

SUMMARY: An ordinance finalizing the merger of the South Truckee Meadows General Improvement District into the Truckee Meadows Water Authority and terminating the existence of the South Truckee Meadows General Improvement District and its Board of Trustees.

BILL NO. 1725

ORDINANCE NO. 1544

AN ORDINANCE PROVIDING FOR THE FULL CONSIDERATION OF PROTESTS OF THE MERGER OF THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT INTO THE TRUCKEE MEADOWS WATER AUTHORITY; FINALIZING SAID MERGER; PROVIDING FOR THE FINAL DISSOLUTION OF THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT AND ITS BOARD OF TRUSTEES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the South Truckee Meadows General Improvement District ("STMGID") is a general improvement district and quasi-municipal corporation formed under Chapter 318 of the Nevada Revised Statutes, and was created by the Board of Washoe County Commissioners on November 25, 1981 through Washoe County Ordinance No. 519; and

WHEREAS, pursuant to Ordinance No. 519, STMGID was established for the basic purposes under NRS 318.144 of distribution, sale and delivery of municipal water services to property owners within the boundary of the STMGID; and

WHEREAS, after considering whether to integrate Washoe County's and the Truckee Meadows Water Authority's ("TMWA") municipal water systems to better manage resources, to provide greater savings, and to better serve the residents of the Truckee Meadows Community, Washoe County and the TMWA entered into that certain "Interlocal Agreement Governing the Merger of the Washoe County Department of Water Resources Utility into the Truckee Meadows Water Authority" dated January 29, 2010 ("ILA"). A copy of the ILA between Washoe County and TMWA is a part of the record of the July 22, 2014 meeting of the Board of County Commissioners; and

WHEREAS, the disposition of the STMGID is critical to integrating Washoe County's and TMWA's municipal water systems to better serve the residents of the Truckee Meadows Community, STMGID and TMWA entered into that certain "Interlocal Agreement Governing The Merger Of The South Truckee Meadows General Improvement District Into The Truckee Meadows Water Authority" dated December 11, 2013 ("Interlocal Agreement"), which sets forth the terms and conditions of the merger

of STMGID into TMWA for the complete and orderly transfer and proper disposition of the STMGID assets, property and funds and TMWA's assumption of STMGID's powers, functions and obligations upon merger ("the Merger"). A copy of the Interlocal Agreement between STMGID and TMWA is a part of the record of the July 22, 2014 meeting of the Board of County Commissioners; and

WHEREAS, in a duly noticed public meeting, the STMGID Board of Trustees adopted a resolution including a finding the Merger is in the best interests of STMGID and supported Washoe County's adoption of the ordinances required under NRS Chapter 318 to facilitate the merger; and

WHEREAS, in a duly noticed public meeting on July 22, 2014, the Board of County Commissioners adopted Ordinance No. 1539 initiating the Merger and dissolution of STMGID which ordinance ordered that written notice of the date, time and place for the public hearing on the Merger and dissolution of STMGID and its Board of Trustees ("the Notice"), and providing that written protests against the Merger could be signed and filed by owners of property within the district at or before the time fixed for a hearing on the protests pursuant to NRS 318.495 ("the Protests"); and

WHEREAS, Board of County Commissioners found it is in the best interests of the county and STMGID to merge STMGID into TMWA, all outstanding indebtedness and bonds of all kinds of the STMGID have been paid, will be paid prior to merger, or will be assumed or paid by TMWA; and the water services of STMGID are no longer needed or can be more effectively performed by TMWA,

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

SECTION 1.

A public hearing was opened on September 23, 2014 and ordered to be continued to October 14, 2014 for consideration of the Protests of the Merger.

SECTION 2.

The record of the Board of County Commissioners demonstrates that the Notice was properly given and the Protests, if any, are ordered to be attached to this ordinance which thereafter contains a recital of the Protests pursuant to NRS 318.495(2).

SECTION 3.

Through consideration of the Protests, the testimony of property owners who filed Protests, other evidence on the record of public meetings held on the Merger, and by taking notice of the number of parcels and property owners within STMGID, the Board of County Commissioners has given full consideration to the Protests and hereby determines that the Protests represent less than a majority of the owners of properties within STMGID as provided by NRS 318.495.

SECTION 4.

Through this ordinance it is declared and ordered that on the closing date as defined in Article 1 of the Interlocal Agreement, STMGID shall cease to exist and its governing Board of Trustees is dissolved to-wit: "the date on which the STMGID Water Utility and STMGID Assets are conveyed and transferred to TMWA, which shall occur concurrently with the consummation of the CSD Closing but no later than one year following the date upon which all material transactions, documents, obligations, and Necessary Conditions have been completed, assumed or fully satisfied and made effective, including, without limitation, obtaining all consents, authorizations, permits, licenses, certificates and approvals required under this Agreement, or such earlier date as may be mutually agreed upon by STMGID and TMWA."

SECTION 5.

Effective upon the closing date, as set forth above and in accordance with the Interlocal Agreement:

A. All of the STMGID's water services, powers, functions, responsibilities and obligations conferred upon and exercised by STMGID shall thereafter be assumed and performed by TMWA;

B. STMGID's service area in effect prior to that date shall become combined with TMWA's service area and shall thereafter be designated as TMWA's Service Area. (Description of the service areas attached to the Interlocal Agreement.);

C. All water customers that were previously customers of STMGID shall become TMWA customers and TMWA shall have the right to all future water revenues collected from such customers to do with as TMWA deems appropriate and necessary for TMWA's Water Utility operations;

D. All of STMGID's assets, its real and personal property, and all funds held by STMGID in its treasury shall be transferred to, disposed of, and used by TMWA to do all things necessary and appropriate for the prudent operation of the TMWA Water Utility System, unless the treatment and disposition of such STMGID assets, property and funds are more specifically addressed in the Interlocal Agreement; and

E. Except as may be otherwise expressly provided by the Interlocal Agreement, the STMGID Ordinances, including its Schedule of Rates as adopted by its Board of Trustees, are repealed and water customers of the combined service areas shall be subject to the rates and conditions of service under TMWA's Rules of Service.

SECTION 6.

A. The appropriate officers of the County, including without limitation, the County Manager and the County Treasurer, are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance, including without limitation the generality of the foregoing, the preparation and signing of all necessary documents, legal proceedings and other items necessary or desirable for the Merger and dissolution. The documents and instruments which may be signed include, without limitation: checks, drafts, wire transfers, transfer documents, deeds, trust documents, closing memoranda, reconveyances, assignments, terminations or notices. The County Clerk is authorized to make non-substantive edits and corrections to this Ordinance.

B. Washoe County further intends that the Board of Trustees of STMGID is authorized and empowered to execute and deliver all documents and things necessary and proper to the performance of its obligations and deliveries required by the terms of the Interlocal Agreement, up to and including the effective date of the Merger and may act through its Chairperson and/or such other officers as it may determine to be appropriate.

SECTION 7.

A. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers and appointed agents not inconsistent with the provisions of this Ordinance are ratified and approved.

B. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed, as of the effective date of the Merger as defined in the Interlocal Agreement, 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.

C. Except as specifically provided herein, 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 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 weeks by two insertions as required by NRS 244.100 and any other enabling laws.

D. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the

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application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 23<sup>rd</sup> day of September, 2014.

Proposed by Commissioner Hartung.

Passed on the 14<sup>th</sup> day of October, 2014.

Vote:

Ayes: HUMKE, WEBER, Hartung, Benkbigler & Jung.

Nays: none

Absent: none

David Humke  
David Humke, Chairman  
Washoe County Commission

ATTEST:  
Darcy L. Paut  
County Clerk

This ordinance shall be in force and effect from and after the 27<sup>th</sup> day of October, 2014 and as specifically provided in Section 4, above.



Protest response

**OFFICE OF THE WASHOE COUNTY CLERK  
NANCY PARENT, COUNTY CLERK**

BANGHART ROGER C  
14645 GERONIMO TRL  
RENO, NV 89521

I, Roger C BANGHART, protest against  
The merger, Roger C Banghart Aug 6, 2014  
July 25, 2014

**IMPORTANT NOTICE REGARDING MERGER OF  
SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT  
WITH TRUCKEE MEADOWS WATER AUTHORITY**

Dear Property Owner:

Pursuant to NRS 318.490, the Board of County Commissioners is considering the merger of the South Truckee Meadows General Improvement District (STMGID) into the Truckee Meadows Water Authority (TMWA).

Based on a Resolution of the STMGID Board of Trustees in support of the merger, the County Commission has taken the following action:

- Held a public hearing on July 22, 2014 and adopted the initiating ordinance to merge STMGID into TMWA and terminate the existence of STMGID and its Board of Trustees upon such merger; and
- Set a **public hearing on the merger** to be held at **6:00 p.m. on September 23, 2014** at the Washoe County Commission Chambers, 1001 E 9th Street, Reno, Nevada; and
- Directed the County Clerk to notify all owners of property located within the STMGID boundaries of the proposed merger.

If you wish to protest against the merger of STMGID into TMWA, such protest must be in writing and filed with the County Clerk at the Washoe County Complex, 1001 E 9th Street, Reno, Nevada; or if mailed, addressed to the Washoe County Clerk, P.O. Box 11130, Reno, Nevada 89520 by **5:00 p.m. on the 23rd day of September, 2014.**

Sincerely,

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

NP/jd

1001 E. 9TH STREET, BUILDING A, 1ST FLOOR  
P.O. BOX 11130, RENO, NEVADA 89520  
PHONE (775) 784-7279 . . . FAX (775) 784-7263

MORE  
# 17

P.O. Box 64  
Genoa, NV 89411  
19 August 2014

Nancy Parent  
Washoe County Clerk  
P.O. Box 11130  
Reno, NV 89520

RECEIVED

INT. AUG 20 2014  
NANCY PARENT  
WASHOE COUNTY CLERK

**RE: MERGER OF STMGID INTO TMWA, IMPACT ON APNS: 14226006, 08 & 09**

Dear Ms. Parent,

As I will be unable to attend the Public Hearing on September 23, 2014, I wish to again go on record in opposition to the proposed merger of the South Truckee Meadows General Improvement District with the Truckee Meadows Water Authority. It is a blatant attempt to raid the coffers of a well run entity to underwrite the misadventures of another.

Regards,



H. William Brooks

Cc: File







**Office of The Washoe County Clerk  
Nancy Parent, County Clerk  
And Clerk of the Board of County Commissions**

**September 17, 2014**

**Pursuant to NRS 318.490. the Board of County Commissioners is considering the merger of the South Truckee Meadows General Improvement District (STMGID) into the Truckee Meadows Water Authority (TMWA)**

**My name is Mark Hanna, I am a land owner in this district. I did receive your letter sent out on July 25, 2014. Thank You.**

**"I am NOT protesting against this! I just want to make a statement!"**

**Be that I do not reside in Reno, Nv at this time and have moved back to the mid-west after the "Great Depression of 2009!" to care for my folks.**

**For the records, I wanted to voice my opinion on this matter.**

**I would like you to let you know what it cost me to bring water to that property. I spent \$9,800.00 for water rights on that land. Then recording fee's and dedicating those water rights to the land. Then another \$4,700.00 to bring in the water lines to the property (my portion). I realize that TMWA is NOT going to reimburse me for what expenses I have incurred. My question to TMWA is there going to be monthly Invoices going out to me after this merger or even down the road? "Of course if I had running water on the property I would expect to receive monthly water bills." But do not have a home built and there is no running water at this time.**

**"I do not care to receive invoices from TMWA for other water lines, maintenance, or any other fee's, of any sort that TMWA feels they need to incur upon me/us.**

**As it stands I have no restrictions from STMGID and have enjoyed that!**

**Thank You so much for hearing my voice on this matter!**

**I can be contacted at (712) 259-9029 if you have any further questions.**

**Sincere:**



**Mark Hanna**

**RECEIVED**

**SEP 22 2014**

INT.

**NANCY PARENT  
WASHOE COUNTY CLERK**

RECEIVED

Paul D. Tatman  
Julianne M. Tatman  
175 Aries Circle  
Reno, Nevada 89521

INT. AUG 26 2014  
NANCY PARENT  
WASHOE COUNTY CLERK

August 25, 2014

**NOTICE OF OPPOSITION: Merger of South Truckee  
Meadows General Improvement District with Truckee  
Meadows Water Authority**

Board of County Commissioners  
Washoe County, Nevada

Dear Sirs:

Please be informed that the undersigned wish to be considered in opposition to the proposed merger of the STMIG to the Truckee Meadows Water Authority. We do not understand our Boards position, nor have they disseminated any position papers. Our understanding is that the STMIG has an adequate fund for our needs and that with our significantly lower costs (and rates), we would not see any benefit to the merger.

Thank you for this opportunity to express our opinion.

Sincerely,



Paul D. Tatman  
Homeowner



Julianne M. Tatman  
Homeowner



OFFICE OF THE WASHOE COUNTY CLERK  
NANCY PARENT, COUNTY CLERK

July 25, 2014

VERHOEF DONALD W & MARGARET  
2445 TELLURIDE DR  
RENO, NV 89511

**IMPORTANT NOTICE REGARDING MERGER OF  
SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT  
WITH TRUCKEE MEADOWS WATER AUTHORITY**

Dear Property Owner:

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- Held a public hearing on July 22, 2014 and adopted the initiating ordinance to merge STMGID into TMWA and terminate the existence of STMGID and its Board of Trustees upon such merger; and
- Set a public hearing on the merger to be held at 6:00 p.m. on September 23, 2014 at the Washoe County Commission Chambers, 1001 E 9th Street, Reno, Nevada; and
- Directed the County Clerk to notify all owners of property located within the STMGID boundaries of the proposed merger.

If you wish to protest against the merger of STMGID into TMWA, such protest must be in writing and filed with the County Clerk at the Washoe County Complex, 1001 E 9th Street, Reno, Nevada; or if mailed, addressed to the Washoe County Clerk, P.O. Box 11130, Reno, Nevada 89520 by 5:00 p.m. on the 23rd day of September, 2014.

Sincerely,

*Thank you for the  
Notification Letter*

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

**Please NOTE:**  
**DONALD & MARGARET VERHOEF**  
**DO NOT WANT**  
**THESE WATER CO.'S**  
**TO MERGE. WE WANT TO KEEP OUR WATER**  
**COMPANY!**

Sincerely,  
*Margaret Verhoef & Don Verhoef*

1001 E. 9TH STREET, BUILDING A, 1ST FLOOR  
P.O. BOX 11130, RENO, NEVADA 89520  
PHONE (775) 784-7279 ... FAX (775) 784-7263


To Washoe County Clerk

9-20-2014

I am against the merger of STMGID into TMWA

Thank you

Jim Horner



14600 Seminole trail

Reno nv. 89521

(775) 852-5326

**RECEIVED**

INT. SEP 23 2014 10:42 AM  
NANCY PARENT  
WASHOE COUNTY CLERK

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WASHOE COUNTY  
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RENO NV 89520-0027

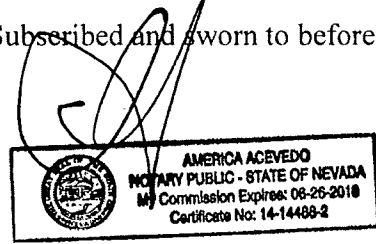
Customer Acct# 349008  
PO# NO. 1544  
Ad# 2000043799  
Legal Ad Cost \$222.00

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: **10/21/2014 - 10/27/2014**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

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



**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1544 BILL NO. 1725  
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 September 23, 2014 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on October 14, 2014 by the following vote of the Board of County Commissioners: An Ordinance providing for the full consideration of protests of the merger of the South Truckee Meadows General Improvement District into the Truckee Meadows Water Authority; finalizing said merger; providing for the final dissolution of the South Truckee Meadows General Improvement District and its board of trustees; and providing for other matters properly relating thereto. (Bill No. 1725) Those Voting Aye: David Humke, Vaughn Hartung, Marsha Berkbigler, Bonnie Weber, and Kitty Jung Those Absent: None This Ordinance shall be in full force and effect from and after October 27, 2014. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title

1544 ✓

only. DATED October 15, 2014 Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners No. 43799 October 21, 27, 2014

**NOTICE OF ADOPTION  
WASHOE COUNTY ORDINANCE NO. 1544  
BILL NO. 1725**

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 September 23, 2014 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on October 14, 2014 by the following vote of the Board of County Commissioners:

An Ordinance providing for the full consideration of protests of the merger of the South Truckee Meadows General Improvement District into the Truckee Meadows Water Authority; finalizing said merger; providing for the final dissolution of the South Truckee Meadows General Improvement District and its board of trustees; and providing for other matters properly relating thereto. (Bill No. 1725)

Those Voting Aye: David Humke, Vaughn Hartung, Marsha Berkbigler, Bonnie Weber, and Kitty Jung

Those Absent: None

This Ordinance shall be in full force and effect from and after October 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 October 15, 2014

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

No. 43799

October 21, 27, 2014