

Boundary Amendment Ordinance

Summary - An ordinance amending the ordinance creating the Washoe County, Nevada District No. 24 (Groundwater Remediation); and providing other matters related thereto.

BILL NO. 1380

ORDINANCE NO. 1204

AMENDING ORDINANCE NO. 1000

AN ORDINANCE AMENDING ORDINANCE NO. 1000 CREATING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) IN ORDER TO CHANGE THE BOUNDARIES OF THE DISTRICT; RATIFYING APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

1. **WHEREAS**, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County") in the State of Nevada has, pursuant to Ordinance No. 1000 (the "Creation Ordinance"), adopted and approved on November 14, 1997, created a district (the "District" or "District No. 24") for the remediation of the quality of water (specifically in order to address contamination of ground water by perchloroethylene ("PCE")) pursuant to NRS § 540A.250 through 540A.280 and Sections 1 to 6 of Ch. 379, Statutes of Nevada, 1997 (the "1997 Act"); 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 of 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 (including the update) 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 described in the Creation Ordinance (the "Original Boundaries") included the wholesale and retail water service area of Sierra Pacific Power Company ("Sierra"); and

7. **WHEREAS**, Sierra's water business was acquired by the Truckee Meadows Water Authority ("TMWA") during 2001; and

8. **WHEREAS**, Sierra was, and TMWA is, 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 (i.e., presence of PCE in the groundwater at unacceptable levels) that requires remediation is hereby determined by the Board to be present, based upon the Plan for Remediation; and

9. **WHEREAS**, the Board has determined and hereby determines that the wholesale and retail water service area of Sierra/TMWA included in the boundaries of the district for the fee collected in a particular calendar year should include properties which were actually served

with water provided by Sierra or TMWA on a retail or wholesale basis during the prior calendar year; and

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

11. **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 2002 to exclude from the District certain properties, included in the Original Boundaries of the District as amended through July 1, 2002 (the "2002 Boundaries"), which properties did not receive water service involving water provided on a wholesale or retail basis by TMWA during that year; and

12. **WHEREAS**, the Board has determined and hereby determines to propose to amend the Original Boundaries of the District with respect to the fee collected in 2003, to add to and include such Original Boundaries new properties added to the wholesale and retail water service area of TMWA since December 31, 1997; and

13. **WHEREAS**, the Board has determined and hereby determines to propose to amend the Original Boundaries of the District with respect to the fee collected in 2003 to exclude from the District certain properties, which properties did not receive water service involving water provided on a wholesale or retail basis by TMWA during calendar year 2003; and

14. **WHEREAS**, each of the following have been filed with the County Clerk (the "Clerk") on April 21, 2003 prior to the publication of a notice of hearing as hereinafter described:

(i) a list of the properties proposed to be excluded from the 2002 Boundaries with respect to the fees collected in 2002 as described in the 11th preamble hereto entitled "Second List of Properties to be excluded from 2002 Boundaries of District No. 24" (the "Second 2002 Exclusion List"),

(ii) a description of the areas proposed to be added to the District as described in the 12th preamble hereto, entitled "2003 Description of Areas to be Added to District No. 24" (the "2003 Addition List"), and

(iii) a list of the properties proposed to be excluded with respect to the fee imposed in 2003 as described in the 13th preamble hereto, entitled "First List of Properties to Be Excluded from the 2003 Boundaries of District No. 24" (the "First 2003 Exclusion List"); and

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

16. **WHEREAS**, after published notice in accord with NRS § 540A.262, the Board on May 13, 2003 held a hearing on the amendment proposed to be made by this ordinance and hereby determines to overrule each and every objection to such amendment made at the hearing; and

17. **WHEREAS**, the Board has determined and the Board hereby determines to now amend the boundaries of the District.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA, DO ORDAIN:

Section 1. Section 2 of Ordinance No. 1000 is hereby amended to read as follows:

"Section 2. A. The boundaries of the District with respect to the fee for remediation imposed in 1998 are the wholesale and retail water service area of Sierra Pacific Power Company as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997, but excluding therefrom (a) the properties listed on the "List of Properties Excluded from District 24 Boundaries" as filed with the County Clerk on June 16, 1998; (b) the properties listed on the Second 1998 Exclusion List, as filed with the County Clerk on April 21, 1999; and (c) the properties listed on the Second Exclusion List as filed with the Clerk on April 24, 2001.

B. The boundaries of the District with respect to the fee for remediation imposed in 1999 are the wholesale and retail water service area of Sierra Pacific Power Company as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District boundaries all properties in the area described in the 1999 Addition List as filed with the County Clerk on April 21, 1999, but excluding from the District Boundaries the properties listed on the First 1999 Exclusion List as filed with the County Clerk on April 21, 1999 and as supplemented with the Supplemental 1999 List of Additional Excluded Parcels filed with the County Clerk on June 8, 1999 and as supplemented by the Second 1999 Exclusion List filed with the Clerk

on May 4, 2000, and by the Second Exclusion List filed with the Clerk on April 24, 2001;

C. The boundaries of the District with respect to the fee for remediation imposed in 2000 are the wholesale and retail water service area of Sierra Pacific Power Company as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2000 Addition List as filed with the County Clerk on May 2, 2000, but excluding from the District Boundaries the properties listed on the First 2000 Exclusion List as filed with the County Clerk on May 2, 2000, and the Second Exclusion List filed with the County Clerk on April 24, 2001;

D. The boundaries of the District with respect to the fee for remediation imposed in 2001 are the wholesale and retail water service area of Sierra Pacific Power Company as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2001 Addition List as filed with the County Clerk on April 24, 2001, but excluding from the District Boundaries the properties listed on the First 2001 Exclusion List as filed with the County Clerk on April 24, 2001."

E. The boundaries of the District with respect to the fee for remediation imposed in 2002 are the wholesale and retail water service area of Sierra Pacific Power Company (of the Truckee Meadows Water Authority, after the acquisition of Sierra Pacific Power Company's water business by the Truckee Meadows Water Authority), as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2002 Addition List as filed with the County Clerk on April 23, 2002, but excluding from the District Boundaries the properties listed on the First 2002 Exclusion List as filed with the County Clerk on April 23, 2002 and excluding from the District

boundaries the properties listed on the Second 2002 Exclusion List as filed with the County Clerk on April 21, 2003;”

F. The boundaries of the District with respect to the fee for remediation imposed in 2003 are the wholesale and retail water service area of the Truckee Meadows Water Authority as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2003 Addition List as filed with the County Clerk on April 21, 2003, but excluding from the District Boundaries the properties listed on the First 2003 Exclusion List as filed with the County Clerk on April 21, 2003.”

Section 2. All actions, proceedings, matters and things heretofore taken, had and done by the Board and the officers of the County (not inconsistent with the provisions of this Ordinance), concerning the District, is ratified, approved and confirmed.

Section 3. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings and other items necessary or desirable for developing and carrying out the plan for remediation, and the preparation of recommendations to the Board of the cost thereof and appointment of such costs among the properties in the District. This section does not authorize the execution of any contracts to carry out the plan for remediation without Board approval.

Section 4. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

Section 5. In accordance with NRS § 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed Ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on

such ordinance by publication at least once in the Reno Gazette-Journal, i.e., a newspaper published and having general circulation in the County, at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before the 10th day of June, 2003, such publication to be in substantially in the following form:

(Form of Publication of Notice of Filing of Bill for an Ordinance)

Bill No. _____

Notice of Public Hearing Before

The Washoe County Board of County Commissioners

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a public hearing at the Commissioners' Chambers Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, at 5:30 p.m., on Tuesday, the 10th day of June, 2003, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The Ordinance is entitled:

BILL NO. _____

ORDINANCE NO. _____

(of Washoe County, Nevada)

AN ORDINANCE AMENDING ORDINANCE NO. 1000 CREATING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) IN ORDER TO CHANGE THE BOUNDARIES OF THE DISTRICT; RATIFYING APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

An adequate summary of the Ordinance is as follows:

The preambles of the Ordinance recite that the Board of County Commissioners has created Washoe County, Nevada, Special Assessment District No. 24 for the purpose of remediating the quality of water at various other matters in connection therewith, and make certain findings .

The ordaining clause is then set forth.

Section 1 amends the boundaries of the District with respect to the fee collected in 2003.

Sections 2, 3 and 4 ratify, approve and confirm all consistent prior action taken in connection with the District; authorize the County officials to take any action necessary to effectuate the Ordinance; and provide a repealer clause for conflicting provisions.

Sections 5, 6 and 7 provide for notice by publication of the June 10, 2003 hearing on the Ordinance, and for this summary of the provisions of the Ordinance; provide that the Ordinance

shall be in effect from and after its publication for two weeks following its final adoption on June 10, 2003; provide the form for such publication which includes the names of the Commissioners voting for and against the adoption of the Ordinance; and provide a severability clause.

Copies of the proposed ordinance are on file in the office of the Washoe County Clerk at the Washoe County Courthouse, Virginia and Court Streets, Reno, Nevada, for public examination. The Board shall adopt or reject the Ordinance (or the Ordinance as amended) within 35 days after the date of the final public hearing.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has ordered this notice to be published.

DATED this May 13, 2003.

/s/ Amy Harvey
County Clerk

(SEAL)

(End of Form for Publication)

Section 6. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this Ordinance shall be published by title only, together with the names of the Commissioners voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette-Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two (2) weeks by two (2) insertions, pursuant to NRS § 244.100 and all laws thereunto enabling, such publication to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

BILL NO. ____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 1000 CREATING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) IN ORDER TO CHANGE THE BOUNDARIES OF THE DISTRICT; RATIFYING APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled Ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, Virginia and Court Streets, Reno, Nevada; and that said Ordinance was proposed by Commissioner _____ on May 13, 2003, and following a public hearing, was passed and adopted without amendment at a regular meeting held not more than 35 days after the close of the hearing, i.e., at the regular meeting on June 10, 2003, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Jim Galloway
David Humke
Pete Sferrazza
Jim Shaw
Bonnie Weber

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after June ____, 2003, i.e., the date of the second publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only.

DATED this June 10, 2003.

/s/ Dave Humke
Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

/s/ Amy Harvey
County Clerk

Section 7. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Proposed on the 13th day of May, 2003.

Proposed by Commissioner SFERRAZZA.

Passed the 10th day of June, 2003.

Those Voting Aye:

Jim Galloway
David Humke
Pete Sferrazza
Jim Shaw
Bonnie Weber

Those Voting Nay:

(none)

Those Absent:

(none)

David Humke
Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

Amy Harvey
County Clerk

This Ordinance shall be in force and effect from and after the 20th day of June, 2003, i.e., the date of the second publication of such Ordinance by its title only.

STATE OF NEVADA)

:ss.

COUNTY OF WASHOE)

I, Amy Harvey, am the duly chosen and qualified Clerk of Washoe County, and in the performance of my duties as Clerk do hereby certify:

1. The foregoing pages are a full and correct copy of an ordinance introduced and read by title at the Board of County Commissioners of the County (the "Board") held on May 13, 2003 and adopted on June 10, 2003 which relates to District No. 24 (Groundwater Remediation). Minutes of the hearing on such District held on May 13, 2003 and of the hearing on the Ordinance held on June 10, 2003 are attached as Exhibits A and B, respectively. Except as recited in this paragraph, no actions were taken concerning such District at such meetings. The copy of such ordinance is true, correct, compared copy of the original proposed and adopted at such meetings.

2. All members of the Board were given due and proper notice of such meetings, and the members of the Board voted on such ordinance as follows:

Those Voting Aye:

Jim Galloway
David Humke
Pete Sferrazza
Jim Shaw
Bonnie Weber

Those Voting Nay:

Those Absent:

3. Public notice of such meetings was given and such meetings were held and conducted in full compliance with the provisions of NRS § 241.020. Pursuant to NRS § 241.020, written notice of such meeting was given by 9:00 a.m. at least three working days before the meetings:

(a) By mailing a copy of the notice to each member of the Board,

(b) By posting a copy of the notice at the principal office of the Board, or if there is no principal office, at the building in which the meeting was held, and at least three other separate, prominent places within the jurisdiction of the Board, to wit:

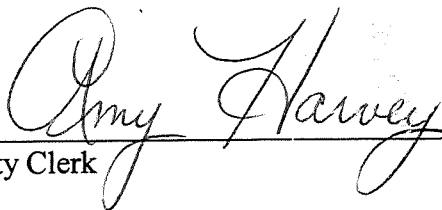
- 1. Washoe County Administration Complex
1001 East Ninth Street
Reno, Nevada
- 2. Washoe County Courthouse
Virginia and Court Streets
Reno, Nevada
- 3. Washoe County Library
301 South Center Street
Reno, Nevada
- 4. Justice Court
630 Greenbrae Drive
Sparks, Nevada

(c) By mailing a copy of the notice to each person, if any, who had requested notice of the meetings of the Board in the same manner in which notice is required to be mailed to a member of the Board.

- 5. A copy of the notices so given is attached to this certificate as Exhibit C and

D.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of Washoe County, Nevada, this June 10, 2003.



 County Clerk

(SEAL)

EXHIBIT "A"

**(Attach Copy of Minutes of May 13, 2003 Hearing on
District No. 24 Boundary Amendment)**

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MAY 13, 2003

PRESENT:

- David Humke, Chairman*
- Jim Shaw, Vice Chairman
- Jim Galloway, Commissioner
- Pete Sferrazza, Commissioner
- Bonnie Weber, Commissioner

- Amy Harvey, County Clerk
- Nancy Parent, Chief Deputy Clerk
- Katy Singlaub, County Manager
- Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, with Vice Chairman Shaw presiding until Chairman Humke arrived at 3:45 p.m. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

03-466 WORK CARD PERMIT APPEAL – PETER VAN PEBORGH

The appeal by Peter van Peborgh of the Sheriff's denial of his work card permit application was considered on Monday, May 12, 2003 prior to the Caucus meeting.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioners Shaw and Sferrazza absent, the Board convened in closed session to hear testimony as to why the work card should or should not be granted.

The appellant Peter van Peborgh was present to offer testimony during the closed session.

Also present were Maureene Thomas, Chief Records Clerk, Washoe County Sheriff's Office, Alice LeDesma, Child Care Licensing Supervisor, Washoe County Social Services, and Victoria Bowers, Social Worker, Washoe County Social Services.

* * * * * * * * * *

Commissioner Sferrazza arrived at the meeting shortly after the closed session began.

* * * * * * * * * *

On motion by Commissioner Weber, seconded by Commissioner Sferrazza,

Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearing.

03-531 **PROPOSED AMENDMENTS TO BOUNDARIES - DISTRICT NO. 24 (GROUNDWATER REMEDIATION)**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 25, 2003 to consider proposed amendments to the boundaries of Special Assessment District No. 24 (Groundwater Remediation). Proof was made that due and legal notice had been given.

Jim Ford, Remediation District Program Manager, and John Swendseid, Bond Counsel, were present. County Manager Singlaub stated that amendments are done annually for the public benefit to make any corrections to the district boundaries for new properties that have water service or for properties that have changed in some way.

Chairman Humke opened the public hearing and called on anyone wishing to speak. There being no response, the public hearing was closed.

03-532 **BILL NO. 1380 - AMENDING ORDINANCE NO. 1000 - DISTRICT NO. 24 (GROUNDWATER REMEDIATION) BOUNDARY AMENDMENTS**

Bill No. 1380, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1000 CREATING THE WASHOE COUNTY, NEVADA, DISTRICT NO. 24 (GROUNDWATER REMEDIATION) IN ORDER TO CHANGE THE BOUNDARIES OF THE DISTRICT; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF," was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

03-533 **BILL NO. 1381 - LEVYING FEE - DISTRICT NO. 24 (GROUNDWATER REMEDIATION)**

Bill No. 1381, entitled, "AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA, DISTRICT NO. 24 (GROUNDWATER REMEDIATION); PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO," was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

EXHIBIT "B"

(Attach Minutes of June 10, 2003 Hearing on Ordinance)

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JUNE 10, 2003

PRESENT:

David Humke, Chairman
Jim Shaw, Vice Chairman
Jim Galloway, Commissioner*
Pete Sferrazza, Commissioner
Bonnie Weber, Commissioner

Amy Harvey, County Clerk
Nancy Parent, Chief Deputy Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

03-628 WORK CARD PERMIT APPEAL - FILIMONE TUAVAO

The appeal by Filimone Tuavao of the Sheriff's denial of his work card permit application was considered on Monday, June 9, 2003 prior to the Caucus meeting.

On motion by Commissioner Weber, seconded by Commissioner Shaw, which motion duly carried, the Board convened in closed session to hear testimony as to why the work card should or should not be granted.

The appellant Filimone Tuavao was present, along with his daughter, Lavinia Tuavao, to offer testimony during the closed session.

Also present were Maureen Thomas, Chief Records Clerk, Washoe County Sheriff's Office, and Alice LeDesma, Washoe County Social Services, Child Care Licensing Division.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, the Board reconvened in open session and the following action was taken:

On motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried by a vote of 3 to 2 with Commissioners Galloway and Humke voting "no," the Board ordered that the work card permit be granted to Filimone Tuavao upon the following conditions: (1) that upon any future report of domestic violence, the

property. Infiltration trenches shall retain all roof runoff on the applicant's property, assuring the runoff will not drain to the adjacent property. Compliance with this condition shall be determined by the staff of the Department of Community Development.

10. Applicant shall contact Tahoe Regional Planning Agency Erosion Control Team for a site evaluation and list of appropriate Best Management Practices (BMP) requirements. All BMP's shall be installed to current standards. These may include, but are not limited to, infiltration trench below eave line of the proposed and existing structure, trenches across all driveways, and revegetation of site. The applicant shall submit a copy of the TRPA BMP evaluation with the site plan. All the BMP requirements shall be included on the site plan. Compliance with this condition shall be determined by the staff of the Department of Community Development.
11. The applicant is required to determine location of the water and sewer service lines to the existing structure. Applicant is required to relocate water and sewer service outside the footprint of the existing structure and the proposed garage during the construction phase. Compliance shall be determined by the Incline Village General Improvement District.
12. The applicant shall negotiate with the United States Forest Service (USFS) to construct a retaining wall along the adjoining property line to the satisfaction of the reviewing agency. The wall shall not exceed twenty-five feet in length and four feet in height. Applicant shall provide written approval from USFS with the building application. In the absence of USFS agreement, the applicant is authorized to have an 18-inch side yard setback. This action in no way constitutes encouragement by the Washoe County Commission that the applicant can trespass on federal property. Compliance with this condition shall be determined by the staff of the Department of Community Development.

03-649

ORDINANCE NO. 1204 - BILL NO. 1380 - AMENDING
ORDINANCE NO. 1000 - DISTRICT NO. 24 - BOUNDARIES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 30, 2003 to consider second reading and adoption of Bill No. 1380. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Ordinance No. 1204, Bill No. 1380, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1000 CREATING THE WASHOE COUNTY, NEVADA, DISTRICT NO. 24

(GROUNDWATER REMEDIATION) IN ORDER TO CHANGE THE BOUNDARIES OF THE DISTRICT; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF," be approved, adopted and published in accordance with NRS 244.100.

03-650 ORDINANCE NO. 1205 - BILL NO. 1381 - DISTRICT NO. 24 - FEES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 30, 2003 to consider second reading and adoption of Bill No. 1381. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Ordinance No. 1205, Bill No. 1381, entitled, "AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA, DISTRICT NO. 24 (GROUNDWATER REMEDIATION); PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

03-651 ORDINANCE NO. 1206 - BILL NO. 1387 - ADOPTING AND RATIFYING INTERLOCAL AGREEMENT - CONSOLIDATION OF ANIMAL CONTROL SERVICES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 30, 2003 to consider second reading and adoption of Bill No. 1387. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Garth Elliott, Sun Valley resident, spoke in support of the ordinance.

There being no one else wishing to speak, the public hearing was closed.

EXHIBIT "C"

(Attach Copy of Notice of May 13, 2003 Meeting)

COUNTY COMMISSIONERS

David Humke, Chairman
 Jim Shaw, Vice Chairman
 Jim Galloway
 Pete Sferrazza
 Bonnie Weber

COUNTY MANAGER

Katy Singlaub

ASSISTANT
DISTRICT ATTORNEY

Madelyn Shipman

AGENDA

MEETING OF

WASHOE COUNTY BOARD OF COMMISSIONERS

COMMISSION CHAMBERS - 1001 E. 9th Street, Reno, Nevada

May 13, 2003

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to the Consent Agenda at the beginning of the Board Meeting.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, please call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

An Agenda CAUCUS Meeting will be held in the Commission Caucus Room (1001 E. 9th St., 2nd Floor, Reno) on MONDAY, May 12, 2003, following the *Work Card Permit Appeal*, in order to review agenda items for the regular meeting of the Washoe County Board of Commissioners, as described below. Said review, if requested by the Commission, is limited to brief staff presentation of issue and may include review of background information and questions to be answered at the joint and regular meetings. The Commission, at the Caucus Meeting, may also consider possible items for placement on the April 22, 2003 Commission Agenda.

NOTE: The Board of County Commissioners, on MONDAY, May 12, 2003, at 1:30 p.m., will take action on a WORK CARD PERMIT APPEAL for Peter van Peborgh. The HEARING will be a CLOSED SESSION to discuss the applicant's character or other matters under NRS 241.030(1) and will take place in the Commission Caucus Room (1001 E. 9th St., 2nd Floor, Reno).

Public Comment: Limited to three minutes per person and limited to matters other than the agenda items that will be heard at the Commission Meeting. Persons are invited to submit comments in writing on agenda items and/or attend and make comment on that item at the Commission Meeting.

AT THE CAUCUS MEETING (May 12, 2003), the following *workshop* will be held:

Presentation on Rapid Transit (presented by Greg Krause, Executive Director, Regional Transportation Commission).

Legislative Briefing—this item may be discussed at Monday's Caucus Meeting and/or Tuesday's Board Meeting and may involve discussion by the Commission and direction to staff on various bills and bill draft requests (BDR). Current bills the County is tracking that may be reported on or discussed are listed under ***Legislative Affairs*** at "www.co.washoe.nv.us". Due to time constraints inherent in the legislative process, a list of specific bills that staff will seek direction from the Commission on during ***Legislative Briefing*** will be posted on the web site by 6:30 p.m. the Friday before the Monday Caucus and will be posted in the County Manager's Office, and at other locations where the agenda is posted, by 9 a.m. on Monday.

3:30 p.m. 26. E. Comprehensive Plan Amendment Case No. CP02-015 - Cadjew and Coyne Residences--Community Development.

To consider a request to amend the Southwest Truckee Meadows Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would redesignate Assessor's Parcel Numbers 44-384-12 (2.13 acres) and 44-384-11 (1.00 acre) and a 1.3 acre portion of 44-384-10 (10.63 acres) from the land use designation of General Commercial (GC) to the land use designation of Low Density Suburban (LDS). The parcels considered for the land use change total 4.43+/- acres and are located to the east of Sierra Manor Drive and west of South Virginia Street and north of Vera Drive. The parcels are located within the Southwest Truckee Meadows Area Plan, in a portion of Sections 7 and 8, T18N, R20E, MDM. To reflect changes requested within this application the table of land uses and the land use map will be revised. The request will require a conformance review by the Regional Planning Agency.

F. Special Assessment District 24 (Groundwater Remediation)--Water Resources.

- (1) To consider proposed amendments to the boundaries of District No. 24 (Groundwater Remediation).

AND

- (2) First reading of an Ordinance amending Ordinance No. 1000 creating the Washoe County, Nevada, District No. 24 (Ground Water Remediation) in order to change the boundaries of the District; ratifying, approving and confirming all action previously taken directed thereto; and providing the effective date hereof.

AND

- (3) First reading of an Ordinance concerning the Washoe County, Nevada, District No. 24 (Ground Water Remediation); providing for the payment of a portion of the costs of developing and carrying out a plan for remediation; imposing a fee to pay such costs on the parcels of land in such District No. 24; describing the manner for the collection and payment of the fee; ratifying, approving and confirming all action previously taken directed toward those purposes; and prescribing other matters relating thereto.

G. Special Assessment District No. 32 (Spanish Springs Valley Ranches Roads)--Public Works (continued from April 22, 2003 Commission meeting).

- (1) Gather testimony in support of or opposition to formation of Special Assessment District No. 32. (To be heard before Agenda Item 26G (2).)

EXHIBIT "D"

(Attach Copy of Notice of June 10, 2003 Meeting)

COUNTY COMMISSIONERS

David Humke, Chairman
Jim Shaw, Vice Chairman
Jim Galloway
Pete Sferrazza
Bonnie Weber

COUNTY MANAGER

1204

Katy Singlaub

ASSISTANT
DISTRICT ATTORNEY

Madelyn Shipman

AGENDA

MEETING OF

WASHOE COUNTY BOARD OF COMMISSIONERS

COMMISSION CHAMBERS - 1001 E. 9th Street, Reno, Nevada

June 10, 2003

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to the Consent Agenda at the beginning of the Board Meeting.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, please call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

An Agenda CAUCUS Meeting will be held in the Commission Caucus Room (1001 E. 9th St., 2nd Floor, Reno) on MONDAY, June 9, 2003, following the *Work Card Permit Appeal*, in order to review agenda items for the regular meeting of the Washoe County Board of Commissioners, as described below. Said review, if requested by the Commission, is limited to brief staff presentation of issue and may include review of background information and questions to be answered at the joint and regular meetings. The Commission, at the Caucus Meeting, may also consider possible items for placement on the June 17, 2003 Commission Agenda.

NOTE: The Board of County Commissioners, on MONDAY, June 9, 2003, at 1:30 p.m., will take action on a WORK CARD PERMIT APPEAL for Filimone Tuavao. The HEARING will be a CLOSED SESSION to discuss the applicant's character or other matters under NRS 241.030(1) and will take place in the Commission Caucus Room (1001 E. 9th St., 2nd Floor, Reno).

Public Comment: Limited to three minutes per person and limited to matters other than the agenda items that will be heard at the Commission Meeting. Persons are invited to submit comments in writing on agenda items and/or attend and make comment on that item at the Commission Meeting.

AT THE CAUCUS MEETING (June 9, 2003), the following *workshop* will be held:

Jail Population Management: A statistical review and retrospective examination (presented by David Bennett).

Legislative Briefing--this item may be discussed at Monday's Caucus Meeting and/or Tuesday's Board Meeting and may involve discussion by the Commission and direction to staff on various bills. Current bills the County is tracking that may be reported on or discussed are listed under Legislative Affairs at "www.co.washoe.nv.us". Due to time constraints inherent in the legislative process, a list of specific bills that staff will seek direction from the Commission on during *Legislative Briefing* will be posted on the web site by 6:30 p.m. the Friday before the Monday Caucus and will be posted in the County Manager's Office, and at other locations where the agenda is posted, by 9 a.m. on Monday.

5:30 p.m. 18. B. Second Reading and Adoption of Ordinances.

- (1) Amending Ordinance No. 1000 creating the Washoe County, Nevada, District No. 24 (Groundwater Remediation) in order to change the boundaries of the District; ratifying, approving and confirming all action previously taken directed thereto; and providing the effective date hereof. (Bill No. 1380)
- (2) Concerning the Washoe County, Nevada, District No. 24 (Groundwater Remediation); providing for the payment of a portion of the costs of developing and carrying out a plan for remediation; imposing a fee to pay such costs on the parcels of land in such District No. 24; describing the manner for the collection and payment of the fee; ratifying, approving and confirming all action previously taken directed toward those purposes; and prescribing other matters relating thereto. (Bill No. 1381)
- (3) Adopting and ratifying an Interlocal Agreement by and between Washoe County, the City of Reno and the City of Sparks regarding the consolidation of animal control services in Washoe County as provided herein; providing that so long as this Ordinance remains in force and effect the Interlocal Agreement will be in force and effect; and providing notice be given in the event Washoe County takes action to introduce or otherwise act upon an Ordinance repealing this Ordinance. (Bill No. 1387)

AND

Execution of an Interlocal Agreement between the County of Washoe, the City of Reno and the City of Sparks, concerning consolidation of animal control services in Washoe County--Public Works.

- (4) Amending the Washoe County Code by repealing Chapter 55 relating to animals and fowl and enacting provisions regarding animal control in Washoe County, including the incorporated City of Sparks; establishing congested areas of Washoe County, including the City of Sparks, for the purpose of animal control; creating an animal control board to hear and decide kennel permit appeals and exotic animal permits; describing the duties of animal control officers; prohibiting the running at large of certain animals in congested areas; enacting provisions relating to cruelty to animals and other provisions regarding the control and protection of animals; requiring the licensing of dogs in congested areas and establishing fees therefore; setting forth requirements for rabies control, including vaccination and quarantine requirements; establishing kennel permitting requirements for keeping more than three dogs in congested areas; setting forth conditions for the impoundment of animals; prohibiting livestock to be at large in congested

EXHIBIT "E"

(Attach Affidavit of Publication of Notice of Filing of Amendatory Ordinance)

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COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **05/30/03 - 05/30/03**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

MAY 30 2003

TANA CICCOTTI
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-78259-2 - Expires May 16, 2006

Tana Ciccotti

Proof of Publication

NOTICE OF PUBLIC HEARING WASHOE COUNTY ORDINANCES NOTICE IS HEREBY GIVEN that the Washoe County Board of Commissioners will hold a public hearing in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, on Tuesday, June 10 2003, at 5:30 p.m. to consider adoption of the following Ordinances: **Bill No. 1380** An Ordinance amending Ordinance No. 1000 creating the Washoe County, Nevada, District No. 24 (Ground Water Remediation) in order to change the boundaries of the District; ratifying, approving and confirming all action previously taken directed thereto; and providing the effective date hereof. Bill No. 1381 An Ordinance concerning the Washoe County, Nevada, District No. 24 (Ground Water Remediation); providing for the payment of a portion of the costs of developing and carrying out a plan for remediation; imposing a fee to pay such costs on the parcels of land in such District No. 24; describing the manner for the collection and payment of the fee; ratifying, approving and confirming all action previously taken directed toward those purposes; and prescribing other matters relating thereto. Bill No. 1386 An Ordinance amending the Washoe County Code to remove the business license fees from the Washoe County Code; to enable the Department of Community Development to adopt business license fees by resolution; to adopt business license

fees by resolution; to provide for the processing of motion picture film permits and the waiver of fees therefore; and providing other matters relating thereto. (Persons interested in commenting on the Business Impact Statement adopted by the Commission are asked to provide their comments either in person or writing to the County Commission during the public hearing on June 10, 2003.) AND, if adopted, consideration of a resolution adopting a master fee schedule for business licenses under Chapter 25 (Business License Ordinance) of the Washoe County Code. Bill No. 1387 An Ordinance adopting and ratifying an Interlocal Agreement by and between Washoe County, the City of Reno and the City of Sparks regarding the consolidation of animal control services in Washoe County as provided herein; providing that so long as this Ordinance remains in force and effect the Interlocal Agreement will be in force and effect; and providing notice be given in the event Washoe County takes action to introduce or otherwise act upon an Ordinance repealing this Ordinance. Bill No. 1388 An Ordinance amending the Washoe County Code by repealing Chapter 55 relating to animals and fowl and enacting provisions regarding animal control in Washoe County, including the incorporated City of Sparks; establishing congested areas of Washoe County, including the City of Sparks, for the purpose of animal control; creating an animal control board to hear and decide kennel permit appeals and exotic animal permits; describing the duties of animal control officers; prohibiting the running at large of certain animals in congested areas; enacting provisions relating to cruelty to animals and other provisions regarding the control and protection of animals; requiring the licensing of dogs in congested areas and establishing fees therefore; setting forth requirements for rabies control, including vaccination and quarantine requirements; establishing kennel permitting requirements for keeping more than three dogs in congested areas; setting forth conditions for the impoundment of animals; prohibiting livestock to be at large in congested areas; requiring permits for exotic animals and prescribing required enclosures for exotic animals; establishing procedures in making dangerous dog determinations and requiring their registration and setting forth unlawful acts relating thereto; prescribing penalties for violations of the animal control provisions; and providing other matters properly relating thereto. Anyone wishing to protest or affirm may do so by appearing at the above-named time and place. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No.746120 May 30, 2003

**NOTICE OF PUBLIC HEARING
WASHOE COUNTY ORDINANCES**

NOTICE IS HEREBY GIVEN that the Washoe County Board of Commissioners will hold a public hearing in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, on Tuesday, June 10 2003, at 5:30 p.m. to consider adoption of the following Ordinances:

Bill No. 1387

An Ordinance amending Ordinance No. 1000 creating the Washoe County, Nevada, District No. 24 (Ground Water Remediation) in order to change the boundaries of the District; ratifying, approving and confirming all action previously taken directed thereto; and providing the effective date hereof.

Bill No. 1381

An Ordinance concerning the Washoe County, Nevada, District No. 24 (Ground Water Remediation); providing for the payment of a portion of the costs of developing and carrying out a plan for remediation; imposing a fee to pay such costs on the parcels of land in such District No. 24; describing the manner for the collection and payment of the fee; ratifying, approving and confirming all action previously taken directed toward those purposes; and prescribing other matters relating thereto.

Bill No. 1386

An Ordinance amending the Washoe County Code to remove the business license fees from the Washoe County Code; to enable the Department of Community Development to adopt business license fees by resolution; to adopt business license fees by resolution; to provide for the processing of motion picture film permits and the waiver of fees therefore; and providing other matters relating thereto.

(Persons interested in commenting on the Business Impact Statement adopted by the Commission are asked to provide their comments either in person or writing to the County Commission during the public hearing on June 10, 2003.)

AND, if adopted, consideration of a resolution adopting a master fee schedule for business licenses under Chapter 25 (Business License Ordinance) of the Washoe County Code.

Bill No. 1387

An Ordinance adopting and ratifying an Interlocal Agreement by and between Washoe County, the City of Reno and the City of Sparks regarding the consolidation of animal control services in Washoe County as provided herein; providing that so long as this Ordinance remains in force and effect the Interlocal Agreement will be in force and effect; and providing notice be given in the event Washoe County takes action to introduce or otherwise act upon an Ordinance repealing this Ordinance.

Bill No. 1388

An Ordinance amending the Washoe County Code by repealing Chapter 55 relating to animals and fowl and enacting provisions regarding animal control in Washoe County, including the incorporated City of Sparks; establishing congested areas of Washoe County, including the City of Sparks, for the purpose of animal control; creating an animal control board to hear and decide kennel permit appeals and exotic animal permits; describing the duties of animal control officers; prohibiting the running at large of certain animals in congested areas; enacting provisions relating to cruelty to animals and other provisions regarding the control and protection of animals; requiring the licensing of dogs in congested areas and establishing fees therefore; setting forth requirements for rabies control, including vaccination and quarantine requirements; establishing kennel permitting requirements for keeping more than three dogs in congested areas; setting forth conditions for the impoundment of animals; prohibiting livestock to be at large in congested areas; requiring permits for exotic animals and prescribing required enclosures for exotic animals; establishing procedures in making dangerous dog determinations and requiring their registration and setting forth unlawful acts relating thereto; prescribing penalties for violations of the animal control provisions; and providing other matters properly relating thereto.

Anyone wishing to protest or affirm may do so by appearing at the above-named time and place.

AMY HARVEY, Washoe County Clerk and
Clerk of the Board of County Commissioners
No.746120 May 30, 2003

EXHIBIT "F"

(Attach Affidavit of Publication of Title of Amendatory Ordinance Twice)

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STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **06/13/03 - 06/20/03**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

JUN 24 2003

TANA CICCOTTI
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-73259-2 - Expires May 16, 2006
Tana Ciccotti

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCES NOTICE IS HEREBY GIVEN THAT the following Ordinances, listed below by title and containing the vote of the Commission members, were adopted by the Washoe County Board of Commissioners on June 10, 2003. These Ordinances shall be in full force and effect from and after June 20, 2003. Bill No. 1380, Ordinance No. 1204 An Ordinance amending Ordinance No. 1000 creating the Washoe County, Nevada, District No. 24 (Ground Water Remediation) in order to change the boundaries of the District; ratifying, approving and confirming all action previously taken directed thereto; and providing the effective date hereof. AYES: Humke, Shaw, Galloway, Sferrazza, and Weber Bill No. 1381, Ordinance No. 1205 An Ordinance concerning the Washoe County, Nevada, District No. 24 (Ground Water Remediation); providing for the payment of a portion of the costs of developing and carrying out a plan for remediation; imposing a fee to pay such costs on the parcels of land in such District No. 24; describing the manner for the collection and payment of the fee; ratifying, approving and confirming all action previously taken directed toward those purposes; and prescribing other matters relating thereto. AYES: Humke, Shaw, Galloway, Sferrazza, and Weber Bill No. 1387, Ordinance No. 1206 An Ordinance adopting and ratifying an Interlocal Agreement by and between Washoe County,