

RENO GAZETTE-JOURNAL

Legal Advertising Dept. 702-788-6394

Customer Account # 349008
PO #/ID #*no.1009/1014

WASHOE COUNTY
Comptroller's Office
PO Box 11130
RENO NV 89510

Legal Ad Cost 51.92

PROOF OF PUBLICATION

STATE OF NEVADA
COUNTY OF WASHOE

ss. Tana Ciccotti

being duly sworn, deposes and says:
That as legal clerk of the RENO GAZETTE-
JOURNAL, a daily newspaper published in Reno,
Washoe County, State of Nevada, that the notice:

Ordinance #1009

of which a copy is hereto attached, has been
published in each regular and entire issue of
said newspaper on the following dates to wit:

March 16, 23 1998

Signed

T Ciccotti

Subscribed and sworn to before me on 03/23/98

Notary Public

Albra J. DiCianno

NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 1009

NOTICE IS HEREBY GIVEN THAT: Bill
No. 1185, Ordinance No. 1009
entitled

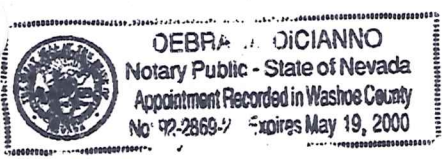
AN ORDINANCE AMENDING CHAP-
TER 40 OF THE WASHOE COUNTY
CODE PROVIDING FOR THE RETRO-
ACTIVE EXTENSION OF THE 1.5
PERCENT WATER BILL SURCHARGE;
ADDING NEW PROVISIONS PROVID-
ING FOR A SCHEDULE OF REVISIONS
AND AMENDMENTS TO THE WATER
PLAN; ADDING NEW PROVISIONS
PROVIDING FOR CONFORMANCE RE-
VIEW AND AN APPEAL PROCESS;
AND PROVIDING OTHER MATTERS
PROPERLY RELATING THERETO.

was adopted on March 10, 1998, by
Commissioners Joanne Bond, Sue
Camp, Jim Galloway, Mike Moullet,
and Jim Shaw, and will become
effective on Wednesday, March 25,
1998.

Typewritten copies of the ordinance
are available for inspection by all
interested persons at the office of the
County Clerk, 75 Court Street, Reno,
Nevada.

JUDI BAILEY,
Washoe County Clerk

No.1014 Mar.16,23,1998



P.O. BOX 22000. RENO. NEVADA 89520
(702) 788-6200



1009

SUMMARY: Amends Washoe County Code by amending Section 40.520, 40.550 and Section 40.560; extending retroactively the 1.5 percent water bill surcharge; adding new provisions providing for a schedule of revisions and amendments to water plan; adding new provisions providing for conformance review and appeal process; and providing other matters properly relating thereto.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

BILL NO. 1185

ORDINANCE NO. 1009

AN ORDINANCE AMENDING CHAPTER 40 OF THE WASHOE COUNTY CODE PROVIDING FOR THE RETROACTIVE EXTENSION OF THE 1.5 PERCENT WATER BILL SURCHARGE; ADDING NEW PROVISIONS PROVIDING FOR A SCHEDULE OF REVISIONS AND AMENDMENTS TO THE WATER PLAN; ADDING NEW PROVISIONS PROVIDING FOR CONFORMANCE REVIEW AND AN APPEAL PROCESS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

SECTION 1. Chapter 40 of the Washoe County Code is hereby amended by amending or adding thereto the provisions set forth as sections 2 through 9 of this ordinance.

SECTION 2. Chapter 40, Section 40.520, is amended to read as follows:

40.520 Definitions.

1. "Affected entity" means a city within the region or a governmental entity or public utility providing services related to the subject matter of the comprehensive water plan.
2. "Board" means the board of county commissioners.
3. "Commission" means the water planning commission.
4. "Facility" means a facility enumerated in Section 6 of this ordinance.
5. "Public water, wastewater or flood control system" means a water, wastewater or flood control facility intended to serve an identified territory or specified geographical area.
6. "Region" means the territory to be included within and under the planning and management jurisdiction of the water planning commission, to wit: all of Washoe County except the Tahoe Basin, reservation lands and all property north of Township 25.
7. "Regional planning commission" means the commission established pursuant to NRS 278.0262.
8. "Water supplier or provider" means any mutual water company, investor owned utility, public service commission regulated utility, governmental utility or homeowner association utility that supplies water to the region as defined herein.

SECTION 3. Chapter 40, Section 40.550, is amended to read as follows:

40.550 Funding; water fee surcharge; duties of water suppliers; sunset.

1. There is hereby imposed a fee of 1.5 percent on billings of customers of water suppliers or providers within or to the region as defined in Section 4 herein.

2. The fee shall not be imposed upon any late penalties, handling fees, turn-ons, turn-offs, or other similar fees.

3. All water suppliers and providers shall state and identify the fee imposed herein separately on its billings or charges to customer effective with the first full billing cycle commencing on or after October 1, 1995.

4. All fees collected by a water supplier or provider pursuant to this section shall be deposited into a special account in the county water management fund and all monies, including any interest accruing to said account, shall be expended solely for purposes of water planning.

5. The fees shall be imposed and collected by the water suppliers and providers commencing with the first full billing cycle after September 30, 1995.

6. A water fee collected pursuant to this section is to be collected at the retail sale level upon the gross water sale unless the fee has already been paid upon the water through a prior purchase from a supplier.

7. Upon application by a water supplier, provider or on the board's own motion, the board may waive the collection of fees if accounting and collection costs are not offset or only minimally offset by collections or if minimal benefit will be derived from water planning activities on a temporary or permanent basis.

8. The county manager shall adopt procedures necessary to effectuate the provisions of this section, including but not limited to a schedule for transfer of the fee by water suppliers and providers to County.

SECTION 4. Chapter 40, Section 40.560, of the Washoe County Code is hereby amended to read as follows:

40.560 Rules; records; commission action on water plan and amendments; conditions precedent to adoption of plan or amendments.

1. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. This record shall be a public record.

2. Complete records of official actions of the commission shall be kept on file in the department of water resources.

3. At least six votes are necessary to recommend a plan, or amendments thereto, to the board.

4. The commission action on a plan or amendment thereto must be by resolution, which resolution must identify the text, maps and descriptive or other matter constituting the plan.

5. The commission or board or other affected entity may

initiate an amendment to the plan if the commission finds:

(a) The proposed amendment will complete a plan component or address a matter not addressed in the current approved plan; or

(b) The proposed amendment is necessitated by changes within the region, including but not limited to changes in local or regional comprehensive plans; or

(c) The proposed amendment is necessary by virtue of an updating of the assumptions upon which the current approved plan was based.

6. In addition to any review of the plan initiated pursuant to paragraph 5 herein, the commission shall initiate a total plan review of the initial adopted plan no later than January of the year 2002 and shall review the plan at least every three years thereafter. After each review pursuant to this section, the commission must submit any proposed amendment to the board or report there are none.

7. A plan, or amendment to the plan, must be adopted by the board by a two thirds vote of the total board membership and receive a determination of conformance by the regional planning commission prior to it becoming effective.

8. The procedures for notice and public hearings on the initial plan and any amendments shall be those established in the Act.

SECTION 5. Chapter 40 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 6 through 8 of this ordinance.

SECTION 6.

40.570 Conformance review; qualified facilities; notice. Facilities requiring conformance review pursuant to NRS 540A.230 are classified for purposes of conformance review as follows:

1. Facilities subject to review and decision by the commission:

(a) Large facilities recognized in the water plan, as defined by the commission and maintained on a list in the department of water resources;

(b) Proposed public water and/or wastewater systems;

(c) Flood control facilities.

2. Facilities subject to review and placed on a consent agenda for approval or denial as recommended by staff to the commission:

(a) Facilities not meeting the requirements of paragraph 1 but processing sewerage in excess of 187,500 gallons per day;

(b) Facilities not meeting the requirements of paragraph 1 but supplying water in excess of 625 acre feet per year;

(c) Small facilities recognized in the water plan, as defined by the commission and maintained on a list in the department of water resources;

(d) Facilities not meeting the requirements of

paragraph 1 requiring a state discharge permit.

3. For purposes of determining the type of review pursuant to this section, no facility may be knowingly or intentionally segmented or phased to result in a lesser level of review.

SECTION 7

40.580 Final decision; time period.

1. Any proposal for the construction of a facility subject to review pursuant to Section 6 hereinabove must be acted upon within 30 days of an application determined complete has been submitted unless the time period for review is waived by the applicant in writing.
2. Notice that the application has been received and the period for comment to staff and/or date of hearing before the commission must, at minimum, be provided to the citizen advisory board for the area of the region within which the proposed facility is located.
3. A determination of conformance by the commission of a facility submitted for review pursuant to Section 6 is final unless appealed.
4. Any determination of nonconformance shall be in the form of a written notice of decision accompanied by any recommended actions to be taken to make the proposal conform to the water plan.
5. A determination by the commission pursuant to this section may be appealed to the board by filing a written appeal with the director of water resources within 10 days after receipt of the written notice of decision.
6. For purposes of this section, a written notice of decision shall be presumed to be received within 3 days of the mailing of the notice.
7. An appeal filed pursuant to this section must state with specificity the reasons why the applicant believes the commission erred in its determination.

SECTION 8.

40.590 Appeal; wait on denials.

1. The clerk of the board shall schedule a public hearing on the appeal of commission determination before the board within 30 days of the date of the filing of the appeal with the director of water resources.
2. In addition to the notice required pursuant to NRS Chapter 241, the public hearing on appeal pursuant to this section shall be noticed to those persons requesting notice on a form to be provided by the department.
3. The board shall consider only those items cited in the appeal. In its deliberation, the board may use the record and any additional evidence relative to the

application and may confirm, reverse or modify the appealed actions based upon its interpretation of the evidence submitted.

4. After a determination of nonconformance, no application for a conformance review for the same facilities, without substantial change, may be accepted for one (1) year immediately following the denial.

SECTION 9 The provisions of Section 3, extending the 1.5 percent water bill surcharge, in accordance with actions taken by the 1997 Nevada Legislature, is specifically made retroactive to July 1, 1997.

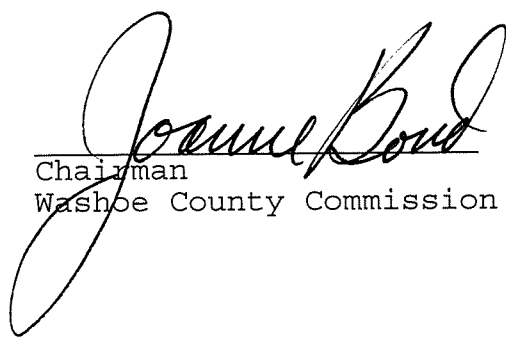
Proposed on the 17 day of February, 1998.
Proposed by Commissioner Mike Mouliot.
Passed on the 10 day of March, 1998.

Vote:

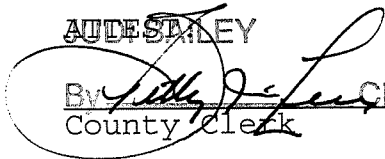
Ayes: **Joanne Bond, Sue Camp, Mike Mouliot, Jim Galloway, and Jim Shaw**

Nays:

Absent:


Chairman
Washoe County Commission

AUDE SAILEY


By Audé Sailey Chief Deputy
County Clerk

This ordinance shall be in force and effect from and after the 25 day of March, 1998.