinations, items to assist them in their final recommendations and action items. They determined that:

- Status quo will not effectively address the implementation of the management plan.
- The comprehensive adaptive management plan is dynamic and will provide the framework for implementation.





SELECTION CRITERIA	DEFINITION
Length of Time	Actual time needed for implementation or development of entity, once a management option is chosen.
Flexibility	Ability to change or revise authority to meet management needs, when necessary.
Financing	Ability to obtain or access funds, and presence of flexible funding mechanisms.
Accountability	Presence of mechanism to provide means to report to public and stakeholders.
Public Perception	Favorable response by the public.
Authority	Existing legal authority that allows for oversight, or ability to obtain required authority.
Implementability	Ability to implement the Comprehensive Adaptive Management Plan.
Current Capabilities	Resources available (e.g. operations, maintenance, technical, interagency representation) to support existing capabilities of skill sets, and equipment for ongoing support; or Mechanism available to provide for interagency decision making.
Feasibility	Does the project meet the guidelines of the management option?

Table 12.2 - Selection criteria and definitions.

- The Las Vegas Wash and Clark County Wetlands Park jurisdictional and regulatory boundaries are overlapping.
- The Southern Nevada Strategic Planning Authority recommends inter-local agreements be employed for regional issues.

Developing the list of determinations led the Team to conclude that implementation of the comprehensive adaptive management plan should be conducted by a local oversight body. By administering the plan's implementation from within the local community, the process ensures accountability at the most basic level. Local control also allows for more responsive and informed decision-making. For this reason, the study team decided that implementation needed to be handled by one oversight body, locally based, which would also be tasked with continued management of the plan.

The Team believed "keeping it local" was consistent with the structure and philosophy of the Lake Mead Water Quality Forum, the Water Quality Citizens Advisory Committee, the Southern Nevada Strategic Planning Authority and other recent efforts involving complex planning and environmental issues. An emphasis on locally controlled implementation is also consistent with trends in watershed management taking place throughout the United States, where the goal is to bridge federal, state and local responsibilities and involve all affected stakeholders in comprehensive solutions.

After considering the candidate agencies and candidate models in conjunction with the preference for local control, the study team narrowed its focus

to two possibilities available for implementation of the comprehensive adaptive management plan. These two possible models include:

- Establish a new joint powers authority
- Use of an Interlocal Agreement

1: Establish a new joint powers authority

The Jurisdictional & Regulatory Study Team considered the option of using an existing local agency for several reasons. First, there are several existing agencies in the Las Vegas Valley with the staffing, expertise, support infrastructure or scope of activities already in place to tackle many of the challenges of implementation. The study team identified Clark County, the Clark County Regional Flood Control District, the SNWA, the Conservation District of Southern Nevada and the Clark County Sanitation District as the foremost candidates in this area. The study team considered limiting factors for each of the candidates, but still concluded that use of an existing agency (or agencies) was feasible.

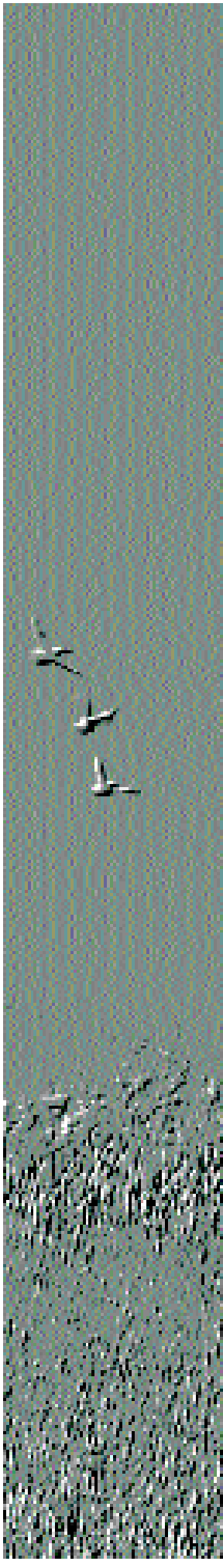
2: Use of an Interlocal Agreement

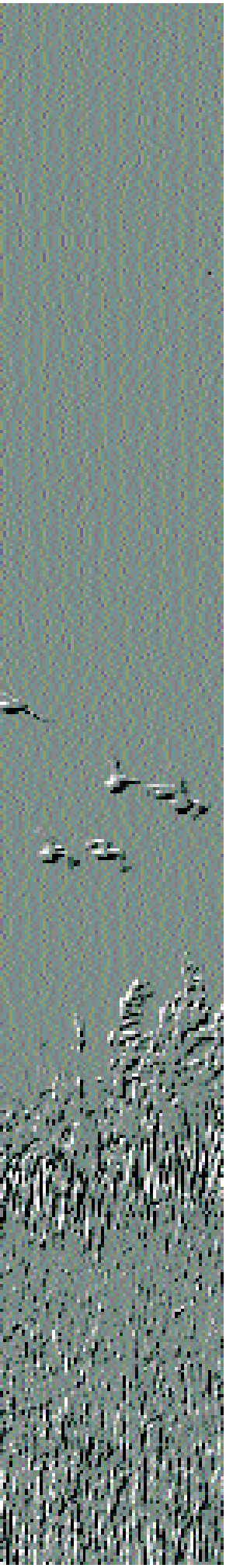
The Southern Nevada Strategic Planning Authority (SNSPA), a study group established by the Nevada Legislature in 1997, spent 18 months exploring issues related to regional growth and infrastructure in southern Nevada. In the course of that process, which involved dozens of local entities and citizens, a recommendation was made that local entities use interlocal agreements wherever possible in efforts to address regional issues. The Jurisdictional & Regulatory Study Team endorsed this view in concluding that an interlocal agreement or joint powers agreement would be a preferred option for administering implementation of the Las Vegas Wash Comprehensive Adaptive Management Plan, given the entities, issues and other factors involved.

The study team concluded that, in both instances, an interlocal agreement should be sufficient to establish the intended relationship. The team's conclusions will be subject to further discussion at the coordination committee level before a final option is selected.

Update

Many of the local agencies support utilization of an existing board or authority with the creation of interlocal agreements with appropriate agencies. They are recommending the Southern Nevada Water Authority be designated the lead agency that would enter into interlocal agreements with various local agencies as necessary to implement the comprehensive adaptive management plan. For example, interlocal agreements would be necessary with Clark County Parks and Recreation for construction and man-





agement of the Desert Wetlands Park and with Clark County Regional Flood Control for flood control facilities in Las Vegas Wash.

Recommended Actions

The Team recommends that local administration of implementation and management is desired. It is clear that status quo will not effectively address the long-term management of the Wash. Also clear is that one oversight body (some combination of local entities) tasked with plan implementation and management would be most effective.

Action 1: Further Investigate and Define Structure for Local Oversight of the Las Vegas Wash Comprehensive Adaptive Management Plan.

Entities: Clark County, Clark County Regional Flood Control District, Clark County Sanitation District, City of Henderson, City of Las Vegas, Southern Nevada Water Authority and other agencies with responsibilities in the Wash.

To successfully implement the comprehensive adaptive management plan, and manage the Wash well into the future, the Team recommends that one oversight entity be identified. This entity might be considered the "Las Vegas Wash Management Entity."

This action item follows the lead established by the Southern Nevada Strategic Planning Authority, which recommended that regional issues in southern Nevada be addressed locally and employ mechanisms such as interlocal agreements. Agencies throughout the Valley currently use interlocal agreements for various reasons, such as wastewater treatment. With this, and given the opportunities and challenges that must be addressed, the Team recommends either a new joint powers agreement or an interlocal agreement to successfully manage the Wash into the future.

Action 2: Ensure Interagency Coordination

Entities: Clark County, Clark County Regional Flood Control District, Clark County Sanitation District, City of Henderson, City of Las Vegas, Southern Nevada Water Authority and other agencies with responsibilities in the Wash.

Once the management entity is established, there will be a number of opportunities for collaboration between agencies. The Team recommended that interagency coordination was the key to effectively inform and seek input in the process of managing the Wash.

In addition, many agencies in the Valley cooperate in joint study opportunities. Because these agencies have a vested interest in the outcome of many studies, it would be more expedient to work together whenever possible. Working in a collaborative manner will assure these efforts are successful.