

Attachment 3

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. 1858

ORDINANCE 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.

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, June 14, 2011, June 12, 2012, June 11, 2013, June 17, 2014, June 9, 2015, July 12, 2016, June 13, 2017, June 19, 2018, June 11, 2019, and June 16, 2020 (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 Community Service Department ("CSD"), and its successors in the water business, TMWA, which was in the case of CSD and is in the case of TMWA, 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 2020; 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 \$300,000; 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 \$3,425,951.67 and

WHEREAS, it is therefore necessary to raise \$1,250,000 in fiscal year 2021-2022 (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, 2020, 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 13, 2021 a list, entitled "District No. 24 (Groundwater Remediation) 2020 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 13, 2021. 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) days before the date set for such hearing, i.e., at least fifteen (15) days before the 8th day of June, 2021, 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 10:00 a.m., on Tuesday, the 8th day of June 2021, 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 8, 2021 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 8, 2021; 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 Administrative Complex, 1001 East Ninth Street., 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 11, 2021.

/s/ Jan Galassini
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 Administrative Complex, 1001 East Ninth Street,, Reno, Nevada; and that said ordinance was proposed by Commissioner _____ on May 11, 2021, 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 8, 2021, 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 _____, 2021, 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 8, 2021.

/s/ Bob Lucey
Chair
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

/s/ Jan Galassini
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 11th day of May, 2021.

Proposed by Commissioner HARTUNG.

Passed the 8th day of June, 2021.

Those Voting Aye: LUCEY
HARTUNG
HILL
JUNG
HERMAN

Those Voting Nay:

Those Absent: HERMAN



Chair
Board of County Commissioners
Washoe County, Nevada



Jan Salamini

County Clerk

This ordinance shall be in force and effect from and after the 18TH day of JUNE 2021, i.e., the date of the second publication of such ordinance by its title only.

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I, Jan Galassini, 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 11, 2021 and adopted on June 8, 2021 which relates to District No. 24 (Groundwater Remediation). Minutes of the meeting on such District held on May 11, 2021 and of the hearing on the Ordinance held on June 8, 2021 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 8, 2021.


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 11, 2021 and June 8, 2021.
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, the Nevada Public Notice 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
1675 E. Prater Way #107
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 8, 2021.



County Manager (or representative thereof)
Washoe County, Nevada

(SEAL)

EXHIBIT "A"

**(Attach Copy of Minutes of May 11 Meeting on
District No. 24 Boundary Amendment)**

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

TUESDAY

10:00 A.M.

MAY 11, 2021

PRESENT:

Bob Lucey, Chair
Vaughn Hartung, Vice Chair
Alexis Hill, Commissioner
Kitty Jung, Commissioner
Jeanne Herman, Commissioner

Janis Galassini, County Clerk
Eric Brown, County Manager
David Watts-Vial, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:02 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:

Chair Lucey stated he wanted to ensure every member of the public had the opportunity to speak. He announced masks were required in Chambers, though they could be removed when people spoke at the podium; there would not be a second chance if he had to ask an audience member to leave.

21-0329 **AGENDA ITEM 3** Appearance and presentation by Reno-Tahoe Airport CEO, Mr. Daren Griffin to provide an update and overview of current business operations at the Reno-Tahoe International Airport.

Mr. Daren Griffin, Chief Executive Officer of the Reno-Tahoe Airport Authority (RTAA), conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Who We Are (2 slides); *Perfect* Time to be a New CEO; Operating Expenses; Operating Revenues; RNO Annual Passengers; This Summer – RNO is Taking Off; May 2021 Schedule; Example: Long Haul Connections; Regional Marketing Efforts; Airport Improvements/Investments; Conrac – West Façade; New Ticket Lobby; Development at Reno-Stead Airport; and Thank you.

Mr. Griffin indicated Jessica Sferrazza was the Chair of the 9-member RTAA Board of Trustees, which represented Washoe County, the Cities of Reno and Sparks, and the Reno-Sparks Convention and Visitor's Authority (RSCVA). He thanked the Board for sending Nat Carasali and Lisa Gianola to represent them. He explained Mr. Carasali was nearing the end of his eight-year service and had been instrumental in helping fund air service retention and attraction; he looked forward to welcoming Mr. Carasali's replacement during a later agenda item. He praised Ms. Gianola's financial expertise and

how quickly inmates were processed, was becoming problematic and he thought the financial impact could be significant.

Commissioner Hill added AB33 passed out of the Senate Judiciary without amendments. She confirmed the recommendations were to support SB297 and oppose AB424. Chair Lucey praised Commissioner Hill for her work. He recognized AB424 would present challenges for the court system since it was not a 24-hour system.

Commissioner Jung moved to support SB297, a motion she withdrew when Vice Chair Hartung requested additional discussion. The Vice Chair expressed his support for AB297, saying local permitting for businesses like Soulful Seeds had been a stumbling block. He noted Soulful Seeds was originally required to have a fire hydrant, which he felt was unnecessary. He described community gardens as wonderful assets and he was hopeful local restrictions could be loosened.

Commissioner Jung felt a culture change was needed because the County often hired people who denied projects instead of trying to find solutions. She asked the Manager to find creative ways to solve problems, including having staff offer at least three solutions to each problem. She expressed frustration that a three-person organization had been asked to install a \$15,000 fence, while she recognized the importance of having regulators to keep things safe. She encouraged staff to return to the Board after passage of the bill with areas of concern instead of having volunteers let the Board know about them. This culture change could involve hiring different people who did not always say no to things and worked creatively. She wanted staff to explain how things could be done instead of outright rejecting them.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that the Board of County Commissioners support Senate Bill 297 and oppose Assembly Bill 424.

Assistant District Attorney Dave Watts-Vial pointed out AB424 was not listed on the bills of interest, noting the Board could change its vote. Chair Lucey indicated the vote would stand.

21-0354 **AGENDA ITEM 14** Public Hearing and possible action to hold the first reading of an ordinance: (1) amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); (2) providing for a notice of a public hearing and other matters relating thereto; and (3) setting the public hearing for the second reading and possible adoption on June 8, 2021; AND, Hold the first reading of an ordinance: (1) 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; (2) providing for a notice of a public hearing and other matters relating thereto; and (3) setting the public hearing

for the second reading and possible adoption on June 8, 2021. Community Services. (All Commission Districts.)

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

County Clerk Jan Galassini read the titles for Bill Nos. 1857 and 1858.

Bill Nos. 1857 and 1858 were introduced by Vice Chair Hartung, and legal notice for final action of adoption was directed.

21-0355 **AGENDA ITEM 15** Public Hearing: Second reading and possible adoption of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a Development Agreement between Washoe County and Moonlight Hills Estates LLC, regarding tentative subdivision map case number WTM16-002 (Golden Mesa North), a subdivision of two parcels totaling 119.76 acres into a 115 lot subdivision which was approved on March 7, 2017. This agreement extends the deadline for filing the first in a series of final subdivision maps from March 7, 2021 to March 7, 2023. The subject site is located north of Golden Valley Road and east of Estates Drive. The parcels are located within the North Valleys Area Plan, the North Valleys Citizen Advisory Board and Washoe County Commission District No. 5 (APNs: 552-092-22 & 552-050-01). Community Services. (Commission District 5.)

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

County Clerk Jan Galassini read the title for Ordinance No. 1668, Bill No. 1856.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Ordinance No. 1668, Bill No. 1856, be adopted, approved, and published in accordance with NRS 244.100.

21-0356 **AGENDA ITEM 16** Public Comment.

There was no response to the call for public comment.

21-0357 **AGENDA ITEM 17** Announcements/Reports.

There were no announcements or reports.

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EXHIBIT "B"

(Attach Minutes of June 8 Hearing on Ordinance)

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

TUESDAY

10:00 A.M.

JUNE 8, 2021

PRESENT:

Bob Lucey, Chair
Vaughn Hartung, Vice Chair
Alexis Hill, Commissioner
Kitty Jung, Commissioner
Jeanne Herman, Commissioner

Janis Galassini, County Clerk
Eric Brown, County Manager
David Watts-Vial, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:02 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:

21-0417 **AGENDA ITEM 3** Appearance by Mark Amodei, Nevada State Congressman representing District 2, to provide an update to the Washoe County Board of County Commissioners and staff on subjects of importance to Washoe County including the American Recovery Act of 2021, federal funding for expenses related to homelessness, and area lands bills.

Congressman Amodei apologized for having to reschedule his last annual visit. He said community project funding started on a smaller scale than anticipated, but it increased transparency processes. Several projects that made the funding list were located in the Truckee Meadows. Recently, a transportation and infrastructure bill was released through the House that included several submissions on behalf of the Regional Transportation Commission (RTC): McCloud neighborhood septic/sewer conversions; city park restroom upgrades to accommodate the Americans with Disabilities Act; City of Sparks first responder equipment; the Arlington Street Bridge; and a hydrogen cell bus fuel project. He thought it would have been a good idea to combine a lands bill package that included expansion of the training area at the Naval Air Station in Fallon, but it did not come to fruition due to the need to wait for the appointment of a Secretary of the Navy. He thought it would be better to submit the needs for each jurisdiction separately unless a better idea was determined.

Congressman Amodei spoke about COVID-19 (C19) relief funds and said many political subdivisions opined on the economic impacts to the State. He indicated relief funds were considered by jurisdiction not including testing, vaccinations, or normal

On motion by Commissioner Hill, seconded by Vice Chair Hartung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that a bankruptcy plan consistent with other members of the MSGE be approved in the Purdue Pharma bankruptcy case.

21-0461 **AGENDA ITEM 30** Introduction and first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Articles 304 and 902 by amending various definitions in order to better define the Continuum of Care Facility use type as a commercial use type; clarify that the application of residential density does not apply to Continuum of Care Facilities; specifically exempt Continuum of Care Facilities from the definition of “dwelling” and “dwelling unit”; and create a definition for Continuum of Care Unit; and other matters necessarily connected therewith and pertaining thereto.
And, if introduced, set the public hearing and second reading of the ordinance for July 13, 2021. Community Services. (All Commission Districts.)

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

Jan Galassini, County Clerk, read the title for Bill No. 1859.

Vice Chair Hartung spoke about requests for Spanish Springs to have a Continuum of Care facility due to the aging population. He expressed support for this item and knew it would help with the specific land use changes, which was important for Washoe County to recognize.

Bill No. 1859 was introduced by Vice Chair Hartung, and legal notice for final action of adoption was directed.

21-0462 **AGENDA ITEM 31** Public Hearing to hold the second reading and possible adoption of an ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); AND, Public Hearing to hold the second 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 other matters relating thereto. Community Services. (All Commission Districts.)

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

Jan Galassini, County Clerk, read the titles for Ordinance No. 1668, Bill No. 1857, and Ordinance No. 1669, Bill No. 1858.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Ordinance No. 1668, Bill No. 1857, and Ordinance No. 1669, Bill No. 1858, be adopted, approved, and published in accordance with NRS 244.100.

21-0463 AGENDA ITEM 32 Public Comment.

Mr. Paul Larson was called but was not present to speak.

Mr. Kenji Otto spoke about a recount performed by Alameda County which resulted in an additional 400 positive cases of COVID-19. He suggested Washoe County conduct a recount to determine correct numbers. He spoke about Chair Lucey being on the Board of Health and encouraged him to convince them to open to the public. He asserted the vicious dog ordinance was extremely hard on dog owners by requiring them to obtain insurance and build cages for the animals, which he opposed. He believed the ordinance needed to be reviewed.

21-0464 AGENDA ITEM 33 Announcements/Reports.

There were no announcements or reports.

* * * * * * * * * * *

1:05 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

JANIS GALASSINI, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Doni Gassaway, Deputy County Clerk*

EXHIBIT "C"

(Attach Copy of Notice of May 11 Meeting)



COUNTY COMMISSIONERS
Chair, Bob Lucey, District 2
Vice-Chair, Vaughn Hartung, District 4
Alexis Hill, District 1
Kitty Jung, District 3
Jeanne Herman, District 5

NOTICE OF MEETING AND AGENDA

COUNTY MANAGER
Eric P. Brown

WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS
- 1001 E. 9th Street, Reno, Nevada

ASSISTANT DISTRICT ATTORNEY
David Watts-Vial

May 11, 2021
10:00 a.m.

COUNTY CLERK
Janis Galassini

Zoom: <https://us02web.zoom.us/j/88373071169>

In Person and Online Viewing. Effective May 3, 2021 the public will be allowed in the Commission Chambers with continued social distancing requirements through May 31, 2021. At this time, social distancing requirements will limit the capacity in chambers to 42 persons. Per the Governor's most recent Directive, 045 and in accordance with the most current CDC guidance, mask and face coverings will continue to be required. Due to evolving concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1, extended in later directives, which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate, future meetings may be held by teleconference only. Any member of the public wanting to attend, participate or provide public comment in-person at meetings should review the Board's agenda posted online at https://www.washoecounty.us/bcc/board_committees/index.php to determine whether in-person attendance has been suspended by the Governor or Board.

This meeting will be held with limited in person attendance and via Zoom teleconference at <https://us02web.zoom.us/j/88373071169>. NOTE: This option will require a computer with audio and video capabilities and downloading the ZOOM application. This meeting will also be televised live and replayed on Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> and on Youtube at: <https://www.youtube.com/user/WashoeCountyTV>.

Public Comment. Public comment, whether on action items or general public comment, is limited to three (3) minutes per person. No action may be taken on a matter raised under general public comment until the matter is included on an agenda as an item on which action may be taken. Anyone wishing to provide live public comment may do so in-person, or by teleconference during the hearing by logging into the ZOOM webinar <https://us02web.zoom.us/j/88373071169>. NOTE: This option will require a computer with audio and video capabilities and downloading the ZOOM application.

Members of the public may also submit comments by mail or email to washoe311@washoecounty.us. The County will make reasonable efforts to include email comments received by 4:00pm on May 10, 2021 on the record. Comments are limited to 3 minutes per person and will be entered into the record only and not read allowed by the Clerk.

Technical Difficulties. If at any time during the meeting, technical difficulties are experienced with the Zoom platform, the meeting will be placed into recess and restarted on the Microsoft Teams platform. If this should occur, the meeting via Teams can be accessed via audio only by dialing: +1 775-325-0620,,224156088#, and entering conference ID 224 156 088#.

Public Comment 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 three minutes per person. Additionally, public comment of three minutes per person will be heard during individually numbered items designated as "for possible action" on the agenda; public comment during individual action items must be relevant to the particular item being considered. 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.

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'/County Manager's announcements, reports and updates, requested for information or topics for future agendas."

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.

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. The Consent item is a single agenda item, is considered as a block, and will not be read aloud. The Board of County Commissioners may take breaks approximately every 90 minutes.

Public Transportation. Public transportation may be available to this meeting site: RTC Routes 2, 2S, 5 and 15 serve this location. For eligible RTC ACCESS reservations call (775) 348-5438.

1669

Public Hearing. (Note: Due to public testimony and discussion, time expended on the item in this category can vary.)

(Note: Items 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.)

14. Public Hearing and possible action to hold the first reading of an ordinance: (1) amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); (2) providing for a notice of a public hearing and other matters relating thereto; and (3) setting the public hearing for the second reading and possible adoption on June 8, 2021; AND, Hold the first reading of an ordinance: (1) 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; (2) providing for a notice of a public hearing and other matters relating thereto; and (3) setting the public hearing for the second reading and possible adoption on June 8, 2021. Community Services. (All Commission Districts.) FOR POSSIBLE ACTION

Attachments: BCC 05-11-21 - Staff Report - CTMRD 2021 Fee and Boundary Ordinance Intro
BCC 05-11-21 - Attachment 1 - 2021 Boundary Ordinance
BCC 05-11-21 - Attachment 2 - Prelim 2020 Fee Year Boundary Map + New Parcels
BCC 05-11-21 - Attachment 3 - 2021 Fee Ordinance
BCC 05-11-21 - Attachment 4 - Prelim 2021 Service Fee Boundary Map
BCC 05-11-21 - Attachment 5 - Prelim Fee Schedule

EXHIBIT "D"

(Attach Copy of Notice of June 8 Meeting)

COUNTY COMMISSIONERS
Chair, Bob Lucey, District 2
Vice-Chair, Vaughn Hartung, District 4
Alexis Hill, District 1
Kitty Jung, District 3
Jeanne Herman, District 5



COUNTY MANAGER
Eric P. Brown

ASSISTANT DISTRICT ATTORNEY
David Watts-Vial

COUNTY CLERK
Janis Galassini

NOTICE OF MEETING AND AGENDA

WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS - 1001 E. 9th Street, Reno, Nevada

June 8, 2021
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. The Consent is a single agenda item and is considered as a block and will not be read aloud. The Board of County Commissioners may take breaks approximately every 90 minutes.

Accessibility. In compliance with the Americans with Disabilities Act, the Washoe County Commission Chambers are accessible and those requiring accommodation for this meeting should notify the Office of the County Manager at (775) 328-2000, 24 hours prior to the meeting.

Public Transportation. Public transportation is available to this meeting site: RTC Routes 2, 2S, 5 and 15 serve this location. For eligible RTC ACCESS reservations call (775) 348-5438.

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 three minutes per person. Additionally, public comment of three minutes per person will be heard during individually numbered items designated as "for possible action" 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'/County Manager's announcements, reports and updates, requested for information or topics for future agendas."

Public Hearing. (Note: Due to public testimony and discussion, time expended on the item in this category can vary.)

30. Introduction and first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Articles 304 and 902 by amending various definitions in order to better define the Continuum of Care Facility use type as a commercial use type; clarify that the application of residential density does not apply to Continuum of Care Facilities; specifically exempt Continuum of Care Facilities from the definition of "dwelling" and "dwelling unit"; and create a definition for Continuum of Care Unit; and other matters necessarily connected therewith and pertaining thereto.

And, if introduced, set the public hearing and second reading of the ordinance for July 13, 2021. Community Services. (All Commission Districts.) FOR POSSIBLE ACTION

Attachments: BCC 6-8-21 - Staff Report - WDCA21-0003 - Continuum of Care
BCC 6-8-21 - Attachment A - Draft Ordinance
BCC 6-8-21 - Attachment B - PC Draft Minutes
BCC 6-8-21 - Attachment C - PC Resolution
BCC 6-8-21 - Attachment D - PC Staff Report
BCC 6-8-21 - Attachment E - Draft Clean Ordinance

31. Public Hearing to hold the second reading and possible adoption of an ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); AND, Public Hearing to hold the second 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 other matters relating thereto. Community Services. (All Commission Districts.) FOR POSSIBLE ACTION

Attachments: BCC 06-08-21 - Staff Report - CTMRD 2021 Fee and Boundary Ordinance
BCC 06-08-21 - Attachment 1 - 2021 Boundary Ordinance
BCC 06-08-21 - Attachment 2 - Final 2020 Fee Year Boundary Map + New Parcel
BCC 06-08-21 - Attachment 3 - 2021 Fee Ordinance
BCC 06-08-21 - Attachment 4 -Final 2021 Service Fee Boundary Map
BCC 06-08-21 - Attachment 5 - Final Fee Schedule

End Of Scheduled Public Hearings

EXHIBIT "E"

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



PROOF OF PUBLICATION

STATE OF WISCONSIN SS.
COUNTY OF BROWN

WASHOE CO
1001 EAST 9TH ST BLDG A
RENO, NV 89512
ATTN DEREK SONDERFAN

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 date: 5/28/2021 AND 5/28/2021 for exact publication dates please see last line of Proof of Publication below.

5/28/2021

Legal Clerk

Subscribed and sworn before me this
28TH DAY OF MAY, 2021

NOTARY PUBLIC RESIDING
AT STATE OF WISCONSIN
COUNTY OF BROWN

Notary Expires: 5.15.23

Ad#: GCI0656984
PO: PUBLIC NOTICE
of Affidavits: 1

NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

Bill No. 1858

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 10:00 a.m., on Tuesday, the 8th day of June 2021, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, anyone wishing to protest or affirm or otherwise present their views may do so by appearing at the public hearing, by mail, or by email to washoe311@washoecounty.us. If noted on the Board of County Commissioners' agenda for June 8, 2021, which is posted at https://www.washoecounty.us/bcc/board_committees/index.php, comments may also be made by using the Zoom application or other remote technology system as noted on the agenda. Please submit any written comments by 4:00 p.m. the day prior to the public hearing. Reasonable efforts will be made to include all written comments received by mail or email in the record. 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.

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 8, 2021 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 8, 2021; 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 Administrative Complex, 1001 East Ninth Street, 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 20, 2021

JANIS GALASSINI, Washoe County Clerk and
Clerk of the Board of County Commissioners

RJ-GC10656984-01

EXHIBIT "F"

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

**PROOF OF
PUBLICATION**

**STATE OF WISCONSIN SS.
COUNTY OF BROWN**

ACCOUNTS PAYABLE
WASHOE CO
1001 E 9TH ST BLDG D

RENO NV 89512

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 date: 06/11/2021 - 06/18/2021, for exact publication dates please see last line of Proof of Publication below.

**BILL NO. 1858
ORDINANCE NO. 1669
(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.

PUBLIC NOTICE IS HEREBY GIVEN that 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 Administrative Complex, 1001 East Ninth Street, Reno, Nevada; and that said Ordinance was introduced by Vice Chair Hartung on May 11, 2021 and following a public hearing, was passed and adopted at a regular meeting held not more than 35 days after the close of the hearing, i.e. at the regular meeting on June 8, 2021, by the following vote of the Board of County Commissioners:

Those Voting Aye: Bob Lucey, Vaughn Hartung, Alexis Hill, Kitty Jung

Those Absent: Jeanne Herman

This Ordinance shall be in full force and effect from and after June 18, 2021, i.e., the date of the second publication of such Ordinance by its title only.

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

DATED this June 9, 2021

JANIS GALASSINI, Washoe County Clerk and
Clerk of the Board of County Commissioners
No. 4775391

6/11, 6/18/2021

06/11/2021, 06/18/2021



Legal Clerk

Subscribed and sworn before me this
18th of June 2021.



NOTARY PUBLIC RESIDING
AT STATE OF WISCONSIN
COUNTY OF BROWN

Notary Expires:

8-25-23

SHELLY HORA
Notary Public
State of Wisconsin

Ad#:0004775391

P O : Ordinance 1669 - D24 Fees

of Affidavits 1

This is not an invoice

WCCOMP JUL 1*2117=82

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