

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. 1779

ORDINANCE NO. 1595

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, and July 12, 2016 (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 2016; 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 \$3,426,291.81; and

WHEREAS, it is therefore necessary to raise \$1,250,000 in fiscal year 2017-2018 (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, 2016, 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 11, 2017 a list, entitled "District No. 24 (Groundwater Remediation) 2016 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 11, 2017. 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 13th day of June, 2017, 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 13th day of June 2017, 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 13, 2017 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 13, 2017; 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 9th 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 9, 2017.

/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 Administrative Complex, 1001 East 9th Street,, Reno, Nevada; and that said ordinance was proposed by Commissioner _____ on May 9, 2017, 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 13, 2017, 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 ____, 2017, 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 13, 2017.

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

(SEAL)

Attest:

/s/ Nancy Parent
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 9th day of May, 2017.

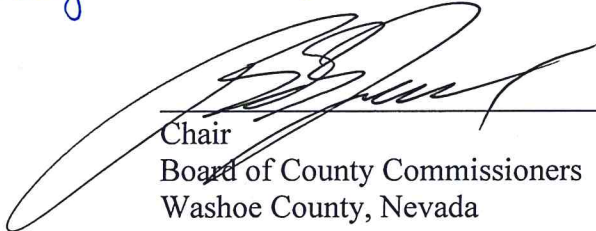
Proposed by Commissioner Hartung.

Passed the 13th day of June, 2017.

Those Voting Aye: Bob Lucey, Marsha Berkbigler, Kitty Jung, and Jeanne Herman


Those Voting Nay: none

Those Absent: Vaughn Hartung



Chair
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest

Nancy L. Reed

County Clerk

This ordinance shall be in force and effect from and after the ____ day of June, 2017, i.e., the date of the second publication of such ordinance by its title only.

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

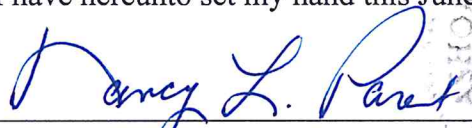
I, Nancy Parent, am the duly chosen and qualified Clerk of Washoe County, and in the performance of my duties as Clerk do hereby certify:

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 9, 2017 and adopted on June 13, 2017 which relates to District No. 24 (Groundwater Remediation). Minutes of the meeting on such District held on May 9, 2017 and of the hearing on the Ordinance held on June 13, 2017 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.

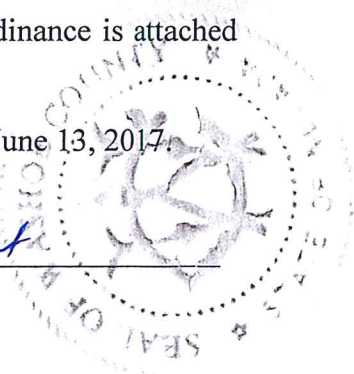
2. The members of the Board voted on such ordinance as set forth in the ordinance.

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 13, 2017.



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 9, 2017 and June 13, 2017.

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

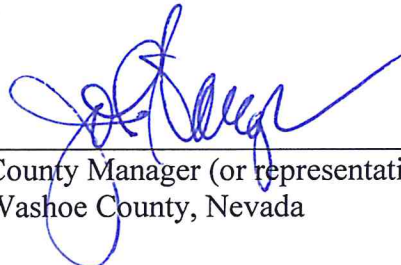
copy of the notices of meeting and excerpts from the agendas for the meetings relating to the ordinance, as posted no later than 9:00 a.m. at least 3 working days in advance of the meetings at the Board's office, the County's website, the Nevada Public Notice website, and three other locations, i.e., 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 13, 2017.



County Manager (or representative thereof)
Washoe County, Nevada

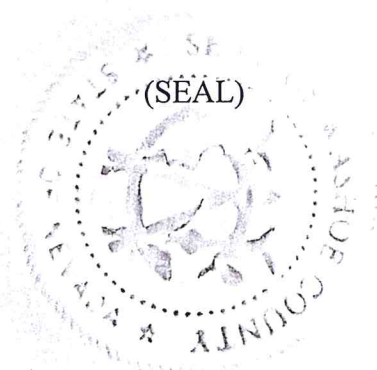


EXHIBIT "A"

**(Attach Copy of Minutes of May 9 Meeting on
District No. 24 Boundary Amendment)**

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

TUESDAY

10:00 A.M.

MAY 9, 2017

PRESENT:

Bob Lucey, Chair
Marsha Berkbigler, Vice Chair
Kitty Jung, Commissioner
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner

Jan Galassini, Chief Deputy County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

17-0342 AGENDA ITEM 3 Public Comment.

Ms. Tammy Holt-Still provided a handout, which was placed on file with the Clerk. She said a gravel barrier was placed behind Compton Street but not behind Shane Street and she stated it needed a barrier also. She noted she had asked for a full accounting of the expenditures for the declared emergency in Lemmon Valley many times. She noted the Lemmon Valley residents were paying more money for reduced services from Waste Management and still had not heard about the additional services they requested. She was unhappy with the processes the County took to resolve the issues in Lemmon Valley.

Mr. Danny Cleous spoke regarding people speeding on his street and wanted the County to take measures to resolve the issue. He indicated the offenders lived in the neighborhood and the Sheriff's Office did not want to deal with the issue. He was concerned about mosquitos and hoped there would be resolutions during Agenda Item 13. He spoke regarding the land in Lemmon Valley, which was saturated and he was concerned that rain would cause more flooding.

Ms. Elise Weatherly said police were waiting to catch people speeding and she thought law enforcement's time could be utilized better helping with crime. She thought the state should utilize one language and not give preference to people who had not learned the English language.

17-0367

AGENDA ITEM 11 Authorize the creation 1.0 FTE Program Coordinator, pending Job Evaluation Committee (JEC) approval, to provide daily oversight of program and operations of the Family Engagement Center (Visitation Center), funded 100% by the Victims of Crime Act (VOCA) sub-grant accepted by the Board on July 26, 2016. Direct the Human Resources Department to make the necessary staffing adjustments and initiate the recruitment process. Social Services (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 11 be authorized and directed.

17-0368

AGENDA ITEM 12 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 13, 2017; 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 13, 2017. 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.

Jan Galassini, Chief Deputy County Clerk, read the title for Bill No. 1778.

Jan Galassini, Chief Deputy County Clerk, read the title for Bill No. 1779.

Commissioner Hartung asked whether dry cleaning companies in the community were being held responsible for the ground water contamination.

Legal Counsel Paul Lipparelli stated it was difficult to determine the sources of the contamination. He noted there were many different types of businesses that used contaminants and he said it was easier to collect revenue from the people who benefited from the treatment of the pollutants.

Commissioner Hartung stated he would support the item and he noted the Truckee Meadows Water Authority (TMWA) was working on issues in Spanish Springs by testing new technology for cases related to high levels of nitrates, which could also work well for the Perchloroethylene (PCE) contamination. He noted PCEs had been

improperly disposed of for many years and continued to contaminate the groundwater. He thought the businesses such as dry cleaners that used PCEs should be held responsible for the contamination.

Director of Engineering Dwayne Smith stated some industries continued to use PCEs but dry cleaners in Sparks, except for one, discontinued the use of the solvents.

Commissioner Hartung said when PCEs were disposed of in the sewer system he thought they could leach out due to fractures in the waste system.

Mr. Smith stated it was difficult issue to determine but the dry cleaners were prohibited from disposing of chemicals in the drain. He indicated there were collection systems, processes and procedures in place at each dry cleaner to eliminate contamination.

There was no public comment on this item.

Bill No. 1778 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

Bill No. 1779 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

17-0369 **AGENDA ITEM 13** Update on North Valleys flood incident operations. Community Services. (Commission District 5.)

Director of Community Services Dave Solaro conducted a PowerPoint presentation regarding the North Valleys Incident. He indicated there were three lakes in the North Valleys: Swan Lake, Silver Lake and White Lake. He said maintenance of the barrier system, pumping operations around Swan Lake, and recovery efforts for residents, were occurring. He said homes not protected by the barrier system were vulnerable to increasing lake elevation levels as the seasons transitioned. He referred to slide one of the presentation regarding the progress in Lemmon Valley. He reviewed the maps on slide two explaining the progresses that the County and the City of Reno had made to protect the businesses from Silver Lake and the residents from Swan Lake. He spoke regarding slides three and four, which related to the elevation levels of the lakes. He addressed the status of the homes affected and explained the plan, which was intended to go to mid-summer and beyond. He reviewed slide eight that explained the mosquito situation and what the County was doing to mitigate the issue. He noted the mosquito issue was not specific to the North Valleys but was countywide. He said the concerns with mosquitos was related to the West Nile Virus and the Health District indicated reports of the West Nile Virus increased after previous flood years. He provided the PowerPoint presentation, which was placed on file with the Clerk.

EXHIBIT "B"

(Attach Minutes of June 13 Hearing on Ordinance)

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

TUESDAY

10:00 A.M.

JUNE 13, 2017

PRESENT:

Bob Lucey, Chair
Marsha Berkbigler, Vice Chair
Kitty Jung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

ABSENT:

Vaughn Hartung, Commissioner

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:

17-0443 AGENDA ITEM 3 Public Comment.

The following individuals spoke in opposition to the possible relocation of a medical marijuana establishment (MME) from Incline Village to Spanish Springs: Mr. Geoff Staffelbach, Mr. Kent Aland, Ms. Rebecca Nord, Mr. Jeff Dold, Mr. Jeff Peters, Ms. Nicole Farnsworth, Ms. Debbie Borino, Mr. Chad Borino, Ms. Lynette Peters, Dr. Mary Peterson, Ms. Jody Johnson, Mr. Marcus Waite, and Nevada Assemblyman Mr. Ira Hansen. Mr. Aland provided a handout, which was placed on file with the Clerk.

The above individuals' concerns included: the proximity of the MME to schools, bus stops and businesses that children frequented; safety issues due to increased traffic; the approval of recreational marijuana may turn the MMEs into a main distribution point; increased crime; marijuana was considered a gateway drug and the negative health effects of marijuana. There were requests to relocate the MME to an industrial area and a request for the County to deny the location of any marijuana dispensary within Spanish Springs.

Mr. Danny Cleous stated Lemmon Valley was still in a state of emergency. He said this issue was now in its sixth month. He was concerned houses still had water around them and the residents could not gain access to their homes. He indicated there were many problems occurring in Lemmon Valley and the County was not responding to them. He stated he had maintenance records for the North Valley, which indicated 300 maintenance hours were performed in the entire area during a one

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busy road. He explained in the County there were not an abundance of industrial areas in which such businesses could be located. He stated as Commissioners and a Board, they had to abide by the laws provided by the State. He said he believed in the 10th amendment and States' rights. He noted the State clearly passed this in the November election. He thought GTI addressed the concerns in the community, they adhered to all the standards that were set forth, and he thought they would be good working partners.

Commissioner Hartung stated the community did not say they did not want an MME facility in Spanish Springs, but they did want the facility to be located in an industrial area to the north. He stated he could not support the move.

Commissioner Hartung moved to deny the application from GTI. Commissioner Herman seconded the motion. The motion failed on a vote of 3 to 2, with Chair Lucey and Commissioners Berkbigler and Jung voting "no".

Commissioner Berkbigler moved to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. Commissioner Jung seconded the motion, which duly carried on a vote of 3 to 2, with Commissioners Hartung and Herman voting "no".

2:24 p.m. The Board recessed.

3:31 p.m. The Board reconvened with Commissioner Hartung absent.

PUBLIC HEARINGS:

17-0488 **AGENDA ITEM 26** Public Hearing: For possible action, 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: For possible action, second reading and possible adoption of an ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and 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 Ordinances.

Nancy Parent, County Clerk, read the title for Ordinance No. 1594, Bill No. 1778.

Nancy Parent, County Clerk, read the title for Ordinance No. 1595, Bill No. 1779.

On the call for public comment, Ms. Cathy Brandhorst was called but was not present to speak.

Commissioner Herman asked to see the map with the boundaries.

Remediation District Programmer Chris Benedict indicated there was a map in the staff report and it was the same boundary map as the Truckee Meadows Water Boundary Area.

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Hartung absent, Chair Lucey ordered that Ordinance No.1594, Bill No. 1778, be adopted, approved and published in accordance with NRS 244.100.

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Hartung absent, Chair Lucey ordered that Ordinance No.1595, Bill No. 1779, be adopted, approved and published in accordance with NRS 244.100.

17-0489 **AGENDA ITEM 23** For possible action, to introduce and conduct a first reading of an ordinance approving a second amendment to a development agreement (Terrasante) originally approved in 2008 (Development Agreement DA08-005, ordinance number 1367) and first amended in 2010 (Amendment of Conditions AC0-002, ordinance number 1435), to extend the deadline for filing the first final map to June 6, 2021, with one additional one-year extension granted at the discretion of the Director of Planning and Development. And if approved, schedule a public hearing date and second reading for June 27, 2017. Applicant: Gateway Company, L.C. Property Owner: Gateway Company, L.C. Location: Approximately 1.7 miles south of Mount Rose Highway at the terminus of Callahan Road. Assessor's Parcel Number(s): 047-141-03 (20.123 Acres), 047-141-06 (43.177 acres), 047-141-07 (20.126 acres), 047-141-11 (183.377 acres), 047-141-12 (85.322 acres), and 148-130-04 (41.937 acres). Parcel Size: +/- 394 acres. Master Plan Category: Suburban Residential (SR). Regulatory Zone: Specific Plan (SP). Area Plan: Forest. Citizen Advisory Board: South Truckee Meadows/Washoe Valley. Development Code: Article 814, Development Agreements. Section/Township/Range: Section 11, T17N, R19E, MDM, Washoe County, NV. Community Services. (Commission District 2.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Bill No. 1780.

There was no public comment on this item.

EXHIBIT "C"

(Attach Copy of Notice of May 9 Meeting)



COUNTY COMMISSIONERS

Chair, Bob Lucey, District 2
Vice-Chair, Marsha Berkgigler, District 1
Kitty Jung, District 3
Vaughn Hartung, District 4
Jeanne Herman, District 5

COUNTY MANAGER

John Slaughter

ASSISTANT DISTRICT ATTORNEY

Paul Lipparelli

COUNTY CLERK

Nancy Parent

NOTICE OF MEETING AND AGENDA

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

May 9, 2017

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. The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, call the Office of the County Manager, (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 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”.

1595

7. For possible action to approve, on the recommendation of the Chair, the appointment of Michael W. Lawson to the Washoe County Planning Commission representing Commission District 2 (generally includes the Southeast Truckee Meadows area, the Southwest Truckee Meadows area, and Washoe Valley), to fill an unexpired term beginning on June 6, 2017, and ending on June 30, 2019, or until such time as Mr. Lawson no longer serves on the Planning Commission or a successor is appointed, whichever occurs first. Community Services. (Commission District 2.) FOR POSSIBLE ACTION
8. For possible action to approve, on the recommendation of the Chair, the appointment of Ken Krater to the Washoe County Planning Commission when the Commission convenes as the Capital Improvement Advisory Committee (CIAC) to fill a partial term beginning on May 9, 2017 and ending on June 30, 2017, and to fill a full term beginning on July 1, 2017, and ending June 30, 2021, or until such time as Mr. Krater no longer serves on the Planning Commission as a member of the CIAC or a successor is appointed, whichever occurs first. Community Services. (All Commission Districts.) FOR POSSIBLE ACTION
9. Discussion and possible action to approve and direct the Washoe County Manager to sign the Nevada Shared Radio System Contract by and between the State of Nevada acting through its Department of Transportation, NV Energy and Washoe County, Nevada, as recommended by the Joint Operating Committee (JOC) of the Washoe County Regional Communications System (WCRCS). Technology Services. (All Commission Districts.) FOR POSSIBLE ACTION
10. Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the North Valleys Phase V Sports Complex Addition Project, [staff recommends Sierra Nevada Construction, Inc., in the amount of \$2,333,007.00]; and direct the Comptroller's Office to make the appropriate budget adjustments. Community Services. (Commission District 5.) FOR POSSIBLE ACTION
11. Authorize the creation 1.0 FTE Program Coordinator, pending Job Evaluation Committee (JEC) approval, to provide daily oversight of program and operations of the Family Engagement Center (Visitation Center), funded 100% by the Victims of Crime Act (VOCA) sub-grant accepted by the Board on July 26, 2016. Direct the Human Resources Department to make the necessary staffing adjustments and initiate the recruitment process. Social Services (All Commission Districts) FOR POSSIBLE ACTION
12. 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 13, 2017; 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 13, 2017. Community Services. (All Commission Districts.) FOR POSSIBLE ACTION
13. Update on North Valleys flood incident operations. Community Services. (Commission District 5.) FOR POSSIBLE ACTION

EXHIBIT "D"

(Attach Copy of Notice of June 13 Meeting)

COUNTY COMMISSIONERS

Chair, Bob Lucey, District 2
Vice-Chair, Marsha Berkgigler, District 1
Kitty Jung, District 3
Vaughn Hartung, District 4
Jeanne Herman, District 5

COUNTY MANAGER

John Slaughter

ASSISTANT DISTRICT ATTORNEY

Paul Lipparelli

COUNTY CLERK

Nancy Parent



****AMENDED****

NOTICE OF MEETING AND AGENDA

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

**June 13, 2017
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.

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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 individual 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, requests for information or topics for future agendas."

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Public Hearing.

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

25. Public hearing: For possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from GTI Nevada, LLC. Manager. FOR POSSIBLE ACTION
26. Public Hearing: For possible action, 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: For possible action, second reading and possible adoption of an ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and other matters relating thereto. Community Services. (All Commission Districts.) FOR POSSIBLE ACTION
27. Discussion and update pursuant to Commissioners' previous requests and/or topics for future agendas. FOR POSSIBLE ACTION
28. Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.
29. Commissioners'/County Manager's announcements, reports and updates, requests for information or topics for future agendas. (No discussion among Commissioners will take place on this item.)

Adjournment.

EXHIBIT "E"

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

RENO GAZETTE-JOURNAL
Publishers of
RENO GAZETTE-JOURNAL

Legal Advertising Office (775) 788-6394

Customer Account # 349008
PO# /ID# GROUNDWATER REMEDIATION
Ad Cost \$332.00

WASHOE COUNTY
1001 E. NINTH STREET BLDG A
RENO NV 89512

PROOF OF PUBLICATION

STATE OF NEVADA
COUNTY OF WASHOE

Signed by:

Being first duly sworn, deposes and says:
That as the legal clerk of the RENO
GAZETTE-JOURNAL, a daily newspaper
published in Reno, Washoe County,
State of Nevada, that the notice:
GROUNDWATER REMEDIATION


has published in each regular and entire
issue of said newspaper on the following
dates to wit:

April 14, 2017

Signed:

Date:

Notary Public

 KIMBERLY ANN BIRD
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 16-4255-2 - Expires November 14, 2020

Legal Notices	Legal Notices	Legal Notices
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**NOTICE OF PUBLIC HEARING
WASHOE COUNTY, NEVADA
DISTRICT NUMBER 24
(GROUNDWATER REMEDIATION)**

NOTICE is hereby given that the Board of County Commissioners of Washoe County, Nevada will hold a public hearing on May 9, 2017 at the Commission Chambers, Washoe County Administrative Complex, 1001 East Ninth Street, Reno, Nevada on a proposed amendment to the boundaries of Washoe County Nevada District No. 24 (Groundwater Remediation), which is a district for remediation of groundwater (the "District").

At the hearing all persons who desire to appear may appear and be heard concerning a proposed amendment to the boundaries of the District, and after the hearing the Board shall make such adjustments to the proposed boundary amendment as appear to be necessary, but the boundaries may not be expanded to include any property not included either in the proposed amendment as filed in the office of the County Clerk on April 11, 2017, or the 2016 Boundaries of the District specified in Ordinance No. 1582, adopted and approved on July 12, 2016 (the "Ordinance").

It is proposed that the boundaries of the District would be amended as follows:

1. The boundaries of the District with respect to the fee collected in 2016 shall be as they already exist as further amended by exclusion of the properties listed in the list entitled "Second List of Properties to be Excluded from the 2016 Boundaries of District No. 24" (the "Second 2016 Exclusion List"), now on file with the County Clerk, and
2. The boundaries of the District with respect to the fee to be collected in 2017 shall be the 2016 Boundaries of the District as established by the Ordinance adopted by the Board of County Commissioners on July 12, 2016, amended as follows:
 - (a) amended by the addition to the 2016 Boundaries of the District of the areas described in the "2017 Description of Areas to be added to District No. 24" (the "2017 Addition List"), now on file in the office of the County Clerk, and,
 - (b) amended by excluding those properties (whether included in the 2016 Boundary, or in the additions described in clause (a)) listed in the "First List of Properties to be Excluded from the 2017 Boundaries of District No. 24" (the "First 2017 Exclusion List"), now on file in the office of the County Clerk.

The proposed 2017 Fee Year Boundaries of the District, the Second 2016 Exclusion List, the 2017 Addition List, and the First 2017 Exclusion List, are on file in the office of the County Clerk for public examination.

The boundaries of the District are those specified by Subsection 3 of NRS §540A.250, which consist of 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 the wholesale and retail water service area of any provider of water that has used or uses for any portion of its supply wells located in the area where the condition which requires remediation is determined to be present. The District Boundary generally consists of the TMWA Wholesale and Retail Water Service Area and (through calendar year 2014) a portion of the CSD Water Utility Service Area. This general description is, however, for the convenience of the readers of this notice only. A specific description of the boundaries of the District and the proposed amendments thereto are on file in the office of the County Clerk and reference is made to those descriptions to determine whether or not a property is or is not included or proposed to be included within the boundaries of the District.

Reference is made to the Plan for Remediation, the boundaries of the District and the proposed amendments to those boundaries on file in the office of the County Clerk for further information concerning the District and its boundaries. All owners of property within the boundaries of the District and all other persons interested are encouraged to appear at the hearing and present their views. Written testimony and comments may be filed at or before the hearing with the County Clerk.

IN WITNESS WHEREOF, the Board of County Commissioners have caused this notice to be published not less than 15 days prior to the hearing referred to above.

Dated this April 11, 2017.

BOARD OF COUNTY COMMISSIONERS OF
WASHOE COUNTY, NEVADA

(SEAL) By Bob Lucey
Chair

ATTEST:
/s/ Nancy Parent
County Clerk

RJ-000137810

WCCOMP APR19'17 9:20

1595

EXHIBIT "F"

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

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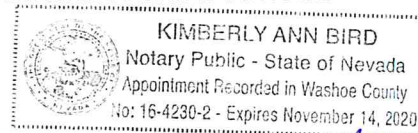
STATE OF NEVADA
COUNTY OF WASHOE

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 date: 06/16/2017 - 06/23/2017, for exact publication dates please see last line of Proof of Publication below.

Signed: _____

TS

Subscribed and sworn to before me



**NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE
NO. 1595 BILL NO. 1779 NOTICE IS HEREBY GIVEN
that typewritten copies of the above-numbered and
entitled ordinance**

Publish Dates:
06/16/17, 06/23/17

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1595 BILL NO. 1779**
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 9, 2017 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on June 13, 2017 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.

Those Voting Aye: Bob Lucey, Marsha Berkgigler, Kitty Jung and Jeanne Herman
Those Absent: Vaughn Hartung

This Ordinance shall be in full force and effect from and after June 23, 2017, IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED: June 14, 2017.

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

No 2212717

June 16, 23, 2017

WCCOMP JUN27*17 9:24

1595