

Bill Presentation in Support of SB143 – April 3, 2025

Committee on Legislative Operations and Elections

Thank you to Senator Nguyen for bringing forward the amended language on SB143 which is a first step in creating needed oversight of water policies in Southern Nevada. And thank you to the Chair and Committee Members for hearing this Bill

Laura McSwain, Founder and President of the WFC, Native of Las Vegas and old enough to have enjoyed the spring and well water that gave Las Vegas its name....The Meadow. We support SB143 as a step toward bringing about accountability in water management throughout Southern Nevada.

The Water Fairness Coalition was established in August 2023 in response to the disregard of resident's concerns during LVVWD and SNWA, public meetings, specifically related to Excessive Use Charge penalties, The lack of respect for not only people's investments but the fundamental inequity of the proposition that a restricted water quantity per customer regardless of lot size inspired a call to look further into the workings of the LVVWD and ultimately the SNWA. What has been discovered and experienced has resulted in a loss of confidence in the leadership associated with our water policies.

“Project Armageddon” refers to critical infrastructure and water management efforts by the management team of LVVWD/SNWA. Water resources should not be wasted, but there is a difference between waste and use. The LVVWD’s handling of its customers has proven to be heavy handed and beyond its charter as a service provider. To that end, in addition to compromising homeowner investments, the environmental consequences are exposing an “Armageddon” that was predictable but inexplicably unworthy of consideration as policies were being developed.

The only “study” on the impacts of the Excessive Use Charge that came from a records request was one required by Clark County Commissioners during an election cycle that estimated how many voters might be impacted. The rules change while adopted in October 2022 was not put into effect until January 1, 2023. After an election that involved three members of the Clark County Commission and the LVVWD Board of Directors. It is worth noting that only residents in Las Vegas and Unincorporated Clark County are subject to these penalties.

For the first time in the history of LVVWD and SNWA the executive team of both agencies have advocated for and been allowed to go after existing residents for water savings. SNWA

and LVVWD in its recent Joint Water Conservation Policy 2025 – 2029 illustrates that such damaging policies are unnecessary. Water policy has been created through fear and intimidation and justified on paper using questionable methods for calculation.

The following policy initiatives put into place going back to 2021 expose the lack of proper oversight by both the governing boards of the LVVWD and SNWA and require further scrutiny:

During the 81st legislative session in 2021 AB356 was put forth as a “commercial bill”. However, once the bill was passed SNWA handpicked a committee to approve measures that are now destroying the microclimates and investments of residential master planned communities throughout the valley.

In 2022, a rules change was adopted by the LVVWD specifically designed to make grass unaffordable and added an Excessive Use Charge based on a single quantity of water for all property types and their respective lot sizes. Due to existing law, the LVVWD was able to implement such a measure without notifying the ratepayers directly in advance of it being presented to the Clark County Commissioners who serve as its Board of Directors.

During the 82nd legislative session in 2023, SNWA brought forth AB220, a bill that without prior notice or grace period made new septic systems illegal. With the stroke of a pen many property owners were left languishing with worthless land investments with the only hope of restoring their opportunity to be made whole coming from a waiver process written into the bill. It took almost two years to be addressed. And when it finally did this last November came with a suggested \$40,000 price tag. The objections of Commissioner Jim Gibson resulted in General Manager, John Entsminger implementing a waiver program outside public view at half the amount to accommodate the desperate people capable of paying such an outrageous sum for a permit.

In addition to the questionable implementation of policies above, there is a long list of issues that make SB143 necessary. Included are some examples:

- It is not possible to adequately scrutinize financial decisions being made from the documents provided during budget meetings.
- Consolidated power- The flaws of the structure of both SNWA and LVVWD oversight have been exposed by the actions of the current management team and oversight boards.
- Rules making currently requires a Business Impact Study (BIS) leaving residents out of the direct notification process. The lack of discretion on the part of the elected representatives of rate payers to impose Excessive Use Charges onto residents demonstrates the need for rules making notification requirements to be addressed and the timeframe allowed to protest extended to a minimum one-year cycle. The Rules making process must include direct notification to anyone directly impacted by a proposed rules change.

- No Studies were done on the potential negative consequences of Excessive Use Charges (other than what the potential voter impact might be).
- Water Safety protocols require additional scrutiny. No third-party water testing. All testing is done in- house. A recent water pressure failure cover-up demands that an exemption from reporting failures provided by NDEP in 2007 be reconsidered.
- Wages and salaries far outpace the private sector.
- Financial reporting lacks transparency. Among the many concerns-
\$35,000,000 in community outreach not broken down by individual initiatives.

No Visibility to the financial condition of SNWA's Ranch in White Pine County

- The abuse of the structure of SNWA/LVVWD/Lead Colorado River Negotiator calls the structure into question due to potential Conflicts of Interest
- Advice given on how to protect landscape investments, particularly trees, is not credible per horticulturists and arborists.
- Accountability for SNWA/LVVWD owned facilities leaks is required.
- Members of the WFC have been promised on the record that an accounting of the Excessive Use Charge penalties would be part of each meeting agenda since last May. We are still waiting.
- Reserves at both the SNWA and LVVWD far exceed their targeted amounts significantly raising the question of responsible spending and Non-Profit Status.

“Project Armageddon” may end up being prophetic.

The devastation coming from recent policy initiatives was predictable and not supported by the horticulture and arborist community.... It is now visible. We are killing the very things that serve to protect us from increasing temperature, and it is being allowed due to a lack of proper oversight.

Members of the Water Fairness Coalition have appealed to those currently empowered to oversee the LVVWD and SNWA for two years to address all of the items above issues and more, included in this testimony. **Bottom line....Trust has been lost.... proper oversight is lacking. We believe SB143 provides a first step toward protecting our community and requiring LVVWD, SNWA and all municipal water providers to operate within their charters and be better stewards of our water supply and respective delivery systems.**

We respectfully request that you pass SB143.

**Laura McSwain, President
Water Fairness Coalition, Inc**