

**Fee Adoption Ordinance**

Summary - An ordinance levying a fee in Washoe County, Nevada District No. 24 (Groundwater Remediation), ratifying action taken by County officers, and providing other matters related thereto.

BILL NO. 1643

ORDINANCE NO. 1463

**AN ORDINANCE IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**WHEREAS**, Washoe County in the State of Nevada (the "County" and "State," respectively), is a county organized and operating under the laws of the State of Nevada (the "State"); and

**WHEREAS**, subsection 1 of Nevada Revised Statutes ("NRS") § 540A.250 provides that the Board of County Commissioners (the "Board") shall create a district for the remediation of the quality of water if the county or district health officer (the "Health Officer") or Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources (the "Division") certifies in writing to a Board that a condition exists in an area of the region which is affecting or will affect the quality of water that is available for municipal, industrial and domestic use within the region; and

**WHEREAS**, the Board has received certifications in writing (the "Certification") as described to in subsection 1 of NRS § 540A.250; and

**WHEREAS**, subsection 2 of NRS § 540A.250 provides that on receipt of the Certification, the Board must proceed in cooperation with the Health Officer and the Division to verify the existence and extent of the condition and establish the appropriate boundaries of a district for the remediation of the quality of water (the "District"); and

**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

**WHEREAS**, pursuant to NRS § 540A.250 and the Certification so received, the Board has proceeded in cooperation with the Health Officer and the Division of Environmental Protection to verify the existence of the condition and establish appropriate boundaries of the District; and

**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

**WHEREAS**, the Plan for Remediation (including the update) has been submitted to the Division and approved by the Division pursuant to Subsection 1 of NRS 540A.260; and

**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

**WHEREAS**, the Board pursuant to Ordinance No. 1000 adopted and approved on November 14, 1997, as amended by ordinances adopted and approved on June 16, 1998, June 22, 1999, June 12, 2000, June 12, 2001, June 11, 2002, June 9, 2003, June 22, 2004, June 14, 2005, June 13, 2006, June 12, 2007, June 10, 2008, June 9, 2009, and June 22, 2010 (as amended, the “Creation Ordinance”), created a district (the “District” or “District No. 24”) for the remediation of the quality of water pursuant to NRS § 540A.250 through § 540A.285 (the “Act”) whose

boundaries in accordance with NRS § 540A.250 include the wholesale and retail water service area of Sierra Pacific Power Company (herein “Sierra Pacific”) and its successors in the water business, the Truckee Meadows Water Authority (“TMWA”), which was in the case of Sierra Pacific and is in the case of TMWA, and further include a portion of the wholesale and retail water service area of Washoe County’s Department of Water Resources, both of which are providers of water service that has used and uses for at least a portion of its water supply, 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, based upon the Plan for Remediation; and

**WHEREAS**, the Board has heretofore determined and does hereby declare that a portion of the cost of developing and carrying out the plan for remediation has been deferred with the proceeds of bonds (the “Bonds”) which have been heretofore retired; and

**WHEREAS** the Board has also determined that a portion of the costs of developing and carrying out the plan for remediation is to be paid from certain cash on hand and that a portion of such cost is also to be paid with a portion of the fee collected in 2010-2011; and

**WHEREAS**, the Board has heretofore determined that the operation and maintenance in connection with carrying out the Plan for Remediation is to be paid by a fee imposed on the properties in the District; and

**WHEREAS**, in the Creation Ordinance, the Board determined that the condition which requires remediation affects the quality of drinking water within the region and therefor, pursuant to subsection 1(a) of NRS § 540A.265, the fee apportioned must be based on a percentage of the total amount billed in the preceding calendar year to each parcel of property within the District for water by the provider of retail water service to the parcel of property; and

**WHEREAS**, the Board has determined and hereby determines that the Bonds have been retired, and therefore no amount will be included in the fee to pay principal and interest on the Bonds; and

**WHEREAS**, the Board has determined and hereby determines that the estimated amount required to pay TMWA for one year's operation and maintenance (“O & M”) costs as provided in the County's agreement with Sierra Pacific, to which TMWA has succeeded, is \$115,000; and

**WHEREAS**, the Board has determined and hereby determines that the annual amount necessary to pay the one year's cost of additional capital expenses and monitoring, administration, collection and other continuing costs in furtherance of and in connection with developing and carrying out the Plan for Remediation (collectively, "Ongoing Costs") is \$2,974,000.00; and

**WHEREAS**, it is therefore necessary to raise \$1,250,000 in fiscal year 2011-2012 (the Fiscal Years' Amount) to pay one year's O&M and Ongoing Costs; and

**WHEREAS**, the Board has determined at this time that considering the nature of the capital projects previously funded with the Bonds and the nature of the Ongoing Costs being collected at this time, it is appropriate to weight or adjust the amount billed pursuant to paragraph (b) of subsection 1 of NRS § 540A.265, and consequently that the methods of weighting or adjusting outlined in paragraphs (b) and (c) of such subsection are being applied to the fee being apportioned by this ordinance, and the Board hereby finds and declares that such apportionment is just and equitable; and

**WHEREAS**, there has been submitted to staff of the County a list of all parcels of land in the District (excluding all property owned by the federal government), together with the amount billed for water to those parcels in calendar year ending December 31, 2010, in which, in the cases of properties within the District where retail water service was not provided for a full calendar year, or where a full calendar year's billing was not available, the estimated amount billed for water for a full calendar year was provided or developed, taking into account a partial year's billing extended to 12 months, or an average of fees on parcels of property within comparable zonings or uses; and

**WHEREAS**, there has been prepared and filed with the County Clerk on April 19, 2011 a list, entitled "District No. 24 (Groundwater Remediation) 2010 Fee Apportionment List" (the "Fee Apportionment List"), of each parcel of property within the District (excluding parcels owned by the United States) and an apportionment of the Fiscal Years' Amount to be raised by the fees described above to each parcel of land in the District, which apportionment is based on the amount billed to that parcel for water, weighted and adjusted as described in paragraphs (b), (c) and (d) of subsection 1 of NRS § 540A.265; and

**WHEREAS**, the Board has determined and hereby determines that the apportionment provided in the list described above is fair, just and equitable and is hereby adopted.

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

Section 1. All actions, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this Washoe County, Nevada District No. 24 (Groundwater Remediation) Fee Imposition Ordinance (the “Ordinance”)) concerning the District and the Plan of Remediation, and the imposition and apportionment of a fee therefore are ratified, approved and confirmed.

Section 2. For the purpose of paying the cost of developing and carrying out the Plan for Remediation, there is hereby imposed against each of the lots, tracts and parcels of land in the District (except property owned by the Federal Government), the amount shown for that tract or parcel of land in the Fee Apportionment List as filed in the office of the County Clerk on April 19, 2011. The Board hereby finds and determines and to impose and apportion the fee in the amounts shown in the Fee Apportionment List, all in accordance with the Act.

Section 3. In accordance with subsection 2 of NRS § 540A.265, the fee imposed by this ordinance shall be collected by the County Treasurer with the general taxes of the County, and payment therefore must be enforced in the same manner and with the same remedies as provided for the collection of general taxes. The amount of the fee shall be due with the first installment of property taxes and shall be payable in full on that date. There shall not be any option to pay the fee in installments. The Clerk is hereby directed to certify a copy of the Fee Apportionment List to the County Treasurer for collection purposes.

Section 4. 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 to impose and apportion the fee provided herein.

Section 5. 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 6. 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) working days before the date set for such hearing, i.e., at least ten (10) working days before the 14<sup>th</sup> day of June, 2011, 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 6:00 p.m., on Tuesday, the 14<sup>th</sup> day of June 2011, 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 IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

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, District No. 24 (the "District") for the purpose of remediating the quality of water and various other matters in connection therewith, and recite the costs anticipated to be incurred therefore and the appropriation of those costs on the various parcels of land in the District, and make certain findings.

The ordaining clause is then set forth.

Section 1 ratifies the action previously taken and Section 2 imposes and apportions a fee for remediation on each parcel of land in the District except parcels owned by the Federal Government.

Section 3 provides for collection of the fee with general taxes.

Sections 4 and 5 authorize the County officials to take any action necessary to effectuate the ordinance; and provide a repealer clause for conflicting provisions.

Sections 6, 7 and 8 provide for notice by publication of the June 14, 2011 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 14, 2011; 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 10, 2011.

/s/ Amy Harvey  
County Clerk

(SEAL)

(End of Form for Publication)



Section 7. 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 IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**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 10, 2011, 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 14, 2011, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Those Voting Nay:

Those Absent:

This ordinance shall be in full force and effect from and after June \_\_, 2011, 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 June 14, 2011.

/s/ John Breternitz  
Chairman  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

/s/ Amy Harvey  
County Clerk

(End of Form of Publication)

Section 8. 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 10<sup>th</sup> day of May, 2011.

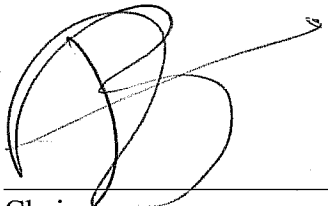
Proposed by Commissioner Weber.

Passed the 14<sup>th</sup> day of June, 2011.

Those Voting Aye: Breternitz, Weber, Humke, LARKIN, Jung

Those Voting Nay: none

Those Absent: none



Chairman  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:



This ordinance shall be in force and effect from and after the 24<sup>th</sup> day of June, 2011, i.e., the date of the second publication of such ordinance by its title only.

STATE OF NEVADA        )  
                                  ) ss.  
COUNTY OF WASHOE    )

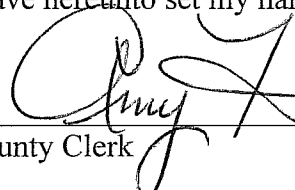
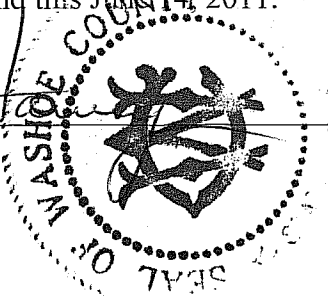
I, Amy Harvey, am the duly chosen and qualified Clerk of Washoe County, and in the performance of my duties as Clerk do hereby certify:

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 10, 2011 and adopted on June 14, 2011 which relates to District No. 24 (Groundwater Remediation). Minutes of the hearing on such District held on May 10, 2011 and of the hearing on the Ordinance held on June 14, 2011 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. The members of the Board voted on such ordinance as set forth in the ordinance.

3. An affidavit evidencing notice of filing of such ordinance is attached as Exhibit E and an affidavit of publication of the notice of adoption of the ordinance is attached hereto as Exhibit F.

**IN WITNESS WHEREOF**, I have hereunto set my hand this June 14, 2011.

  
County Clerk 

The undersigned does hereby certify:

1. All members of the Board were given due and proper notice of the meetings held on May 10, 2011 and June 14, 2011.

2. Public notice of such meetings were given and such meetings were held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notices of

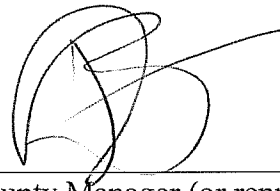
meeting and excerpts from the agendas for the meetings relating to the ordinance, as posted no later than 9:00 a.m. at least 3 working days in advance of the meetings at the Board's office, the County's website, and three other locations, i.e., at:

- (i) Washoe County Administration Complex  
1001 East Ninth Street  
Reno, Nevada
- (ii) Washoe County Courthouse  
75 Court Street  
Reno, Nevada
- (iii) Washoe County Library  
301 South Center Street  
Reno, Nevada
- (iv) Justice Court  
630 Greenbrae Drive  
Sparks, Nevada

are attached as Exhibits "C" and "D."

3. No later than 9:00 a.m. at least 3 working days before such meetings, such notices were mailed to each person, if any, who has requested notice of meetings of the Board in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of Washoe County, Nevada, this June 14, 2011.



\_\_\_\_\_  
County Manager (or representative thereof)  
Washoe County, Nevada

(SEAL)

**EXHIBIT "A"**

**(Attach Copy of Minutes of May 10 Hearing on  
District No. 24 Boundary Amendment)**

BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA

TUESDAY

9:00 A.M.

MAY 10, 2011

PRESENT:

John Breternitz, Chairman  
Bonnie Weber, Vice Chairperson  
Kitty Jung, Commissioner  
David Humke, Commissioner\*

Amy Harvey, County Clerk  
Katy Simon, County Manager  
Melanie Foster, Legal Counsel

ABSENT:

Bob Larkin, Commissioner

*The Board of County Commissioners and the Washoe County Library Board of Trustees will begin their meeting at 9:00 a.m. in the Caucus Room (#A205) located on the 2nd Floor of Building A at 1001 E. 9th Street, Reno.*

The Washoe County Board of Commissioners and the Washoe County Library Board of Trustees convened at 9:05 a.m. for a joint meeting in the Caucus Room located on the 2nd Floor of Building A of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Also present were Library Board of Directors Chairperson Judith Simon, Members Fred Lokken, Tom Cornell and Alfred Stoess and Library Director Arnie Maurins. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Boards conducted the following business:

County Manager Katy Simon stated: "The Chairman and the Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings."

**11-364      AGENDA ITEM 3 – PUBLIC COMMENT**

**Agenda Subject: "Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during**



11-403

AGENDA ITEM 26 – WATER RESOURCES

**Agenda Subject:** “Introduction and first reading of an Ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto. (Second reading and adoption to be set for June 14, 2011 at 6 p.m.)”

Amy Harvey, County Clerk, read the title for Bill No. 1642.

Bill No. 1642, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1000 IN ORDER TO CHANGE THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION); AND PROVIDING OTHER MATTERS RELATING THERETO," was introduced by Commissioner Weber, and legal notice for final action of adoption was directed. It was noted that the second reading and adoption be set for June 14, 2011 at 6:00 p.m.

11-404

AGENDA ITEM 26 – WATER RESOURCES

**Agenda Subject:** “Introduction and first reading of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Second reading and adoption to be set for June 14, 2011 at 6 p.m.). (All Commission Districts.)”

Amy Harvey, County Clerk, read the title for Bill No. 1643.

Bill No. 1643, entitled, "AN ORDINANCE IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; AND PRESCRIBING OTHER MATTERS RELATING THERETO," was introduced by Commissioner Weber, and legal notice for final action of adoption was directed. It was noted that the second reading and adoption be set for June 14, 2011 at 6:00 p.m.

11-405

AGENDA ITEM 28 – SOCIAL SERVICES

**Agenda Subject:** “Discussion and possible direction to staff regarding the County Commissioners’ potential role in governance of the Community Assistance Center and referral of Community Assistance Center policy-making and oversight to the Shared Services Elected Officials Committee. (All Commission Districts.)”

Kevin Schiller, Social Services Director, commented that there was a Request for Proposal (RFP) in process related to the contractor who would run the Shelter. He said when the Shelter originally opened, Washoe County Social Services provided three full-time staff members for case management. In addition, last year the Shelter was funded and the County had contributed \$1,340,520 towards the operation of

**EXHIBIT "B"**

**(Attach Minutes of June 14 Hearing on Ordinance)**

**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

JUNE 14, 2011

PRESENT:

John Breternitz, Chairman  
Bonnie Weber, Vice Chairperson  
Bob Larkin, Commissioner  
Kitty Jung, Commissioner  
David Humke, Commissioner\*

Amy Harvey, County Clerk  
Katy Simon, County Manager  
Melanie Foster, Legal Counsel

The Washoe County Board of Commissioners convened at 10:01 a.m. 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:

County Manager Katy Simon stated: "The Chairman and the Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings."

**11-474      AGENDA ITEM 3**

**Agenda Subject: "Resolution of Accomplishment--Rotary Club of Reno. (Requested by Commissioner Breternitz.)"**

Chairman Breternitz read and presented the Resolution of Accomplishment to Bob Moore, Rotary Club of Reno President, and Carl Fuetsch and Wes Witten, Rotary International Foundation for the Rotary Club of Reno Co-Chairs. Mr. Fuetsch said he was just informed the amount contributed by Rotary members to the local foundation now exceeded \$1 million. He noted the Rotary Club of Reno was one of eight Rotary Clubs in the area.

**6:00 p.m.** Chairman Breternitz opened the public hearing

**6:01 p.m.** Commissioner Weber arrived.

**11-512** **AGENDA ITEM 27 – DISTRICT 24 (GROUNDWATER  
REMEDICATION) – BOUNDARIES**

**Agenda Subject:** “Second reading and adoption of an Ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto (Bill No. 1642)--Water Resources.

Amy Harvey, County Clerk, read the title for Ordinance No. 1462, Bill No. 1642.

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that Ordinance No. 1462, Bill No. 1642, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1000 IN ORDER TO CHANGE THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION); AND PROVIDING OTHER MATTERS RELATING THERETO. (BILL NO. 1642)," be approved, adopted and published in accordance with NRS 244.100.

**11-513** **AGENDA ITEM 27 – DISTRICT 24 (GROUNDWATER  
REMEDICATION) – FEE**

**Agenda Subject:** “Second reading and adoption of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto (Bill No. 1643)--Water Resources.”

Amy Harvey, County Clerk, read the title for Ordinance No. 1463, Bill No. 1643.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Chairman Breternitz, which motion duly carried, it was ordered that Ordinance No. 1463, Bill No. 1643, entitled, "AN ORDINANCE IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; AND PRESCRIBING OTHER MATTERS

**EXHIBIT "C"**

**(Attach Copy of Notice of May 10 Meeting)**

**COUNTY COMMISSIONERS**

John Breternitz, Chairman  
Bonnie Weber, Vice-Chairman  
David Humke  
Kitty Jung  
Bob Larkin

**COUNTY MANAGER**

Katy Simon

**ASSISTANT  
DISTRICT ATTORNEY**

Paul Lipparelli

**WASHOE COUNTY COMMISSION CAUCUS ROOM  
JOINT MEETING WITH WASHOE COUNTY LIBRARY BOARD OF TRUSTEES  
1001 E. 9<sup>TH</sup> Street, 2<sup>ND</sup> Floor, Room A205, Reno, Nevada  
May 10, 2011 @ 9:00 a.m.**

**COMMISSION CHAMBERS  
WASHOE COUNTY COMMISSION ONLY  
1001 E. 9<sup>TH</sup> Street, Reno, Nevada  
May 10, 2011 @ 10:00 a.m.**

**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 or from the Consent Agenda at the beginning of the Board Meeting or may be voted on in a block.

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

**Public Comment** during the Commission Meeting on May 10, 2011 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: "\*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".

22. Update on status of Shared Services efforts and possible direction to staff--Manager. (All Commission Districts.)
23. Discussion and possible direction regarding Manager's recommended budget for Fiscal Year 2011/12. (All Commission Districts.)
24. Overview and status of 2011 Washoe County Commission election district redistricting project--Management Services. (All Commission Districts.)
25. Discussion and possible direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County--Government Affairs. (All Commission Districts.)

**5:30 p.m.**

Public Hearing. (Note: Item listed under this heading only will be heard at or after the noted time. In no case will it be heard before the stated time. Due to public testimony and discussion, time expended on this item in this category can vary.)

26. Presentation and public hearing to consider all comments concerning a proposed amendment to the boundaries of the Groundwater Remediation District (Central Truckee Meadows Remediation District).

AND

Introduction and first reading of an Ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto. (Second reading and adoption to be set for June 14, 2011 at 6 p.m.)

AND

Introduction and first reading of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Second reading and adoption to be set for June 14, 2011 at 6 p.m.)--Water Resources. (All Commission Districts.)

End Of Scheduled 5:30 p.m. Public Hearing

**EXHIBIT "D"**

**(Attach Copy of Notice of June 14 Meeting)**



**COUNTY COMMISSIONERS**

John Breternitz, Chairman  
Bonnie Weber, Vice-Chairman  
David Humke  
Kitty Jung  
Bob Larkin

**COUNTY MANAGER**

Katy Simon

**ASSISTANT  
DISTRICT ATTORNEY**

Paul Lipparelli

**AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

**COMMISSION CHAMBERS - 1001 E. 9<sup>th</sup> Street, Reno, Nevada**

**June 14, 2011  
10:00 a.m.**

**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 or from the Consent Agenda at the beginning of the Board Meeting or may be voted on in a block.

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

**Public Comment** during the Commission Meeting on June 14, 2011 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: "\*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".

1463

22. Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC11-003, to amend Development Agreement Case Number DA08-006, regarding Feather River. The proposed amendment of conditions will extend the deadline for filing a final map in Tentative Map Case Number TM06-006 (Feather River Subdivision, formerly Stampmill Estates TM04-007) by 5 years from the date of signing by the Chair of the Washoe County Commission (set public hearing and second reading of the Ordinance for June 28, 2011--Community Development. (Commission District 4.)
23. Recommendation to approve awarding Agreement for Appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for a three-year period effective July 1, 2011 [not to exceed \$147,450 per year], pursuant to the Model Court Plan of the Second Judicial District filed with the Supreme Court under ADKT No. 411, and if approved, authorize Chairman to execute same--Manager. (All Commission Districts.)
24. Discussion and possible action regarding District Health matters which have been brought to the County Commission for action in the past. Action may include designating certain matters for final action and/or approval by the District Board of Health or the County Manager, maintaining the requirement that the Commission review and act upon some matters, or specifying some other disposition for matters that the Commission deems appropriate. Requested by Commissioner Larkin--District Attorney. (All Commission Districts.)
25. Update on status of Shared Services efforts and possible direction to staff--Manager. (All Commission Districts.)
26. Discussion and possible direction to staff regarding legislation or legislative issues from the 76th Nevada Legislative Session or during any special legislative session during 2011, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County--Government Affairs. (All Commission Districts.)

**6:00 p.m.**

Public Hearings. (Note: Items listed under this heading only will be heard at or after the noted time. In no case will they be heard before the stated time. Due to public testimony and discussion, time expended on the items in this category can vary.)

27. Second reading and adoption of an Ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto (Bill No. 1642)--Water Resources.

**AND**

Second reading and adoption of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto (Bill No. 1643)--Water Resources.

**EXHIBIT "E"**

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

**RENO NEWSPAPERS INC**

**Publishers of**

**Reno Gazette-Journal**

**955 Kuenzli St • P.O. Box 22,000 • Reno, NV 89520 • 775.788.6200**

**Legal Advertising Office 775.788.6394**

WASHOE CO  
PO BOX 11130  
RENO NV 89520-0027

Customer Acct# 349008  
PO#  
Ad# 1000753713  
Legal Ad Cost \$126.67

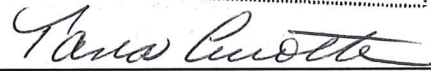
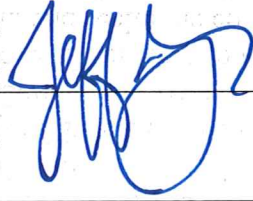
STATE OF NEVADA  
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation 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: **05/25/2011 - 05/25/2011**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

WASHOE COUNTY  
COMPTROLLER

2011 MAY 27 AM 9:43



11-573

**Proof of Publication**

NOTICE OF PUBLIC HEARING 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 14, 2011 at 6:00 p.m. 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: An ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto.(Bill No. 1643). 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, District No. 24 (the "District") for the purpose of remediation the quality of water and various other matters in connection therewith, and recite the costs anticipated to be incurred therefore and the appropriation of those costs on the various parcels of land in the District, and make certain findings. The ordaining clause is then set forth. Section 1 ratifies the action previously taken and Section 2 imposes and apportions a fee for remediation on each parcel of land in the District except parcels owned by the Federal Government. Section 3 provides for collection of the fee with general taxes.

1463 ✓

Sections 4 and 5 authorize the County officials to take any action necessary to effectuate the ordinance; and provide a repealer clause for conflicting provisions. Sections 6, 7 and 8 provide for notice by publication of the June 14, 2011 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 14, 2011; 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. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 753713 May 25, 2011

11-5713

**EXHIBIT "F"**

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



**RENO NEWSPAPERS INC**  
**Publishers of**  
**Reno Gazette-Journal**  
**955 Kuenzli St • P.O. Box 22,000 • Reno, NV 89520 • 775.788.6200**  
**Legal Advertising Office 775.788.6394**

WASHOE CO  
PO BOX 11130  
RENO NV 89520-0027

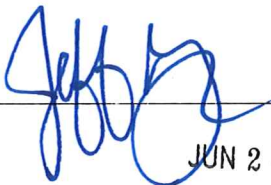
Customer Acct# 349008  
PO# ADOPT 1463  
Ad# 1000755743  
Legal Ad Cost \$150.86

STATE OF NEVADA  
COUNTY OF WASHOE

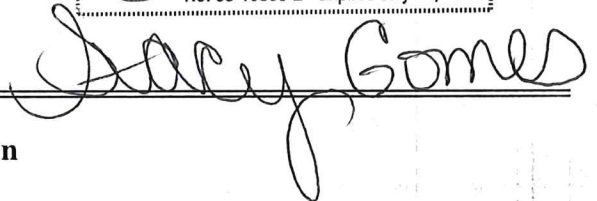
Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **06/17/2011 - 06/24/2011**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: \_\_\_\_\_



JUN 24 2011



**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1463 BILL NO. 1643 An ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse, 75 Court Street, Reno, Nevada, and that such Ordinance was proposed by Commissioner Weber on May 10, 2011, and was passed and adopted at a regular meeting held on June 14, 2011, by the following vote of the Board of County Commissioners: Those Voting Aye: John Breternitz, Kitty Jung, Robert M. Larkin, Bonnie Weber and David Humke Those Voting Nay: None Those Absent: None Those Abstaining: None This Ordinance shall be in full force and effect from and after June 24, 2011, 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 15th day of June, 2011. AMY HARVEY,

Washoe County Clerk and Clerk of the Board of County Commissioners No. 755743 June 17,  
24, 2011