

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. 1669

ORDINANCE NO. 1489

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, June 22, 2010, and June 14, 2011 (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 includes 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 have used and use for at least a portion of their 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 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 also determined that the costs of developing and carrying out the plan for remediation is to be paid from the fees collected through 2011; 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 \$177,000; and

WHEREAS, the Board has determined and hereby determines that the annual amount necessary to pay the one year's cost of additional 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 \$3,695,500.00 ; and

WHEREAS, it is therefore necessary to raise \$1,250,000 in fiscal year 2012-2013 (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, 2011, 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 30, 2012 a list, entitled "District No. 24 (Groundwater Remediation) 2011 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 30, 2012. 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 and 540A.262, 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 fifteen (15) working days before the date set for such hearing, i.e., at least fifteen (15) working days before the 12th day of June, 2012, 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 12th day of June 2012, 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 12, 2012 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 12, 2012; 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 15, 2012.

/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. 1669

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 15, 2012, 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 12, 2012, 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 __, 2012, 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 12, 2012.

/s/ Robert Larkin
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 15th day of May, 2012. .

Proposed by Commissioner ~~Breternitz~~ Jung

Passed the 12th day of June, 2012.

Those Voting Aye: Breternitz

Jung

Hunkle

Weber

Those Voting Nay: None

Those Absent: Larkin

Bonnie Weber Vice Chair

~~cc~~

Chairman

Board of County Commissioners

Washoe County, Nevada

(SEAL)

Attest:

Janez L. P. Chief Deputy
County Clerk

This ordinance shall be in force and effect from and after the 22nd day of June, 2012, i.e., the date of the second publication of such ordinance by its title only.

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

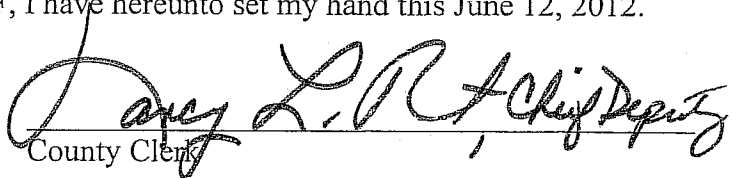
I, Amy Harvey, am the duly chosen and qualified Clerk of Washoe County, and in the performance of my duties as Clerk do hereby certify:

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 15, 2012 and adopted on June 12, 2012 which relates to District No. 24 (Groundwater Remediation). Minutes of the hearing on such District held on May 15, 2012 and of the hearing on the Ordinance held on June 12, 2012 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 12, 2012.


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 15, 2012 and June 12, 2012.

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 and NRS 540A.262. A

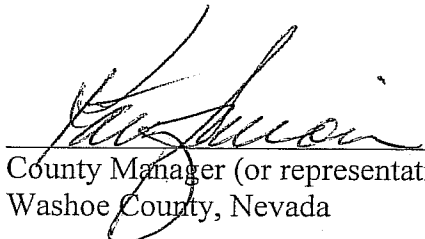
copy of the notices of meeting and excerpts from the agendas for the meetings relating to the ordinance, as posted no later than 9:00 a.m. at least 3 working days in advance of the meetings at the Board's office, the County's website, and three other locations, i.e., at:

- (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 12, 2012.



County Manager (or representative thereof)
Washoe County, Nevada

(SEAL)

EXHIBIT "A"

**(Attach Copy of Minutes of May 15 Hearing on
District No. 24 Boundary Amendment)**

BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

MAY 15, 2012

PRESENT:

Robert Larkin, Chairman
Bonnie Weber, Vice Chairperson
John Breternitz, Commissioner
Kitty Jung, Commissioner
David Humke, Commissioner

Nancy Parent, Chief Deputy Clerk
Katy Simon, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 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 Chief Deputy Clerk called the roll and the Board conducted the following business:

12-397 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 individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole.”

Lonnie Feemster, Reno-Sparks National Association for the Advancement of Colored People (NAACP) representative, said he received many calls from NAACP members, family, and friends who used the Duncan/Traner Community Library. He stated their concern was the Library only provided community access five hours per week as it was; and the area critically needed the Library to promote literacy and to get young people engaged in loving to study and learn, because there was a direct correlation between low academic achievement and incarceration. He said he was here today to ensure the Commission received the community’s input regarding how important the Library was to families lacking other resources. He asked the Board to keep this need in mind when determining what the County’s budget would be.

Sam Dehne addressed the Board regarding the County’s budget.

Darryl Feemster pleaded with the Commission to keep the Duncan/Traner Community Library open. He said the Library was one of the few resources in the northeast area of the community, and it had a significant impact on the students at the

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Commissioner Breternitz believed one of the key issues related to the ballot WC-2 question was whether or not the City of Reno was willing to participate with the County in funding the study. He said it would be nice to have it agendized as such.

There was no public comment and no action taken on this item.

PUBLIC HEARING

12-434 AGENDA ITEM 20 – PUBLIC HEARING

Agenda Subject: “Public hearing to consider all comments concerning a proposed amendment to the boundaries of the Groundwater Remediation District (Central Truckee Meadows Remediation District).”

6:00 p.m. Chairman Larkin opened the public hearing and called for public comment.

Katy Simon, County Manager, said every year the boundaries were amended to reflect any changes in the Groundwater Remediation District boundaries.

There was no response to the call for public comment.

12-435 AGENDA ITEM 20 – INTRODUCTION AND FIRST READING

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 12, 2012.)”

Nancy Parent, Chief Deputy Clerk, read the title for Bill No. 1668.

There was no response to the call for public comment.

Bill No. 1668, 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 Humke, and legal notice for final action of adoption was directed. It was noted that the public hearing and second reading of the Ordinance be set for June 12, 2012 at 6:00 p.m.

12-436 AGENDA ITEM 20 – INTRODUCTION AND FIRST READING

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 12, 2012.)--Community Services/Water Resources. (All Commission Districts.)”

Nancy Parent, Chief Deputy Clerk, read the title for Bill No. 1669.

There was no response to the call for public comment.

Bill No. 1669, 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 Jung, and legal notice for final action of adoption was directed. It was noted that the public hearing and second reading of the Ordinance be set for June 12, 2012 at 6:00 p.m.

12-437 AGENDA ITEM 21 – REPORTS/UPDATES

Agenda Subject: “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to.”

Commissioner Weber stated she would not be able to attend the Nevada Works Board meeting on June 8, 2012. Commissioner Jung said she could not attend in Commissioner Weber’s place. Commissioner Weber stated she would see if staff could attend. She said at the North Valleys Citizen Advisory Board (CAB) meeting last night a piece of property surrounding the Cold Springs Fire Station was discussed. She stated the property was owned by Lifestyle Homes. She stated changing the zoning on that property was being discussed, and she wanted to talk with staff about coming up with some ideas for the property.

Commissioner Breternitz stated the North Tahoe Conservation District meeting was being held next Thursday. He said there would be a discussion on how to move forward as conservation funds were being diminished statewide. He stated the Tahoe Regional Planning Agency’s (TRPA) Governing Board meeting was being held this Wednesday and Thursday to receive comments on a draft Environmental Impact Statement (EIS) regarding the Regional Plan update, and things were progressing on schedule. He stated there was a West Truckee Meadows CAB meeting last night where Mr. Rosen made a presentation on the Fire budgets.

Commissioner Humke stated the East Washoe Valley CAB meeting was tonight. He said he wanted to question the Nevada Department of Transportation (NDOT) representatives regarding their obligation to do fire mitigation for the new 580 freeway’s right-of-way.

Commissioner Jung reminded everyone the Library Board of Trustees would be meeting tomorrow at 4:00 p.m. at the Sierra View Library. She said on May 17, 2012 she would be attending the Community Assistance Center (CAC) Transitional Governing Board meeting, as well as the regular meeting of the Regional Jobs Network.

EXHIBIT "B"

(Attach Minutes of June 12 Hearing on Ordinance)

be held on June 21, 2012 and there would be an RSCVA Facilities Committee meeting on June 18, 2012. She said she attended the Washoe County School District (WCSD) Oversight Panel on School Facilities meeting. Ms. Simon stated she heard the WCSD was looking at increasing revenue for school facilities.

4:37 p.m. The Board recessed.

6:00 p.m. The Board reconvened with Chairman Larkin and Commissioner Humke absent.

PUBLIC HEARINGS

12-551 AGENDA ITEM 28 – PUBLIC HEARING

Agenda Subject: “Second reading and adoption of an Ordinance amending the Washoe County Code Chapter 100 (Washoe County Building Code) to adopt the 2009 International Energy Conservation Code (the “IECC”) (replacing the 2006 IECC) together with the 2011 Northern Nevada Amendments, effective July 1, 2012, and providing other matters properly related thereto. (Bill No. 1671)--Community Services/Building and Safety. (All Commission Districts.)”

6:01 p.m. Vice Chairperson Weber opened the public hearing and called for public comment. There was no response to the call for public comment and the public hearing was closed.

Nancy Parent, Chief Deputy Clerk, read the title for Ordinance No. 1487, Bill No. 1671.

6:02 p.m. Commissioner Humke returned.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried with Chairman Larkin, absent, it was ordered that Ordinance No. 1487, Bill No. 1671, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE CHAPTER 100 (WASHOE COUNTY BUILDING CODE) TO ADOPT THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE (THE “IECC”) (REPLACING THE 2006 IECC) TOGETHER WITH THE 2011 NORTHERN NEVADA AMENDMENTS, EFFECTIVE JULY 1, 2012, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO," be approved, adopted and published in accordance with NRS 244.100.

12-552 AGENDA ITEM 29 – PUBLIC HEARING

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. 1668)--Community Services/Water Resources. (All Commission Districts.)”

6:04 p.m. Vice Chairperson Weber opened the public hearing and called for public comment. There was no response to the call for public comment.

Nancy Parent, Chief Deputy Clerk, read the title for Ordinance No. 1488, Bill No. 1668.

On motion by Commissioner Breternitz, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that Ordinance No. 1488, Bill No. 1668, 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,**" be approved, adopted and published in accordance with NRS 244.100.

12-553 AGENDA ITEM 29 – PUBLIC HEARING

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. 1669)--Community Services/Water Resources. (All Commission Districts.)"

The public hearing remained open from the previous item.

Nancy Parent, Chief Deputy Clerk, read the title for Ordinance No. 1489, Bill No. 1669.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that Ordinance No. 1489, Bill No. 1669, 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,**" be approved, adopted and published in accordance with NRS 244.100.

Vice Chairperson Weber closed the public hearing.

12-554 AGENDA ITEM 33 – 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

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EXHIBIT "C"

(Attach Copy of Notice of May 15 Meeting)

COUNTY COMMISSIONERS

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

COUNTY MANAGER

Katy Simon

**ASSISTANT
DISTRICT ATTORNEY**

Paul Lipparelli

**NOTICE OF MEETING AND AGENDA WASHOE COUNTY
BOARD OF COMMISSIONERS COMMISSION CHAMBERS -**

1001 E. 9th Street, Reno, Nevada

Tuesday, May 15, 2012

10:00 a.m.

NOTE: Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent section; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless removed from the Consent section. The Board of County Commissioners may take short breaks approximately every 90 minutes.

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.

Time Limits. Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are 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. Persons may not allocate unused time to other speakers.

Forum Restrictions and Orderly Conduct of Business. The Board of County Commissioners conducts the business of Washoe County and its citizens during its meetings. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive comments or behavior may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

Responses to Public Comments. 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”.

14. Consideration of departmental budget appeals and possible direction to staff.
District Court
Sparks Justice Court
15. Status report and direction to staff on Fiscal Year 2012/2013 recommended Final Budget-- Finance. (All Commission Districts.)
16. Recommendation to approve the request to increase authorized staffing for Washoe County Sheriff's Office by six full-time Communication Specialists to support fire services dispatch; Fiscal Year 2012/13 estimated cost [\$525,000] includes personnel salaries and benefits, overtime, travel and equipment; and if approved, direct Human Resources and Finance Department to make the appropriate personnel and budget adjustments--Sheriff. (All Commission Districts.)
17. Update and discussion on the 2012 Nevada Legislative Interim Committees and Studies, 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--Management Services. (All Commission Districts.)
- *18. Update on Incline property tax refund process--Treasurer.
19. Update on status of Shared Services efforts and possible direction to staff--Manager. (All Commission Districts.)

6:00 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 the item in this category can vary.)

20. 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 12, 2012.)

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 12, 2012.)--Community Services/Water Resources. (All Commission Districts.)

End Of Scheduled Public Hearing

EXHIBIT "D"

(Attach Copy of Notice of June 12 Meeting)

COUNTY COMMISSIONERS

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

COUNTY MANAGER

Katy Simon

**ASSISTANT
DISTRICT ATTORNEY**

Paul Lipparelli

**NOTICE OF MEETING AND AGENDA WASHOE COUNTY
BOARD OF COMMISSIONERS COMMISSION CHAMBERS -**

1001 E. 9th Street, Reno, Nevada

Tuesday, June 12, 2012

10:00 a.m.

NOTE: Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent section; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless removed from the Consent section. The Board of County Commissioners may take short breaks approximately every 90 minutes.

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.

Time Limits. Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are 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. Persons may not allocate unused time to other speakers.

Forum Restrictions and Orderly Conduct of Business. The Board of County Commissioners conducts the business of Washoe County and its citizens during its meetings. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive comments or behavior may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

Responses to Public Comments. 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”.

24. Recommendation to award a bid for the Well Rehabilitation of Desert Springs #1 & #4 and Spring Creek #2 to Carson Pump, LLC, the lowest, responsive, responsible bidder [\$191,532 - Water Resources enterprise fund]--Community Services/Water Resources. (Commission District 4.)
25. Update and discussion on the 2012 Nevada Legislative Interim Committees and Studies, 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--Management Services. (All Commission Districts.)
- *26. Update on Incline property tax refund process--Treasurer.
27. Update on status of Shared Services efforts and possible direction to staff--Manager. (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.)

28. Second reading and adoption of an Ordinance amending the Washoe County Code Chapter 100 (Washoe County Building Code) to adopt the 2009 International Energy Conservation Code (the "IECC") (replacing the 2006 IECC) together with the 2011 Northern Nevada Amendments, effective July 1, 2012, and providing other matters properly related thereto. (Bill No. 1671)--Community Services/Building and Safety. (All Commission Districts.)
29. 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. 1668)--Community Services/Water Resources. (All Commission Districts.)

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. 1669)--Community Services/Water Resources. (All Commission Districts.)

End Of Scheduled Public Hearings

- *30. Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to:
 - Chairman Larkin
 - EDAWN Economic Development Council
 - Investment Committee
 - Joint Fire Advisory Board
 - Nevada Association of Counties (NACO) Board of Directors (Alternate)
 - Oversight Advisory Board (water services in Verdi)

EXHIBIT "E"

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

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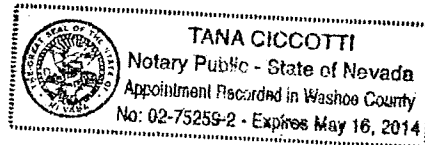
Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **05/25/2012 - 05/25/2012**, for exact publication dates please see last line of Proof of Publication below.

Signed: _____

Gina Briles

MAY 25 2012

Subscribed and sworn to before me



Proof of Publication

NOTICE OF PUBLIC HEARING 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 12th day of June 2012, 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. 1669) 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

1489 ✓

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 12, 2012 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 12, 2012; 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: May 23, 2012. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 780087 May 25, 2012

NOTICE OF PUBLIC HEARING

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 12th day of June 2012, 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. 1669)

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 12, 2012 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 12, 2012; 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: May 23, 2012.

AMY HARVEY, Washoe County Clerk and
Clerk of the Board of County Commissioners

No. 780087 May 25, 2012

EXHIBIT "F"

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

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COMPTROLLER
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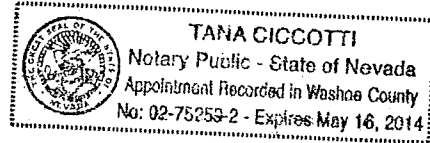
Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **06/15/2012 - 06/22/2012**, for exact publication dates please see last line of Proof of Publication below.

Signed: 

Gina Briles

JUN 22 2012

Subscribed and sworn to before me





Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE N
Ordinance imposing a fee on the parcels of land in Washoe County (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Bill No. 1669)
HEREBY GIVEN that typewritten copies of the above-numbered Ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Courthouse, Reno, Nevada; and that the ordinance was proposed on May 15, 2012, and was passed and adopted without amendment at a regular meeting of the Board of County Commissioners. Those Voting Aye: John Breternitz, Bonnie Weber, David Humke, Kitty Jung. Those Voting Nay: None. Those Absent: Robert Larkin. This ordinance shall be in full force and effect from and after the date of the second publication of such ordinance by its title only on June 22, 2012. **IN WITNESS WHEREOF**, the Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. **DATED: June 13, 2012.** AMY HARVEY, Clerk of the Board of County Commissioners No. 781487 June 15, 2012

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO.1489
BILL NO. 1669**

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. 1669)

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 in the Washoe County Courthouse, 75 Court Street, Reno, Washoe County, Nevada; and that the ordinance was proposed on May 15, 2012, by Commissioner Jung and was passed and adopted without amendment at a regular meeting held on June 12, 2012 by the following vote of the Board of County Commissioners:

Those Voting Aye: John Breternitz,
Bonnie Weber
David Humke
Kitty Jung
Those Voting Nay: None
Those Absent: Robert Larkin

This ordinance shall be in full force and effect from and after the date of the second publication of such ordinance by its title only on June 22, 2012.

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

DATED: June 13, 2012.

AMY HARVEY, Washoe County Clerk and
Clerk of the Board of County Commissioners
No. 781487 June 15, 22, 2012

Ad Number: 1000781487

1489