

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. 1741

ORDINANCE NO. 1560

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, and June 17, 2014 (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 2014; 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 \$2,872,051.00 ; and

WHEREAS, it is therefore necessary to raise \$1,250,000 in fiscal year 2015-2016 (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, 2014, 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 24, 2015 a list, entitled "District No. 24 (Groundwater Remediation) 2014 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 24, 2015. 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 9th day of June, 2015, 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 9th day of June 2015, 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 9, 2015 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 9, 2015; 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 12, 2015.

/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 12, 2015, 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 9, 2015, 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 ____, 2015, 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 9, 2015.

/s/ Marsha Berkbigler
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 12th day of May, 2015.

Proposed by Commissioner Jung.

Passed the 9th day of June, 2015.

Those Voting Aye: Berkbigler, Hartung, Lucey, Herman

Those Voting Nay: none

Those Absent: Jung

Maree Berkbigler
Chair
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest

Nancy L. Parent
County Clerk

This ordinance shall be in force and effect from and after the 19th day of June, 2015, i.e., the date of the second publication of such ordinance by its title only.

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

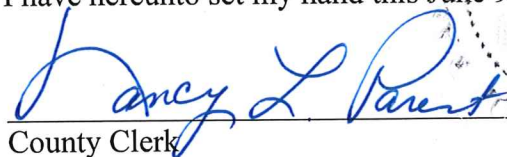
I, Nancy Parent, am the duly chosen and qualified Clerk of Washoe County, and in the performance of my duties as Clerk do hereby certify:

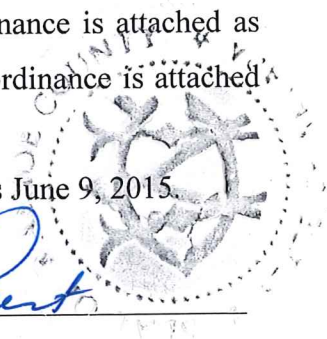
1. The foregoing pages are a full and correct copy of an ordinance introduced and read by title at the Board of County Commissioners of the County (the "Board") held on May 12, 2015 and adopted on June 9, 2015 which relates to District No. 24 (Groundwater Remediation). Minutes of the hearing on such District held on May 12, 2015 and of the hearing on the Ordinance held on June 9, 2015 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 9, 2015.


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 12, 2015 and June 9, 2015.

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

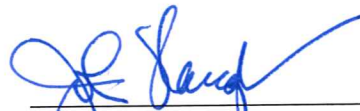
copy of the notices of meeting and excerpts from the agendas for the meetings relating to the ordinance, as posted no later than 9:00 a.m. at least 3 working days in advance of the meetings at the Board's office, the County's website, the Nevada Public Notice website, and three other locations, i.e., 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 9, 2015.



County Manager (or representative thereof)
Washoe County, Nevada

(SEAL)

EXHIBIT "A"

**(Attach Copy of Minutes of May 12 Hearing on
District No. 24 Boundary Amendment)**

**BOARD OF COUNTY COMMISSIONERS
Washoe County, NEVADA**

TUESDAY

10:00 A.M.

MAY 12, 2015

PRESENT:

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

Nancy Parent, 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 conducted by two students from Reno High School, the Clerk called the roll and the Board conducted the following business:

Commissioner Hartung asked for a moment of silence for the James D. Hoff Peace Officer Memorial and recent fallen officers. Chair Berkbigler stated she was just speaking with Commissioner Hartung about how they worry daily about police officers and that it seemed to be a disease to shoot policemen.

Paul Lipparelli, Legal Counsel, stated the Nevada Open Meeting Law required posting of an agenda for public bodies in a certain way. He said Washoe County wanted to self-report that an 8-minute delay occurred in the posting of the electronic version to the State's web site, due to security features built into the County's web site. He disclosed he discussed the matter with the Attorney General's office and was informed that under NRS 241.020 the delay was the result of technical problems and therefore excused.

15-0358 AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: "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 were to be made to the Commission as a whole."

Tom Noblett stated he was concerned about the trees in Sun Valley regarding broken limbs, bark coming off the trees, and some of them were dead. He noted a local inspector said there were no County Ordinances regarding trees and the only

suggested adding direction to staff to conduct an analysis on the effects of removing the SPA from the TMSA and how that might be regarded by Regional Planning. He stated there were a lot of moving parts that needed to be considered. Chair Berkbigler asked if he wanted a separate agenda item for that or if he was asking for it to be a part of the motion. Mr. Lipparelli thought Mr. Whitney's point was compelling and stated it probably should be made part of the motion because the agenda item was limited to the Financing Plan. He said requiring the removal from the TMSA would require an agenda item on a future agenda, but Mr. Whitney could get started on the analytical process.

Commissioner Hartung amended his motion to add staff's recommendations regarding the analysis. The seconder agreed. On call for the question, the motion passed on a 5-0 vote.

PUBLIC HEARINGS

15-0390 AGENDA ITEM 24 – COMMUNITY SERVICES

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

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. (Public Hearing for the second reading and adoption to be set for 6:00 p.m. on June 9, 2015.).

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. (Public Hearing for the second reading and adoption to be set for 6:00 p.m. on June 9, 2015.) (All Commission Districts)"

Nancy Parent, County Clerk, read the title for Bill No. 1740.

There was no public comment on this item.

Bill No.1740, 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.

AND

Nancy Parent, County Clerk, read the title for Bill No. 1741.

There was no public comment on this item.

Bill No. 1741, entitled, "AN ORDINANCE IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; AND PRESCRIBING OTHER MATTERS RELATING THERETO," was introduced by Commissioner Jung, and legal notice for final action of adoption was directed.

15-0391 AGENDA ITEM 25 – ANIMAL SERVICES

Agenda Subject: "Second reading and adoption of an Ordinance amending Washoe County Code Chapter 55 by adding provisions creating the Department of Regional Animal Services, creating the position of Director of Regional Animal Services, and specifying the powers and duties of the Director of Regional Animal Services; by revising provisions relating to the animal services center; by making changes to the definition of "animal control officer"; and by clarifying the powers and duties of an animal control officer. (Bill No. 1738) (All Commission Districts)"

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

Nancy Parent, County Clerk, read the title for Ordinance No. 1557, Bill No. 1738.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried, Chair Berkbigler ordered that Ordinance No.1557 , Bill No. 1738, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING PROVISIONS CREATING THE DEPARTMENT OF REGIONAL ANIMAL SERVICES, CREATING THE POSITION OF DIRECTOR OF REGIONAL ANIMAL SERVICES, AND SPECIFYING THE POWERS AND DUTIES OF THE DIRECTOR OF REGIONAL ANIMAL SERVICES; BY REVISING PROVISIONS RELATING TO THE ANIMAL SERVICES CENTER; BY MAKING CHANGES TO THE DEFINITION OF "ANIMAL CONTROL OFFICER"; AND BY CLARIFYING THE POWERS AND DUTIES OF AN ANIMAL CONTROL OFFICER. (BILL NO. 1738)" be adopted, approved and published in accordance with NRS 244.100.

15-0392 AGENDA ITEM 23 - MANAGER

Agenda Subject: "Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager (All Commission Districts)"

EXHIBIT "B"

(Attach Minutes of June 9 Hearing on Ordinance)

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

TUESDAY

10:00 A.M.

JUNE 9, 2015

PRESENT:

Marsha Berkbigler, Chair
Kitty Jung, Vice Chair (Via Telephone)*
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner
Bob Lucey, Commissioner

Nancy Parent, County Clerk
Kevin Schiller, Assistant 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:

15-0429 **AGENDA ITEM 3** 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.

Carol Burns stated she was a Sun Valley resident and that she understood there were costs to having a Citizens Advisory Board (CAB). She felt the County realized sufficient savings that could be put towards the CAB since Sun Valley Parks were now being managed by the Sun Valley Water District. She thought the reason residents were not coming to the Board meetings to demand a CAB was because many of them were elderly or ill. She was told the Board already made the choice not to support a Sun Valley CAB and she asked them to reevaluate that decision.

Tim Stoffel, Sierra Safari Zoo, said he discovered all the information that was on file at the State Legislature was submitted by animal rights people. He claimed less than 1 percent of the United States Humane Society's money was utilized for actual animal issues. He thought they were out to attack animal owners because they wanted animals to have the same rights as people, which meant they were trying to prevent people from having pets, eating meat, wearing fur, hunting, and conducting animal shows and zoos. He thought everyone should be concerned with animal welfare, but he thought the Board had a duty to review animal laws to determine whether they were doing any

On call for the question, the motion passed on a vote of 4-0, with Commissioner Jung absent.

15-0481 **AGENDA ITEM 38** 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.

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

Nancy Parent, County Clerk, read the title for Ordinance No. 1559, Bill No. 1740.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Jung absent, Chair Berkbigler ordered that Ordinance No. 1559, Bill No. 1740, be adopted, approved and published in accordance with NRS 244.100.

15-0482 **AGENDA ITEM 38** 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.

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

Nancy Parent, County Clerk, read the title for Ordinance No. 1560, Bill No. 1741.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, Chair Berkbigler ordered that Ordinance No. 1560, Bill No. 1741, be adopted, approved and published in accordance with NRS 244.100.

15-0483 **AGENDA ITEM 41** 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.

Cathy Brandhorst spoke about matters of concern to herself.

EXHIBIT "C"

(Attach Copy of Notice of May 12 Meeting)

COUNTY COMMISSIONERS

Chair, Marsha Berkgigler, District 1
Vice-Chair, Kitty Jung, District 3
Bob Lucey, District 2
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 12, 2015
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.

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"*.

1560

3:00 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.)

- 24. 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. (Public Hearing for the second reading and adoption to be set for 6:00 p.m. on June 9, 2015.).

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. (Public Hearing for the second reading and adoption to be set for 6:00 p.m. on June 9, 2015.) Community Services (All Commission Districts)

- 25. Second reading and adoption of an Ordinance amending Washoe County Code Chapter 55 by adding provisions creating the Department of Regional Animal Services, creating the position of Director of Regional Animal Services, and specifying the powers and duties of the Director of Regional Animal Services; by revising provisions relating to the animal services center; by making changes to the definition of "animal control officer"; and by clarifying the powers and duties of an animal control officer. (Bill No. 1738) Animal Services (All Commission Districts)

End Of Scheduled Public Hearings

- 26. Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.
- 27. Emergency Items.
- *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. Adjournment.

EXHIBIT "D"

(Attach Copy of Notice of June 9 Meeting)

COUNTY COMMISSIONERS

Chair, Marsha Berkbigler, District 1
Vice-Chair, Kitty Jung, District 3
Bob Lucey, District 2
Maughn 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**

**June 9, 2015
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.

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 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”.

- 4:00 p.m.** 34. Discussion and possible action to appoint Social Services Director after public interview. Candidates to be interviewed are: Amber Howell, Robin Landry and Michael McMahon. Human Resources. (All Commission Districts.)

6:00 p.m. **Public Hearings.** (Note: Items listed under this heading only will be heard at or after the noted time. In no case will they be heard before the stated time. Due to public testimony and discussion, time expended on the items in this category can vary.)

35. Recommendation to approve a Resolution authorizing a short term (less than 12 months) interfund loan [not to exceed \$3,000,000] from the General Fund to the Child Protective Services Fund for the purpose of funding department operations pending receipt of Federal reimbursements and direct the Comptroller to make the appropriate adjustments. Social Services. (All Commission Districts.)
36. Second reading and adoption of an Ordinance amending Washoe County Code Chapter 55 by clarifying the meaning of a dangerous dog; by specifying that an administrative hearing officer may determine whether a dog is dangerous; by forbidding a finding that a dog is dangerous based solely on its breed; by prohibiting the introduction, relocation or removal of a dog declared to be dangerous without notification to regional animal services; by clarifying that an appeal from a dangerous dog determination is made via petition for judicial review; by providing that the owner of a dangerous dog must maintain an increased surety bond or liability insurance; by providing for mandatory microchipping and spay or neuter of a dangerous dog; by making changes to the dangerous dog registration requirements; by clarifying provisions related to the impoundment of a dangerous dog, and all other matters properly relating thereto. (Bill No. 1739) Animal Services. (All Commission Districts.)
37. Public Hearing on Appeal Case No. AX15-001 (Kimberly Kline) – Hearing, discussion, and action on the appeal of the Board of Adjustment’s decision to deny Variance Case No. VA15-002, which is requesting a reduction of the required front yard setback from 30 feet to 20 feet to allow for the placement of a +2,318 square foot manufactured home and a single car garage. The Board of County Commissioners may take action to affirm the Board of Adjustment’s denial; or the Board may take action to reverse the Board of Adjustment’s denial and issue the Variance; or the Board may modify the Variance’s Conditions and issue the Variance; or the Board may remand to the Board of Adjustment for reconsideration and further proceedings. (Commission District 2.)
38. 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.)

End Of Scheduled Public Hearings

39. Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.
40. Emergency Items.

EXHIBIT "E"

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

WASHOE COUNTY
COMPTROLLER

2015 JUN -8 AM 9: 49

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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 dates: 5/29/2015 - 5/29/2015, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: _____



AMERICA ACEVEDO
NOTARY PUBLIC - STATE OF NEVADA
My Commission Expires: 06-26-2018
Certificate No: 14-14488-2

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 on Tuesday, June 09, 2015, 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. 1741) DATED: May 13, 2015 NANCY PARENT, Washoe County Clerk and Clerk of the Board of County Commissioners No. 57339 May 29, 2015

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 on Tuesday, June 09, 2015, 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. 1741)

DATED: May 13, 2015

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

No. 57339

May 29, 2015

EXHIBIT "F"

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

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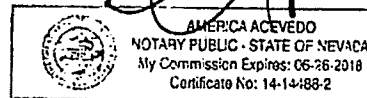
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STATE OF NEVADA
COUNTY OF WASHOE

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 dates: 6/12/2015 - 6/19/2015, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: Khmonta Oup



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1560 BILL NO. 1741
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 12, 2015 by Commissioner Jung and was passed and adopted without amendment at a regular meeting held on June 9, 2015 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. 1741) Those Voting Aye: Vaughn Hartung, Jeanne Herman, Marsha Berkgigler, and Bob Lucey Those Absent: Kitty Jung This Ordinance shall be in full force and effect from and after June 19, 2015. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED June 10, 2015 Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners No. 57998 June 12, 19, 2015

1560

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1560
BILL NO. 1741**

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 12, 2015 by Commissioner Jung and was passed and adopted without amendment at a regular meeting held on June 9, 2015 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 providing other matters relating thereto. (Bill No. 1741)

Those Voting Aye: Vaughn, Hartung, Jeanne Herman, Marsha Berthigler, and Bob Lucey

Those Absent: Kelly Jung

This Ordinance shall be in full force and effect from and after June 19, 2015.

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

DATED June 10, 2015.

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

No. 57998

June 12, 2015