



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: April 11, 2017

DATE: March 17, 2017
TO: Board of County Commissioners
FROM: Chris Benedict, Remediation District Program Manager, Community Services Department, 954-4642, cbenedict@washoecounty.us
THROUGH: Dwayne Smith, P.E., Division Director, Engineering and Capital Projects Community Services Department, 328-2043, desmith@washoecounty.us
SUBJECT: Approve a Resolution calling a public hearing (to be set for May 9, 2017) on the amendment of the boundaries of District No. 24 (Groundwater Remediation/Central Truckee Meadows Remediation District) in Washoe County, Nevada; providing for a notice of hearing, and providing other matters properly related thereto. (All Commission Districts.)

SUMMARY

The Board of County Commissioners (Board) administers the Central Truckee Meadows Remediation District (CTMRD) program through the Community Services Department (CSD) in accordance with NRS 540A.250-285 and Washoe County Ordinance 1000.

The CTMRD was created in 1997 to address the widespread tetrachloroethene (PCE) contamination of groundwater used to meet municipal water demands in the greater Reno/Sparks area. This condition was certified to exist by the District Health Officer and the Nevada Division of Environmental Protection (NDEP) Administrator.

The CTMRD boundaries include the wholesale and retail service area of the water company or companies with water supply wells located within the contaminated area.

Changes to the CTMRD boundaries can be required as a result of changes in the extent of the contaminated area or as a result of changes in the service areas of water companies with water supply wells in the contaminated area.

NRS540A.262 requires that the Board initiate any action to amend the CTMRD boundaries to accommodate any needed changes.

In accordance with NRS540A.262(1), this action is initiated by a Resolution of the Board to hold a public hearing.

Washoe County Strategic Objective supported by this item: Safe Secure and Healthy Communities.

AGENDA ITEM # 5.B

PREVIOUS ACTION

Resolutions by the Board to hold public hearings to consider changes to the CTMRD boundaries have occurred annually since those boundaries were first created in 1997.

BACKGROUND

In 1997, in accordance with NRS 540A.250(1), the Board created, through the adoption of Ordinance 1000, District No. 24 (Groundwater Remediation); a.k.a. the CTMRD. The CTMRD was created to address the widespread PCE contamination of groundwater in the central Truckee Meadows that was certified to exist by the District Health Officer and the NDEP Administrator.

NRS 540A.250(3)(b) specifies that the CTMRD boundary shall include the wholesale and retail service area (i.e. within what is referred to as the CTMRD service area boundary) of the water company or companies with wells located within the area where the condition requiring remediation is present or expected to migrate unless remediation is carried out (i.e. within what is referred to as the CTMRD contaminant boundary).

The Truckee Meadows Water Authority (TMWA) has municipal water supply wells located within the CTMRD contaminant boundary. TMWA also provides wholesale water to Sun Valley General Improvement District and Parr-Reno Water Company. Accordingly, the CTMRD service area boundary for calendar year 2016 is defined to include the TMWA wholesale and retail service area.

Each year since 1997 the Board has, in accordance with NRS540A.262, amended the CTMRD boundary to reflect any parcels added to or removed from this service area. These changes could include:

- 1) Parcels added into or removed from the wholesale and retail service area of effected water purveyors and to exclude properties that are federally owned, properties that are undeveloped, and properties that receive water service wholly independent from those purveyors (i.e. the CTMRD Service Area Boundary); and,
- 2) Parcels added into or removed from the area where the condition requiring remediation has been determined by the Board to be present, including any area to which the condition is expected to migrate unless remediation is carried out (i.e. the CTMRD Contaminant Boundary).

NRS 540A.265 requires that the water service providers within the TMWA wholesale and retail service area provide Washoe County with the dollar amount billed for water service during the previous calendar year, by parcel, to each of the parcels within their respective water service areas, within 90 days of being requested to do so. The amount billed for water use provides the basis for determining the remediation fee. While NRS 540A.265 (1)(d) allows for assessing remediation fees against undeveloped parcels or parcels that receive water service wholly independent from water purveyors with wells within CTMRD contaminant boundary, staff has recommended since the initial creation of the CTMRD boundaries that the Board exclude those properties from remediation fee assessment. Staff continues to make that recommendation at this time.

The “Boundary Amendment Ordinance” that will be introduced at the May 9, 2017 public hearing will identify those parcels added into or removed from the service areas of affected water purveyors during calendar year 2016 and identifies those parcels that are to be excluded based upon continuation of the Board’s previous direction.

FISCAL IMPACT

There is no cost to amend the CTMRD boundaries; however, the amendment of the Remediation District service area boundary will ensure that the County maintains an accurate list of the water using parcels within the CTMRD service area boundary. Remediation fees levied against those parcels based on annual water use will provide for the operation and maintenance of wellhead treatment on five municipal wells, and ongoing implementation of the Remediation Management Plan.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve a Resolution calling a public hearing (to be set for May 9, 2017) on the amendment of the boundaries of District No. 24 (Groundwater Remediation/Central Truckee Meadows Remediation District) in Washoe County, Nevada; providing for a notice of hearing, and providing other matters properly related thereto.

POSSIBLE MOTION

Should the Board agree with the staff recommendation, a possible motion would be: “Move to approve a Resolution calling a public hearing (to be set for May 9, 2017) on the amendment of the boundaries of District No. 24 (Groundwater Remediation/Central Truckee Meadows Remediation District) in Washoe County, Nevada; providing for a notice of hearing, and providing other matters properly related thereto.”

Attachment 1 Public Hearing Resolution

Attachment 2 Map showing the proposed amended CTMRD 2017 fee area boundary including areas annexed into or removed from the CTMRD service area during calendar year 2016

*Summary - a Resolution calling a hearing on the amendment of the boundaries of District No. 24 (Groundwater Remediation).

RESOLUTION NO.

(of Washoe County, Nevada)

A RESOLUTION CALLING A HEARING ON THE AMENDMENT OF THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION/CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT) IN WASHOE COUNTY, NEVADA; PROVIDING FOR A NOTICE OF HEARING, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

1. **WHEREAS**, the Board of County Commissioners (the “Board”) of the County of Washoe (the “County”) in the State of Nevada has created a district for the remediation of the quality of water (the “District” or “District No. 24”) pursuant to NRS §540A.250 through §540A.285; and

2. **WHEREAS**, subsection 3 of NRS §540A.250 provides that:

“The District created pursuant to this section must include, without limitation:

a. the area where the condition which requires remediation is determined by the Board to be present, or for which remediation is determined by the Board to be necessary, including any area to which the condition is expected to migrate unless remediation is carried out; and

b. if the Board determines that the condition which requires remediation affects the quantity or quality of drinking water within the region, the wholesale and retail service area of any provider of water that has used or uses for any portion of its supply wells located in the area described in paragraph (a)”; and

3. **WHEREAS**, pursuant to NRS § 540A.250, the Board has had prepared for it a plan for remediation designated the “Central Truckee Meadows Remediation District Final Work Plan February 22, 1996” as updated by the “Central Truckee Meadows Remediation District Remediation Management Plan” dated October 28, 2002 (as updated, the “Plan for Remediation”); and

4. **WHEREAS**, the Plan for Remediation has been submitted to the Division of Environmental Protection of the State of Nevada (the “Division”) and approved by the Division pursuant to Subsection 1 of NRS §540A.260; and

5. **WHEREAS**, the Plan for Remediation indicates that, and based upon such plan the Board has determined that, the condition which requires remediation affects the quality of drinking water within the region; and

6. **WHEREAS**, the boundaries of the District therefore are to include the Wholesale and Retail Water Service Area of the Truckee Meadows Water Authority (“TMWA”), which is a provider of water service that has used and uses for a portion of its water supply, wells located in the area in which the condition that requires remediation is present; and

7. **WHEREAS**, the boundaries of the District were originally filed in the office of the County Clerk on September 16, 1997, and as so filed, were made the boundaries of the District (the “Original Boundaries”) by Ordinance No. 1000, duly adopted by the Board on November 12, 1997; and

8. **WHEREAS**, Washoe County’s Community Services Department (“CSD”) was, through 2014, a provider of water service that used for a portion of its water supply a well or wells located in the area where the condition of PCE exists in the groundwater and where remediation is required as hereby determined by the Board; and

9. **WHEREAS**, the Original Boundaries have been amended; and

10. **WHEREAS**, the Board has determined and hereby determines to propose to further amend the boundaries of the District with respect to the fee collected in 2016 to exclude from the 2016 Boundaries of the District as amended through December 31, 2015 (the “2016 Fee Year Boundaries”), certain additional properties that did not receive water service involving water provided on a wholesale or retail basis by TMWA; and

11. **WHEREAS**, the Board has determined and hereby determines to propose to amend the 2016 Fee Year Boundaries of the District with respect to the fee collected in 2016, to add to and include such new properties added to the Wholesale and Retail Water Service Area of TMWA; and

12. **WHEREAS**, the Board has determined and hereby determines to propose to amend the 2016 Fee Year Boundaries of the District with respect to the fee to be collected in 2017 to exclude from the 2016 Fee Year Boundaries of the District certain properties, which did not receive water service involving water provided on a wholesale or retail basis by TMWA; and

13. **WHEREAS**, each of the following will be filed with the County Clerk (the “Clerk”) prior to the publication of a notice of hearing as hereinafter described:

(i) a list of the properties proposed to be excluded from the 2017 Fee Year Boundaries of the District with respect to the fees collected in 2016 as described in the 10th preamble hereto entitled “Second List of Properties to be excluded from 2017 Fee Year Boundaries of District No. 24” (the “Second 2016 Exclusion List”),

(ii) a description of the areas proposed to be added to the 2017 Fee Year Boundaries of the District as described in the 11th preamble hereto, entitled “2017 Description of Areas to be Added to District No. 24” (the “2017 Addition List”), and

(iii) a list of the properties proposed to be excluded with respect to the fee to be imposed in 2017 as described in the 12th preamble hereto, entitled “First List of Properties to be Excluded from the 2017 Fee Year Boundaries of District No. 24” (the “First 2017 Exclusion List”); and

14. **WHEREAS**, pursuant to NRS §540A.262, the Board is required to hold a hearing before amending the boundaries of the District; and

15. **WHEREAS**, the Board desires to authorize publication of a notice of the hearing in accordance with NRS §540A.262.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA:

Section 1. A hearing is hereby called on the proposed amendment to the boundaries of the District. The hearing shall be held not less than 15 days after the notice of hearing described herein is published. The Manager is authorized to schedule the hearing and request that the Clerk publish the Notice described below after materials described in preamble 13 (the “Amendments”) are filed in the office of the Clerk.

Section 2. Upon receipt of request from the Manager as provided in Section 1, the Clerk is hereby authorized and directed to publish a notice of hearing not less than 15 days prior to the hearing in a display advertisement which is at least 3" x 5" in size in a newspaper of general circulation in the County. The notice shall state that the description of the boundaries and the amendment to those boundaries is on file at the office of the Clerk for public examination. The notice shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING
WASHOE COUNTY, NEVADA
DISTRICT NUMBER 24
(GROUNDWATER REMEDIATION)**

NOTICE is hereby given that the Board of County Commissioners of Washoe County, Nevada will hold a public hearing on May 9, 2017 at the Commission Chambers, Washoe County Administrative Complex, 1001 East Ninth Street, Reno, Nevada on a proposed amendment to the boundaries of Washoe County Nevada District No. 24 (Groundwater Remediation), which is a district for remediation of groundwater (the “District”).

At the hearing all persons who desire to appear may appear and be heard concerning a proposed amendment to the boundaries of the District, and after the hearing the Board shall make such adjustments to the proposed boundary amendment as appear to be necessary, but the boundaries may not be expanded to include any property not included either in the proposed amendment as filed in the office of the County Clerk on April 11, 2017, or the 2016 Boundaries of the District specified in Ordinance No. 1582, adopted and approved on July 12, 2016 (the “Ordinance”).

It is proposed that the boundaries of the District would be amended as follows:

1. The boundaries of the District with respect to the fee collected in 2016 shall be as they already exist as further amended by exclusion of the properties listed in the list entitled “Second List of Properties to be Excluded from the 2016 Boundaries of District No. 24” (the “Second 2016 Exclusion List”), now on file with the County Clerk, and

2. The boundaries of the District with respect to the fee to be collected in 2017 shall be the 2016 Boundaries of the District as established by the Ordinance adopted by the Board of County Commissioners on July 12, 2016, amended as follows:

(a) amended by the addition to the 2016 Boundaries of the District of the areas described in the “2017 Description of Areas to be added to District No. 24” (the “2017 Addition List”), now on file in the office of the County Clerk, and,

(b) amended by excluding those properties (whether included in the 2016 Boundary, or in the additions described in clause (a)) listed in the “First List of Properties to be Excluded from the 2017 Boundaries of District No. 24” (the “First 2017 Exclusion List”), now on file in the office of the County Clerk.

The proposed 2017 Fee Year Boundaries of the District, the Second 2016 Exclusion List, the 2017 Addition List, and the First 2017 Exclusion List, are on file in the office of the County Clerk for public examination.

The boundaries of the District are those specified by Subsection 3 of NRS §540A.250, which consist of the area where the condition which requires remediation is determined by the Board to be present or for which remediation is determined by the Board to be necessary, including any area to which the condition is expected to migrate unless remediation is carried out, and the wholesale and retail water service area of any provider of water that has used or uses for any portion of its supply wells located in the area where the condition which requires remediation is determined to be present. The District Boundary generally consists of the TMWA Wholesale and Retail Water Service Area and (through calendar year 2014) a portion of the CSD Water Utility Service Area. This general description is, however, for the convenience of the readers of this notice only. A specific description of the boundaries of the District and the proposed amendments thereto are on file in the office of the County Clerk and reference is made to those descriptions to determine whether or not a property is or is not included or proposed to be included within the boundaries of the District.

Reference is made to the Plan for Remediation, the boundaries of the District and the proposed amendments to those boundaries on file in the office of the County Clerk for further information concerning the District and its boundaries. All owners of property within the boundaries of the District and all other persons interested are encouraged to appear at the hearing and present their views. Written testimony and comments may be filed at or before the hearing with the County Clerk.

IN WITNESS WHEREOF, the Board of County Commissioners have caused this notice to be published not less than 15 days prior to the hearing referred to above.

Dated this April 11, 2017.

BOARD OF COUNTY COMMISSIONERS OF
WASHOE COUNTY, NEVADA

(SEAL)

By Bob Lucey
Chair

ATTEST:

/s/ Nancy Parent
County Clerk

[Continuation of Resolution from Page 4]

Section 3. The Officers of the County are directed to effectuate the provisions of this resolution.

Section 4. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 5. The invalidity of any provisions of this resolution shall not affect any remaining provisions hereof.

Section 6. This resolution may be amended in any manner, at any time by the Board. This resolution does not obligate the Board to proceed with the District or issue bonds.

Section 7. The Board has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

PASSED, ADOPTED AND APPROVED this April 11, 2017.

Chair
Board of County Commissioners
Washoe County

(SEAL)

Attest:

Clerk

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

I, Nancy Parent, am the qualified and elected Clerk of Washoe County (the “County”), and in the performance of my duties as Clerk do hereby certify:

1. The foregoing pages are a true, correct and compared copy of a resolution adopted by Board of County Commissioners (the “Board”) of the County at a meeting held on April 11, 2017. The original of the resolution has been approved and authenticated by the signatures of the Chairman of the Board and myself as County Clerk and sealed with the seal of the County, and has been recorded in the minute book of the Board kept for that purpose in my office.

2. Said proceedings were duly had and taken as therein shown. The following Commissioners were present at said meeting and voted on the resolution as follows:

Those Voting Aye:

Nays:

Absent:

3. All members of the Board were given due and proper notice of such meeting.

4. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS §540A.262 and NRS §241.020. A copy of the notice of meeting and excerpts from the agenda for the meeting relating to the resolution, as posted by 9:00 a.m. at least 3 working days in advance of the meeting at:

- (i) Washoe County Administration Complex
1001 East Ninth Street
Reno, Nevada
- (ii) Washoe County Courthouse
Virginia and Court Streets
Reno, Nevada
- (iii) Washoe County Library
301 South Center Street
Reno, Nevada
- (iv) Justice Court
1675 E. Prater Way #107
Sparks, Nevada

is attached as Exhibit "A".

5. No later than 9:00 a.m. at least 3 working days before such meeting, such notice was mailed to each member of the Board and to each person, if any, who has requested notice of meetings of the Board in the same manner in which notice is required to be mailed to a member of the Board.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County this April 11, 2017.

Washoe County Clerk

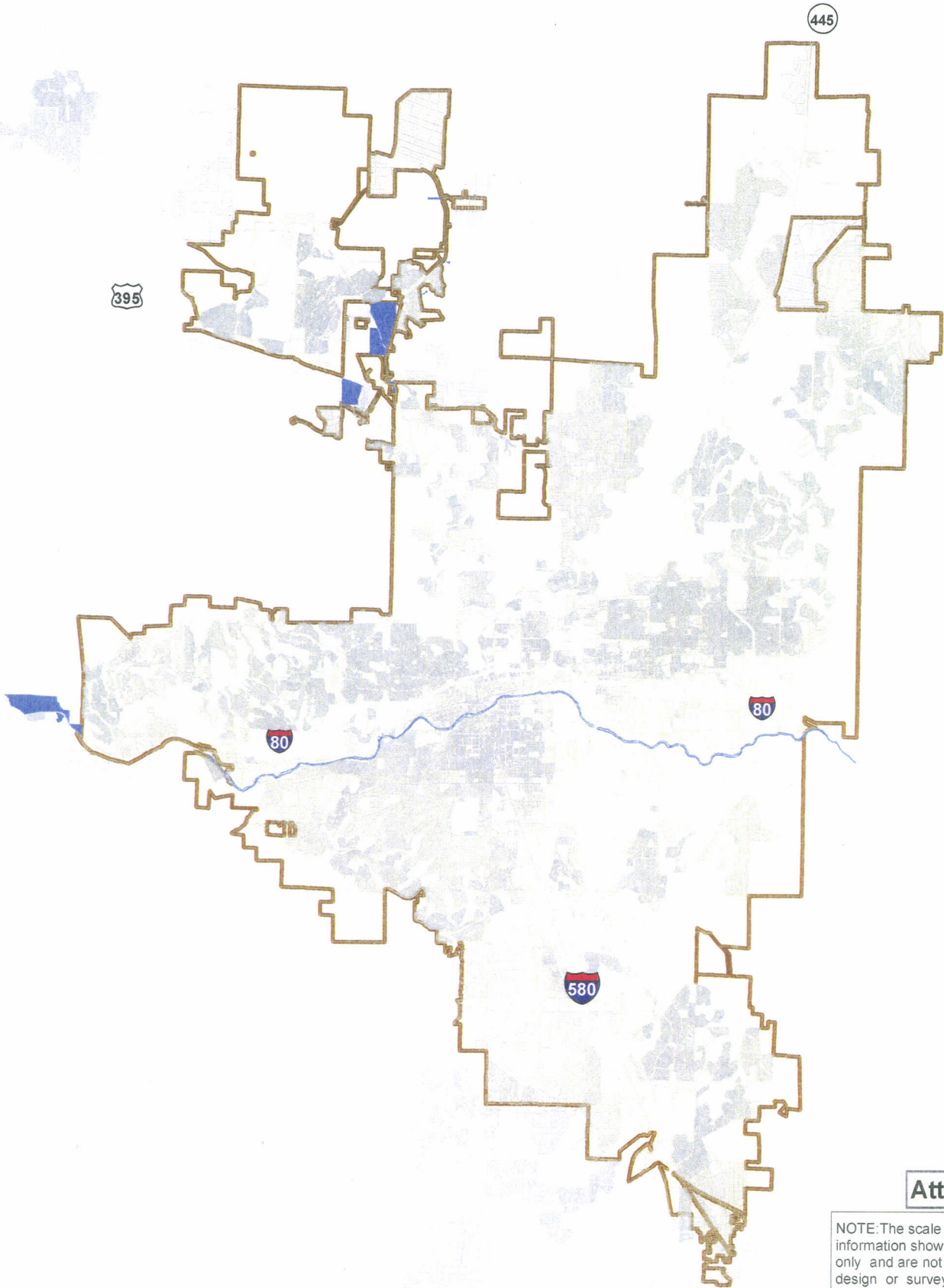
(SEAL)

EXHIBIT "A"

(Attach Notice of Meeting and Agenda)


EXHIBIT "B"

(Attach Affidavit of Publication of Notice)



Attachment 2

NOTE: The scale and configuration of all information shown hereon are approximate only and are not intended as a guide for design or survey work. Reproduction is not permitted without prior written permission from Washoe County Community Services Department.

-  Parcels added into the CTMRD Service Area Boundary
-  2016 Fee Year Boundary

**CENTRAL TRUCKEE MEADOWS
REMEDIATION DISTRICT
2017 FEE YEAR BOUNDARY**
(Parcels added or removed in calendar year 2016)

March 2017

