

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. 1715

ORDINANCE NO. 1534

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, and June 11, 2013 (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, 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 2013; 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 \$5,545,883.00 ; and

WHEREAS, it is therefore necessary to raise \$1,250,000 in fiscal year 2014-2015 (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, 2013, 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 25, 2014 a list, entitled "District No. 24 (Groundwater Remediation) 2013 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 25, 2014. 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 17th day of June, 2014, 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 17th day of June 2014, 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 17, 2014 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 17, 2014; provide the form for such publication which includes the names of the Commissioners voting for and against the adoption of the ordinance; and provide a severability clause.

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

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

Dated this May 13, 2014.

/s/ Nancy Parent
County Clerk

(SEAL)

(End of Form for Publication)

Section 7. This ordinance shall be in effect from and after its publication as hereinafter provided, and after this ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this ordinance shall be published by title only, together with the names of the Commissioners voting for or against its passage, and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette-Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two (2) weeks by two (2) insertions, pursuant to NRS § 244.100 and all laws thereunto enabling, such publication to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

BILL NO. _____

ORDINANCE NO. _____

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

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, Virginia and Court Streets, Reno, Nevada; and that said ordinance was proposed by Commissioner _____ on May 13, 2014, 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 17, 2014, 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 ___, 2014, 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 17, 2014.

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

(SEAL)

Attest:

/s/ Nancy 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 13th day of May, 2014.

Proposed by Commissioner Hartung.

Passed the 17th day of June, 2014.

Those Voting Aye: Humke, Jung, Weber, Berkbigler and Hartung

Those Voting Nay: None

Those Absent: None



Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

County Clerk



This ordinance shall be in force and effect from and after the 27th day of June, 2014, i.e., the date of the second publication of such ordinance by its title only.

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

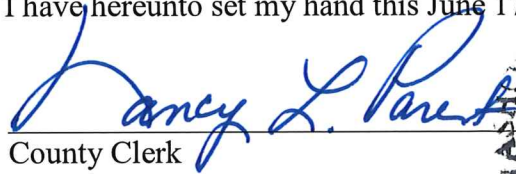
I, Amy Harvey, am the duly chosen and qualified Clerk of Washoe County, and in the performance of my duties as Clerk do hereby certify:

1. The foregoing pages are a full and correct copy of an ordinance introduced and read by title at the Board of County Commissioners of the County (the "Board") held on May 13, 2014 and adopted on June 17, 2014 which relates to District No. 24 (Groundwater Remediation). Minutes of the hearing on such District held on May 13, 2014 and of the hearing on the Ordinance held on June 17, 2014 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 17, 2014.


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 13, 2014 and June 17, 2014.

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

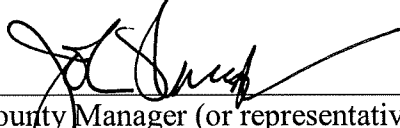
copy of the notices of meeting and excerpts from the agendas for the meetings relating to the ordinance, as posted no later than 9:00 a.m. at least 3 working days in advance of the meetings at the Board's office, the County's website, and three other locations, i.e., at:

- (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
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 17, 2014.



County Manager (or representative thereof)
Washoe County, Nevada

(SEAL)

EXHIBIT "A"

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

14-437 AGENDA ITEM 34 – COMMUNITY SERVICES

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 17, 2014.)"

Nancy Parent, County Clerk, read the title for Bill No. 1714.

There was no public comment on this item.

Bill No. 1714, 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 Hartung, and legal notice for final action of adoption was directed. It was noted that the public hearing for second reading and possible adoption of the Ordinance be set for June 17, 2014 at 6:00 p.m.

14-438 AGENDA ITEM 34 – COMMUNITY SERVICES

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 17, 2014.). (All Commission Districts.)"

Nancy Parent, County Clerk, read the title for Bill No. 1715.

There was no public comment on this item.

Bill No. 1715, 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 Hartung, and legal notice for final action of adoption was directed. It was noted that the public hearing for second reading and possible adoption of the Ordinance be set for June 17, 2014 at 6:00 p.m.

14-439 AGENDA ITEM 35

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

EXHIBIT "B"

(Attach Minutes of June 17 Hearing on Ordinance)

ARTICLE 302 (ALLOWED USES) AND ARTICLE 304 (USE CLASSIFICATION SYSTEM) TO REGULATE THE LOCATION FOR LIQUOR MANUFACTURING AS A COMMERCIAL USE TYPE IN APPROPRIATE REGULATORY ZONES; TO CREATE A DEFINITION FOR LIQUOR MANUFACTURING AS A COMMERCIAL USE TYPE; AND, TO ADD CLARITY TO THE DEFINITIONS OF THE EATING AND DRINKING ESTABLISHMENTS AND LIQUOR SALES COMMERCIAL USE TYPES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

14-541 AGENDA ITEM 44 – COMMUNITY SERVICES

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. 1714)"

7:30 p.m. Chairman Humke returned and assumed the gavel.

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

Nancy Parent, County Clerk, read the title for Ordinance No. 1533, Bill No. 1714.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Ordinance No. 1533, Bill No. 1714, 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.

14-542 AGENDA ITEM 44 – COMMUNITY SERVICES

Agenda Subject: "Second reading and adoption of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Bill No. 1715). (All Commission Districts.)"

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

Nancy Parent, County Clerk, read the title for Ordinance No. 1534, Bill No. 1715.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Ordinance No. 1534, Bill No. 1715, 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.

14-543 AGENDA ITEM 45 – COMMUNITY SERVICES

Agenda Subject: "Public hearing and possible adoption of Regulatory Zone Amendment Case Number RZA14-002 (Truckee Meadows Water Authority) – To amend the Regulatory Zone designation on two parcels (APNs: 038-060-30 and 038-394-06) from General Commercial (GC) to Public and Semi-Public Facilities (PSP), to affirm the findings of fact of the Washoe County Planning Commission, to adopt the Verdi Regulatory Zone map as included at Exhibit A to the staff report, and to direct the Director of the Planning and Development Division to sign and certify the amended Verdi Regulatory Zone map. (Commission District 5.)"

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Regulatory Zone Amendment Case Number RZA14-002 (Truckee Meadows Water Authority).

Angela Fuss said a neighborhood meeting was held with the Verdi community where no negative comments were received. She said the project was adjacent to the canal and was owned by the Truckee Meadows Water Authority (TMWA).

There being no one further to speak, the Chairman closed the public hearing.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 45 be approved, directed, executed and certified.

14-544 AGENDA ITEM 46 – COMMUNITY SERVICES

Agenda Subject: "Public hearing and possible approval of Outdoor Festival Business License Application for the Reno-Tahoe Open 2014 Golf Tournament, scheduled from July 28 through August 3, 2014. The event is proposed to be held at the Montreux Golf and Country Club, with tournament parking at the clubhouse and on Lausanne Drive. Off-site public parking will be at Galena High School, with over-flow parking at the South Reno United Methodist Church, and off-site

EXHIBIT "C"

(Attach Copy of Notice of May 13 Meeting)

COUNTY COMMISSIONERS

David Humke, Chairman
Bonnie Weber, Vice-Chairman
Kitty Jung
Marsha Berkbigler
Vaughn Hartung

COUNTY MANAGER

John Slaughter

**ASSISTANT
DISTRICT ATTORNEY**

Paul Lipparelli

NOTICE OF MEETING AND AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

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

May 13, 2014

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 three minutes per person. Additionally, public comment of three 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".

6:00 p.m.

32. Second reading and adoption of an Ordinance approving a "Second Amended and Restated Agreement" (Eagle Canyon IV) amending and restating a Development Agreement originally approved in 2008 (DA08-004) regarding the Eagle Canyon IV Subdivision (approved in 2003 as Tentative Map TM03-006). This amendment (Case No. AC14-001) extends the deadline for filing the next in a series of final subdivision maps to May 20, 2018, with a possible extension by the Director of the Planning and Development Division to May 20, 2020. The subdivision is located south of West Calle de la Plata and west of Pyramid Highway and within Sections 22 & 23, T21N, R20E, MDM (APN: 532-120-01 & 532-120-09)--Community Services. (Commission District 4.)

33. Second reading and adoption of an Ordinance approving an "Amended and Restated Development Agreement (Sierra Reflections)" amending and restating a Development Agreement originally approved in 2008 (DA08-003) regarding Sierra Reflections Subdivision (approved in 2006 as Tentative Map TM06-001). This agreement (Case Number DA14-001) extends the deadline for filing the next in a series of final maps to June 14, 2018, with a possible extension by the Director of Planning and Development to June 14, 2020. The project is bordered on the north by Pagni Lane, on the east by US Highway 395 South and as far south as Little Washoe Lake in the Pleasant Valley area. The project encompasses a total of 29 parcels that total approximately 759.6 acres. The parcels are located within the South Valleys Area Plan, and are situated in portions of Sections 13, 14 and 23, T17N, R19E, and Section 18, T17N, R20E MDM, Washoe County, Nevada. The property is located within the South Truckee Meadows/Washoe Valley Citizen Advisory Board boundaries and within Washoe County Commission District No. 2. (APNs 046-060-45 and 47; 046-080-40; 046-090-01, 04 through 18, and 23 through 26; and 046-100-02 through 04, 07, 09 and 10) --Community Services. (Commission District 2.)

34. 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 17, 2014.)
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 17, 2014.)--Community Services. (All Commission Districts.)

End Of Scheduled Public Hearings

EXHIBIT "D"

(Attach Copy of Notice of June 17 Meeting)

COUNTY COMMISSIONERS

David Humke, Chairman
Bonnie Weber, Vice-Chairman
Kitty Jung
Marsha Berkgigler
Vaughn Hartung

COUNTY MANAGER

John Slaughter

**ASSISTANT
DISTRICT ATTORNEY**

Paul Lipparelli

NOTICE OF MEETING AND AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

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

June 17, 2014

NOTE TIME CHANGE

9:00 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 three minutes per person. Additionally, public comment of three 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”.

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.)

42. Second reading and adoption of an Ordinance amending Washoe County Code, Chapter 110, Development Code, at Article 306 (Accessory Uses and Structures), Section 110.306.10(g), to modify certain standards for placement and mitigation of visual impacts of cargo containers as permanent detached accessory structures on residential properties; and providing for other matters properly relating thereto. (Bill No. 1713)--Community Services. (All Commission Districts.)
43. Second reading and adoption of an Ordinance amending Washoe County Code Chapter 110, Development Code, at Article 302 (Allowed Uses) and Article 304 (Use Classification System) to regulate the location for liquor manufacturing as a commercial use type in appropriate regulatory zones; to create a definition for liquor manufacturing as a commercial use type; and, to add clarity to the definitions of the eating and drinking establishments and liquor sales commercial use types; and providing for other matters properly relating thereto. (Bill Number 1712)--Community Services. All Commission Districts.)
44. 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. 1714)

AND

Second reading and adoption of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Bill No. 1715)--Community Services. (All Commission Districts.)

45. Public hearing and possible adoption of Regulatory Zone Amendment Case Number RZA14-002 (Truckee Meadows Water Authority) – To amend the Regulatory Zone designation on two parcels (APNs: 038-060-30 and 038-394-06) from General Commercial (GC) to Public and Semi-Public Facilities (PSP), to affirm the findings of fact of the Washoe County Planning Commission, to adopt the Verdi Regulatory Zone map as included at Exhibit A to the staff report, and to direct the Director of the Planning and Development Division to sign and certify the amended Verdi Regulatory Zone map--Community Services. (Commission District 5.)

EXHIBIT "E"

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

RENO NEWSPAPERS INC

WASHOE COUNTY
COMPTROLLER

Publishers of

Reno Gazette-Journal

2014 JUN 24 AM 9:20

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

Legal Advertising Office 775.788.6394

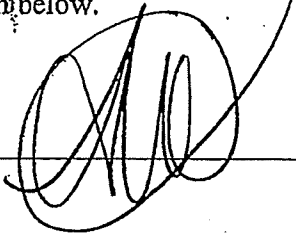
WASHOE CO
PO BOX 11130
RENO NV 89520-0027

Customer Acct# 349008
PO# PH 1715
Ad# 2000034323
Legal Ad Cost \$81.00

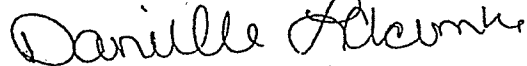
STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: 6/6/2014 - 6/6/2014, for exact publication dates please see last line of Proof of Publication below.

Signed: _____



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 County Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Building A, in Reno, Washoe County, Nevada at 6:00 p.m., on Tuesday, June 17, 2014, for the purpose of hearing the adoption of a proposed ordinance. Anyone wishing to protest or affirm may do so by appearing at the above-named time and place. 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. 1715) DATED: June 03, 2014. NANCY PARENT, Washoe County Clerk and Clerk of the Board of County Commissioners No. 34323 June 6, 2014



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 County Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Building A, in Reno, Washoe County, Nevada at 6:00 p.m. on Tuesday, June 17, 2014, for the purpose of hearing the adoption of a proposed ordinance. Anyone wishing to protest or affirm may do so by appearing at the above named time and place. The Ordinance is entitled:

An Ordinance imposing a fee on the parcels of 1+/- 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. 1715)

DATED: June 03, 2014.

NANCY PARENT, Washoe County Clerk and
Clerk of the Board of County Commissioners

No. 34323 June 6, 2014

EXHIBIT "F"

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

WASHOE COUNTY
COMPTROLLER

2014 JUN 24 AM 11:35

RENO NEWSPAPERS INC

Publishers of

Reno Gazette-Journal

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

Legal Advertising Office 775.788.6394

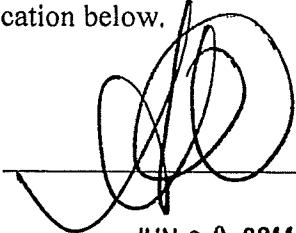
WASHOE CO
PO BOX 11130
RENO NV 89520-0027

Customer Acct# 349008
PO# 1534
Ad# 2000035358
Legal Ad Cost \$114.00

STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: 6/20/2014 - 6/20/2014, for exact publication dates please see last line of Proof of Publication below.

Signed: _____



JUN 20 2014

Subscribed and sworn to before me
GINA BRILES
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 11-6105-2 - Expires October 10, 2015



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1534 BILL NO. 1715
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 Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on May 13, 2014 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on June 17, 2014 by the following vote of the Board of County Commissioners: 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. 1715) Those Voting Aye: Marsha Berkbigler, Vaughn Hartung and Bonnie Weber, and Kitty Jung and David Humke Those Absent: None This Ordinance shall be in full force and effect from and after June 27, 2014. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED June 18, 2014 Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners No. 35358 June 20, 2014

1534 ✓

**NOTICE OF ADOPTION
 WASHOE COUNTY ORDINANCE NO. 1534
 BILL NO. 1715**

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 Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on May 13, 2014 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on June 17, 2014 by the following vote of the Board of County Commissioners:

A ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 34, situated in Reno which cover the costs of reviewing and carrying out a plan for remediation and prescribing other matters relating thereto. (Bill No. 1715)

Voted Aye: Matterson, Bergthaler, Vaughan Hartung and Robin Wolan, and Miss Jans etc David Nunhe

This Absent: None

This Ordinance shall be in full force and effect from and after June 20, 2014. WHEREAS the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by this act.

DATED June 18, 2014.

Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners

No. 35358 June 20, 2014